

First US IP Enforcement Coordinator Named to Head BSA

By Christopher Barnett

BSA | The Software Alliance recently [announced](#) that it had named Victoria Espinel, who served in the Obama Administration as the first US Intellectual Property Enforcement Coordinator as its new President and CEO. Ms. Espinel's prior government experience included service during the Bush administration as Senior Counsel in the Office of the US Trade Representative and as the first Assistant US Trade Representative for Intellectual Property and Innovation. Prior to that, Ms. Espinel also practiced law with Covington & Burling, a firm that often represents Microsoft in litigated software-licensing disputes.

Ordinarily, I would not consider the nomination of a new BSA president to be of much practical significance for most companies. However, a significant portion of Ms. Espinel's legal career appears to have been spent – directly or indirectly – with Big Software's licensing police. At the very least, her nomination is a good indication that the BSA has no intention of slowing down its license-enforcement initiatives on behalf of its members or of diverting its policing resources to other goals. In fact, I would not be surprised to see Ms. Espinel's nomination followed by a renewed push to pursue allegations of software copyright infringement against the small-to-medium-sized companies that are so often targeted by the BSA.

CIOs and other executive managers should not wait to be proactive in assessing their licensing position for all [BSA-member](#) software products. The costs of compliance before a company receives an audit-notice from the BSA always will be significantly lower than the costs associated with resolving an audit.



About the author Christopher Barnett:

Christopher represents clients in a variety of business, intellectual property and IT-related contexts, with matters involving trademark registration and enforcement, software and licensing disputes and litigation, and mergers, divestments and service transactions. Christopher's practice includes substantial attention to concerns faced by media & technology companies and to disputes involving new media, especially the fast-evolving content on the Internet.

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