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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](http://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

Are We Running Out of Trademarks? An Empirical Study of Trademark Depletion and Congestion, 131 *Harvard Law Review* \_\_ (forthcoming 2018) (with Jeanne Fromer)

The Scope of Strong Marks: Should Trademark Law Protect the Strong More than the Weak?, 92 *New York University Law Review* (forthcoming 2018) (with Scott Hemphill)

*Bleistein*, the Problem of Aesthetic Progress, and the Making of American Copyright Law, 117 *Columbia Law Review* 319 (2017)

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)

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., 2018) (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