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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,  
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, University of Cambridge, 1990-1991

## PUBLICATIONS

### Books

*Trademark Law: An Open-Source Casebook* (2014-2019), 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

Testing for Trademark Dilution in Court and the Lab, 86 *University of Chicago Law Review* 611 (2019) (with Roy Germano, Christopher Jon Sprigman, & Joel Steckel)

Are We Running Out of Trademarks? An Empirical Study of Trademark Depletion and Congestion, 131 *Harvard Law Review* 945 (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* 1339 (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

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., 2019) (forthcoming)

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

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

What Trademark Law is Learning From the Right of Publicity, 42 *Columbia Journal of Law & the Arts* 389 (2019)

*Star Athletica* and the Problem of Panaestheticism, 9 *Irvine Law Review* 75 (2019)

Shanzhai, Sumptuary Law, and Intellectual Property Law in Contemporary China, 47 *U.C. Davis Law Review* 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 *Trademark Dilution: Applications and Implications* (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)

### **Amicus Briefs**

Brief for Professors Barton Beebe and Jeanne Fromer as Amici Curiae Supporting Respondent, *Iancu v. Brunetti*, No. 18-302, \_\_ S. Ct. \_\_ (June 24, 2019) (cited in *Iancu v. Brunetti*, No. 18-302, slip op. at 6 (U.S. June 24, 2019))

### **SELECTED PRESENTATIONS**

- 2019 Inaugural Distinguished Visitor in Intellectual Property Lecture, Faculty of Law, National University of Singapore  
50th Anniversary Distinguished Lecture Series, University of Hong Kong Faculty of Law  
Duke University School of Law Faculty Workshop
- 2018 Intellectual Property Owners Annual Conference, Chicago  
Research Seminar, J. Mack Robinson College of Business, Georgia State University  
Texas Law IPST Workshop, University of Texas, Austin  
Munich Summer Institute 2018  
Intellectual Property Scholars Conference, University of California, Berkeley
- 2017 Keynote Address, Intellectual Property Law Annual Conference: The Discursive Turn in Copyright, UC Irvine School of Law  
Vanderbilt Law School Faculty Workshop  
Munich Summer Institute 2017  
Intellectual Property Scholars Conference, Cardozo Law School
- 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, 2017, 2018

Theories of Intellectual Property Law: 2016

Trademark Law Seminar: 2001, 2004, 2005, 2006

Advanced Trademark Law: Spring 2012, 2013, 2014, 2015, 2018, 2019

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

Copyright Law Seminar: 2001

Survey of Intellectual Property Law: 2011, 2013

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

International Intellectual Property Law: 2014

Innovation Law Colloquium: 2010, 2011, 2018, 2019

### **International Appointments and Teaching**

Visiting Fellow, Merton College, University of Oxford, 2016

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

Co-Director, Competition, Innovation, and Information Law LL.M. Program

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

Chair, Academic Careers Program, 2018-19

Lawyering Steering Committee, 2011-2012, 2013-2014

Adjunct Review Committee, 2009-2010, 2016-17, 2017-18, 2018-19

## 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

## JUDICIAL AND ADMINISTRATIVE CITATIONS

*Trademark Law: An Open-Source Casebook* (2014-2019)

- *Paleteria La Michoacana, Inc. v. Productos Lacteos Tocumbo S.A. De C.V.*, 743 F. App'x 457, 462 (D.C. Cir. 2018)

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

- *We Shall Overcome Found. v. The Richmond Org., Inc.*, No. 16 Civ. 2725, 2017 WL 3981311, at \*11 (S.D.N.Y. Sept. 8, 2017)

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

- *Gen. Motors Co. v. Urban Gorilla, LLC*, No. 06 Civ. 00133, 2010 WL 5395065, at \*9 & \*16 (D. Utah Dec. 27, 2010)

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

- *Levingston v. Earle*, No. 12 Civ. 08165, 2014 WL 1246369, at \*2 (D. Ariz. Mar. 26, 2014)



- *Sony BMG Music Entm't v. Tenenbaum*, 672 F. Supp. 2d 217, 221 (D. Mass. 2009)
- *Peteski Prods., Inc. v. Rothman*, 264 F. Supp. 3d 731, 739 (E.D. Tex. 2017)

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

- *Int'l Info. Sys. Sec. Certification Consortium, Inc. v. Sec. Univ., LLC*, No. 10 Civ. 01238, 2014 WL 3891287, at \*10 (D. Conn. Aug. 7, 2014)
- *USA Nutraceuticals Grp., Inc. v. Musclempharm Corp.*, No. 11 Civ. 80960, 2012 WL 13019035, at \*3 (S.D. Fla. May 17, 2012)
- *Am. Mensa, Ltd. v. Inpharmatica, Ltd.*, No. 07 Civ. 3283, 2008 WL 11363280, at \*10 (D. Md. Nov. 6, 2008)
- *Emerald City Mgmt., LLC v. Kahn*, No. 14 Civ. 358, 2016 WL 98751, at \*11 (E.D. Tex. Jan. 8, 2016)
- *Bd. of Regents, Univ. of Texas Sys. ex rel. Univ. of Texas at Austin v. KST Elec., Ltd.*, 550 F. Supp. 2d 657, 679 (W.D. Tex. 2008)
- *Research in Motion Ltd. v. Defining Presence Mktg. Grp., Inc. & Axel Ltd. Co.*, 102 U.S.P.Q.2d 1187, 1197 (T.T.A.B. 2012) (precedential)
- *Nat'l Pork Bd. & Nat'l Pork Producers Council v. Supreme Lobster & Seafood Co.*, 96 U.S.P.Q.2d 1479, 1497 (T.T.A.B. 2010) (precedential)

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

- *Oriental Fin. Grp., Inc. v. Cooperativa de Ahorro y Crédito Oriental*, 832 F.3d 15, 26 (1st Cir. 2016)
- *Uber Promotions, Inc. v. Uber Techs., Inc.*, 162 F. Supp. 3d 1253, 1265 (N.D. Fla. 2016)

Brief for Professors Barton Beebe and Jeanne Fromer as Amici Curiae Supporting Respondent, *Iancu v. Brunetti*, No. 18-302, \_\_ S. Ct. \_\_ (June 24, 2019)

- *Iancu v. Brunetti*, No. 18-302, slip op. at 6 (U.S. June 24, 2019)