

CURRICULUM VITAE

3/1/17

WENDY JANE GORDON

WILLIAM FAIRFIELD WARREN DISTINGUISHED PROFESSOR, Boston University, and
PROFESSOR OF LAW, Boston University School of Law

A WILLIAM FAIRFIELD WARREN DISTINGUISHED PROFESSORSHIP is a university-wide endowed chair, and constitutes the “highest honor bestowed on senior faculty members” by Boston University. <http://www.bu.edu/provost/awards-publications/william-fairfield-warren-distinguished-professorship/>

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Spring term 2017 only:
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EDUCATION: University of Pennsylvania Law School, J.D., 1975; Yale Law School, special student, academic year 1974-1975; Cornell University, College of Arts & Sciences, College Scholar, B.A., 1971 “with distinction in all subjects”.

PRIMARY EMPLOYMENT EXPERIENCE:

- Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215 (1993-present). Chronology of posts held at BU, listing the most recent first:
 - 2011 to present: Awarded a William Fairfield Warren Distinguished Professorship (University chair);
 - 2008: Awarded the Philip S. Beck Professorship of Law (Law School chair);
 - 1995: Appointed a Paul J. Liacos Scholar in Law;
 - 1993: Began at Boston University as Professor of Law.

- School of Law of the University of Texas at Austin
The Law School of the University of Texas extended me the hospitality of an office and system support during my research leave in the Spring term of 2017.
- Fordham University School of Law, 140 W. 62nd Street, NY, NY 10023
I had the honor of serving as the Bacon-Kilkenny Distinguished Professor of Law (Visiting) for the Spring term of 2009.
- Oxford University, Oxford, United Kingdom (1999-2000).
Oxford University, St. John's College, Oxford OX1 3JP England
Oxford University, Wolfson College, Oxford OX2 6UD England

During the period I was a Fulbright Scholar in the UK, two of Oxford's esteemed colleges, St John's and Wolfson, elected me to positions. St John's elected me to their Visiting Senior Research Fellowship for Michaelmas and Hilary terms (September 1999 – March 2000.) Wolfson's Centre for Socio-Legal Studies named me a Visiting Fellow, Programme in Comparative Media Law and Policy (December 1999 – March 2000.)
- Yale Law School, 127 Wall Street, PO Box 208215, New Haven, CT 06520-8215
Visiting Lecturer in Law, Fall term 1993.
- Rutgers University School of Law, 15 Washington Street, Newark, NJ 07102-3192
Professor of Law, July 1, 1991 - June 30, 1993;
Associate Professor of Law, 1985 – 1991.
- University of Chicago Law School, 1111 East 60th Street, Chicago, IL 60637
Visiting Professor of Law, academic year 1991 – 1992.
- University of Michigan Law School, Ann Arbor, MI 48109-1215
Visiting Associate Professor of Law, academic year 1984 – 1985.
- Georgetown University Law Center, 600 New Jersey Avenue, NW, Washington, DC 20001
Visiting Associate Professor of Law, academic year 1983 – 1984.
- Weil, Gotshal & Manges, 767 Fifth Avenue, New York, NY 10153
Visiting in Literary Property practice, Sept. 7, 1982 - June 30, 1983.
- Western New England College School of Law, Springfield, MA 01119
Associate Professor of Law, Sept. 1, 1982 - Aug. 31, 1984;
Assistant Professor of Law, July 1979 - August 31, 1982.

- Pierson, Ball & Dowd (now Reed, Smith, Shaw & McClay), 1200 18th St, NW, Washington, DC 20036: Law Practice, October 1976 - June 1979.
- Chambers of the Honorable Theodore R. Newman, Jr., now Senior Judge, District of Columbia Court of Appeals, H. Carl Moultrie I Courthouse, 500 Indiana Avenue, N.W., Washington, DC 20001

Law clerk to Judge Newman when he was a judge in the Superior Court of the District of Columbia, September 1975- August 1976.

PUBLICATIONS

FORTHCOMING AND IN PROGRESS:

- *How Oracle Erred: The Concept of 'Use' and the Future of Computer Copyright*, for COPYRIGHT IN AN AGE OF LIMITATIONS AND EXCEPTIONS [CHAPTER 11], Cambridge University Press, Ruth Okediji, ed. (forthcoming 2017), available at https://www.researchgate.net/publication/313837779_How_Oracle_Erred_The_Future_of_Computer_Copyright; also see <http://www.cambridge.org/us/academic/subjects/law/intellectual-property/copyright-law-age-limitations-and-exceptions?format=HB>
- *How "Proximate Cause" Becomes "Transformative Use:" Integrating Judge Leval's Theory of Fair Use into an Economic view of Copyright Law* (presented at the March, 2016, Harvard Conference on IP and Private Law and to be presented twice this Spring).
- *Reply to Goold: Understanding Copyright* (forthcoming in the online VIRGINIA LAW REVIEW 2017).

BOOKS

- DEVELOPMENTS IN THE ECONOMICS OF COPYRIGHT: RESEARCH AND ANALYSIS-- co- edited with Lisa Takeyama and Ruth Towse (Edward Elgar Publishing 2005).
- THE ECONOMICS OF COPYRIGHT: DEVELOPMENTS IN RESEARCH AND ANALYSIS -- co-edited with Richard Watt (Edward Elgar Publishing, 2003).

ARTICLES AND CHAPTERS:

- *Copyright and Tort as Mirror Models: On Not Mistaking for the Right Hand What the Left Hand is Doing*, in COMPARATIVE LAW AND ECONOMICS [CHAPTER 13],

Giovanni B. Ramello & Theodore Eisenberg, Eds., Edward Elgar Publishing 2016.
ISBN: 978 0 85793 257 0

- *The Core of Copyright: Authors, Not Publishers*, 52 HOUSTON LAW REVIEW 613-78 (2014) (invited paper for symposium volume), available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2548517
The article was excerpted at http://lawprofessors.typepad.com/media_law_prof_blog/2015/01/authors-publishers-and-copyright.html
- *Fair Use*, chapter for HANDBOOK ON THE ECONOMICS OF COPYRIGHT 77-92 (Richard Watt, ed., Edward Elgar Publishing, 2014).
- *The Concept of "Harm" in Copyright*, chapter 20 of the book, INTELLECTUAL PROPERTY AND THE COMMON LAW 452-83 (Cambridge University Press, Shyamkrishna Balganesh, ed., 2013).
The chapter is available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2285080
- *Dissemination Must Serve Authors: How the U.S. Supreme Court Erred*, 10 REVIEW OF ECONOMIC RESEARCH ON COPYRIGHT ISSUES 1-19 (2013). The article is available for download at <http://ssrn.com/abstract=2305535>
- *Fair Use Markets: On Weighing Potential License Fees*, 79 GEORGE WASHINGTON LAW REVIEW 1814-56 (2011).
- *Discipline and Nourish: On Constructing Commons*, 95 CORNELL LAW REVIEW 733 -755 (Invited response paper) (2010).
- "The Global Contours of IP Protection for Trade Dress, Industrial Design, Applied Art, and Product Configuration", 20 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 783 – 845 (2010) (edited panel discussion with Susan Scafidi, Orit Fischman Afori, Mark Janis & Jonathan Moskin; my presentation appears at 795-816).
- *Current Patent Laws Cannot Claim the Backing of Human Rights*, in INTELLECTUAL PROPERTY AND HUMAN RIGHTS 155-171 (Willem Grosheide, Ed.) (Edward Elgar Publishing 2010). The article is available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2318080
- *Trespass-Copyright Parallels and the Harm-Benefit Distinction*, 122 HARVARD LAW REVIEW FORUM 62-80 (2009). The essay is available for download at <http://harvardlawreview.org/2009/10/trespass-copyright-parallels-and-the-harm-benefit-distinction/>
- *KEYNOTE ADDRESS: Harmless Use: Gleaning from Fields of Copyrighted Works*, 77 FORDHAM LAW REVIEW 2411-35 (with introduction by Sonia Katyal) (2009).

- *Moral Philosophy, Information Technology, and Copyright: The Grokster Case*, in INFORMATION TECHNOLOGY AND MORAL PHILOSOPHY 270-300 (Jeroen van den Hoven & John Weckert, Eds.) Cambridge University Press (2008).
- *R.H. Coase*, NEW OXFORD COMPANION TO LAW 147 (Peter Cane & Joanne Conaghan, Eds.) Oxford University Press (2008).
- *The Public's Right to Fair Use: Amending Section 107 to Avoid the 'Fared Use' Fallacy* (with Daniel Bahls), 2007 UTAH LAW REVIEW 619-58 (Symposium issue).
- *The 'Why' of Markets: Copyright and Fair Use*, 116 YALE L.J. POCKET PART 358, available at <http://yalelawjournal.org/2007/4/25/gordon.html> (2007).
- *KEYNOTE, Fair Use: Threat or Threatened*, 55 CASE WESTERN UNIVERSITY LAW REVIEW 903-15 (2005) (Symposium issue).
- *Copyright Norms and the Problem of Private Censorship*, in COPYRIGHT AND FREE SPEECH: COMPARATIVE AND INTERNATIONAL ANALYSES 67- 96 (Jonathan Griffiths & Uma Suthersanen, Eds, Oxford University Press 2005).
- *Even Non-Extremists Get the Blues: The Rhetoric of Copyright*, co-authored with Lois Wasoff, in Benjamin Kaplan et al., *AN UNHURRIED VIEW OF COPYRIGHT* REPUBLISHED (AND WITH CONTRIBUTIONS FROM FRIENDS) at GORWAS 1-33 (Iris C. Geik, et al. Eds, LexisNexis Matthew Bender 2005).
- *Render Copyright Unto Caesar: On Taking Incentives Seriously*, 71 UNIVERSITY OF CHICAGO LAW REVIEW 75- 92 (2004).
 - This article has been translated by Zeljko Mrsic, former chief of the Croatian trademarks and designs departments at the State Intellectual Property Office, together with his wife, Mira Horvatek Mrsic. The translation appeared as *Dati Caru Njegovo Autorsko Pravo: O Ozbiljnom ShvađAnju Poticaja* in the Croatian intellectual-property journal NOV-UM in 2008.
- *Do We Have a Right to Speak with Another's Language? Eldred and the Duration of Copyright*, in COPYRIGHT AND HUMAN RIGHTS 109-129 (PAUL L.C. TORREMANS, Ed., Kluwer Publishing 2004).
- *Chapter 28: Intellectual Property Law*, OXFORD HANDBOOK OF LEGAL STUDIES 617-646 (PETER CANE & MARK TUSHNET, EDS., Oxford University Press 2003) (presenting an overview of theoretical currents in Intellectual Property scholarship), available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=413001.
 - This essay was translated into Japanese by Tanabe Hideyuki and published as:

田辺, 英幸 (訳) (Wendy J Gordon), *Intellectual Property*, at volume 11 of 知的財産法政策学研究 [INTELLECTUAL PROPERTY LAW AND POLICY JOURNAL] 1-41 (April 2006), available in Japanese at <http://hdl.handle.net/2115/43481>.

- Although I wouldn't ordinarily mention when my articles appear in the SSRN Top Ten lists, I'd like to note that this essay re-appeared on SSRN Top Ten list for Intellectual Property in March 2015, twelve years after its initial appearance.
- *Excuse and Justification in the Law of Fair Use: Transaction Costs Have Always Been Only Part of the Story*, 13 J. Copyright Soc'y 149-197 (Invited contribution to the Society's 50th Anniversary Issue 2003). The article revises the chapter published the prior year in THE COMMODIFICATION OF INFORMATION (see below), further fleshing out my theory of fair use.
- *Copyright as Tort Law's Mirror Image: "Harms," "Benefits," and the Uses and Limits of Analogy*, 34 MCGEORGE LAW REVIEW 533-40 (2003); *reprinted with revisions in ICFAI INTELLECTUAL PROPERTY RIGHTS JOURNAL (INDIA) (Vol. III Issue No. 2 May 2004)*.
- *Authors, Publishers and Public Goods: Trading Gold for Dross*, 36 LOYOLA OF LOS ANGELES LAW REVIEW 159-97 (2002) (Symposium issue).
- *Market Failure and Intellectual Property: A Response to Professor Lunney*, 82 BOSTON UNIVERSITY LAW REVIEW 1031-39 (2002).
- *Excuse and Justification in the Law of Fair Use: Commodification and Market Perspectives in THE COMMODIFICATION OF INFORMATION 149-92 (NIVA ELKIN-KOREN & NEIL WEINSTOCK NETANEL, EDS., Kluwer Law International 2002)*.
A condensed version of this piece has been reprinted in 2 ICFAI INTELLECTUAL PROPERTY RIGHTS JOURNAL 29-45 (2003) (Ref 11J-03-05-02) (India). The full article was revised for publication in the 50th Anniversary Issue of the JOURNAL OF THE COPYRIGHT SOCIETY (see above).
- *Introduction* (with Tamar Frankel) to the SYMPOSIUM ON TRUST RELATIONSHIPS, 81 BOSTON UNIVERSITY LAW REVIEW 321-27 (2001).
- *Fine-Tuning Tasini: Privileges of Electronic Distribution and Reproduction*, 66 BROOKLYN LAW REVIEW 473-500 (2000).
 - This article was cited by the U.S. Supreme Court in *New York Times Company v. Tasini*, 533 U.S. 483 at 497 (2001).
- *Copyright* (with Robert Bone) in Volume II ENCYCLOPEDIA OF LAW & ECONOMICS 189-223 (B. BOUCKAERT & G. DEGEEST, EDS., Edward Elgar 2000), available for download at <http://allserv.rug.ac.be/~gdegeest/1610book.pdf> and <http://encyclo.findlaw.com/1610book.pdf>.
 - This chapter has been reprinted in 1 THE ECONOMICS OF INTELLECTUAL PROPERTY at 181-207

- (RUTH TOWSE AND RUDI W. HOLZHAUER, EDs., Edward Elgar Publishing, 2002) (part of the series, THE INTERNATIONAL LIBRARY OF CRITICAL WRITINGS IN ECONOMICS).
- A Russian translation of the chapter appears as Венди Гордон & Роберт Боне, *КОПИРАЙТ*, at <http://translatedby.com/you/copyright/into-ru/trans/>
 - *The Constitutionality of Copyright Term Extension: How Long Is Too Long?* (Symposium with Jane Ginsburg, Arthur Miller, William Patry), 18 CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL 651, especially at 674-86 (2000).
 - *Copyright and Parody: Touring the Certainties of Property and Restitution* in DES CERTITUDES DU DROIT/CERTAINTY AND THE LAW 56-114 (E. МАСКААУ, ED., University of Montreal, Themis Publishing, 2000).
 - *Introduction*, SYMPOSIUM ON RALPH SHARP BROWN, INTELLECTUAL PROPERTY, AND THE PUBLIC INTEREST, 108 YALE LAW JOURNAL 1611-17 (1999).
 - *Intellectual Property as Price Discrimination: Implications for Contract*, 73 CHICAGO-KENT LAW REVIEW 1367-90 (1998) (part of the SYMPOSIUM ON THE INTERNET AND LEGAL THEORY), available for download at <http://ssrn.com/abstract=183468>.
 - This article was reprinted in 5 INTELLECTUAL PROPERTY RIGHTS: CRITICAL CONCEPTS IN LAW at 116-137 (DAVID VAVER, ED., Routledge, 2006).
 - *On Commodifying Intangibles* (with Sam Postbrief), 10 YALE JOURNAL OF LAW AND THE HUMANITIES 135-61 (review essay, 1998).
 - *On the Economics of Copyright, Restitution, and "Fair Use": Systemic Versus Case-By-Case Responses to Market Failure*, 8 JOURNAL OF LAW AND INFORMATION SCIENCE (Australia) 7-45 (1997).
 - *Norms of Communication and Information*, 144 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 2321-39 (1996).
 - *Assertive Modesty: An Economics of Intangibles*, 94 COLUMBIA LAW REVIEW 2579-93 (1994).
 - Excerpts from this article appear in A COPYRIGHT ANTHOLOGY: THE TECHNOLOGY FRONTIER 282-90 (RICHARD CHUSED, ED., Anderson Publishing 1998).
 - *Enforcing Coasian Bribes for Non-Price Benefits: A New Role for Restitution* (with Tamar Frankel), 67 SOUTHERN CALIFORNIA LAW REVIEW 1519-71 (1994).
 - This article is reprinted in RESTITUTION (LIONEL D. SMITH, ED., Dartmouth: Ashgate Publishing, U.K., 2001) at 347-99.
 - *Counter-Manifesto: Student-Edited Reviews and the Intellectual Properties of Scholarship*, 61 UNIVERSITY OF CHICAGO LAW REVIEW 541-551 (1994).

- *Systemische und fallbezogene Lösungsansätze für Marktversagen bei Immaterialgütern* [Systemic and Case-by-Case Responses to Failures in Markets for Intangible Goods, translated into German by Elisabeth Haberfellner] in *ÖKONOMISCHE ANALYSE DER RECHTLICHEN ORGANISATION VON INNOVATIONEN, BEITRÄGE ZUM IV. TRAVEMÜNDER SYMPOSIUM ZUR ÖKONOMISCHEN ANALYSE DES RECHTS*, 328-67 (CLAUS OTT & HANS-BERND SCHÄFER, EDITORS, Verlag Mohr & Siebeck, Tübingen, 1994).
- *Mandated Access: Commensurability and the Right to Say 'No'* (co-authored with Anne Gowen), 17 *HASTINGS COMMUNICATIONS AND ENTERTAINMENT LAW JOURNAL* [COMM/ENT] 225-46 (1994).
- *A Property Right in Self-Expression: Equality and Individualism in the Natural Law of Intellectual Property*, 102 *YALE LAW JOURNAL* 1533-1609 (1993).
 - Excerpts from *A Property Right in Self-Expression* appear in, e.g., COHEN, LOREN, OKEDIJI AND O'ROURKE, *COPYRIGHT IN A GLOBAL INFORMATION ECONOMY* (Fourth Ed. Kluwer Law & Business 2015) at 13 & 16; in *A COPYRIGHT ANTHOLOGY: THE TECHNOLOGY FRONTIER* 41-57 (R. CHUSED, ED., Anderson Publishing, 1998); in CURTIS BERGER & JOAN WILLIAMS, *LAND OWNERSHIP AND USE* (4th ed., Little Brown); and in ANTHONY D'AMATO & DORIS ESTELLE LONG, *INTERNATIONAL INTELLECTUAL PROPERTY ANTHOLOGY* (Anderson Publishing, 1996).
 - A Chinese translation of this article appeared as 自我表达中的财产权利：自我表达中的财产权利：知识财产自然法中的平等和个人主义 in the Chinese journal *Private Law* (translators Xu Shanshan and Wangsui, under the direction of Professor Li Yang) (2008).
- *Truth and Consequences: The Force of Blackmail's Central Case*, 141 *UNIVERSITY OF PENNSYLVANIA LAW REVIEW* 1741-85 (1993).
 - Excerpts from this article appear in SANFORD H. KADISH & STEPHEN J. SCHULHOFER, *CRIMINAL LAW AND ITS PROCESSES* (6th ed. 1995).
- *SYMPOSIUM ON INTELLECTUAL PROPERTY LAW THEORY*, 68 *CHICAGO-KENT LAW REVIEW* 583-910 (1992-93) (co-editor of Symposium, with Kenneth Port) and *Preface*, 68 *CHICAGO-KENT LAW REVIEW* 583-84 (1992-93).
- *On Owning Information: Intellectual Property and the Restitutionary Impulse*, 78 *VIRGINIA LAW REVIEW* 149-281 (1992) (Symposium issue).
 - An excerpt from this article appears in MARGRETH BARRETT, *INTELLECTUAL PROPERTY* (West Publishing, 1995).
- *Of Harms and Benefits: Torts, Restitution, and Intellectual Property*, 41 *JOURNAL OF LEGAL STUDIES* 449- 82 (1992) (University of Chicago). This article was reprinted a decade later at 34 *MCGEORGE LAW REVIEW* 541-70 (2003).

- *Reality as Artifact: From Feist to Fair Use*, 55 LAW AND CONTEMPORARY PROBLEMS 93-107 (1992).
 - Excerpts from this article appear in A COPYRIGHT ANTHOLOGY: THE TECHNOLOGY FRONTIER 328-45 (R. CHUSED, ED., Anderson Publishing, 1998).
- *Asymmetric Market Failure and Prisoner's Dilemma in Intellectual Property*, 17 UNIVERSITY OF DAYTON LAW REVIEW 853-69 & 871-81 (1992) (Symposium article and presentation) Translated into Spanish and published in the LATIN AMERICAN INTELLECTUAL PROPERTY JOURNAL as *Fallas Asimétricas del Mercado y el Dilema del Prisionero en Propiedad Intelectual*, RLAPI 2 (2011).
- *Toward a Jurisprudence of Benefits: The Norms of Copyright and the Problem of Private Censorship*, 57 UNIVERSITY OF CHICAGO LAW REVIEW 1009-1049 (review essay, 1990).
- *An Inquiry into the Merits of Copyright: The Challenges of Consistency, Consent and Encouragement Theory*, 41 STANFORD LAW REVIEW 1343-1469 (1989).
 - This article is excerpted in PROPERTY LAW volume of the Dartmouth Press: Ashgate Publishing (U.K.), Series on Legal Theory (Dartmouth Pub. Co. 1992 & NYU Press 1993) (eds. E. MENSCH & A. FREEMAN).
- *Fair Use as Market Failure: A Structural and Economic Analysis of the Betamax Case and its Predecessors*, 82 COLUMBIA LAW REVIEW 1600-1657 (1982).

The text of “Fair Use as Market Failure” has three times been reprinted in full: in 1 INTELLECTUAL PROPERTY AND BUSINESS (STEPHEN E. MARGOLIS & CRAIG M. NEWMARK, EDS., Edward Elgar Publishing: Business Economics Series. 2010); in 1 THE ECONOMICS OF INTELLECTUAL PROPERTY 377-434 (RUTH TOWSE & RUDI W. HOLZHAUER, EDS., Edward Elgar Publishing, 2002); and at 30 JOURNAL OF THE COPYRIGHT SOCIETY 253-326 (1983);

 - Excerpts from the article appear in various texts, such as COHEN, LOREN, OKEDIJI AND O’ROURKE, COPYRIGHT IN A GLOBAL INFORMATION ECONOMY, FOURTH EDITION (Wolters Kluwer 2015) 629-30; A COPYRIGHT ANTHOLOGY: THE TECHNOLOGY FRONTIER (R. CHUSED, ED., Anderson Publishing, 1998); in R. DREYFUSS AND R. KWALL, INTELLECTUAL PROPERTY 485-88 (Foundation Press, 1996).
 - The article has been cited in two decisions of the U.S. Supreme Court, Harper & Row Publishers, Inc. v. Nation Enterprises, 471 U.S. 539 at 559 & 567 n.9 (1985) and Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 at 478 (1984), and in decisions of lower courts here and in other nations, and by the Supreme Court of Israel.

Translations: Translations of my articles into Chinese, Croatian, German, Japanese, Russian and Spanish are noted above under ‘publications’.

OP-EDs and other MISCELLANEOUS MATERIALS:

How the Jury in the 'Blurred Lines' Case was Misled, was initially published by THE CONVERSATION (March 17, 2015), and can be found at NEWSWEEK:
<http://www.newsweek.com/jury-blurred-lines-case-was-misled-314856>.

The essay (on standards for evaluating copyright infringement) was originally published at <https://theconversation.com/how-the-jury-in-the-blurred-lines-case-was-misled-38751> and republished by NEWSWEEK and by other sites, including: <http://northdenvernews.com/how-the-jury-in-the-blurred-lines-case-was-misled-pharrell-robinthicke/>; <http://www.chatterbility.com/art/art-culture/how-the-jury-in-the-blurred-lines-case-was-misled>; <https://theoldreader.com/>;

Functionality, Separability, and U.S. Design Law, American Intellectual Property Law Association, CLE MATERIAL (October 2014);

The Lost Logic of Deterrence: When 'Sending a Message' To the Masses Outstrips Fairness, COGNOSCENTI (July 11, 2013) (Op-Ed on statutory damages in copyright), available at <http://cognoscenti.wbur.org/2013/07/11/joel-tenenbaum-wendy-gordon>

Secrets of the Tag Tuck Sisterhood, BOSTON HERALD (June 15, 2013), available at http://bostonherald.com/news_opinion/opinion/op_ed/2013/06/secrets_of_the_tag_tuck_sisterhood

SPECIAL GUEST TEACHING:

Presented "Property Right in Self-Expression: Locke, Harm and IP" to the IP Theory Seminar (U. Texas School of Law, Austin, TX, February 14, 2017.)

Gave a week of interdisciplinary lectures on IP ethics and economics, and on US copyright doctrine, as a visiting professor at the UNIVERSITY OF ANTWERP, where I also advised doctoral candidates (December 7- 11, 2015); I regularly teach one to two hours of Copyright and Literary Property to students at the BU Editorial Institute (fall semesters 2010-2016); I taught the Economics of Intellectual Property in the Ph.D. Programme in Comparative Analysis of Institutions, Economics and Law (IEL) (Turin: Collegio Carlo Alberto, Moncalieri, Italy) (2010 and 2009); I served as the Guy Raymond and Mildred Van Voorhis Jones Visiting Professor of Law, UNIVERSITY OF ILLINOIS at Champaign/Urbana to teach a special short course, "IP Functionality: The much-contested intersection where the public domain, state laws, and the federal laws of patent, copyright, and trademark all come together." (September 24 - October 5, 2007); I lectured on copyright at the UNIVERSITY OF SIENA, International School of Economic Research, Summer School on "Intellectual Property, Innovation and Competition" (July 2004).

As "Distinguished Visiting Faculty" at the UNIVERSITY OF TORONTO FACULTY OF LAW, I twice taught an intensive mini-course in "Intellectual Property Theory" (Fall terms, 2000 and 1997). I participated in teaching "Current Issues of Competition Law" at THE AMSTERDAM-MAASTRICHT SUMMER UNIVERSITY (July 4, 2000), and served as co-convenor (with Oxford's Reuters Professor of Law David Vaver and Oxford economist Dr. Christine Greenhalgh) of the seminar series "Intellectual Property in the New

Millennium" at the UNIVERSITY OF OXFORD Intellectual Property Research Center (October, 1999 - March, 2000). I taught the "Copyright" segment of the course, "American Intellectual Property Law," at the UNIVERSITY OF VICTORIA (Victoria, B.C., Canada, summer term, 1999).

At the NEW YORK UNIVERSITY SCHOOL OF LAW, I taught the course in Copyright (Spring term, 1991), and taught a Seminar in Intellectual Property Theory (Fall 1993).

As full-time visiting faculty I have taught at the law schools of the University of Chicago, Fordham Georgetown, and the University of Michigan. For detail, please see the section entitled Primary Employment Experience, above.

HONORS, GRANTS OTHER RECOGNITION:

- 2017: Named to the Editorial Board of the EUROPEAN JOURNAL OF LAW AND ECONOMICS.
- May 2015: Two of my articles were included in the list of 50 MOST CITED PRIVATE LAW ARTICLES OF THE PAST 25 YEARS (*Property Right in Self-Expression* was listed at #7 and *On Owning Information* at #23); <http://blogs.law.harvard.edu/nplblog/2015/04/22/most-cited-private-law-articles-published-in-the-last-25-years/> My articles appear on similar lists elsewhere; for example, in Fred R. Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483 at 1500 (2012), two pieces appear on the list of MOST CITED ARTICLES IN IP (*Fair Use as Market Failure* was listed at #7 and *Property Right in Self-Expression* was tied for #10.)
- Invited to be join the European research group "The Ethics of Copying" as an associate member, ZiF Institute for Advanced Studies at the University of Bielefeld, Germany (2015-continuing).
- Named a 2014 Wye Fellow by the Aspen Institute.
- Awarded a William Fairfield Warren Distinguished Professorship (2011 - ongoing) by Boston University. This is the highest rank for any faculty in the University as a whole; <http://www.bu.edu/provost/awards-publications/william-fairfield-warren-distinguished-professorship/>
- Awarded the Philip S. Beck Professorship of Law (2008); this is an endowed Chair at the Law School. Previously I had been appointed a Paul Liacos Scholar in Law (1995).
- Appointed a Dean's Visiting Scholar at Georgetown University Law Center (Spring 2011).
- Appointed the Bacon-Kilkenny Distinguished Professor of Law (Visiting) at Fordham University (Spring 2009)

- Appointed the Raymond and Mildred Van Voorhis Jones Visiting Professor of Law, University of Illinois at Champaign/Urbana (September 24 - October 5, 2007).
- Received a Dean's award for Scholarship (Boston University, May 17, 2007).
- Professor Yoshiyuki Tamura made my scholarship in intellectual property the topic of a semester-long seminar at Japan's University of Hokkaido (2005-06); Professor Abraham Drassinower of Canada similarly made my scholarship in intellectual property the topic of several of his classes at the University of Toronto Faculty of Law (Fall term 2007).
- Invited to deliver the "Third Annual Distinguished Lecture in Intellectual Property and Communications Law," Michigan State University (lecture given September 2006).
- Made a presentation as the "Hosier Visiting IP Scholar," DePaul University College of Law (lecture given April 27, 2006).
- The Massachusetts Institute of Technology appointed me a Visiting Scholar in the Department of Comparative Media Studies (Spring 2005).
- Appointed the fifth annual "Intellectual Property Distinguished Visitor" by the Lewis and Clark Law School, Portland, Oregon (February 15-19, 2004).
- Received an award from the Ronald A. Cass Award for Commitment to Teaching, Fund for Teaching Excellence (Boston University, April 2002).
- Appointed a FULBRIGHT SCHOLAR (1999-2000) for my research in England.
 - Elected to the Visiting Senior Research Fellowship at ST. JOHN'S COLLEGE, UNIVERSITY OF OXFORD (Michaelmas term, 1999, and Hilary term, 2000).
 - Awarded a Visiting Fellowship, PROGRAMME IN COMPARATIVE MEDIA LAW AND POLICY, Centre for Socio-Legal Studies, UNIVERSITY OF OXFORD (December 1999 – March 2000).
 - Elected to Additional Honorary Membership in the Senior Common Room of St. PETER'S COLLEGE, UNIVERSITY OF OXFORD (Michaelmas Term, 1999, and Hilary Term, 2000). z
- Named "Distinguished Speaker" at McGeorge Law School (October 2002).
- Appointed as "Distinguished Sabbatical Visiting Professor of Law" at the University of Arizona (March-April 2000).

- Appointed as “Scholar in Residence” at Brooklyn Law School (April 2000).
- Appointed as “Distinguished Visiting Faculty” at the University of Toronto (1997 and 2000).
- Awarded a residency at the ROCKEFELLER FOUNDATION'S BELLAGIO STUDY AND CONFERENCE CENTER in Bellagio, Italy (August - September, 1993).
- Awarded a New Jersey Governor's FELLOWSHIP IN THE HUMANITIES to support my work on the jurisprudence of intellectual property (1990).
- Awarded a LON L. FULLER PRIZE IN JURISPRUDENCE from the Institute of Humane Studies for “Copyright and Copy-Privilege: Private Law Categories in Intellectual Property.” This essay later became *An Inquiry into the Merits of Copyright* (1988).
- Awarded a Rutgers University Research Council Summer Fellowship Award (1986) and a Rutgers University Grant for Newly Appointed Professors (1985-1986).

CURRENT GRANT APPLICATIONS (IN PROCESS):

- ‘Old Law, New Art’ - grant application for competitive funding from the Australian Research Council headed by Professor Jani McCutcheon, University of Western Australia; application in process for 2017.

UNIVERSITY SERVICE AND PROFESSIONAL ACTIVITIES:

- At Boston University outside the Law School: member, Provost’s Senior Hiring Initiative Advisory Committee (2012 - ongoing); member, Advisory Committee, BU Editorial Institute (2016 – ongoing); Member, Kilachand Honors College Academic Affairs Committee (2009 - 2016) (formerly entitled the Program Development Committee for New College); member, University Research Council (June 2008 - May 2009); alternate member (elected), BU Faculty Council alternate delegate (2013 - 2014).
- At BU Law School: member of the IP/Entrepreneurship & Cyberlaw Committee and various other committees, including: Continuation, Promotion & Tenure; Appointments; Conferences & Workshops; the informal Committee on Chairs; Faculty Advisor (1995 - ongoing) to the BU Law School Concentration in Intellectual Property.
- Member of the Workshop on Computer Science and Law, a joint project of BU’s Harari Computing Center and the BU Law School.
- Primary organizer of the 2015 and 2016 *Intellectual Property Conversations at Boston University*

(roundtable conferences).

- Co-organizer of the 2017 Conference on *The Future of Law & Economics* (to be held at BU Law June 1-2, 2017).
- Appointed to the Editorial board of the EUROPEAN JOURNAL OF LAW AND ECONOMICS (Springer) (2017 – continuing).
- Reviewer/commentator on articles in the Intellectual Property category, STANFORD/YALE/HARVARD JUNIOR FACULTY FORUM (held at Harvard Law School on June 16-17, 2015).
- Member of the Peer Review Board of the STANFORD TECHNOLOGY LAW REVIEW (2014 - ongoing).
- Referee for various other presses and journals in law, economics, philosophy, and the humanities, such as YALE LAW JOURNAL (March 2015; twice in 2014; etc.); HARVARD UNIVERSITY PRESS (2016, 2014, 2008, 2007, 2006); HARVARD LAW REVIEW; ETHICS; the BU LAW REVIEW; the JOURNAL OF POLITICAL PHILOSOPHY; THE REVIEW OF ECONOMIC RESEARCH ON COPYRIGHT ISSUES; LAW AND PHILOSOPHY; the University of Chicago's JOURNAL OF LEGAL STUDIES; ETHICS AND INFORMATION TECHNOLOGY (2014); CRIMINAL LAW AND PHILOSOPHY (2014).
- Program Committee member, Telecommunications Policy Research Council ("TPRC") (2015-continuing). My prior roles at TPRC are several, including chairing the Intellectual Property Session and serving on the TPRC Organizing Committee.
- AALS: Chair (2006 & 1998), Chair-elect (2005 & 1996, 1997), and officer and/or member of Executive Committee (1989-1992, 1994 & 1999), Section on Intellectual Property, Association of American Law Schools ("AALS"); member of the Executive Committee, AALS sections on Remedies (1999) and Real Property (1988); organizer of the 1995 session for the proposed AALS section on Scholarship and Law Reviews, and member of that section's Executive Committee (1994-1995 and 1996-1997).
- Member at various times of: American Society for Political and Legal Philosophy, American Economics Association, American Law & Economics Association, Law & Humanities Institute, American Bar Association, Copyright Society of the USA, American Intellectual Property Law Association (AIPLA); former member, Advisory Board, Future of Music Coalition; Alternate Delegate to the Intellectual Property Committee of the International Law Association (2011-ongoing); Member, International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP, 2013 - ongoing); Advisor to Harvard's Berkman Center Initiative on Educational Fair Use (approx. 2008-09); member, provisory Consultative Committee and later the Academic Committee, for REVISTA LATINOAMERICANA DE PROPIEDAD INTELECTUAL (2008-present); Vice President I (2004-05) and General Secretary (2002-03) for the Society for Economic Research on Copyright Issues (www.SERCI.org); Editorial Board, Review of Economic Research

on Copyright Issues (RERCI 2003-05).

- American Law Institute [ALI] (1991-continuing) where my activities include: Advisor, ALI Project on drafting a RESTATEMENT OF COPYRIGHT (February 2015-continuing), member of the Ad Hoc Group to consider initiating a new RESTATEMENT OF RESTITUTION, and participant in ALI Members' Consultative Groups for the following projects: the RESTATEMENT (THIRD) TORTS: LIABILITY FOR ECONOMIC HARM, the PRINCIPLES OF THE LAW OF SOFTWARE CONTRACTS, the RESTATEMENT (THIRD) OF RESTITUTION and the RESTATEMENT OF THE LAW OF UNFAIR COMPETITION.
- Other: Advisory Board member, BNA PATENT, COPYRIGHT, TRADEMARK JOURNAL (2003-2007); Advisory Committee, International Consortium for Law and Development (ICLAD) (2004-14); Advisory Board, Intellectual Property Center, University of Richmond School of Law (2005-2010); served as a primary organizer and moderator of Rutgers/Newark Law School Faculty Colloquia (1992 - 1993 & 1985 - 1991); teacher in Summer Orientation Program, Rutgers Minority Student Program (1988); occasional member of the Picker MobBlog (2005-06); Programme Committee for the conference, COMPUTER ETHICS: PHILOSOPHICAL ENQUIRY (CEPE 2000-03 & 2004-05); Area Organizer for Intellectual Property/Electronic Commerce, American Law & Economics Association 2003 Annual Meeting; member, Editorial Board of the ENCYCLOPEDIA OF LAW AND ECONOMICS (Edward Elgar & University of Ghent) (1996-end); Research Associate, Oxford University Programme in Comparative Media Law and Policy [PCMLP] and member of the PCMLP Advisory Board on International Protection of Expression of Folklore under Intellectual Property Law (EC project) (2000); Co-convenor (with Oxford's Reuters Professor of Law David Vaver and Oxford economist Dr. Christine Greenhalgh) of the seminar series "Intellectual Property in the New Millennium" at the UNIVERSITY OF OXFORD INTELLECTUAL PROPERTY RESEARCH CENTER (October, 1999 - March, 2000); Editorial Board of the journal COMMUNICATION LAW AND POLICY (1994 - 2000); Program Committee, Fourth ETHICOMP conference ("Look to the Future of the Information Society") held at LUISS Guido Carli University in Rome on October 6-8, 1999; Advisory Board, Volunteer Lawyers for the Arts (Boston, 1999-for several years).
- Referee in the tenure, promotion or hiring processes of many law schools, including Harvard (Ad Hoc Committee), New York University, Duke, Georgetown, Minnesota, San Diego, University of California/Berkeley, UCLA, University of Illinois, University of Miami, Rutgers Law School/Camden, University of London (Queen Mary), National University of Singapore, University of Toronto, University of Chicago School of Law, and Faculty of Law, Hebrew University (Israel).
- Also reviewer for Economics department, University of Canterbury (New Zealand); Australian Research Council (ARC) Federation Fellowship; External Examiner for Master's Thesis at Erasmus Program in Law & Economics, University of Hamburg (2000); reviewer for Israel Science Foundation grant research proposal (2011).

SELECTED PRESENTATIONS and PANELS:**• 2017:**

Comment on Ronen Avraham, "Should Courts Award Pain and Suffering Damages in Patent Cases?" Conference on Patent Damages, University of Texas School of Law at Austin (February 18, 2017).

Co-presented "I Hate These Blurred Lines: Sound Recording Copyrights and Musical Work Copyrights" with my co-author, musicologist Joe Bennett, vice president for academic affairs for the Boston Conservatory at the Berklee College of Music, at the annual Works-In-Progress Intellectual Property Colloquium, held this year at BU School of Law (April 11, 2017).

2016

- The co-authored paper, "I Hate These Blurred Lines: The Intrinsic Test In Music Copyright Disputes" was presented at *The 11th Art of Record Production Conference: The Spaces in Between*. My co-author, Prof. Joe Bennett of Berklee/Boston Conservatory, presented his portion in person, and I presented mine via video. Aalborg University, Denmark (December 4, 2016).
- Presentation at Harari Computer Research Center (December 12 and 21, 2016) (BU).
- Presentation at Harvard Law School Conference on Private Law and Intellectual Property (March 2016).
- Presentation at Texas A & M Conference on IP (April 2, 2016).
- Presented "Copyright as Tort Law's Mirror Image," to the Faculty Enrichment Series, Florida State University College of Law (February 4, 2016: Tallahassee, FL).
- Presented, "How Oracle Erred: 'Use' and the Future of Computer Copyright" at the 2015-2016 Innovation Law and Policy Workshop of the University of Toronto Faculty of Law (January 21, 2016: Toronto, CA).
- Participant, invitation-based informal retreat of senior IP scholars (annual meeting, 2011-ongoing).

2015

- Panelist, *U.S. and EU Copyright Law Dealing with Online Platforms: Recent Developments on Fair Use, Exceptions and Liability*, workshop at University Foundation, Brussels, co-sponsored by CRIDES (December 16, 2015: Brussels, Belgium).

- Delivered a public lecture and lectures to law faculty and students: Topics included “Conceptual Connections between Copyright Law and the Tort Law of Personal Injury”; “Copyright Change in the US: Some Judicial Developments Overripe for Legislative Rejection”; “The Economics of IP Law”; “Trade Law and Copyright”; also advised doctoral students (December 7-11, 2015: Antwerp, Belgium).
- Provided written and oral comments in my role as Advisor, Advisors’ Meeting for the Project on drafting a RESTATEMENT OF COPYRIGHT, AMERICAN LAW INSTITUTE. (December 2, 2015: Philadelphia, PA).
- Co-organizer (with Professor Stacey Dogan) and Speaker, *Boston University Intellectual Property Conversations: Trademark Law’s Fundamental Purposes* (November 20, 2015: Boston, MA).
- Invited as general participant and as lead commentator on “Dual Grant Theory of Fair Use”, University of Pennsylvania CTIC: The First Copyright Roundtable (November 5-6, 2015: Philadelphia, PA).
- Presenter and participant, Workshop "Towards an Ethics of Copying", Center for Interdisciplinary Research (ZiF), the Institute for Advanced Studies affiliated with the University of Bielefeld: (October 6-9, 2015: Bielefeld, Germany); was then invited to join the Research Group as an associate member.
- Notre Dame Law School: Panelist for the Roundtable on "What's Wrong with Copying," new volume by Abraham Drassinower (October 2, 2015: South Bend, IN).
- Commentator at the BU Law School Conference, NOTICE AND NOTICE FAILURE IN INTELLECTUAL PROPERTY (September 25-26, 2015: Boston, MA).
- Participant, invitation-based informal retreat of senior IP scholars (annual meeting).
- Commentator and judge, HARVARD/ STANFORD/YALE JUNIOR FACULTY FORUM at the Harvard Law School (June 16, 2015: Cambridge, MA);
- Presented draft entitled '*Separability*' and *Interoperability: Resolving Oracle v. Google* [developed from draft that formerly titled, *When IPR's Collide*], at 'Roundtable on U.S. Developments,' sponsored by the CENTRE FOR MEDIA AND COMMUNICATIONS LAW at the University of Melbourne Faculty of Law (January 20, 2015: Melbourne, AU).
- Speaker, *Natural Rights, Natural Liberty and Intellectual Property*, sponsored by Griffith University's INSTITUTE FOR ETHICS, GOVERNANCE AND LAW (January 13, 2015: Griffith U., Nathan Campus, Queensland, AU)
- Presenter, *The Core of Copyright*, Griffith University (January 13, 2015: Nathan Campus, Queensland, AU).

2014

- Participant, SECOND OXFORD- UNIVERSITY OF NEW SOUTH WALES COPYRIGHT SCHOLARS

ROUNDTABLE, at UNSW (December 17, 2014: Sydney, AU).

- Presented “When IPRs Collide” at the BU LAW SCHOOL FACULTY COLLOQUIUM (November 20, 2014: Boston), and at the Okediji Book Project Retreat (November 7, 2014: St. Helena, CA).
- Presented “Functionality, Separability, and US Design Law” at AIPLA ANNUAL MEETING (October 25, 2014: Washington, D.C.)
- Presented “The Core of Copyright” to the INTELLECTUAL PROPERTY SCHOLARS’ CONFERENCE at the U. California/Berkeley (August 7, 2014: Berkeley, CA) and, under an interim title, to the 2014 CONFERENCE ON RECALIBRATING COPYRIGHT of the U. Houston Law Center’s Institute for Intellectual Property & Information Law (May 31, 2014: Santa Fe, NM), to the BOSTON UNIVERSITY LAW FACULTY WORKSHOP (March 20, 2014: Boston, MA), and to the HARVARD PRIVATE LAW WORKSHOP (February 10, 2014: Cambridge, MA).
- Moderator, PERSONALIZED MEDICINE AND INTELLECTUAL PROPERTY CONFERENCE at BU Law School (August 25, 2014: Boston, MA).
- Presenter, “Harm/Benefit Asymmetry,” to the ETHICS READING GROUP, MASSACHUSETTS INSTITUTE OF TECHNOLOGY (EthRG) (May 14, 2014: Cambridge, MA).
- Engaged in public debate with the Hon. Alex Kozinski, Chief Judge of the US Court of Appeals for the Ninth Circuit, on the topic of Fair Use, BU Law School (April 22, 2014: Boston, MA).
- Presented “Useful Articles in Copyright: Proposing Amendments to Section 101 and 113” at the CONFERENCE ON ‘THE NEXT GREAT COPYRIGHT ACT,’ U. California/Berkeley Center for Law and Technology (April 3, 2014: Berkeley, CA).
- Keynote speaker, “Can Copyright Law Help China Democratize?” at the CONFERENCE ON COPYRIGHT AND MEDIA PLURALISM IN CHINA, U. Oregon School of Law (April 18, 2014: Eugene, OR).
- Presented “*The Concept of Harm in Copyright*” to the CONFERENCE ON THE MEASURE OF INTELLECTUAL PROPERTY, The Interdisciplinary Center (IDC) (March 10, 2014; Herzliya, Israel), and to the ANNUAL CONGRESS OF THE SOCIETY FOR ECONOMIC RESEARCH ON COPYRIGHT ISSUES (July 9, 2013; Paris, France).
- Spoke on issues of music copyright at “ARE WE LISTENING? A Symposium on Music, Change and Challenge” at the BU College of Fine Arts (October 26, 2013; Boston, MA).
- Participated in Roundtable on False Advertising: the *Lexmark* case (BU Law, October 10, 2013; Boston, MA).
- Served as a senior commentator at the SIXTH ANNUAL JUNIOR SCHOLARS IN IP WORKSHOP, Michigan State University, (October 3-4, 2013; East Lansing, MI).
- Presented *Dissemination Must Serve Authors* to the 2013 INTELLECTUAL PROPERTY SCHOLARS’ CONFERENCE (August 9, 2013; NY, NY).

- Commentator and moderator, PANEL ON INTELLECTUAL PROPERTY AND CULTURE, Law and Society Annual Meeting (June 1, 2013; in Boston, MA).
- Presented *The Concept of “Harm” in Copyright and the Disanalogy of Trespass*, to the BU Law Faculty Workshop (February 21, 2013; in Boston), and to The Institute for Law and Philosophy’s PHILOSOPHICAL FOUNDATIONS OF INTELLECTUAL PROPERTY CONFERENCE at the University of San Diego School of Law (May 4-5, 2012; in San Diego, CA).
- Participated in the PRAWFBLOG online symposium on the book by R. Merges, JUSTIFYING INTELLECTUAL PROPERTY (January 2013).

2012

- Speaker, AALS Midyear Program on IP, BIOLAW AND INTERNET LAW (June 12, 2012; in Berkeley, CA).
- Keynote Speaker for the SOCIETY FOR THE ECONOMIC RESEARCH IN COPYRIGHT ISSUES ANNUAL MEETING (SERCI, July 9-10, 2012; in Washington, DC).
- Presented “Stepping Back into Substantial Similarity: *Bridgeport*, Building Blocks, and Harmless Uses” at the TWELFTH ANNUAL INTELLECTUAL PROPERTY LAW SYMPOSIUM of the Texas Intellectual Property Law Journal, University of Texas (February 17, 2012; in Austin, TX).

2011

- Presented “Fair Use Markets” to the Southern California IP Professors’ and UCLA ENTERTAINMENT, MEDIA, AND INTELLECTUAL PROPERTY COLLOQUIUM WORKSHOP (UCLA School of Law (November 6, 2011; Los Angeles, CA).
- Presentation on Copyright to Sir Christopher Ricks’ class on Literary Editing (BU Editorial Institute, October 27, 2011 and every fall thereafter; Boston, MA).
- Moderator, Harvard Law Review SYMPOSIUM ON THE NEW PRIVATE LAW (October 21, 2011; Cambridge, MA).
- Presenter and panelist, Seminar on Copyright, ASS’N OF LITERARY SCHOLARS, CRITICS, AND WRITERS 17TH ANNUAL CONFERENCE (October 16, 2011; Boston University).
- Invited participant, WORKSHOP ON CONVENING CULTURAL COMMONS (September 22-24, 2011; NYU Law School).
- Presented “Is Copyright Infringement a Strict Liability Tort: Prologue to a Search for Appropriate Common-Law Models” to the CONFERENCE ON INTELLECTUAL PROPERTY AND THE COMMON LAW at the University of Pennsylvania Law School Center for Technology, Innovation, and Competition (May 5-6, 2011; Philadelphia, PA).
- Making a presentation on the relevance of John Locke to copyright theory, and critiquing a paper by A. Drassinower, at the class of Prof. D. Lametti, Director, Centre for Intellectual Property Policy, McGill University Faculty of Law (April 6-7, 2011; Montreal, Canada).

- Presented “Fair Use Markets” to the UNIVERSITY OF ILLINOIS LAW SCHOOL FACULTY WORKSHOP (March 31, 2011; Champaign, IL).
- Made two presentations at the Works-in-Progress Intellectual Property Colloquium “Copyright and Tort as Mirror Images: On not mistaking for the right hand what the left hand is doing”, and co-presented “Functionality” with Stacey Dogan (February 11, 2011; Boston University School of Law hosted the Colloquium).
- Spoke on ‘Functionality and Separability,’ as part of the panel of the Intellectual Property Section of the American Association of Law Schools Annual Conference (January 8, 2011; San Francisco, CA).

2010

- November 4, 2010: Presented a talk on “Fair Use Markets” as part of the SYMPOSIUM ON JUSTICE BREYER’S “UNEASY CASE FOR COPYRIGHT” (George Washington University Law School).
- October 29, 2010: Panelist, spoke on the ‘termination right’ and what light it might cast on contractual/fiduciary disputes involving copyright owners, at “The Role of Fiduciary Law and Trust in the 21st Century: A Conference Inspired by the Work of Tamar Frankel” (Boston University School of Law).
- October 7, 2010: Delivered a lecture on Copyright and other aspects of Intellectual Property to the class on Literary Editing taught by Christopher Ricks and Marcia Karp (Boston University Editorial Institute).
- September 21, 2010: Delivered special lecture celebrating the Philip S. Beck Professorship, “Changing Views of Copyright Theory: One Scholar’s Evolution” (Boston University School of Law).
- August 26, 2010: Served as commentator on paper by M. Perlman, "Should there be property rights in folklore", at the Second Annual ISHTIP Workshop [ISHTIP is The International Society for the History and Theory of Intellectual Property] (American University, Washington, D.C.).
- April 28, 2010: Spoke on the book, PROPERTY OUTLAWS, by Kayla and Penalver, as part of a mini-symposium on that volume (Cornell University Law School, Ithaca, NY).
- March 8, 2010: Delivered a CIPIL [Centre for Intellectual Property and Information Law] Guest Lecture: "Derivative Rights in the US: Turning Locke's Proviso Upside Down," at the University of Cambridge (U.K.).
- February 18, 2010: Presented “Justice in Copyright's 'Derivative Works' Doctrine: Implications of Locke's Proviso" at the AMERICAN PHILOSOPHIC ASSOCIATION CENTRAL DIVISION MEETING, at panel sponsored by the APA Committee on Public Philosophy (Chicago, IL).
- January 4-5, 2010: Presented “*Art and the Intrinsic: Implications for Copyright*” and served as a Moderator, CONFERENCE ON “COPYRIGHT CULTURE, COPYRIGHT HISTORY” (Tel Aviv University, Israel).

Selected presentations and lectures, 2009 and earlier

- November 20, 2009: Presented “Differing Deference to Patent: Comparing Copyright’s ‘Useful Article’ doctrine with the Trademark doctrine of ‘Functionality’”, Fordham Symposium on Functionality (NYC).
- November 5, 2009: Presented “Commons: Owned, unowned, shared and governed” at the BU LAW FACULTY WORKSHOP.
- October 10, 2009: Panel moderator, “D is for Digitize”: New York Law School CONFERENCE ON THE GOOGLE BOOK SEARCH SETTLEMENT (NY, NY).
- September 11, 2009: Presented “Art and the Intrinsic Worth of a Human Life” to the IP and Religious Thought Roundtable, University of St. Thomas Law School (Minneapolis, MN).
- August 7, 2009: Presented “Derivative Rights and the Rule of Law: Judge Posner and Copyright” at the INTELLECTUAL PROPERTY SCHOLARS’ CONFERENCE (Cardozo Law School, NY). (The presentation was based in part on work on the Lockean proviso by Gordon and in part on doctrinally-oriented material by Gordon & Boris Milman. Because new caselaw recently overturned the primary approach criticized in the Gordon-Milman material, that co-authored project has been set aside. I am now focusing on a solely-authored paper concentrating on Lockean issues regarding derivative works.)
- May 29, 2009: Chair, Panel on “Copyright and the Public Sphere”, PHILOSOPHY AND INTELLECTUAL PROPERTY CONFERENCE (University of London, UK).
- May 18-19, 2009: Invited participant, CONFERENCE ON INTELLECTUAL PROPERTY AND OPEN & USER INNOVATION (MIT, Cambridge, MA).
- April 24-25, 2009: Invited Participant, *Roundtable on Promissory Obligations*, Illinois Program in Law and Philosophy (U. Illinois College of Law, held at Galena, IL).
- April 4, 2009: Presented “Abandoning the Strict-Liability, Trespass Model of Copyright: What the Law and Economics of Tangible Property Teaches”, BU conference, “*What does the Economics of Property Law Teach Patent, Copyright and Trademark Scholars?*” (Boston, MA).
- February 6-7, 2009: Co-introducer to Conference (with Jessica Litman), “*The Boundaries of Intellectual Property Law*” (William & Mary Law School: Williamsburg, VA).
- Various dates in 2009: Presenting revised version of “*Moral Philosophy, Information Technology, and Copyright: The Grokster Case*”, workshops at Brooklyn Law School (April 1, 2009), Fordham Law School (Feb. 19, 2009), Loyola Los Angeles Law School (Feb. 17, 2009).
- March 27, 2009: Panelist, “Intermediaries as Legal Filters”, Third Law & Information Society Symposium (Fordham Law School, CLIP) (NYC).
- October 31-November 1, 2008: Keynote Speaker at symposium, WHEN WORLDS COLLIDE: INTELLECTUAL PROPERTY LAWS AT THE INTERFACE BETWEEN SYSTEMS OF KNOWLEDGE CREATION, at Fordham Law School (NYC).
- November 7, 2008: Speaking on the question of whether “intellectual property” is really “property”, at 33rd Annual IP Institute of the State Bar of California (Palm Springs, CA).

- May 2-3, 2008: Invited participant, *IP without IP* (Radcliffe: Cambridge, MA).
- Speaker, Conference on ‘*Open Societies versus Intellectual Property: Innovation, Imitation and Economic Growth*’ (Alessandria, Italy, October 3-4, 2008).
- Plenary speaker, presenting “Gift Failure versus Market Failure”, *Intellectual Property Scholars’ Conference* (Stanford University, August 7, 2008).
- Invited participant in colloquium: “The Political Economy of Intellectual Property” (Liberty Fund, Indianapolis, August 21-23, 2008).
- Moderator, "Secondary Liability and Remedies Post *Grokster*", at the Second Fordham Law and Information Society Symposium on ‘Enforcement, Compliance & Remedies in the Information Society,’ (NYC, May 29, 2008).
- Participant in the exploratory seminar, IP WITHOUT IP, sponsored by the Radcliffe Institute for Advanced Study at Harvard University, in collaboration with the Engelberg Center on Innovation Law and Policy at New York University (Cambridge, MA, May 2-3, 2008).
- Panelist, “IP Dialogues: Database Protection Policy and Access to Data” (Boston University, March 20, 2008.)
- Presented “*Current Patent Laws Cannot Claim the Backing of Human Rights* at "Tackling Global Health Issues through Law & Policy", the Annual Symposium of *The American Journal of Law and Medicine* (Boston University, February 2, 2008.)
- "Deserving Speech: Who We Are and What We Do", presenter at the University of Toronto Faculty of LAW INNOVATION LAW AND THEORY WORKSHOP; the topic embraced a set of my articles that University of Toronto's Professor Drassinower had his students study (Toronto, Canada, December 4, 2007).
- Presented *Moral Philosophy, Information Technology, and Copyright: The Grokster Case* to the William and Mary Law School Faculty Colloquium (Williamsburg, VA, November 1, 2007).
- Acted as Commentator, “The Blogosphere”, Conference on New Media and the Marketplace of Ideas (Boston University, October 26, 2007).
- Presented *Moral Philosophy, Information Technology, and Copyright: The Grokster Case* to the Northwestern University Intellectual Property Colloquium (Chicago, IL, October 2, 2007).
- Participated in a public debate entitled, "Consumer Rights in the Digital Age," sponsored by the Digital Freedom Campaign (Boston University, October 11, 2007.)
- Speaker, "The Why of Markets: Fair Use and Circularity," EXPLORING THE BOUNDARIES OF IP LAW CONFERENCE, IDC Herzliya Radzyner School of Law (Herzliya, Israel, June 26, 2007).
- Speaker commenting on Lior Zemer's book, *The Idea of Authorship in Copyright*, IDC Herzliya Radzyner School of Law (Herzliya, Israel, June 24, 2007).
- Presented “The Why of Markets: Fair Use and Circularity,” to BU Law Faculty Workshop (May 3, 2007).

- Panelist, “Copyright, Fair Use and the Cultural Commons” at the Massachusetts Institute of Technology (Cambridge, MA, Media Lab, April 28, 2007).
- Presented “Circularity in Fair Use: The Puzzle of Foregone License Fees”, as the “Third Annual Distinguished Lecture in Intellectual Property and Communications Law,” Michigan State University (Lansing, MI, September 20, 2006.)
- Gave a panel talk, “Law as an Autonomous Discipline,” to the BU Law School Retreat (Boston, September 1, 2006).
- Presented a talk on “Patent and Human Rights: The Case of the Second to Invent” to the conference, “The Human Rights Paradox”, at The Center for Intellectual Property Law of Utrecht University (Utrecht, the Netherlands, July 3, 2006).
- Gave a talk, “Competition: Philosophic and Conceptual Issues” to a plenary session of the Mid-Year Meeting of the AALS Workshop on Intellectual Property (Vancouver, Canada, June 15, 2006).
- Presented two lectures on Intellectual Property Theory at the University of Hokkaido. This was part of Hokkaido University's research at the University of Hokkaido project entitled "The Law and Policy of Intellectual Policy: Building a New Global Framework", which is based on a COE grant awarded from the Japanese Government. (Sapporo, Japan, June 9-11, 2006).
 - Methodologies, Theories of Intellectual Property and their Implications and Applications
 - Tensions and Ambiguities in Intellectual Property Theories, and Some Suggested Resolutions.
- Presented my chapter entitled “Intellectual Property Law” to the University of Kyoto (Kyoto, Japan, June 6, 2006). A printed version of the chapter was made available to the audience in both English and Japanese.
- Gave the invited lecture as "Hosier Visiting Intellectual Property Scholar," lecture entitled “Copyright and Ethics: The Moral Duties of Copyright Owners,” at DePaul University College of Law (Chicago, April 27, 2006).
- Presented a talk on Fair Use to MIT students (February 15, 2006).
- Presented a talk, “New Developments in Fair Use”, Cardozo Intellectual Property Speakers’ Series, Cardozo Law School of Yeshiva University (NYC, November 14, 2005).
- Presented a new project arising out of my “Fair Use: Threat or Threatened” to the Penn/Temple/Wharton Colloquium (Wharton School, University of Pennsylvania, November 11, 2005).
- Served on panel, "Copyright and Contract: What Ever Happened to Fair Use?" Annual Meeting of the Museum Computer Network (Boston, November 4, 2005).
- Served as a *Co-Rapporteur* at the conference, "Creating the Information Commons for e-Science: Toward Institutional Policies and Guidelines for Action", CODATA conference at UNESCO

(Paris, September 1-2, 2005).

- Chaired a panel on Copyright Law, Annual Congress of the Society for Economic Analysis of Copyright Issues (Montreal, July 7, 2005).
- Spoke on the Supreme Court's opinion in *MGM v. Grokster*, panel sponsored by the Boston Bar Association, Intellectual Property Litigation Committee (June 29, 2005).
- Delivered a talk, "Fair Use: Transaction Costs are only Part of the Story," Oxford University Intellectual Property Research Centre (Oxford, UK, May 31, 2005).
- Spoke at University of Rhode Island/Rhode Island Bar Association Annual Law Day for secondary school students, on the Law and Ethics of Peer-to-Peer Copying (Providence, RI, May 5, 2005).
- Delivered Keynote Address to the Suffolk Law School 10th Annual IP Law Concentration Luncheon; also spoke on panel, "Where Is Copyright Law Headed," giving with Lois Wasoff "Differing Views of the Rhetoric of Copyright," at the Suffolk Symposium, "Forecasting the Future of Copyright" (Boston, April 8, 2005).
- Spoke at Boston University Law School on panel sponsored by BU Intellectual Property Society, "So You Want to Learn IP" (March 22, 2005).
- Delivered Keynote Address to the Case Law School Symposium, "Copyright & Personal Copying: Sony v. Universal City Studios Twenty Years Later" (Cleveland, February 25, 2005).
- Presented a talk, "Copyright's Economic Edge: Fair Use and Transaction Costs," to the Boston Bar Association (February 1, 2005.)
- Presented "Do Words Constrain?" as comment, Conference on the Lochner Centennial (Boston University Law School, October 2004.)
- Presented "The Rhetoric of Copyright" (spin-off from project co-authored with Lois Wasoff) to Works-In-Progress Intellectual Property Colloquium, Boston University Law School (September 11, 2004).
- Spoke about copyright and related design protection issues to group of artists and craftspeople at Design Within Reach, Cambridge, MA (May 12, 2004).
- Presented a talk on Fair Use and Copyright Exceptions at the conference, "Rethinking Copyright: A Roadmap to the Future of Copyright", a conference sponsored by ALAI Canada (Association Littéraire et Artistique Internationale) in cooperation with the Faculty of Law of the University of Ottawa and with the support of the government of Canada (Industry Canada and Canadian Heritage) (Ottawa, May 21, 2004).
- Made presentation on copyright issues to Industry Canada (Ottawa, May 19, 2004). (Industry Canada is the Government of Canada department responsible for competition, consumers, information highway, investment, regulation, science and related areas.)
- Co-chaired panel (with Charles Nessen & Michael Smith) on "Intellectual Property and Digital Rights Management" at the RADCLIFFE CONFERENCE ON PRIVACY AND SECURITY (Cambridge,

MA, April 23, 2004).

- Commented on paper by Richard Epstein, as part of the Symposium on THE JURISPRUDENCE OF SLAVERY REPARATIONS, Boston University Law School (Boston, April 10, 2004).
- Gave a public lecture entitled, "Copyright and Commodification," at the Lewis & Clark Law School (Portland, OR, February 16, 2004).
- Presented *Rendering Copyright Unto Caesar: Free Speech, Locke, and the Sphere of Gift*, at the University of Sydney Faculty of Law, sponsored by Australian Law & Economics Ass'n (Sydney, AU, December 16, 2003), at the BU Faculty Workshop (Boston, October 30, 2003), at the Intellectual Property Workshop of the University of Michigan (Ann Arbor, MI, October 9, 2003) and at the Intellectual Property Roundtable, University of Chicago School of Law (Chicago, IL, June 21, 2003).
- Presented *Dreading Eldred: The U.S. Constitution and Copyright's Public Domain* at the University of Melbourne Faculty of Law (Melbourne, AU, December 11, 2003).
- "Lockean Intellectual Property: Narrow but Not Nonexistent," response to Prof. Kim Kimppa, U. Turku (Finland) at the Sixth Annual Ethics and Technology Conference (Boston College, June 28, 2003).
- "Facing the Costs of Long Duration: From *Sears/Compco* to *Dastar* by way of *Eldred*," presentation made at Queen Mary Intellectual Property Research Institute, University of London (London, U.K., May 26, 2003).
- "How Long is a Piece of Copyright? *Dreading Eldred*", presentation made to Intellectual Property Seminar at Oxford Intellectual Property Research Center, St. Peter's College, University of Oxford (Oxford, U.K., May 20, 2003).
- "Reconceptualizing Intellectual Property: Can We Eliminate the Notion of 'Intangibles'", presentation made to the Law & Economics "Free Lunch" group at Stanford Law School (Stanford, CA, March 13, 2003).
- Presented new thoughts on "Market and Commodification Perspectives on Fair Use" to Stanford Law School's seminar on "Property and Contract Go Hi-Tech" (March 13, 2003); at the Law School of the University of California at Los Angeles (faculty workshop on March 10, 2003); at Seton Hall University Law School (Newark, NJ, faculty workshop on February 28, 2003); at Rutgers Law School (Newark campus, faculty workshop on February 27, 2003); and at Vanderbilt University Law School (Nashville, TN, faculty workshop on February 20, 2003).
- Spoke at a program on Antitrust & Intellectual Property (Panel with Robert Pitofsky, Hon. Randall Rader, James Toupin & Gerald Mossinghoff), sponsored by the Federalist Society, at the National Press Club (Washington, D.C., January 31, 2003).
- Delivered a talk, "Fair Use: Perspectives from Economics, Commodification Theory, and John Locke," to the New England Chapter of the Copyright Society of the U.S.A. (Boston, November 18, 2002).

- Delivered a talk and participated in a debate on the *Eldred* case, as part of the Brown Bag series for Boston University law students (with Bob Bone, Boston, November 8, 2002).
- Spoke on copyright issues to the roundtable on "Policy, Property and Permissions: A Discussion of Accessible Curriculum Materials" (Harvard Law School, October 18, 2002).
- Presented a comment on R.A. Reese's paper, "The First-Sale Doctrine in the Era of Digital Networks", at the conference at Boston College on Intellectual Property, E-commerce and the Internet (October 19, 2002).
- As part of the Distinguished Speakers Series at McGeorge Law School, I gave a talk to students entitled, "Copyright is Torts Turned Upside Down," and presented my "Overview of Theoretical Currents in Intellectual Property Scholarship" to a faculty workshop (Sacramento, CA, October 10 - 11, 2002).
- Presented "Excuse and Justification in the Law of Fair Use: Commodification and Market Perspectives" to the Society for Economic Research on Copyright Issues (Madrid, June 4, 2002); to the American Law and Economics Association Annual Meeting (Harvard Law School, May 4, 2002); to the University of California at Berkeley Seminar in Intellectual Property Scholarship (March 5, 2002); to the Boston University School of Law Faculty Workshop (January 17, 2002); at the University of Sydney, Faculty of Law (December 18, 2001, presentation cosponsored by the University of Sydney, Faculty of Law, and by The Network Economics Consulting Group); and to Gilbert & Tobin (Sydney, also on December 18, 2001).
- Keynote Speaker at the Public Seminar, "Freedom of Speech in the Copyright Domain" (University of Melbourne, Faculty of Law (sponsored by the Centre for Media, Communications and Information Technology Law and the Law Faculty, the University of Melbourne, in conjunction with the Australian Law and Economics Association, December 13, 2001)
- Chaired the panel on "Intellectual Property" at the AMERICAN LAW AND ECONOMICS ASSOCIATION MEETING, and presented "Excuse and Justification in the Law of Fair Use" to that meeting's "Copyright and Trademark Law" panel (Harvard Law School, May 4 - 5, 2002).
- Served as Commentator, SYMPOSIUM ON HUMAN GENOME, Washington University at St. Louis (April 13, 2002). Proceedings available at <http://law.wustl.edu/centeris/apr13agenda.html>.
- Served as Commentator, SYMPOSIUM ON TRADITIONAL KNOWLEDGE, INTELLECTUAL PROPERTY, AND INDIGENOUS CULTURE, at Yeshiva University, Cardozo School of Law (NYC, February 22, 2002.)
- Presented a "Brown Bag Lunch Talk" to the law students at Boston University Law School. Topic: "Borders between Copyright and Patent" (March 15, 2002).
- Participated in a panel on "Parody" for the CHICAGO HUMANITIES FESTIVAL (November 11, 2001).
- Participated in a panel on "Copyright and the First Amendment" for the WBEZ program, "ODYSSEY" (Chicago public radio, November 11, 2001, broadcast on November 30).
- Presented "Fair Use after Market Failure: The Problem of Commodification" at the DePaul-

Cardozo First Annual Intellectual Property Scholars Conference (DePaul University College of Law, Chicago, IL, August 9, 2001).

- Spoke on “The Supreme Court Decision in *Tasini*, and A Price-Discrimination Perspective on Contractual Copy-Restrains” to the Intellectual Property Group of Testa, Hurwitz & Thibeault, LLP (Boston, MA, July 26, 2001).
- Spoke on Database Protection at Conference on “Information: Privacy, Property and Policy” at the University of Maine School of Law (Portland, ME, June 8, 2001).
- Presented remarks on “Copyright Defenses: A Second Look at Market Failure,” at St. Catherine’s College, University of Oxford (Oxford, UK, May 4, 2001).
- Commented on Database Protection presentation by D. Karjala, Boston University Conference on Bioinformatics (BU School of Law, April 27, 2001).
- Presented “Non-Property Alternatives to Copyright”, Intellectual Property Speakers Series, Cardozo School of Law, Yeshiva University (NYC, April 23, 2001).
- Served as Commentator, CONFERENCE ON COPYRIGHT LAW AS COMMUNICATIONS POLICY: CONVERGENCE OF CULTURES AND PARADIGMS, Cardozo School of Law, Yeshiva University (NYC, April 2, 2001).
- Gave a talk entitled, “Commodification, Copyright, and Political Morality,” to the Australian National University Faculty of Law (Canberra, Australia, December 15, 2000).
- Gave a talk to the Copyright Society of Australia on “The Economics of Copyright & Fair Use in the Digital Environment” with Prof. Megan Richardson (Sydney, Australia, December 13, 2000).
- Gave a public lecture entitled, “The Intellectual Property Genesis Tale: Some Revisions,” at the University of Toronto Faculty of Law, sponsored by the Centre for Innovation Law and Policy and as part of their Special Lecture Series (Toronto, Canada, October 2, 2000).
- Gave the Closing Speech to the University of Maastricht SEMINAR ON INTELLECTUAL PROPERTY LAW AND COMPETITION, entitled “From Prisoner’s Dilemma to Data Protection” (Maastricht, The Netherlands, July 5, 2000).
- Presented public lecture on “Price Discrimination: Implications for the Computer, Contracts and the Internet” at Brooklyn Law School (Scholar in Residence, Brooklyn Law School, NY, in April 2000).
- Gave the Special Guest Lecture, “Intellectual Property as Price Discrimination: Implications for Contract”, at the Midterm Meeting of the Erasmus Program in Law & Economics (University of Ghent, Centre for Advanced Studies in Law and Economics, February 18, 2000).
- Participated in the N.Y.U. LAW-OXFORD UNIVERSITY INSTITUTE: Emerging Issues in a Global Information Society (New York University School of Law, February 12, 2000).
- Presented “Intellectual Property as Price Discrimination: Implications for Contract”, at Griffith University Faculty of Law, Nathan Campus (Queensland, Australia, December 21, 1999.)

- Presented “Of Computers, Contract and Copyright,” at Princeton University, co-sponsored by the University Center for Human Values and its Center for Arts and Cultural Policy Studies (Princeton, NJ, November 30, 1999).
- Spoke on “Reconsidering the Private Law/Public Law Distinction in relation to Copyright” to the Private Law Reading Group, University of Oxford (Oxford, UK, November 17, 1999).
- Presented “Restitution as a Doctrinal Underpinning for Copyright Law,” to the Seminar, INTELLECTUAL PROPERTY IN THE NEW MILLENNIUM, at the University of Oxford Intellectual Property Research Center (Oxford, UK, October 12, 1999).
- Spoke on “Economic Analysis of Database Protection,” at the Fordham /Queen Mary Westfield Intellectual Property Symposium, DATABASE PROTECTION: CURRENT DEVELOPMENTS AND PROBLEMS IN EUROPE, THE USA AND WIPO, held at the Chartered Institute of Patent Agents (London, UK, October 8, 1999).
- Presented “Of Computers, Copyright and Contract”; gave a tutorial on Privacy and Intellectual Property; and chaired a panel, all at ETHICOMP 99: INTERNATIONAL CONFERENCE ON THE SOCIAL AND ETHICAL IMPACTS OF INFORMATION AND COMMUNICATION TECHNOLOGIES (Luiss Guido Carli University, Rome, Italy, October 5-6, 1999).
- Presented "Touring the Certainties of Property and Restitution: A Journey to Copyright and Parody" to the faculty workshop of the University of San Diego School of Law (San Diego, CA, on August 5, 1999).
- Delivered remarks, “Commodification: Insights for Intellectual Property drawn from Recent Theories of Commodification,” at the CONFERENCE ON THE COMMODIFICATION OF INFORMATION (University of Haifa, Israel, May 30, 1999).
- Delivered a Keynote address, “Applying Prisoner’s Dilemma to Copyright in the Computer Context,” to the AUSTRALASIAN INTELLECTUAL PROPERTY CONFERENCE: THE PROTECTION OF INTELLECTUAL PROPERTY IN THE DIGITAL AGE; also participated in a Panel Session on Fair Use (Coolangatta, Australia, March 5, 1999).
- Organized and moderated the panel, "Harms and Benefits", culminating in the joint program of the Section on Remedies and the Section on Intellectual Property, AALS Annual Meeting (New Orleans, LA, January 9, 1999).
- Presented "Pre-Emption and the Public Interest: Of Computers, Copyright, and Contract" to the M.I.T. Research Program on Communications Policy, Cambridge Roundtable seminar (Cambridge, MA, January 6, 1999).
- Delivered two lectures, "Introduction to Intellectual Property in the U.S." and "The Economics of the Fair Use Doctrine in the U.S.," to the program Magister Lucentinus, University Master of Intellectual Property, Universidad de Alicante (Alicante, Spain, November 20, 1998).
- Delivered Lecture, "Aristotelian Certainties and the Uncertain Economics of Fair Use", as part of the series, DES CERTITUDES DU DROIT, at the University of Montreal (Canada, November 19, 1998).

- Spoke on "Market Failure and the Fair Use Doctrine" at the Northwestern University School of Law, ELEVENTH SYMPOSIUM ON INTELLECTUAL PROPERTY LAW AND THE CORPORATE CLIENT (Chicago, IL, October 7, 1998).
- Spoke on "Contract and Property on the Web: Revisiting the Public/Private Distinction," at the TANGLED WEB CONFERENCE ON INTERNET ETHICS (Dartmouth College, NH, August 9, 1998).
- Presented "An Argument for the Logical Primacy of Restitution over Property," at the INTERNATIONAL CONFERENCE ON RESTITUTION (University of Tel Aviv, Israel, May 27, 1998).
- Spoke on "Should There Be a Tort of Misappropriation" (with Dr. Ansgar Ohly of Munich's Max Planck Institute and moderated by Dr. Michael Spence of Oxford) at St. Catherine's College, University of Oxford (Oxford, UK, November 24, 1997).
- Spoke on "Recent Issues of Copyright -- An American Perspective" to members of the Bar and public at the Brisbane Inns of Court (Queensland, Australia, August 14, 1997); spoke on "Fair Dealing and Fair Use in Modern Copyright Law: Lessons for Australia," at the University of Melbourne with Prof. Pamela Samuelson (Melbourne, Australia, August 11, 1997).
- Delivered two guest lectures on copyright to students of the Intellectual Property program of the University of Victoria Faculty of Law (British Columbia, Canada, July 15 - 16, 1997).
- Participated in the American Law Institute Ad Hoc Group on drafting a new RESTATEMENT OF RESTITUTION (Philadelphia, PA, on June 26-27, 1997).
- Presented "Systemic and Case-by-Case Responses to Failures in Markets" (with application to the issues of investigative journalism raised by the *Food Lion* case) to the Olin Law & Economics Workshop (University of Toronto, Canada, March 19, 1997).
- Chaired panel, "On-Line Speech", Telecommunications Policy Research Conference (October 7, 1996).
- Presented work on Intellectual Property to the New York University School of Law COLLOQUIUM ON INNOVATION (January 16, 1997) and to faculty workshops at the Northwestern University School of Law (September 26, 1996), the Boston University School of Law (September 19, 1996), and the University Of Pennsylvania School of Law (April 7, 1994).
- Presented a Lecture, "Ethics and Economics: Implications for Intellectual Property," at Wayne State University as contribution to their interdisciplinary program; in that connection I also gave workshop presentations at Wayne's Philosophy Department (on property theory) and Economics Department (on compulsory licensing), and in addition gave a presentation on 'the economics of integrity rights' to a law school class (Detroit, MI, October 16-17, 1995).
- Presented "Enforcing Coasian Bribes for Non-Price Benefits" at the panel on Contracts at the Fifth Annual Meeting of the American Law and Economic Association (Berkeley, CA, May 12, 1995).
- Presented "A Comment on 'Legal Hybrids'" at the conference, TOWARD A THIRD INTELLECTUAL PROPERTY PARADIGM, at Columbia University (NY, April 22, 1994).
- Moderated the panel on "Property Rights in Art" at The Herbert Tenzer Memorial Conference,

COPYRIGHT IN THE TWENTY-FIRST CENTURY at Yeshiva University, Cardozo School of Law (NY, April 12, 1994).

- Presented “Property and Tort Responses to Failures in Copyright Markets” to the 4TH TRAVEMÜNDE CONFERENCE ON LAW & ECONOMICS (Travemünde, Germany, March 26, 1994).
- Delivered the 1993 BAUER LECTURE, “What's Art Got to Do With It?” at Yeshiva University, Cardozo School of Law (NY, November 30, 1993).
- Delivered “Intellectual Property and Corrective Justice” as the FIFTH ANNUAL EDWARD J. BLOUSTEIN LECTURE IN JURISPRUDENCE, co-sponsored by two Rutgers units, the School of Law-Newark and the Graduate Program in Philosophy of the Graduate School-New Brunswick (Newark, NJ, April 17, 1991).

- **OTHER:**

Courses taught include: Copyright; Intellectual Property Theory; Unfair Trade & Trademark; Intellectual Property Workshop (seminar on current IP scholarship); Intellectual Property Survey; Law, Language & Literature (co-taught with critic Sir Christopher Ricks); Copyright and Rhetoric (co-taught with Shakespearean actor Jonathan Epstein); Jurisprudence; Philosophic Problems in Patent and Copyright; Torts; Advanced Torts; Theory of Torts & Property; Problems in Property (co-taught with Philosophy professor Aaron Garrett); Negotiation; Seminar on Harm and Benefit; Law & Economics.

Bar admissions: State of Connecticut, the District of Columbia, and the United States Court of Appeals for the Second Circuit.

[3/1/2017]