

## **Michael J. Madison**

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### **Education**

Stanford Law School, Stanford, CA, J.D., with Distinction, 1987

Yale University, New Haven, CT, B.A., *magna cum laude*, in Political Science, 1983

### **Faculty Appointments**

University of Pittsburgh, Pittsburgh, PA

Professor of Law, 2008-present

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

Courses (for academic credit): Copyright Law, Trademark Law, Patent Law, Intellectual Property (survey), Foundations of Intellectual Property (seminar); Contracts; Property; Secured Transactions

Course (extracurricular/volunteer): Innovation Practice Institute Leadership Forum

Munich Intellectual Property Law Center, Max Planck Institute for Innovation and Competition (Max-Planck-Institut für Innovation und Wettbewerb), Munich, Germany

Visiting Professor, George Washington University Law School Summer IP

Program, Summer 2006, Summers 2008-2014

Course: Theoretical Foundations of Intellectual Property / Philosophical Foundations of Intellectual Property

Vincent and Elinor Ostrom Workshop in Political Theory and Policy Analysis, University of Indiana  
Bloomington, Bloomington, IN

Affiliate Faculty, November 2013-present

Washington University, St. Louis, MO

Visiting Assistant Professor of Law, Summer 2002

Course: Intellectual Property

Harvard University, Cambridge, MA

Climenko Fellow, Harvard Law School, January 1997-July 1998

Course: Lawyering

### **Leadership and Administrative Appointments**

University of Pittsburgh, Pittsburgh, PA

Senior Scholar and Academic Director, University of Pittsburgh Institute for Cyber Law, Policy, and Security, August 2017-present

Faculty Director, Innovation Practice Institute, January 2011-present

Associate Dean for Research, January 2006-December 2010

### **Honors and Awards (Academic)**

John E. Murray Faculty Scholar, University of Pittsburgh School of Law, 2017-present

American Law Institute, elected member, 2016

University of Pittsburgh Buchanan Ingersoll & Rooney Faculty Scholar Award, 2012

Fellow, Educating Tomorrow's Lawyers (<http://educatingtomorrowlawyers.du.edu/course-portfolios/detail/copyright-law>) (2012-present)

University of Pittsburgh Chancellor's Distinguished Teaching Award, 2009

#### **Honors and Awards (Volunteer)**

The Yale Medal, awarded by the Association of Yale Alumni for service to Yale University, 2014

Association of Yale Alumni Leadership Award for Volunteer Innovation and Service, 2013

#### **Officer and Advisory Positions (Academic)**

Master, Q. Todd Dickinson American Inn of Court, 2012-present

Advisor, American Bar Association Section of Intellectual Property Law, Joint Task Force on On-Line Piracy and Counterfeiting Legislation, 2012-2014

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

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

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

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

Legal Advisory Boards, Statements of Best Practices in Fair Use, American University Center for Media and Social Impact (<http://www.cmsimpact.org/fair-use>) (Documentary Filmmakers, 2005; Online Video, 2008; Media Literacy Education, 2008; Dance-Related Materials, 2009; OpenCourseWare, 2009; Scholarly Research in Communication, 2010; Poetry, 2011; Academic and Research Libraries, 2012; Journalism, 2013; Collections Containing Orphan Works for Libraries, Archives and other Memory Institutions, 2014)

#### **Officer and Advisory Positions (Volunteer)**

Chair, Board of Governors, Association of Yale Alumni, 2010-2012 (Board member, 2004-2014; Immediate Past Chair, 2012-2014; Vice-Chair, 2008-2010; Secretary, 2007-2008)

#### **Research Interests**

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

Co-founder, Workshop on Governing Knowledge Commons, a collaborative, interdisciplinary research network (2013-present)

#### **Books**

GOVERNING MEDICAL KNOWLEDGE COMMONS (Cambridge University Press, 2017) (editor, with Brett M. Frischmann & Katherine J. Strandburg)

GOVERNING KNOWLEDGE COMMONS (Oxford University Press, 2014) (editor, with Brett M. Frischmann & Katherine J. Strandburg)

THE LAW OF INTELLECTUAL PROPERTY (Aspen Law & Business, 5th ed. 2017) (and Teachers' Manual, and website at <http://www.ipcasebook.com>) (with Craig Allen Nard & Mark McKenna)

### **Book Chapters**

*Knowledge Commons and the Road to Medical Commons; The Knowledge Commons Framework; and Governing Knowledge Commons: An Appraisal*, in GOVERNING MEDICAL KNOWLEDGE COMMONS (Katherine J. Strandburg, Brett M. Frischmann, and Michael J. Madison eds.) (Cambridge University Press, 2017) (with Brett M. Frischmann & Katherine J. Strandburg)

*Information Abundance and Knowledge Commons*, in USER GENERATED LAW: RE-CONSTRUCTING INTELLECTUAL PROPERTY LAW IN A KNOWLEDGE SOCIETY (Thomas Riis ed.) (Edward Elgar Publishing, 2016)

*Understanding Access to Things: a Knowledge Commons Perspective*, in INTELLECTUAL PROPERTY AND ACCESS TO IM/MATERIAL GOODS (Jessica Lai & Antoinette Maget Dominicé eds.) (Edward Elgar Publishing, 2016)

*Governing Knowledge Commons and Conclusion*, in GOVERNING KNOWLEDGE COMMONS (Brett M. Frischmann, Michael J. Madison & Katherine J. Strandburg eds.) (Oxford University Press, 2014) (with Brett M. Frischmann & Katherine J. Strandburg)

*Commons at the Intersection of Peer Production, Citizen Science, and Big Data: Galaxy Zoo*, in GOVERNING KNOWLEDGE COMMONS (Brett M. Frischmann, Michael J. Madison & Katherine J. Strandburg eds.) (Oxford University Press, 2014)

*Contrasts in Innovation: Pittsburgh Then and Now* in INNOVATION AND ENTREPRENEURSHIP IN EVOLVING ECONOMIES: THE ROLE OF LAW 111-155 (Megan Carpenter ed.) (Edward Elgar Publishing, 2012)

*Constructing Commons in the Cultural Environment*, in COMMONS. FÜR EINE NEUE POLITIK JENSEITS VON MARKT UND STAAT (Silke Helfrich/Heinrich-Böll-Stiftung (Hg.)) (transcript –Verlag, 2012) (published in English as THE WEALTH OF THE COMMONS: A WORLD BEYOND MARKET & STATE (David Bollier & Silke Helfrich eds., 2012) (with Brett M. Frischmann & Katherine J. Strandburg)

*Creativity and Craft*, in CREATIVITY, LAW AND ENTREPRENEURSHIP 22-48 (Shubha Ghosh & Robin Paul Malloy eds.) (Edward Elgar Publishing, 2011)

*Open Secrets*, in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH 222-245 (Rochelle C. Dreyfuss & Katherine J. Strandburg eds.) (Edward Elgar Publishing, 2011)

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

### **Articles and Essays**

*IP Things as Boundary Objects: The Case of the Copyright Work*, LAWS 2017 [DOI FORTHCOMING]

*Authority and Authors and Codes*, 84 GEO. WASH. L. REV. 1616-1643 (2016)

*Leading New Lawyers: Leadership and Legal Education*, 83 TENN. L. REV. 751-769 (2016)

*Innovators, Esq.: Training the Next Generation of Lawyer Social Entrepreneurs*, 83 UMKC L. REV. 967-989 (2015) (with Stephanie A. Dangel)

*The End of the Work as We Know It*, 19 J. INTELL. PROP. L. 325-55 (2012)

*Madisonian Fair Use*, 30 CARDOZO ARTS & ENT. L.J. 39-51 (2012)

- Knowledge Curation*, 86 NOTRE DAME L. REV. 1957-1998 (2011)
- Beyond Invention: Patent as Knowledge Law*, 15 LEWIS & CLARK L. REV. 71-108 (2011)
- Some Optimism About Fair Use and Copyright Law*, 57 J. COPYRIGHT SOC'Y U.S.A. 351-370 (2010)
- Beyond Creativity: Copyright as Knowledge Law*, 12 VANDERBILT J. ENT. & TECH. L. 817-851 (2010)
- Reply: The Complexity of Commons*, 95 CORNELL L. REV. 839-850 (2010) (with Brett M. Frischmann & Katherine J. Strandburg)
- Constructing Commons in the Cultural Environment*, 95 CORNELL L. REV. 657-709 (2010) (with Brett M. Frischmann & Katherine J. Strandburg)
- Of Coase and Comics, or the Comedy of Copyright*, 95 VA. L. REV. ONLINE 27-42 (2009)
- Notes on a Geography of Knowledge*, 77 FORDHAM L. REV. 2038-2085 (2009)
- 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)
- The Lawyer as Legal Scholar*, 65 U. PITT. L. REV. 63-81 (2003) (book review of *Academic Legal Writing*, by Eugene Volokh)
- 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**

*What is Cyberlaw, or There and Back Again* (article review), JOTWELL, December 9, 2016  
(<http://cyber.jotwell.com/what-is-cyberlaw-or-there-and-back-again/>)

*Data for Peace: The Future of the Internet of Things* (article review), JOTWELL, January 7, 2016  
(<http://cyber.jotwell.com/data-for-peace-the-future-of-the-internet-of-things/>)

*"They're Coming to Get You, Barbara"* (article review), JOTWELL, January 12, 2015  
(<http://cyber.jotwell.com/theyre-coming-to-get-you-barbara/>)

*What's So Special About Information Security* (article review), JOTWELL, December 13, 2013  
(<http://cyber.jotwell.com/whats-so-special-about-information-security/>)

*Book Review, How to Fix Copyright*, by William Patry, 3 THE IP LAW BOOK REVIEW 29 (2013)

*Tattoo You* (article review), JOTWELL, January 23, 2013  
(<http://ip.jotwell.com/tattoo-you/>)

*Law and Borders, Revisited* (article review), JOTWELL, January 4, 2012 (<http://cyber.jotwell.com/law-and-borders-revisited/>)

*Exploring Legitimacy in Internet Institutions* (book chapter review), JOTWELL, December 10, 2010  
(<http://cyber.jotwell.com/exploring-legitimacy-in-internet-institutions/>)

*Straight Talk About Game Gods* (article review), JOTWELL, October 27, 2009  
(<http://cyber.jotwell.com/joshua-fairfields-the-god-paradox/>)

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

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

### **Working Papers (unpublished manuscripts)**

*Preparing for Service: A Template for 21st Century Legal Education*, available at <http://ssrn.com/abstract=2646931> (Aug. 12, 2015)

*Lost Classics of Intellectual Property Law*, available at <http://ssrn.com/abstract=2475883> (Aug. 1, 2014)

*Visions of the Future of (Legal) Education*, available at <http://ssrn.com/abstract=2412238> (Mar. 20, 2014)

### **Works in Progress**

GOVERNING UNIVERSITY KNOWLEDGE COMMONS (draft book manuscript)

*Knowledge Commons*, in RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (Vol. II – Analytical Methods) (Peter Menell & David Schwartz, eds.) (forthcoming, Edward Elgar Publishing 2017) (with Brett M. Frischmann & Katherine J. Strandburg)

*The Football as Intellectual Property Object*, in A HISTORY OF INTELLECTUAL PROPERTY IN 50 OBJECTS (Claudy Op Den Kamp & Dan Hunter, eds.) (forthcoming, Cambridge University Press 2018)

*Biobanks as Knowledge Institutions*, in GLOBAL GENES, LOCAL CONCERNS: LEGAL, ETHICAL AND SCIENTIFIC CHALLENGES IN INTERNATIONAL BIOBANKING (Timo Minssen, Janne Rothmar Herrmann & Jens Schovsbo, eds.) (forthcoming, Edward Elgar Publishing 2018)

*Knowledge Law* (draft article and book manuscript)

*Laws of the Game: Who Owns Soccer?* (draft article)

*Things as Governance* (draft article)

*Knowledge as Governance* (draft article)

*Fantastic Fair Use and Where to Find It* (draft article)

### **Published Presentations**

*Information Governance*, 25 J. MARSHALL J. COMPUTER & INFO. L. 673-679 (2009)

*Beyond Napster: Debating the Future of Copyright on the Internet*, 50 AMERICAN U. L. REV. 363-387 (2000)

### **Scholarly Presentations**

#### **2017**

*Governing University Knowledge Commons*, Ninth Annual Workshop of the International Society for the History and Theory of Intellectual Property (ISHTIP), University of Toronto Faculty of Law, Toronto, Canada, July 2017

*Three Things About Things*, The Art and Science of the IP Deal, University of Washington School of Law, Seattle, WA, April 2017

*Authority and Authors and Codes*, 2017 Lastowka Cyberlaw Colloquium, Villanova University Charles Widger School of Law, Villanova, PA, February 2017

#### **2016**

*Patterns and Fair Use in Copyright 2: The Sequel*, Copyright in the Public Interest: A Conference Reflecting on the Scholarship of Peter Jaszi, American University Washington College of Law, Washington DC, November 2016

*Governing Medical Knowledge Commons*, University of Cambridge, Faculty of Law, Centre for Intellectual Property and Information Law, Cambridge, UK, October 2016

*Copyright in the Era of Big Data*, Institute for European Studies, Vrije Universiteit Brussel (Free University of Brussels), Brussels, Belgium, October 2016

*Governing Knowledge Commons*, International Association for the Study of Commons (IASC) Third Thematic Conference on Knowledge Commons (keynote), Paris, France, October 2016

*Information Abundance and Knowledge Commons*, Munich Summer Institute, Max Planck Institute for Innovation and Competition, Munich, Germany, June 2016

*Governing Medical Commons*, 8th Conference on Innovation and Communications Law, University of Eastern Finland (UEF) Law School, Joensuu, Finland, May 2016

*Governing Medical Commons*, Centre for Information and Innovation Law (CIIR) Update on current intellectual property research, University of Copenhagen, Copenhagen, Denmark, May 2016

*Big Data and Commons Challenges for Researchers*, University of Copenhagen Program on Global Genes, Local Concerns Conference: Legal dimensions of Big Data in the Health and Life Sciences – from intellectual property rights and global pandemics to privacy and ethics, Copenhagen, Denmark, May 2016

*Laws of the Game: Who Owns Soccer?*, Intellectual Property in All the New Places Symposium, Texas A&M University School of Law, Fort Worth, TX, April 2016

*Laws of the Game: Who Owns Soccer?*, University of Indiana Indianapolis Robert H. McKinney School of Law Center for Intellectual Property Law and Innovation Distinguished Lecture Series, Indianapolis, IN, March 2016

Commentary, Symposium on International and Comparative User Rights in the Digital Economy, American University, Washington College of Law, Washington DC, March 2016

## **2015**

*Authority and Authorship*, George Washington Law Review Symposium on Hacking into the Computer Fraud and Abuse Act: The CFAA at 30, George Washington University Law School, Washington, DC, November 2015

*Universities as Commons*, University of Akron School of Law Second Annual David & Ann Brennan IP Scholars Roundtable, Akron, OH, October 2015

Commentary, Public Interest Copyright Advocacy and Fair Use Education: 1995-2015, American University, Washington College of Law, Washington, DC, September 2015

*Governing Knowledge Commons*, Max Planck Institute for Innovation and Competition and Munich Intellectual Property Law Center, Munich, Germany, June 2015

*Governing Knowledge Commons*, Bucerius Law School DLA Piper IP Lecture Series, Hamburg, Germany, June 2015

*Governing Knowledge Commons*, University of Amsterdam Institute for Information Law (IViR), Amsterdam, The Netherlands, May 2015

*Governing Knowledge Commons*, University of Leuven Centre for Global Governance Studies, Leuven, Belgium, May 2015

*Governing Knowledge Commons*, Innovation Law Beyond Intellectual Property 2 Conference, Yale University, New Haven, CT, March 2015

*Innovation Institutions: A Field Guide to Contemporary IP Research and Practice*, University of Connecticut School of Law, Hartford, CT, February 2015

*Access as Knowledge Commons*, Conference: Access to Material and Immaterial Goods, University of Luzern, Luzern, Switzerland, January 2015

## **2014**

*Governing Knowledge Commons*, Creativity Without Law Symposium, Case Western Reserve University School of Law, Cleveland, OH, November 2014

*Governing Knowledge Commons*, BookIT IP Series, Chicago-Kent College of Law, Illinois Institute of Technology, Chicago, IL, October 2014

*A Theory of Things*, Intellectual Property Scholars Conference, University of California Berkeley School of Law, Berkeley, CA, August 2014

*The Knowledge Commons Concept*, Workshop on the Ostrom Workshop (WOW) 5, Indiana University, Bloomington, IN, June 2014

*Managing Commons*, Conference on IP Governance by Private Collective Entities, University of Copenhagen Centre for Information and Innovation Law, Copenhagen, Denmark, March 2014

*Knowledge Law: An Introduction and Overview*, Cyberlaw Colloquium, The Wharton School, University of Pennsylvania, Philadelphia, PA, February 2014

*The Future of Things: The Copyright Work as Legal Object*, Cardozo Law School Intellectual Property and Information Law Colloquium, Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY, February 2014

### **2013**

*Commons at the Intersection of Peer Production, Citizen Science, and Big Data: Galaxy Zoo*, RAND Corporation, Pittsburgh, PA, November 2013

*Commons at the Intersection of Peer Production, Citizen Science, and Big Data: Galaxy Zoo*, The Vincent and Elinor Ostrom Workshop in Political Theory and Policy Analysis, Indiana University Bloomington, Bloomington, IN, October 2013

*Knowledge Law: An Introduction and Overview*, Intellectual Property Scholars Conference, New York, NY, August 2013

*The Future of Things: The Copyright Work as Legal Object*, Faculty Workshop, Suffolk University Law School, Boston, MA, March 2013

### **2012**

*The Future of Things: The Copyright Work as Legal Object*, Conference on Searching for the Boundaries of Intellectual Property Law, University of Hong Kong, Hong Kong, December 2012

*The Future of Things: The Copyright Work as Legal Object*, Faculty Workshop, Brooklyn Law School, Brooklyn, NY, November 2012

Commentary, *Owning e-Sports: Proprietary Rights in Professional Computer Gaming*, Symposium: The Evolving Internet, University of Pennsylvania Law School, Philadelphia, PA, October 2012

*The Future of Things: The Copyright Work as Legal Object*, Faculty Workshop, McGill University, Center for Intellectual Property Policy, Montreal, Quebec, Canada, October 2012

*Constructing Commons in Intellectual Resources*, The 1st Global Thematic Conference on the Knowledge Commons, International Association for the Study of Commons (IASC), Université catholique de Louvain, Louvain-la-Neuve, Belgium, September 2012

*Works/Things*, Fourth Annual Workshop of the International Society for the History and Theory of Intellectual Property (ISHTIP), London School of Economics, London, England, June 2012

*Astrocommons and the Evolving Futures of Scientific Research*, Boston University School of Law, Boston, MA, April 2012

*The End of the Work as We Know It*, University of Georgia Journal of Intellectual Property Law Conference, Athens, GA, March 2012

*Astrocommons and the Evolving Futures of Scientific Research*, Google, Inc., Mountain View, CA, January 2012

### **2011**

*Astrocommons and the Evolving Futures of Scientific Research*, Faculty Workshop, Earle Mack School of Law, Drexel University, November 2011



*Astrocommons and the Evolving Futures of Scientific Research*, Convening Cultural Commons Workshop, NYU School of Law, New York, NY, September 2011

*IP and Knowledge*, Workshop on Progressive Property IV, McGill University Faculty of Law, Montreal, Quebec, Canada, May 2011

**2010**

*Commons and Knowledge Curation*, Symposium on Creativity and the Law, University of Notre Dame Law School, South Bend, IN, November 2010

*Constructing Commons in the Cultural Environment*, H. John Heinz III College Faculty Research Seminar Series, Carnegie Mellon University, Pittsburgh, PA, November 2010

*Constructing Commons in the Cultural Environment*, Oxford Intellectual Property Seminar Series, St. Peter's College, University of Oxford, Oxford, UK, May 2010

*Beyond Creativity: What Copyright Ignores*, History of Art and Architecture Colloquium, University of Pittsburgh, Pittsburgh, PA, April 2010

*Constructing Commons in the Cultural Environment*, Association for Law, Property and Society, Annual Meeting, Washington, DC, March 2010

**2009**

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

*Recovering Copyright as a System for Knowledge*, 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*, Law and New Institutional Economics Workshop for Law Professors, University of Colorado Law School, Boulder, CO, June 2009

*Open Source Licenses and the Boundaries of Knowledge Production*, Torys Speaker Series in Law & Technology, University of Ottawa, Faculty of Law, Ottawa, Ontario, March 2009

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

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

**2008**

*Notes on a Geography of Knowledge*, 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*, Intellectual Property Scholars Conference, Stanford Law School, Stanford, CA, August 2008

*Constructing Commons in the Cultural Environment*, 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*, Symposium: 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

**2007**

*Information Governance*, Conference on Information Convergence, John Marshall Law School, Chicago, IL, November 2007

*Information Governance*, 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*, 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*, Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, August 2007

*Information Governance*, Yale Law School Information Society Project Speaker Series, New Haven, CT, April 2007

*What if the Ancient Romans Had Invented the Printing Press?*, Conference: What Ifs, and Other Alternative Intellectual Property and Cyberlaw Stories, Michigan State University College of Law, East Lansing, MI, March 2007

**2006**

*Information Form and Flow*, George Washington University Law School: IP Series, Washington, DC, November 2006

*IP, Pooling Arrangements, and Constructed Environments*, 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*, Lewis & Clark Law School Symposium on Open Access Publishing and the Future of Legal Scholarship, Portland, OR, March 2006 [delivered *in absentia*]

*Social Software and a Framework for Information Governance*, Stanford Law School Center for Internet and Society Speaker Series, Stanford, CA, January 2006

**2005**

*The Knowledge Problem in Patent Law*, Works in Progress Intellectual Property Colloquium, Washington University School of Law, St. Louis, MO, October 2005

*Social Software, Groups, and Law*, 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*, Symposium: Modest Proposals 2.0, Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY, February 2005

*Social Software, Groups, and Law*, Symposium on Real Law and Online Rights, Virginia Journal of Law & Technology, University of Virginia, Charlottesville, VA, February 2005

#### **2004**

*Information Markets, Humanism, and the Intellectual Property Apocalypse*, Works in Progress Intellectual Property Colloquium, Boston University School of Law, Boston, MA, September 2004

*Rights and Things*, Fourth Annual Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, August 2004

*Rights and Things*, Law and Society Association Annual Meeting, Chicago, IL, May 2004

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

#### **2003**

*A Pattern-Oriented Approach to Fair Use*, Penn-Temple-Wharton Colloquium, Philadelphia, PA, November 2003

*A Pattern-Oriented Approach to Fair Use*, Tulane Law School Works-in-Progress Intellectual Property Colloquium, New Orleans, LA, October 2003

*Private Rules and Public Order*, Law and Society Association Annual Meeting, Pittsburgh, PA, June 2003

*Reconstructing the Software License*, Loyola Law School Chicago Conference on the Internet and Governance, Chicago, IL, March 2003

*Rights of Access and the Shape of the Internet*, Chicago Intellectual Property Colloquium, Chicago-Kent College of Law, Chicago, IL, January 2003

#### **2002**

*Rights of Access and the Shape of the Internet*, Boston College Intellectual Property, the Internet & E-Commerce Conference, Boston, MA, October 2002

*Where Does Copyright Come From?*, Conference on *New York Times v. Tasini* and Beyond, Case Western Reserve University School of Law, Cleveland, OH, November 2002

*The Fairness of File Sharing*, Penn-Temple-Wharton IP Colloquium, Philadelphia, PA, November 2002

*The Fairness of File Sharing*, Cardozo Intellectual Property Scholars Conference, New York, New York, NY, August 2002

### **Other Invited Presentations**

#### **2017**

*Junior Scholars in IP Workshop, Invited Reviewer and Commentator*, Michigan State University College of Law, East Lansing, MI, May 2017

*What is Law School For? Teaching Through a Paradigm Shift*, the 2017 Vincent C. Immel Lecture on Teaching Law, St. Louis University School of Law, St. Louis, MO, April 2017 (text available at <http://madisonian.net/2017/05/01/the-future-of-law-teaching/>)

Comment on Lawrence Liang, *Erotic Encounters of an Extra Judicial Kind*, University of Pittsburgh Department of English & Asian Studies Center Speakers Series, Pittsburgh, PA, January 2017

Comment on Johanna Hartelius, *The Infrastructural Commons: The Creative Commons Licenses*, University of Pittsburgh Humanities Center Colloquium, Pittsburgh, PA, January 2017

**2016**

*Digital Badging*, Learning Outcomes for Hire, 5th Annual Educating Tomorrow's Lawyers Conference, Denver, CO, September 2016

*Leading New Lawyers*, University of Tennessee College of Law, Institute for Professional Leadership Symposium on Professional Leadership Education, Knoxville, TN, April 2016

**2015**

Commentary, *What's Wrong with Copying?* Drassinower Book Roundtable, University of Notre Dame Law School, South Bend, IN, October 2015

Commentary, Global Legal Developments: Pitt Law Faculty and Friends Discuss Recent Issues on the 20th Anniversary of the Center for International Legal Education, University of Pittsburgh School of Law, Pittsburgh, PA, September 2015

*Regulating Knowledge: Intellectual Property and the 21st Century University*, Syracuse University Topics in Higher Ed / Future Professoriate Program, Syracuse, NY, March 2015

*Implementing Innovation in Law Schools*, Association of American Law Schools Annual Meeting President's Program, Washington, DC, January 2015

*Thinking Outside the Book*, Association of American Law Schools Annual Meeting Section on Intellectual Property, Washington, DC, January 2015

**2014**

*The Innovation Practice Institute*, Accelerating Competency: Assessment in Legal Education, 3rd Annual Educating Tomorrow's Lawyers Conference, Denver, CO, September 2014

*Writing to Learn in Doctrinal Courses*, Accelerating Competency: Assessment in Legal Education, 3rd Annual Educating Tomorrow's Lawyers Conference, Denver, CO, September 2014

Panel moderator and member, International Scientific Program Committee, The 2nd International Association for the Study of Commons (IASC) Thematic Conference on Knowledge Commons, New York University School of Law, New York, NY, September 2014

**2012**

*Classroom-Based Experiential Teaching: An Intellectual Property Illustration*, McGill University Faculty of Law, Montreal, Quebec, Canada, October 2012

*The Future of Intellectual Property Scholarship*, 31st Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), Chicago, IL, August 2012

*The Challenges of Contemporary Fair Use*, Digital Media @ Pitt (DM@P) Lecture Series, University of Pittsburgh, Pittsburgh, PA, March 2012

*Overcoming Legal and Organizational Barriers to Open Innovation*, Accelerating R&D Excellence through Global Collaboration and Open Innovation, The Katz Graduate School of Business and Echo Strategies, University of Pittsburgh, Pittsburgh, PA, January 2012

**2011**

*Legal Aspects, The Future of Scientific Knowledge Discovery in Open Networked Environments*, Board on Research Data and Information and Computer Science and Telecommunications Board, National Academy of Sciences, Washington, DC, March 2011

**2010**

*Junior Scholars in IP Workshop, Invited Reviewer and Commentator*, Michigan State University College of Law, East Lansing, MI, April 2010

*The Future of Legal Scholarship*, American University Washington College of Law, Washington, DC, January 2010

**2009**

*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

**2008**

*Advice to Junior IP Scholars*, 2009 IP Scholars Roundtable, Drake University Law School, Des Moines, IA, February 2008

**2007**

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

**2006**

*Teaching Students to Practice Intellectual Property*, Plenary session, Workshop on Intellectual Property, Association of American Law Schools 2006 Mid-Year Meeting, Vancouver, British Columbia, Canada, June 2006

**2005**

*Conference on Technology for Life and Living*, University of Pittsburgh Institute on Aging, Pittsburgh, PA, October 2005 (*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, East Lansing, MI, April 2005

**2004**

*Untold Stories: Creative Consequences of the Rights Clearance Culture*, American University Washington College of Law, Washington, DC, November 2004

**2003**

*Conference on Current Controversies in Medical Ethics*, UPMC Health System/University of Pittsburgh School of Medicine, Pittsburgh, PA, April 2003 (commentator, *Genetic Ownership: Property and the Human Body*)

**2001**

*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

**Presentations to Professional Organizations**

*Contrasts in Innovation: Pittsburgh Then and Now*, Pittsburgh Intellectual Property Law Association, Pittsburgh, PA, November 2012

*Freedom of Information in China: Learning from Google's Example*, Allegheny County Bar Association Asian Attorneys Committee, Pittsburgh, PA, May 2010

*Copyright Law*, Internet Law Update, Pennsylvania Bar Institute, Pittsburgh, PA, April 2010

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

*Digital Rights Management*, Internet Law Update, Pennsylvania Bar Institute, 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

*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*, Practising Law Institute, Washington DC, April 2001

### **Conferences Organized**

2016 *Lastowka Cyberlaw Colloquium*, University of Pittsburgh School of Law, Pittsburgh, PA, February 2016

*Medical Commons and User Innovation Workshop*, New York University School of Law Engelberg Center for Innovation Law & Policy, May 2014 (with Katherine J. Strandburg & Brett M. Frischmann)

2012 *Cyberlaw Colloquium*, Berkman Center for Internet & Society, Harvard Law School, Cambridge, MA, May 2012 (with Jonathan Zittrain & Michael Carroll)

*Convening Cultural Commons Workshop*, NYU School of Law Engelberg Center for Innovation Law & Policy, September 2011 (with Katherine J. Strandburg & Brett M. Frischmann)

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

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

### **Graduated PhD students (committee member)**

Alexandre Mateus, Carnegie Mellon University Department of Engineering & Public Policy (EPP), 2011

Jonathan Miller, University of Pittsburgh School of Information Sciences, 2009

### **Other Professional Employment**

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

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

### **Professional Activities and Service**

#### *Peer Review*

Referee and Reviewer, Yale University Press; Oxford University Press; NYU Press, Edward Elgar Publishing; Research Foundation – Flanders, Belgium; *The Information Society* (journal); *Journal of Information Technology & Politics*; *Jurimetrics*

#### *Faculty Service: University of Pittsburgh*

- Data Management/Data Commons Committee, 2016-present
- Patent and Copyright Policy Review Committee, 2015-present
- University Senate Tenure & Academic Freedom Committee subcommittee on social and electronic media, 2014-2015
- University of Pittsburgh Open Access Task Force, 2010-2012
- Provost's Advisory Council on Instructional Excellence, 2009-2012
- 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
- Faculty Affiliate, The Sara Fine Institute: Dedicated to Exploring the Intersection of Interpersonal Behavior and Technology, 2007-present
- Faculty Affiliate, University Center for International Studies, 2007-present
- Presenter, *Scholarly Publishing: Today and Tomorrow: What You Need to Know*, University Senate Spring Plenary Session, March 2009
- Presenter, *Creating a Realistic Business Environment*, Today's Vision, Tomorrow's Realities: Commercializing Academic Innovation, University Senate Spring Plenary Session, March 2006

#### *Faculty Service: University of Pittsburgh School of Law*

- Director, University of Pittsburgh Innovation Concentration (inaugural Director), 2014-present
- Director, University of Pittsburgh School of Law Certificate in Intellectual Property and Technology Law, 2002 (inaugural Director)-2005, 2013-present; Acting Director, 2007-2008
- Committee service: Task Force on Innovation in Legal Education, Chair, 2013-2014; Committee on Assessing Student Learning Outcomes, 2014-2016, Chair, 2014-2015; Curriculum Committee, 2012-2013; Colloquium Committee, 2001-2003, 2007-2010, Chair, 2002-2003, 2007-2010; Petitions and Academic Standards Committee, Chair, 2003-2004; Library and Technology Committee, Chair, 2004-2005; Appointments Committee, 2005-2007, 2013-2014; Ad Hoc Committee on the Appointments Process, 2007-2008; Budget and Planning Committee, 2015-2017, Chair, 2016-2017, 2008-2010; Legal Education Initiatives Committee, Co-Chair, 2009-2010; Writing Awards Committee, 2011-2013, Chair, 2012-2013
- Faculty Advisor, *University of Pittsburgh Law Review*, 2008-present
- Faculty Advisor, *University of Pittsburgh School of Law Journal of Technology Law & Policy*, 1999-present
- 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, 2014-present
- Faculty Advisor, University of Pittsburgh School of Law Student Intellectual Property Law Association, 1999-present; Sports and Entertainment Law Society, 2003-present

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

#### *Professional Memberships and Service*

- Association for Teaching and Research in Intellectual Property (ATRIP)
- American Intellectual Property Law Association
- American Bar Association Section of Intellectual Property Law
- Pittsburgh Intellectual Property Law Association
- Faculty member, 2013 Intellectual Property Academics Boot Camp, University of New Hampshire School of Law, June 2013

#### *Selected Volunteer Service*

- Chair, Board of Governors, Association of Yale Alumni, 2010-2012 (Board member, 2004-2014; Vice-Chair, 2008-2010; Secretary, 2007-2008)
- Member, Development Council, Yale University, 2014-2017
- Member, University Council, Yale University, 2010-2012
- Alumni Counselor, Yale University Presidential Search Committee, Fall 2012
- Chair, Search Committee for the Executive Director of the Association of Yale Alumni, 2015-2016
- Boards of Directors of the Yale Alumni Fund (2010-2012) and Yale Alumni Publications, Inc. (2008-2010)
- Judge, StartUp Weekend Pittsburgh, March 2012
- Youth soccer coach, Mt. Lebanon (PA) Soccer Association (1998-2003), Belmont (MA) Soccer Association (1997-1998), Rockridge (Oakland, CA) Soccer Club (1996)
- Volunteer, Boy Scout Troop 284 (Mt. Lebanon, PA), 2002-2009

#### *Websites, weblogs, and social media*

- *Workshop on Governing Knowledge Commons*, <http://knowledge-commons.net>. Webmaster, 2013-present
- *Innovation Practice Institute*, <http://innovation-practice.net>. Webmaster, 2013-present
- *Madisonian.net*, about law, society, and technology, <http://madisonian.net> and @profmadison (<http://twitter.com/profmadison>). Founder and editor, 2004-present
- *Pitt Law Faculty Blog*, <http://pittlawfaculty.net>. Founder and editor, 2006-2011
- *IP and IT Conferences*, a calendar of academic conferences on intellectual property and information technology law and policy, <http://madisonian.net/conferences>. Founder and editor, 2006-2016
- *Pittsblog*, about economic development in Pittsburgh and Western Pennsylvania, <http://pittsblog.blogspot.com> and @pittsblog (<http://twitter.com/pittsblog>). Founder and editor, 2004-2014
- *Blog-Lebo*, about community events and local politics in Mt. Lebanon, PA, <http://boglebo.blogspot.com>. Founder and editor, 2005-2009
- Occasional guest blogger at *Concurring Opinions*, *The Faculty Lounge*, and *The Conglomerate*
- Webmaster, AALS Section on Intellectual Property Law, 2007-2010

#### **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