

Curriculum Vitae

Michael J. Madison

University of Pittsburgh School of Law
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Current Academic Appointment

University of Pittsburgh School of Law

Associate Dean for Research, January 2006-present

Professor of Law, 2008-present

Associate Professor, 2004-2008; Assistant Professor, 2000-2004; Visiting Assistant Professor, 1998-2000

Principal subjects: Intellectual Property, Contracts and Commercial Law, and Law and Technology

Courses include: Copyright Law, Trademark Law, Contracts, Patent Law, Intellectual Property (survey), Foundations of Intellectual Property (seminar), Electronic Commerce, Legal Process, Property, and Secured Transactions

Other Academic Appointments

George Washington University Law School

Faculty, Munich IP Summer Program, Summers of 2009, 2008, and 2006

Washington University School of Law

Visiting Assistant Professor, Summer 2002

Harvard Law School

Climenko Fellow, January 1997 through July 1998

Honors and Awards

University of Pittsburgh Chancellor's Distinguished Teaching Award (2009)

Research Interests

Intellectual property law (copyright, trademark, patent, and trade secret law), legal issues involving new technologies and media, and institutions and new forms of social order.

Education and Honors

Stanford Law School, J.D., 1987
Graduated with Distinction
Stanford Law Review, Assistant Managing Editor, Vol. 39

Yale University, B.A., *magna cum laude*, in Political Science, 1983
Graduated with Distinction in the Major
National Merit Scholar

Books and Book Chapters

THE LAW OF INTELLECTUAL PROPERTY (with Craig Allen Nard & David Barnes) (and Teachers' Manual and website at <http://www.ipcasebook.com>) (Aspen Publishers, Second Edition 2009)

Creativity and Craft, in CREATIVITY, LAW AND ENTREPRENEURSHIP (Robin Paul Malloy & Shubha Ghosh eds.) (forthcoming, Edward Elgar Publishing, 2010)

Open Secrets, in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH (Rochelle C. Dreyfuss & Katherine J. Strandburg, eds.) (forthcoming, Edward Elgar Publishing, 2010)

Fair Use and Social Practices, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH 177-199 (Peter Yu ed., 2006)

Articles and Essays

Information Governance
Working Paper (2010)

Why is Use Fair?
Forthcoming, J. COPYRIGHT SOC'Y (U.S.A.) (2010)

Beyond Creativity: Copyright as Knowledge Law, Forthcoming, 12 VANDERBILT J. ENT. & TECH. L. (2010)

Constructing Commons in the Cultural Environment: A Theoretical Framework and Research Agenda
Forthcoming, 95 CORNELL L. REV. (2010) (with Brett M. Frischmann & Katherine J. Strandburg)

Of Coase and Comics, or the Comedy of Copyright
95 VA. L. REV. IN BRIEF 27- 42 (2009)

Notes on a Geography of Knowledge
77 FORDHAM L. REV. 2038-2085 (2009)

Articles and Essays (continued)

The University as Constructed Cultural Commons

30 WASHINGTON UNIVERSITY J.L. & POL'Y 365-406 (2009) (with Brett M. Frischmann & Katherine J. Strandburg)

IP and Americana, or Why Intellectual Property Gets the Blues

18 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 677-710 (2008)

Writing to Learn Law and Writing in Law: An Intellectual Property Illustration

52 ST. LOUIS U. L.J. 823-41 (2008)

The Idea of the Law Review: Scholarship, Prestige, and Open Access,

10 LEWIS & CLARK L. REV. 901-924 (2006)

Social Software, Groups, and Governance

2006 MICH. ST. L. REV. 153-191

Metaphor, Objects, and Commodities

54 CLEV. ST. L. REV. 141-174 (2006) (with George Taylor)

Law as Design: Objects, Concepts, and Digital Things

56 CASE W. RES. L. REV. 381-478 (2005)

Rewriting Fair Use and the Future of Copyright Reform

23 CARDOZO ARTS & ENT. L.J. 391-418 (2005)

A Pattern-Oriented Approach to Fair Use

45 WM. & MARY L. REV. 1525-1690 (2004)

The Narratives of Cyberspace Law (or, Learning from Casablanca)

27 COLUM. J. L. & ARTS 249-275 (2004)

Reconstructing the Software License

35 LOY. U. CHI. L.J. 275-340 (2003)

Rights of Access and the Shape of the Internet

44 B.C. L. REV. 433-507 (2003)

Where Does Creativity Come From? and Other Stories of Copyright

53 CASE W. RES. L. REV. 747-765 (2003)

Complexity and Copyright in Contradiction

18 CARDOZO ARTS & ENT. L. J. 125-174 (2000)

Legal-Ware: Contract and Copyright in the Digital Age

67 FORDHAM L. REV. 1025-1143 (1998)

Other Publications

The Legitimacy of Open Source and Other Software Licenses
9 J. INTERNET L. 1 (2005)

The Lawyer as Legal Scholar (book review of *Academic Legal Writing*, by Eugene Volokh)
65 U. PITT. L. REV. 63-81 (2003)

What's My Copy Right?
48 J. COPYRIGHT SOC'Y (U.S.A.) 787-794 (2001)

Scholarly Presentations

Gift and Ownership in Popular Music
Invited presenter, Conference on Music and Cultural Rights, University of Pittsburgh
Department of Music, Pittsburgh, PA, December 2009

Recovering Copyright as a System for Knowledge
Invited presenter, Drawing Lines in the Digital Age: Copyright, Fair Use, and
Derivative Works, Vanderbilt University Law School, Nashville, TN, October 2009

The University as Constructed Cultural Commons
Invited presenter, Law and New Institutional Economics Workshop for Law
Professors, University of Colorado Law School, Boulder, CO, June 2009

The Entrepreneurship Commons
Invited presenter, Digital Entrepreneurship Symposium, West Virginia University
College of Law, Morgantown, WV, March 2009

Open Secrets
Invited presenter, Workshop on Trade Secrecy, New York University School of Law,
New York, NY, February 2009

Notes on a Geography of Knowledge
Invited presenter, When Worlds Collide: Intellectual Property Laws at the Interface
Between Systems of Knowledge Creation Symposium, Fordham University School
of Law, New York, NY, October 2008

Notes on a Geography of Knowledge
Faculty Workshop, Brooklyn Law School, Brooklyn, NY, October 2008

Constructing Commons in the Cultural Environment
Presenter, Intellectual Property Scholars Conference, Stanford Law School, Stanford,
CA, August 2008

Scholarly Presentations (continued)

Constructing Commons in the Cultural Environment

Invited presenter, Conference on Science and Technology Studies and Intellectual Property Law, UC Berkeley & Stanford Law Schools, St. Helena, CA, May 2008

The University as Constructed Cultural Commons

Invited presenter, Open Source and Proprietary Models of Innovation: Beyond Ideology, Washington University School of Law, St. Louis, MO, April 2008

Information Governance

Faculty Workshop, Lewis & Clark Law School, Portland, OR, January 2008

Information Governance

Invited presenter, Conference on Information Convergence, John Marshall Law School, Chicago, IL, November 2007
(remarks published at 25 JOHN MARSHALL J. COMP. & INFO. L. 673 (2008))

Information Governance

Invited presenter, Entertainment, Media & Intellectual Property Colloquium, UCLA School of Law, Los Angeles, CA, October 2007

Information Governance

Faculty Workshop, Santa Clara University School of Law, Santa Clara, CA, October 2007

Information Governance

Faculty Workshop, Thomas Jefferson School of Law, San Diego, CA, October 2007

Information Governance

Faculty Workshop, Boston College Law School, Boston, MA, September 2007

Constructing Commons in the Cultural Environment

Presenter, Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, August 2007

Information Governance

Invited Presenter, Yale Law School Information Society Project Speaker Series, New Haven, CT, April 2007

What if the Ancient Romans Had Invented the Printing Press?

Invited presenter, What Ifs, and Other Alternative Intellectual Property and Cyberlaw Stories, Michigan State University College of Law, East Lansing, MI, March 2007

Scholarly Presentations (continued)

Information Form and Flow

Invited presenter, George Washington University Law School: IP Series,
Washington, DC, November 2006

IP, Pooling Arrangements, and Constructed Environments

Presenter, Works in Progress Intellectual Property Colloquium, University of
Pittsburgh School of Law, Pittsburgh, PA, October 2006

The Idea of the Law Review: Scholarship, Prestige, and Open Access

Invited presenter, Lewis & Clark Law School Symposium on Open Access
Publishing and the Future of Legal Scholarship, Portland, OR, March 2006

Social Software and a Framework for Information Governance

Invited presenter, Stanford Law School Center for Internet and Society Speaker
Series, Stanford, CA, January 2006

The Knowledge Problem in Patent Law

Presenter, Works in Progress Intellectual Property Colloquium, Washington
University School of Law, St. Louis, MO, October 2005

Social Software, Groups, and Law

Presenter, Association for the Study of Law, Culture & Humanities Annual Meeting,
Austin, TX, March 2005

Fair Use and the Future of Copyright Reform

Faculty Workshop, Marquette University Law School, Milwaukee, WI, March 2005

Fair Use and the Future of Copyright Reform

Invited presenter, Modest Proposals 2.0, Benjamin N. Cardozo School of Law,
Yeshiva University, New York, NY, February 2005

Social Software, Groups, and Law

Invited presenter, Symposium on Real Law and Online Rights, Virginia Journal of
Law & Technology, University of Virginia, Charlottesville, VA, February 2005

Information Markets, Humanism, and the Intellectual Property Apocalypse

Presenter, Works in Progress Intellectual Property Colloquium, Boston University
School of Law, Boston, MA, September 2004

Rights and Things

Presenter, Fourth Annual Intellectual Property Scholars Conference, DePaul
University College of Law, Chicago, IL, August 2004

Rights and Things

Presenter, Law and Society Association Annual Meeting, Chicago, IL, May 2004

Scholarly Presentations (continued)

Rights and Things

Presenter, Intellectual Property & Communications Law and Policy Scholars
Roundtable, Michigan State University-DCL College of Law, East Lansing, MI,
February 2004

A Pattern-Oriented Approach to Fair Use

Invited presenter, Penn-Temple-Wharton Colloquium, Philadelphia, PA, November
2003

A Pattern-Oriented Approach to Fair Use

Presenter, Tulane Law School Works-in-Progress Intellectual Property Colloquium,
New Orleans, LA, October 2003

Private Rules and Public Order

Presenter, Law and Society Association Annual Meeting, Pittsburgh, PA, June 2003

Reconstructing the Software License

Invited presenter, Loyola Law School Chicago Conference on the Internet and
Governance, Chicago, IL, March 2003

Rights of Access and the Shape of the Internet

Invited presenter, Chicago Intellectual Property Colloquium, Chicago-Kent College
of Law, Chicago, IL, January 2003

Rights of Access and the Shape of the Internet

Invited presenter, Boston College Intellectual Property, the Internet & E-Commerce
Conference, Boston, MA, October 2002

Where Does Copyright Come From?

Invited presenter, Case Western Reserve Conference on *New York Times v. Tasini* and
Beyond, Cleveland, OH, November 2002

The Fairness of File Sharing

Invited presenter, Penn-Temple-Wharton IP Colloquium, Philadelphia, PA,
November 2002

The Fairness of File Sharing

Presenter, Cardozo Intellectual Property Scholars Conference, New York, New
York, NY, August 2002

Other Invited Presentations

The Future of Legal Scholarship

American University Washington College of Law, Washington, DC, January 2010

Other Invited Presentations (continued)

IP Pedagogy

2009 IP Scholars Roundtable, Drake University Law School, Des Moines, IA,
February 2009

Free and Open Source: Next Generation Issues

AALS Annual Meeting Section on Law and Computers, San Diego, CA, January
2009

Advice to Junior IP Scholars

2009 IP Scholars Roundtable, Drake University Law School, Des Moines, IA,
February 2008

Copyright in Context

University of Houston Law Center Institute for Information and Intellectual
Property Law, Santa Fe, NM, June 2007 (Conference Fellow)

Workshop on Intellectual Property

American Association of Law Schools 2006 Mid-Year Meeting, Vancouver, British
Columbia, June 2006 (presenter, Plenary Session: Teaching Students to Practice
Intellectual Property; commentator on paper by Professors Meurer & O'Rourke)

Con/Texts of Invention: A Working Conference of the Society for Critical Exchange

Case Western Reserve University, Cleveland, OH, April 2006 (Panel chair and
commentator on presentations on Open Source, Free Software, Creative Commons)

Conference on Technology for Life and Living

University of Pittsburgh Institute on Aging, Pittsburgh, PA, October 2005
(commentator on The Impact and Ethics of Innovation for Older Adults)

W(h)ither the Middleman: The Role and Future of Intermediaries in the Information Age

Michigan State University College of Law, Lansing, MI, April 2005

Untold Stories: Creative Consequences of the Rights Clearance Culture

American University Washington College of Law, Washington, DC, November 2004

Conference on Current Controversies in Medical Ethics

UPMC Health System/University of Pittsburgh School of Medicine, Pittsburgh, PA,
April 2003 (commentator on Genetic Ownership: Property and the Human Body)

*Consumers in the Digital Age: Perspectives on the Intersection between Law, Technological Innovation and
Consumer Protection*

University of California Hastings College of the Law, San Francisco, CA, February
2001

Other Invited Presentations (continued)

Beyond Napster: Debating the Future of Copyright on the Internet
American University Washington College of Law, Washington, DC, November 2000
(remarks published at 50 American U. L. Rev. 363 (2000))

Presentations to Professional Organizations

Pittsburgh: Past, Present and Future of an American City
Morgen/Tomorrow: International Urban Planning Congress Amsterdam,
Amsterdam, The Netherlands, October 2009

Digital Rights Management
Pennsylvania Bar Institute Internet Update 2007, Pittsburgh, PA, April 2007

The Legal Implications of Engaging Outsiders into Business Communities
Community 2.0 Conference, Las Vegas, NV, March 2007

Claim Construction: How Claim Construction is Determined in a Patent Case at a Trial Court Level
AIPLA Annual Meeting, Washington, DC, October 2005 (moderator)

Local Patent Rules for the Western District of Pennsylvania
Pennsylvania Bar Institute, Pittsburgh, PA, September 2005

Claim Construction After Phillips
Pennsylvania Bar Institute, Pittsburgh, PA, August 2005

Symposium on Emerging Intellectual Property Issues
Southern Methodist University, Dedman School of Law, Dallas, TX, March 2005

The State of the Software License
American Intellectual Property Law Association Annual Meeting, Washington, DC,
October 2003

Enforcement of Shrink-Wrap and Click-Wrap Agreements
The 17th Annual Intellectual Property Law Conference, American Bar Association
Section of Intellectual Property Law, Washington DC, April 2002

Solving the Legal Issues Affecting B2B Transactions
Practicing Law Institute, Washington DC, April 2001

Other Professional Employment

Gray Cary Ware & Freidenrich (now part of DLA Piper)
Palo Alto, CA, 1992-1996

Other Professional Employment (continued)

Shartsis, Friese & Ginsburg (now known as Shartsis Friese)
San Francisco, CA, 1987-1992

Professional Activities

Professional Service

Executive Committee, American Association of Law Schools Section on Intellectual Property (2008)

Organizer, *Works in Progress Intellectual Property (WIPIP) Colloquium*, University of Pittsburgh School of Law, October 2006

Professional Service

Co-organizer, *Where IP Meets IP: Technology and the Law Symposium*, University of Pittsburgh School of Law, March 2005

Chair, American Association of Law Schools Section on Law and Computers (2005)

Member, Legal Advisory Board, Documentary Filmmakers' Statement of Best Practices in Fair Use, American University Center for Social Media (<http://centerforsocialmedia.org/rock/backgrounddocs/bestpractices.pdf>) (2005)

Committee Member, Code of Best Practices in Fair Use for Online Video, American University Center for Social Media (http://centerforsocialmedia.org/resources/online_video) (2008)

Member, Legal Advisory Board, The Code of Best Practices in Fair Use for Media Literacy Education, American University Center for Social Media (http://www.centerforsocialmedia.org/resources/publications/code_for_media_literacy_education) (2008)

Member, Legal Advisory Board, The Code of Best Practices in Fair Use of Dance-Related Materials, Dance Heritage Coalition (http://www.danceheritage.org/publications/DHC_fair_use_statement.pdf) (2009)

Member, Legal Advisory Board, The Code of Best Practices in Fair Use for OpenCourseWare, American University Center for Social Media (http://www.centerforsocialmedia.org/resources/publications/code_of_best_practices_in_fair_use_for_opencourseware1/) (2009)

Advisory Committee to the Western District of Pennsylvania for Intellectual Property Cases (2004-present)

Professional Activities (continued)

Professional Service

Ad Hoc Committee of the Pittsburgh Intellectual Property Law Association on Local Patent Rules for the Western District of Pennsylvania (2003-04)

Referee and Reviewer, Yale University Press, Oxford University Press, *The Information Society*; *Jurimetrics*; *The Journal of Information Technology and Politics*; *The Handbook of Information Security* (H. Bidgoli, ed., 2005); *The Internet Encyclopedia* (H. Bidgoli, ed., 2004)

Webmaster, AALS Section on Intellectual Property Law (2007-present)
(<http://madisonian.net/ipsection/index.htm>)

University of Pittsburgh School of Law

Director, University of Pittsburgh School of Law Certificate in Intellectual Property and Technology Law (2002 (inaugural Director)-2005); Acting Director (2007-2008)

Co-organizer, *Where IP Meets IP: Technology and the Law Symposium*, University of Pittsburgh School of Law, March 2005

Faculty Advisor, University of Pittsburgh School of Law Giles Sutherland Rich Memorial Moot Court Team and Cardozo/BMI Entertainment and Communications Law Moot Court Team (1998-2008)

Faculty Advisor, *University of Pittsburgh Law Review* (2008-present); *University of Pittsburgh School of Law Journal of Technology Law & Policy* (1999-present)

Faculty Advisor, Joint JD/MS Degree Program at the University of Pittsburgh School of Law and the H. John Heinz III School of Public Policy and Management, Carnegie Mellon University (2008-present)

Faculty Advisor, University of Pittsburgh School of Law Student Intellectual Property Law Association (1999-present); Sports and Entertainment Law Society (2003-present)

Colloquium Committee (2001-2003; Chair, 2002-2003, 2007-present); Petitions and Academic Standards Committee (Chair, 2003-2004); Library and Technology Committee (Chair, 2004-05); Appointments Committee (2006-2007, 2005-2006); Ad Hoc Committee on the Appointments Process (2007-2008); Budget and Planning Committee (2008-present); Legal Education Initiatives Committee (Co-Chair, 2009-2010)

Professional Activities (continued)

University of Pittsburgh

Invited Commenter, Scholarly Publishing: Today and Tomorrow: What You Need to Know, University Senate Spring Plenary Session, March 2009

Invited Presenter, *Creating a Realistic Business Environment*, Today's Vision, Tomorrow's Realities: Commercializing Academic Innovation, University Senate Spring Plenary Session, March 2006

University of Pittsburgh University Research Council (2003-2005)

Chair, University of Pittsburgh Central Research Development Fund Small Grants Program Social Sciences and Humanities Committee (2005)

Member, Provost's Advisory Council on Instructional Excellence (2009-present)

Affiliate, The Sara Fine Institute: Dedicated to Exploring the Intersection of Interpersonal Behavior and Technology (2007-present)

Professional Memberships

American Intellectual Property Law Association; American Bar Association (Section of Litigation, Section of Intellectual Property Law, Section of Science and Technology Law); Pittsburgh Intellectual Property Law Association (Chair, Program Committee (2004-05), Board of Managers (2005-2007))

Selected Volunteer Service

Board of Governors, Association of Yale Alumni (2004-present; Secretary, 2007-2008; Vice-Chair, 2008-present); present and prior service on Boards of Directors of the Yale Club of Pittsburgh, the Yale Club of Silicon Valley, and the Yale Club of San Francisco

Weblogs

Madisonian.net, a weblog about law, society, and technology (<http://madisonian.net>) (founder and editor) (2004-present)

Pitt Law Faculty Blog, a weblog that chronicles the scholarly activities of the faculty of the University of Pittsburgh School of Law (<http://pittlawfaculty.net>) (founder and editor) (2006-present)

IP and IT Conferences, a weblog that produces a calendar of academic conferences on information technology law and policy (<http://madisonian.net/conferences>) (founder and editor) (2006-present)

Professional Activities (continued)

Weblogs

Pittsblog, a weblog about economic development in Pittsburgh and Western Pennsylvania (<http://pittsblog.blogspot.com>) (founder and editor) (2004-present)

Blog-Lebo, a weblog about community events and local politics in Mt. Lebanon, PA (<http://boglebo.blogspot.com>) (founder and editor) (2005-2009)

Bar Admissions

State of California (1987)

Supreme Court of the United States (1999)

United States Court of Appeals for the Ninth Circuit (1987)

United States District Courts for the Northern, Eastern, and Central Districts of California (1987)

Last updated: February 2010