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New York University School of Law
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New York, NY 10012
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EMPLOYMENT

New York University School of Law, New York, NY
John M. Desmarais Professor of Intellectual Property Law, 2013-present
Professor of Law, 2009-2013

Yale Law School, New Haven, CT
Anne Urowsky Visiting Professor of Law, 2011

Stanford Law School, Stanford, CA
Visiting Professor of Law, 2009

Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY
Professor of Law, 2008-2009
Associate Professor of Law, 2006-2008
Assistant Professor of Law, 2003-2006
Visiting Professor of Law, 2001

Hon. Denise Cote, United States District Court for the Southern District of New York
Law Clerk, 2002

EDUCATION

Yale Law School, J.D., 2001
Senior Editor, *Yale Law Journal*
Articles Editor, *Yale Journal of Law & the Humanities*

Princeton University, Ph.D. (English), 1998
Whiting Fellow in the Humanities
Deutscher Akademischer Austausch Dienst Scholar, Universität Regensburg,
Regensburg, Germany

University of Chicago, B.A. with Honors, Phi Beta Kappa, 1992
David Blair McLaughlin Prize 1989 for Essay in Literary Criticism
John Rogers Snowday Prizes 1989 & 1990 for Essays in Literary Criticism
Trinity College, Cambridge University, 1990-1991

PUBLICATIONS

Books

Trademark Law: An Open-Source Casebook (2014-2016), available at www.tmcasebook.org under a Creative Commons BY-NC-SA license

The Luxury Economy and Intellectual Property: Critical Reflections (Oxford, 2015) (edited with Haochen Sun & Madhavi Sunder)

Trademark Law, Unfair Competition, and Business Torts (Aspen, 2011) (with Thomas Cotter, Mark Lemley, Peter Menell & Robert Merges)

Articles

Bleistein, the Problem of Aesthetic Progress, and the Making of American Copyright Law, 117 *Columbia Law Review* __ (2017) (forthcoming)

Intellectual Property Law and the Sumptuary Code, 123 *Harvard Law Review* 809 (2010)

- Translated by Tomoko Nanbu and reprinted in 35 *Intellectual Property Law and Policy Journal* (Hokkaido University) 315 (2011)

An Empirical Study of U.S. Copyright Fair Use Opinions, 1978-2005, 156 *Pennsylvania Law Review* 549 (2008)

- Translated by Iwao Kidokoro and reprinted in 21 *Intellectual Property Law and Policy Journal* (Hokkaido University) 117 (2008)

An Empirical Study of the Multifactor Tests for Trademark Infringement, 95 *California Law Review* 1581 (2006)

Search and Persuasion in Trademark Law, 103 *Michigan Law Review* 2020 (2005)

- Selected for presentation at the Stanford/Yale Junior Faculty Forum 2005
- Recommended Reading, Long Articles, Exemplary Legal Writing 2005, *The Green Bag Almanac & Reader* 2006
- Reprinted in *Intellectual Property and Information Wealth* (Peter K. Yu ed., 2006)

The Semiotic Analysis of Trademark Law, 51 *UCLA Law Review* 621 (2004)

- Selected for presentation at the Stanford/Yale Junior Faculty Forum 2003

Chapters

Design Protection Law, in *The Oxford Handbook of Intellectual Property Law* (Rochelle Dreyfuss & Justine Pilla eds., 2017) (forthcoming)

Empirical Studies of Trademark Law, in *Research Handbook on the Economics of Intellectual Property Law: Volume II. Analytical Methods* (Peter Menell and David Schwartz, eds., 2017) (forthcoming)

The Suppressed Misappropriation Origins of Trademark Antidilution Law: the Landgericht Elberfeld's *Odol* Decision and Frank Schechter's *The Rational Basis of Trademark Protection*,

in *Intellectual Property at the Edge: The Contested Contours of IP* (Rochelle Dreyfuss & Jane Ginsburg eds., 2015)

Canada and United States of America, in *Study on Misappropriation of Signs* 69 (Committee on Development and Intellectual Property, World Intellectual Property Organization, March 14, 2012, CHIP/9/INF/5)

The Semiotic Account of Trademark Doctrine and Trademark Culture, in *Trademark Law and Theory: A Handbook of Contemporary Research* 42 (Graeme B. Dinwoodie & Mark D. Janis eds.) (Edward Elgar Publishers, 2008) (adapted from *The Semiotic Analysis of Trademark Law*, 51 *UCLA Law Review* 621 (2004))

Invited Symposium Contributions

Shanzhai, Sumptuary Law, and Intellectual Property Law in Contemporary China, 47 *U.C. Davis L. Rev.* 849 (2014)

Fair Use and Legal Futurism, 24 *Law & Literature* 10 (2013)

Tiffany and Rosetta Stone: Intermediary Liability in U.S. Trade Mark Law, 41 *CIPA Journal* 192 (2012)

Is the Trademark Office a Rubber Stamp?, 48 *Houston Law Review* 752 (2012)

Does Judicial Ideology Affect Copyright Fair Use Outcomes?: Evidence From the Fair Use Case Law, 31 *Columbia Journal of Law & the Arts* 517 (2008)

- Reprinted in *Fair Use* (Audhi Narayana Vavili ed., 2008)

The Continuing Debacle of U.S. Antidilution Law: Evidence from One Year of Trademark Dilution Revision Act Case Law, 24 *Santa Clara Computer & High Technology Law Journal* 449 (2008)

A Defense of the New Federal Trademark Antidilution Law, 17 *Fordham Intellectual Property, Media & Entertainment Law Journal* 1143 (2006)

- Reprinted as A Defense of the Trademark Dilution Revision Act of 2006 in *Trade Mark: Concept and Context* (A.V. Narsimha Rao ed., 2008)

Shorter Works

Practitioner's Summary of Results Reported in *An Empirical Study of U.S. Fair Use Opinions, 1978-2005*, in *Practising Law Institute, Advanced Seminar on Copyright Law 2008*, at 11, PLI Order No. 14793 (2008)

Reply to Alan Audi, *A Semiotics of Cultural Property Argument*, 14 *International Journal of Cultural Property* 156 (2007)

Parental Initiative in the Age of Signal Bleed, 109 *Yale Law Journal* 627 (1999)

Law's Empire and the Final Frontier: Legalizing the Future in the Early *Corpus Juris Spatialis*, 108 *Yale Law Journal* 1737 (1999)

SELECTED PRESENTATIONS

- 2016 Conference of the Society for Institutional & Organizational Economics, Sciences Po, Paris
ISTHIP Workshop, University of Glasgow
Intellectual Property Scholars Conference, Stanford Law School
- 2015 Goethe-Universität Frankfurt am Main - Exzellenzcluster Normative Ordnungen Towards an Ethics of Copying, Zentrum für interdisziplinäre Forschung, Universität Bielefeld
Intellectual Property Scholars Conference, DePaul University College of Law
IPR University Center, Hanken School of Economics, Helsinki
International Trademark Association Annual Meeting, San Diego
Fair Use in the Digital Age Conference, University of Washington School of Law
New York City Bar Association, Copyright & Literary Property Committee
Works-in-Progress Intellectual Property Colloquium, United States Patent and Trademark Office
- 2014 Oxford IP Conversazione, University of Oxford Faculty of Law
McCarthy Institute Trademark Roundtable, Rhodes House, University of Oxford
Ninth Annual Intellectual Property Lecture, University of Cambridge
Faculty Workshop, University of Tulsa College of Law
Faculty Workshop, Colorado Law, University of Colorado
- 2013 IPR University Center, University of Helsinki
Hanken School of Economics Doctoral Research Seminar
Humanities in the European Research Area, University of Amsterdam
Faculty Workshop, Maurice A. Dean School of Law, Hofstra University
IP Theory Colloquium, University of Pennsylvania School of Law
- 2012 Brand New World Conference, University of California Davis School of Law
Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)
Law and Information Technology Workshop, Faculty of Law, Tel Aviv University
Intellectual Property Scholars Conference, Stanford Law School
Fourth Annual ISHTIP Workshop, London School of Economics
Faculty Workshop, Boston University School of Law
Oxford Intellectual Property Research Centre, University of Oxford
Tri-State Conference on Intellectual Property, Fordham University School of Law
Keynote, Charting the New Frontiers of Intellectual Property Protection of Luxury Goods Conference, University of Hong Kong Faculty of Law
Copyright Society of the U.S.A. Annual Meeting
Los Angeles Copyright Society
Institute of Brand and Innovation Law, University College, London
European Intellectual Property Institutes Network Conference, Munich Intellectual Property Law Center
International Trademark Association Annual Conference
- 2011 UCLA Entertainment, Media & IP Workshop
Intellectual Property Scholars Conference, DePaul University School of Law

Institute for Intellectual Property & Information Law, University of Houston Law Center
IP Speakers Series, University of Pennsylvania Law School
Boston Intellectual Property Speakers Series, Northeastern University Law School
Centre d'Études Internationales de la Propriété Intellectuelle, Université de Strasbourg

- 2010 Trademark Law Institute, Vrije Universiteit Amsterdam
Bits Without Borders Conference, Michigan State University College of Law
Keynote, Multi-Agential Governance and the Idea of Intellectual Property: Between Market and Other Social Values Conference, Hokkaido University School of Law
International Trademark Association Trademark Scholarship Symposium
Copyright Society of the U.S.A.
Pitt Law Distinguished Intellectual Property Law Lecture, University of Pittsburgh School of Law
Advanced Intellectual Property Law Seminar, Harvard Law School
- 2009 Faculty Workshop, Cornell Law School
ETH Zurich
European Policy for Intellectual Property Workshop on Trade Marks and Trade Mark Data
McCarthy Institute Distinguished Lecture, University of San Francisco School of Law
Innovation Law & Theory Workshop, University of Toronto Faculty of Law
Thomas Jefferson School of Law Faculty Workshop
- 2008 New Developments in IP Conference, Fordham Law School
State Bar of California 33rd Annual Intellectual Property Institute
Léger Robic Richard Seminar Series in Intellectual Property, Faculty of Law, McGill University
Fair Use: Incredibly Shrinking or Extraordinarily Expanding Symposium, Columbia Law School
- 2007 Trademark Workshop, University of Minnesota Law School
What Ifs Conference, Michigan State University College of Law
Copyright Society of U.S.A.
London School of Economics and Political Science
Trademark Dilution: Theoretical and Empirical Inquiries Conference, Santa Clara University School of Law
- 2006 NALSAR University of Law, Hyderabad
Intellectual Property Scholarship Colloquium, Berkeley Law
Intellectual Property Scholars Conference, Berkeley Law
Faculty Workshop, Hofstra University School of Law
Faculty Workshop, St. John's University School of Law
Rutgers University Center for the Critical Analysis of Contemporary Culture
Section on Intellectual Property, AALS Annual Conference
- 2005 Dai-Ni Tokyo Bar Association, Tokyo
International Business Law Institute, Tokyo

Omiya Law School, Omiya, Japan
Chicago IP Colloquium, Loyola School of Law
Stanford/Yale Junior Faculty Forum
Intellectual Property Workshop, University of Michigan Law School
Law & Society Association Conference (1998, 2004)
Center for Media and Communication Studies, Central European University,
Budapest
Faculty Workshop, Cleveland-Marshall College of Law
Intellectual Property Workshop Series, The George Washington University School of
Law
Tulane University School of Law Works-in-Progress Intellectual Property
Colloquium
Stanford/Yale Junior Faculty Forum
Conference on Media and the Protection of Children, Fundação Luso-Americana,
Lisbon

TEACHING

Best Professor Award, Cardozo Law School, 2008

Courses

Trademark Law: Fall 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2012, 2013, 2014,
2016; Spring 2012

Theories of Intellectual Property Law: Fall 2016

Trademark Law Seminar: Fall 2001; Spring 2004, 2005, 2006

Advanced Trademark Law: Spring 2012, 2013, 2014, 2015

Copyright Law: Spring 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2015

Copyright Law Seminar: Spring 2001

Survey of Intellectual Property Law: Fall 2011; Spring 2013

Intellectual Property Law and Globalization Seminar: Fall 2006, 2007, 2008

International Intellectual Property Law: Spring 2014

Innovation Law Colloquium: Spring 2010, 2011

International Teaching

Instructor, Centre d'Études Internationales de la Propriété Intellectuelle, Université de
Strasbourg, Spring 2013, Spring 2014

Instructor, Hanken School of Economics, Helsinki, 2013-2015

Visiting Professor, Faculty of Law, Hebrew University, Jerusalem, Fall 2014

Instructor, State Intellectual Property Office, People's Republic of China, Summer 2007

Visiting Professor, Munich Intellectual Property Law Center, Summer 2006

SERVICE

Co-Director, Engelberg Center on Innovation Law & Policy

Appointments Committee, 2006-2007, 2007-2008; Academic Personnel Committee 2012-2013

Lawyering Steering Committee, 2011-2012, 2013-2014

Adjunct Review Committee, 2009-2010, 2016-17

PROFESSIONAL ACTIVITIES

Special Master, *Louis Vuitton Malletier v. Dooney & Bourke, Inc.*, No. 04 Civ. 2990 (SAS) (S.D.N.Y.) (5/2007-6/2007) (with Prof. Daniel J. Capra), Report and Recommendation of the Special Masters included in *Louis Vuitton Malletier v. Dooney & Bourke, Inc.*, 525 F.Supp.2d 558 (S.D.N.Y. 2007)

OTHER POSITIONS HELD

Debevoise & Plimpton, New York, NY, Summer Associate, 1999

Katz, Friedman, Schur & Eagle, Chicago, IL, Law Clerk, 1998

Coudert Brothers, New York, NY, Legal Assistant, 1995-1996

Department of English, Princeton University, Preceptor, 1994-1995