

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, Summer 2008 and Summer 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)

Open Secrets, in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH (Rochelle C. Dreyfuss and 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)

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

The University as Constructed Cultural Commons
Forthcoming, WASHINGTON UNIVERSITY J.L. & POL'Y (2008) (with Brett M. Frischmann and 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)

Articles and Essays (continued)

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)

Other Publications (continued)

What's My Copy Right?

48 J. COPYRIGHT SOC'Y (U.S.A.) 787-794 (2001)

Scholarly Presentations

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

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

Scholarly Presentations (continued)

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

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

Scholarly Presentations (continued)

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

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

Scholarly Presentations (continued)

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

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)

Other Invited Presentations

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

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 the Bar and Professional Organizations

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

Presentations to the Bar and Professional Organizations (continued)

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

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

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)

Professional Activities (continued)

Professional Service

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

Member, Legal Advisory Board, The Code of Best Practices of Dance-Related Materials (forthcoming 2009)

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)

Journal Referee, *The Information Society*; *Jurimetrics*; and *The Journal of Information Technology and Politics*

Reviewer, *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)

Professional Activities (continued)

University of Pittsburgh School of Law

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, 2007-2008, 2008-2009); 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 (2008-2009)

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)

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))

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

Professional Activities (continued)

Weblogs

Madisonian.net, a weblog about law, society, and technology (<http://madisonian.net>) (founder and editor) (with Professor Brett Frischmann, Professor Frank Pasquale, Professor Alfred Yen, Professor Greg Lastowka, Professor Ann Bartow, and Professor Deven Desai) (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)

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-present)

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: April 2009