

January 4, 2000

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580
Attention: Office of the Secretary

Re: *Nomination for FTC Advisory Committee on Online Access and Security -
Nomination, P004807*

Honorable Secretary:

I am submitting this self-nomination to be considered as an individual member of the FTC Advisory Committee on Online Access and Security. To aid review, this is submitted electronically by email (to "advisorycommittee@ftc.gov") as provided for in the December 21, 1999 "Notice and Request for Nominations."

I have carefully considered this and feel I can make significant contributions to the work of the Advisory Committee. As an intellectual property specialist, I have made the Internet the focus of my practice and unlike many lawyers, I committed to the web and the Internet over half a decade ago. Indeed, in 1995, when the web was in its infancy, I handled one of the very first Internet domain name disputes - the Sandals.com matter in the Southern District of New York. In addition, as my resume and the attached makes clear, the issue of data rights, privacy and information law is a keen area of interest to me. The web has been transformed of late from an advertiser vehicle to a demographic and personal information harvesting tool. I think the FTC has an important role to play as we shape the rules and principles which govern online information gathering and the use and dissemination of personal information. I would like to participate in helping shape policy in this critical medium and look forward to assisting in any way appropriate.

By way of overview, I think my academic preparations and work experience can bring much to the work of the Advisory Committee. Among the qualifications I would like to note:

- Master of Laws Degree from GWU National Law Center in Unfair Competition

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- Intellectual Property Counsel to Domestic and International Standards Making Bodies including the Data Interchange Standards Association and Health Level Seven
- Significant trial experience handling copyright, trademark and unfair competition matters in state and federal courts
- General counsel to an array of Internet and new media companies with significant involvement in addressing for these clients issues of privacy, data rights, database protection, publicity and related issues.
- Counsel to many software and Internet application developers
- Member of the Information Technology Association of America working on database and related issues with particular emphasis on “online profiling” technologies and privacy implications of same

I have appended my resume, a recent announcement of my joining Wilkinson Barker Knauer, and hope I have the opportunity to work on this exciting project. Of course, I am available not only to attend every meeting, but I have the support of my Firm, should additional resources be needed to address the important work of the Advisory Committee.

Thank you in advance for your consideration of this submission and I look forward to your response.

Sincerely,

James A. Powers

WBK INFORMATION LAW GROUP

James A. Powers, Esq. chairs the Information Law Group of Wilkinson Barker Knauer, LLP, a full-service law firm which has been serving the needs of domestic and international telecommunications providers for more than three decades. Mr. Powers specializes in data rights and information law, with particular emphasis on database, standards development, new media and Internet matters. He received his Master of Laws in Intellectual Property and Trade Regulation Law from The George Washington University and has been actively involved in Internet and new media matters for over half a decade. In addition to regularly counseling on and litigating intellectual property matters, he is a frequent speaker on internet-related intellectual property issues. Clients of the WBK Information Law Group include Internet telecommunication service providers, application developers, software publishers, standards development organizations, Internet and online service organizations, and others in the new media and Internet businesses. Notable matters include: 1) litigation of one of the earliest domain disputes, the 1995 "Sandals.com" matter; 2) design and implementation of IP Acquisition and Protection Plan for international health care data standards developer, 3) securing novel trademark infringement relief in the form of one of the first digital telephone intercept orders issued by the U.S. District Court for Baltimore, and 4) creation of novel data licensing tools for developers of decision support software.

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