ENGELBERG CENTER
on Innovation Law & Policy

NYU School of Law

2022

CONTENTS

ABOUT THE ENGELBERG CENTER

The Engelberg Center provides a unique environment where scholars and policymakers examine the law and policy that best support innovation. The center has attracted legal scholars and practitioners, government officials, economists, physical scientists, engineers, historians, industry experts, and others who study—theoretically and empirically—the incentives that motivate innovators, how those incentives vary among different types of creative endeavor, and the laws and policies that help or hinder creativity. The Engelberg Center facilitates programming, publications, and other interactions that refine our understanding of the legal and policy implications of this research and that communicate those implications to stakeholders and decision-makers, both nationally and internationally.

In addition to the world-class faculty and scholars it attracts, the Engelberg Center draws on the diversity of New York City, which is a center for creativity in advertising, art, cuisine, entertainment, fashion, financial services, graphic design, law, life sciences, literature, marketing, music, and technology, among other fields. We seek to enhance the ecosystem that supports close connections between legal scholars and the innovator community in and around the city.

Alfred B. Engelberg '65 generously endowed the Engelberg Center on Innovation Law & Policy in 1994. He has enjoyed an unusually varied career in the field of intellectual property, having served as a patent examiner, a patent agent, a patent attorney in the Department of Justice, a member of a law firm, a representative for the generic pharmaceutical industry, and a principal negotiator during the legislative process that led to the Patent Term Restoration Act of 1984 (the "Hatch-Waxman Act").

FACULTY CO-DIRECTORS

BARTON BEEBE
John M. Desmarais Professor of Intellectual Property Law

Barton Beebe specializes in the doctrinal, empirical, and cultural analysis of intellectual property law. He has been the James S. Carpentier Visiting Professor of Law at Columbia Law School, the Anne Urowsky Visiting Professor of Law at Yale Law School, a Visiting Professor of Law at Stanford Law School, and a Visiting Research Fellow at Merton College, Oxford. He has also taught courses at Hebrew University, Jerusalem, the Center for International Intellectual Property Studies at the Université de Strasbourg, the Munich Intellectual Property Law Center, the State Intellectual Property Office of the People's Republic of China, and the Hanken School of Economics in Helsinki. He is the author of *Trademark Law: An Open-Source Casebook*, which is a free online trademark casebook now in use in over 60 law schools around the world. Professor Beebe received his JD from Yale Law School, his PhD in English literature from Princeton University, and his BA from the University of Chicago. He clerked for Judge Denise Cote of the United States District Court for the Southern District of New York.

RECENT PUBLICATIONS

"Legal Thought and Future Shock" (forthcoming)

Charting Limits on Trademark Rights (forthcoming 2022) (edited with Haochen Sun)

"The Future of Trademarks in a Global Multilingual Economy: Evidence and Lessons from the European Union" 112 *Trademark Reporter* (forthcoming) (with Jeanne Fromer)

"Consumer Uncertainty in Trademark Law," 72 *Emory Law Journal* (forthcoming 2022) (with Roy Germano, Christopher Jon Sprigman & Joel Steckel)

"Clearing Up Some Confusion About Dilution: A Reply to Hal Poret," 112 *Trademark Reporter* 684 (2022)

"Less as More in Intellectual Property Law," 102 *Boston University Law Review Online* 61 (2022)

Trademark Law: An Open-Source Casebook v. 9 (free textbook, 2022)

"The German Misappropriation Origins of Trademark Antidilution Doctrine: A Translation of the 1924 *Odol* Opinion of the Landgericht Elberfeld," in *Transition and Coherence in Intellectual Property Law: Essays in Honor of Annette Kur* (Niklas Bruun, Graeme B. Dinwoodie, Marianne Levin & Ansgar Ohly eds., 2021)

"An Empirical Study of U.S. Copyright Fair Use Opinions Updated, 1978-2019," 10 *NYU Journal of Intellectual Property & Entertainment Law* 1 (2020)

"Fake Trademark Specimens: An Empirical Study," 121 *Columbia Law Review Forum* 217 (2020) (with Jeanne Fromer)

ROCHELLE DREYFUSS
Pauline Newman Professor of Law

A trained research chemist, Rochelle Cooper Dreyfuss focuses her research and writing on the intersection between patents and science and examines the implications of technological change on patent law and policy. Her other interests include international intellectual property law and procedural issues arising in intellectual property litigation, particularly in the international context. After graduating from Columbia Law School, she clerked for Chief Judge Wilfred Feinberg (Second Circuit) and Chief Justice Warren Burger (US Supreme Court). A member of the American Law Institute, Professor Dreyfuss was the Reporter for its project on Intellectual Property: Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes. She is currently an adviser on the ALI's Restatement Third of Conflicts of Laws project. She has been a consultant to the Federal Courts Study Committee, the Presidential Commission on Catastrophic Nuclear Accidents, and the Federal Trade Commission. She has served on committees of the National Academies of Science and the Department of Health & Human Services. She is a past chair of the Intellectual Property Section of the American Association of Law Schools. In addition to articles in her specialty areas, Professor Dreyfuss has co-authored books on intellectual property law and international intellectual property law.

RECENT PUBLICATIONS

"Self-Executing International Intellectual Property Obligations?" in *Intellectual Property Ordering Beyond Borders* (Axel Metzger & Henning Grosse Ruse-Khan, eds.) (forthcoming)

"Patents and Economic Inequality," in *Innovation and Global Inequality* (Daniel Benoliel, et al. eds.) (forthcoming) (with Daniel Benoliel)

"Patents and Global Inequity in IP," in *Innovation and Global Inequity* (Daniel Benoliel, et al. eds.) (forthcoming) (with Graeme B. Dinwoodie)

"From Parallel Play to Constructive Engagement: A Proposal for Plan B," in *Reforming IP* (Gustavo Ghidini & Valeria Falce eds.) (forthcoming)

International Intellectual Property Law and Policy (3d ed., forthcoming) (with Graeme B. Dinwoodie, Graeme Austin, and Shira Perlmutter)

"The Complex Terrain of Intellectual Property Governance," in *Patents as an Incentive for Innovation* (Zaneta Zemla-Pacud & Rafal Sikorski eds., 2022)

"Injuctive Relief in Patent Law under TRIPS," in *Injunctions in Patent Law: A Trans-Atlantic Dialogue on Flexibility and Tailoring* (Jorge L. Contreras & Martin Husovec eds., 2022) (with Graeme B. Dinwoodie)

"Investor-State Dispute Settlement as a Constraint on Intellectual Property Lawmaking" in *IP as a Complex Adaptive System: Its Role in the Innovation Society* (Anselm Kamperman Sanders ed., 2022)

"ISDS and Intellectual Property in 2020–Protecting Public Health in the Age of Pandemics," in *Yearbook on International Investment Law & Policy 2020* (Lisa Sachs, Lise Johnson & Jesse Coleman eds., 2022)

JEANNE FROMER

Walter J. Derenberg Professor of Intellectual Property Law

Jeanne Fromer specializes in intellectual property, including copyright, patent, trademark, trade secret, and design protection laws. She is the co-author, with Chris Sprigman, of a free copyright textbook, Copyright Law: Cases and Materials, which is in use at over 60 law schools around the world. In 2011, she was awarded the American Law Institute's inaugural Young Scholars Medal for her scholarship in intellectual property. Professor Fromer was a Visiting Professor at Harvard Law School and also previously taught at Fordham Law School. She was a law clerk to Justice David H. Souter (US Supreme Court) and Judge Robert D. Sack (Second Circuit). After working at Hale and Dorr (now WilmerHale) in intellectual property, she was an Alexander Fellow with the NYU School of Law and a Resident Fellow with Yale Law School's Information Society Project. She earned her BA summa cum laude in computer science from Barnard College and her SM in electrical engineering and computer science from MIT for research in artificial intelligence and computational linguistics, and worked at AT&T (Bell) Laboratories in those same areas. She received her JD magna cum laude from Harvard Law School, serving as Articles and Commentaries Editor of the *Harvard Law Review* and Editor of the *Harvard Journal of Law and Technology*.

RECENT PUBLICATIONS

"Playful Innovation" (forthcoming) (with Mark Lemley)

"A Theory of Legal Protection for Industrial Design" (forthcoming) (with Christopher Jon Sprigman)

"The Future of Trademarks in a Global Multilingual Economy: Evidence and Lessons from the European Union" 112 *Trademark Reporter* (forthcoming) (with Barton Beebe)

"Against Secondary Meaning," 98 *Notre Dame Law Review* (forthcoming 2022)

"Memes on Memes and the New Creativity," 97 *NYU Law Review* 453 (2022) (with Amy Adler)

Copyright Law: Cases and Materials v. 4.0 (free textbook, 2022) (with Christopher Jon Sprigman)

"Retelling Copyright: The Contributions of the Restatement of Copyright Law," 44 *Columbia Journal of Law & the Arts* 341 (2021) (with Jessica Silbey)

"Fake Trademark Specimens: An Empirical Study," 121 *Columbia Law Review Forum* 217 (2020) (with Barton Beebe)

"The New Copyright Opportunist," 67 *Journal of the Copyright Society of the U.S.A.* 1 (2020)

"Minds, Machines, and the Law: The Case of Volition in Copyright Law," 119 *Columbia Law Review* 1887 (2019) (with Mala Chatterjee)

"Machines as the New Oompa Loompas: Trade Secrecy, the Cloud, Artificial Intelligence, and Automation" 94 *NYU Law Review* 706 (2019)

"Taking Intellectual Property into Their Own Hands," 107 *California Law Review* 1455 (2019) (with Amy Adler)

Brief for Professors Barton Beebe and Jeanne Fromer as Amici Curiae, *Iancu v. Brunetti*, 139 S. Ct. 2294 (cited in *Iancu v. Brunetti*, 139 S. Ct. 2294, 2230 (2019))

Statement of Professors Barton Beebe and Jeanne Fromer, New York University School of Law, Before the US House of Representatives, Committee on the Judiciary Subcommittee on Courts, Intellectual Property, and the Internet: "Counterfeits and Cluttering: Emerging Threats to the Integrity of the Trademark System and the Impact on American Consumers and Businesses" (2019)

SCOTT HEMPHILL

Moses H. Grossman Professor of Law

Scott Hemphill teaches and writes about antitrust and intellectual property. His scholarship ranges broadly, from drug patents to digital platforms to the use of trademark law to thwart competition. His recent work examines the anti-competitive acquisition of startups by dominant firms in the technology sector and probes how institutional investors might weaken competition among their portfolio companies. Hemphill's scholarship on tactics to delay the marketing of inexpensive generic drugs has been widely cited by the US Supreme Court and other courts. His writing has appeared in leading law reviews and peer-reviewed journals of economics, science, and law, and he has testified before the US Congress about mergers and proposals to incentivize new drug development, among other matters. Hemphill holds a JD and PhD in economics from Stanford, an AB from Harvard, and an MS in economics from the London School of Economics, where he studied as a Fulbright Scholar. He clerked for Judge Richard Posner and Supreme Court Justice Antonin Scalia. On public service leave from academia, he served as Antitrust Bureau Chief for the New York Attorney General. Hemphill joined NYU from Columbia University, where he was a Professor of Law.

RECENT PUBLICATIONS

"Antitrust and Trademark Settlements," *Antitrust Law Journal* (forthcoming) (with Erik Hovenkamp)

"The Coca-Cola Bottle: A Fragile Vessel for Building a Brand," in *Legal Applications of Marketing Theory* (Jacob Gersen & Joel Steckel eds.) (forthcoming) (with Jacob Gersen)

The NBER Orange Book Dataset: A User's Guide (forthcoming) (with Maya Durvasula, Lisa Larrimore Ouellette, Bhaven Sampat, and Heidi Williams)

"Endogenous Choice of Stakes Under Common Ownership," 1 *University of Chicago Business Law Review* 217 (2022) (with Marcel Kahan)

"The Fixing the FDA's Orange Book," 41 *Health Affairs* 797 (2022) (with Bhaven Sampat)

Teacher's Manual for Antitrust Analysis: Problems, Text, and Cases (8th ed. 2022) (with Areeda, Kaplow and Edlin)

Antitrust Analysis: Problems, Text, and Cases (8th ed. 2021) (with Phillip Areeda, Louis Kaplow, and Aaron Edlin)

"Nascent Competitors," 168 *University of Pennsylvania Law Review* (2021) (with Tim Wu) (awarded the American Antitrust Institute's Jerry S. Cohn Writing Award; recognized by *Concurrences* as 2021's best paper in general antitrust)

"The Strategies of Anticompetitive Common Ownership," 129 *Yale Law Journal* 1392 (2020) (with Marcel Kahan) (recognized as one of the best articles of 2020 by *Corporate Practice Commentator*)

"A Study of Exclusionary Coalitions: The Canadian Sugar Coalition, 1888-1889," 83 *Antitrust Law Journal* 99 (2020) (with John Asker)

"What Role for Antitrust in Regulating Platforms?" *Communications of the ACM* 36 (May 2020)

"Disruptive Incumbents: Platform Competition in the Age of Machine Learning," 119 *Columbia Law Review* 1973 (2019)

"Posner on Vertical Restraints," 86 *University of Chicago Law Review* 1057 (2019)

JASON SCHULTZ
Professor of Clinical Law

Jason M. Schultz is a Professor of Clinical Law, Director of NYU's Technology Law & Policy Clinic, and Co-Director of the Engelberg Center on Innovation Law & Policy. His clinical projects, research, and writing primarily focus on practical frameworks and policy options to help traditional areas of law such as intellectual property, privacy, consumer protection, and civil rights adapt light of new technologies and the challenges they pose. His most recent work focuses on the social and legal implications of machine learning, artificial intelligence, and the Internet of Things.

During the 2016-17 academic year, Professor Schultz was on leave to work at the White House Office of Science and Technology Policy, where he served as Senior Advisor on Innovation and Intellectual Property to US Chief Technology Officer Megan Smith.

With Aaron Perzanowski, he is the author of *The End of Ownership: Personal Property in the Digital Economy* (MIT Press 2016), which argues for retaining consumer property rights in a marketplace that increasingly threatens them.

Prior to joining NYU, Professor Schultz was an Assistant Clinical Professor of Law and Director of the Samuelson Law, Technology & Public Policy Clinic at the UC Berkeley School of Law (Boalt Hall). Before joining Boalt Hall, he was a Senior Staff Attorney at the Electronic Frontier Foundation (EFF).

CHRISTOPHER SPRIGMAN

Murray and Kathleen Bring Professor of Law

Chris Sprigman teaches intellectual property law, antitrust law, competition policy, and comparative constitutional law. His scholarship focuses on how legal rules affect innovation and the deployment of new technologies. He is the author of numerous articles both in law reviews and in the popular press, as well as a book, *The Knockoff Economy: How Imitation Sparks Innovation* (Oxford 2012), co-authored with Kal Raustiala of the UCLA School of Law. He also serves as the Reporter for the American Law Institute's Restatement of Law: Copyright. Sprigman received his BA with honors from the University of Pennsylvania in 1988. He attended the University of Chicago Law School, serving as a Comment Editor of the *University of Chicago Law Review* and graduating with honors in 1993. Following graduation, Sprigman clerked for Judge Stephen Reinhardt of the US Court of Appeals for the Ninth Circuit, and for Justice Lourens H. W. Ackermann of the Constitutional Court of South Africa. Sprigman also taught at the law school of the University of the Witwatersrand, in Johannesburg, South Africa. From 1999 to 2001, Sprigman served as Appellate Counsel in the Antitrust Division of the US Department of Justice, where he worked on *US v. Microsoft*, among other matters. Sprigman then joined the Washington, DC, office of King & Spalding, where he was elected a Partner. In 2003, he left law practice to become a Residential Fellow at the Center for Internet and Society at Stanford Law School. He joined the University of Virginia faculty in 2005 and moved from UVA to NYU School of Law in 2013.

RECENT PUBLICATIONS

"Intellectual Property and the Manufacture of Aura" (forthcoming) (with Stefan Bechtold)

"Bias-Self-Management and the Role of Autonomy in Improving Contract Performance" (forthcoming) (with Stephan Tontrup)

"The Paradox of Privacy Regulation: How Law Meant to Protect Privacy Can Erode It" (forthcoming) (with Stephan Tontrup)

"Consumer Uncertainty in Trademark Law," 72 *Emory Law Journal* (forthcoming 2022) (with Barton Beebe, Roy Germano & Joel Steckel)

"Clearing Up Some Confusion About Dilution: A Reply to Hal Poret," 112 *Trademark Reporter* 684 (2022) (with Barton Beebe, Roy Germano, and Joel Steckel)

Copyright Law: Cases and Materials v. 4.0 (free textbook, 2022) (with Jeanne Fromer)

"Jurisdiction Stripping as a Tool for Democratic Reform of the Supreme Court: Written Testimony for the Presential Commission on the Supreme Court of the United States" (available at https://www.whitehouse.gove/wp-content/uploads/2021/08/Professor-Christopher-John-Sprigman.pdf)

"What Does Antitrust's Revival Mean for Copyright? (The 50th Annual Brace Memorial Lecture of the Copyright Society of the USA)," 68 *J.Copyright Soc'y U.S.A.* 401 (2021)

"Faster Fashion: The Piracy Paradox and its Perils," 39 *Cardozo Arts & Ent. L.J.* 535 (2021) (with Kal Raustiala)

"Congress's Article III Power and the Process of Constitutional Change" 95 *NYU Law Review* 1778 (2020)

KATHERINE STRANDBURG

Alfred E. Engelberg Professor of Law

Katherine Strandburg concentrates her teaching and research in the areas of patent law and innovation policy and information privacy law. Her scholarship considers how the law in these areas should reflect the importance of collaboration and social interactions and respond to technological change. Her legal analysis is informed by studies of user innovation and of knowledge commons governance. She is the faculty director of the interdisciplinary NYU Information Law Institute. She is currently co-leading (with Brett M. Frischmann, Michael J. Madison, and Madelyn Sanfilippo) the National Science Foundation-supported project *RCN: The Governing Knowledge Commons Research Coordination Network*.

Professor Strandburg obtained her law degree from the University of Chicago Law School with high honors in 1995 and served as a law clerk to the Honorable Richard D. Cudahy of the US Court of Appeals for the Seventh Circuit. She is an experienced litigator, is licensed to practice before the United States Patent and Trademark Office, and has authored several amicus briefs to the Supreme Court and federal appellate courts dealing with patent law and privacy issues.

Prior to her legal career, Professor Strandburg was a research physicist at Argonne National Laboratory, having received her PhD from Cornell University in 1984 and conducted postdoctoral research at Carnegie Mellon. She was a visiting faculty member of the physics department at Northwestern University from 1990 to 1992.

RECENT PUBLICATIONS

"When Does Gaming Justify Algorithmic Secrecy?" (forthcoming) (with Ignacio Cofone)

"Legitimacy in Context" (forthcoming) (with Ashley Gorham, Helen Nissenbaum, Madelyn Sanfilippo, and Mark Verstraete)

"Privacy Regulatory Dodges" (forthcoming) (with Salome Viljoen and Helen Nissenbaum)

"Privacy and Contact Tracing Efficacy" (forthcoming) (with Sebastian Benthall, Erez Hatna, and Joshua M. Epstein)

"At the Boundary of Law and Software: Toward Regulatory Design with Agent-Based Modeling," AMPM 2021: 1st Workshop on Agent-based Modelling and Policy-Making (forthcoming) (peer reviewed)

"Participatory Privacy: How Privacy Governs Community Boundaries and Inclusion in Online Social Media Movements," 10 *Journal of Social Media in Society* 2 (forthcoming 2021) (with Madelyn Sanfilippo)

"Too Much of a Good Thing? A Governing Knowledge Commons Review of Abundance in Context," 7 *Frontiers in Research Metrics and Analytics* 95905 (2022) (peer reviewed)

"Trade Secrecy and Innovation in Forensic Technology," 73 *Hastings Law Journal* (2022) (with Eli Siems and Nicholas Vincent)

"Agent-Based Modeling as a Legal Theory Tool," *Frontiers in Physics, Research Topic: The Physics of the Law: Legal Systems Through the Prism of Complexity Science* (June 21, 2021) https://doi.org/10.3389/fphy.2021.666386 (peer reviewed)

"Adjudicating with Inscrutable Decision Rules," in *Machines We Trust: Perspectives on Dependable AI* (Teresa Scantamburlo and Marcello Pelillo eds., 2021)

"Generalizability: Machine Learning and Humans-in-the-Loop," in *Research Handbook on Big Data Law* (R. Vogl ed., 2021) (with John Nay)

ADVISORY BOARD

The Engelberg Center's Advisory Board brings together a corps of accomplished and insightful people from industry, law firms, government, and the non-profit sector, and from every part of the innovation community. The Engelberg Center works closely with the Advisory Board to connect our academic work to real-world knowledge, practice, and wisdom.

John Desmarais '88, **Claudia Ray '92**, and **Bruce Wexler '92** led the effort of bringing the Engelberg Center's Advisory Board together, and we are immensely grateful for their work and dedication.

BOARD MEMBERS

JUDGES
Judge Raymond Chen '94, US Court of Appeals for the Federal Circuit
Judge Denise Cote, US District Court for the Southern District of New York
Judge Pierre Leval, US Court of Appeals for the Second Circuit
Judge Pauline Newman '58, US Court of Appeals for the Federal Circuit

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Stephen Coates, Founder, Coates IP
John Desmarais '88, Founding Partner, Desmarais
Mark Ferguson, Co-Founder, Bartlit Beck
Robert Gunther Jr., Partner, WilmerHale
Keith Hummel, Partner, Cravath, Swaine & Moore
Benjamin Marks '97, Partner, Weil, Gotshal & Manges
Christopher Noyes, Partner, WilmerHale
Joseph Petersen, Partner, Kilpatrick
Ashok Ramani, Partner, Davis Polk & Wardwell
Claudia Ray '92, Partner, Kirkland
Melanie Rupert '01, Partner and Global Co-Chair, Talent Development, Paul Hastings
Bruce Wexler '92, Partner, Paul Hastings

John Desmarais   Claudia Ray   Bruce Wexler

IN-HOUSE LAWYERS

Erich Andersen, General Counsel & Head of Corporate Affairs, ByteDance/TikTok
Ayala Deutsch '89, Executive Vice President & Deputy General Counsel, NBA Properties, Inc.
Vladimir Elgort, Chief IP Counsel, American Express
Henry Hadad, Senior Vice President and Deputy General Counsel, Bristol Myers Squibb
Noreen Krall, Vice President and Chief Litigation Counsel, Apple Inc.
Erin Mehta, Counsel, Litigation & Patents, The Walt Disney Company
Donna Meuth, Associate General Counsel Intellectual Property, Eisai, Inc.
Douglas Norman, Vice President and General Patent Counsel, Eli Lilly and Company (retired)
Benjamin Ostapuk, Vice President and Director of Patent Litigation, Intel Corporation
Steven Purdy, Associate General Counsel, IBM Research
Mark Rachlin, Senior Patent Litigation Counsel, GlaxoSmithKline
Laura Sheridan, Senior Patent Counsel, Google
Jule Sigall, Associate General Counsel for Copyright, Microsoft

NON-PROFIT, GOVERNMENT, AND POLICY LAWYERS

Greg Cram, Associate General Counsel and Director of Copyright and Information Policy,
The New York Public Library
Alfred Engelberg '65, Trustee, The Engelberg Foundation
Judit Rius Sanjuan, International Governmental Organization
Gigi Sohn, Distinguished Fellow, Georgetown Law Institute for Technology Law & Policy

STAFF

NICOLE ARZT

Program Coordinator

Nicole Arzt has overseen the daily operations of the Engelberg Center on Innovation Law & Policy since 2000 and coordinates the center's various programs. Arzt recently received NYU's Give-A-Violet Award, which annually recognizes NYU staff who perform above and beyond the normal scope of their responsibilities. She holds a BA in fashion merchandising with a minor in business from the University of Maryland.

KATRINA SOUTHERLAND

Program Manager

Katrina Southerland is the Program Manager of the Engelberg Center on Innovation Law & Policy. Katrina received her BS in Media, Culture, and Communications from NYU Steinhardt School of Culture, Education, and Human Development. Her two areas of study were Global Communication and Images and Screens Studies. During her time as an undergraduate, Katrina worked in the Steinhardt Office of the Dean as a Student Worker. Before joining the Engelberg Center, Katrina worked in supply chain and events. Most recently, she served as Operations Manager at Dylan's Candy Bar, where she oversaw daily operations, including warehouse maintenance, vendor contract negotiations, and both international and domestic shipments.

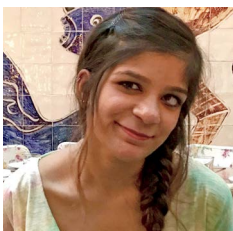## MICHAEL WEINBERG

Executive Director

Michael Weinberg is the Executive Director of the Engelberg Center on Innovation Law & Policy. Before joining NYU, Michael Weinberg served as General Counsel at Shapeways, a 3D printing marketplace and service company, where he also oversaw strategic partnerships. He is the author of a number of white papers that examine the intersection of 3D printing and intellectual property law. Before Shapeways, Weinberg was Vice President at Public Knowledge, a nonprofit public interest advocacy organization dedicated to representing consumers in technology policy debates in Washington, DC. He is also the President of the Board of the Open Source Hardware Association, where he oversees the open source hardware certification project. He received a BA from Claremont McKenna College and a JD from the George Washington University School of Law.

FELLOWS

JONATHAN ASHTOR

Jonathan Ashtor is a Partner in the Corporate Department and a member of the Intellectual Property Group at Paul, Weiss, Rifkind, Wharton & Garrison LLP. His practice focuses on technology M&A transactions, IP licensing, patent analytics and portfolio monetization. His experience has included major, complex, and multi-jurisdictional M&A across a variety of industry sectors, including high-tech, biopharma, industrial chemicals, and manufacturing. Jonathan's expertise also includes complex analytics of patent matters through the use of proprietary models and commercial databases, and he develops new analytics tools through his academic research appointments. His work in this area has won significant awards and been published in peer-reviewed empirical and legal journals. Jonathan received his JD from Northwestern University School of Law, magna cum laude, and his BS from the University of Toronto, with honors.

MALA CHATTERJEE '18

Mala Chatterjee is an Associate Professor at Columbia Law School. She received her PhD in philosophy from New York University, where she was a Furman Fellow, and her JD summa cum laude as a Furman Academic Scholar from NYU School of Law, where she was the Executive Editor of the *NYU Law Review*. She earned the Maurice Goodman Memorial Prize for outstanding academic achievement and scholarship, the John Bruce Moore Award for Highest Excellence in Law & Philosophy, and the Bradley Fellowship for scholarly work in free speech. She was a Pomeroy Scholar and a Butler Scholar (awarded to the top 10 students after 1L and 2L respectively), and elected to the Order of the Coif. She was also a fellow at Yale Law School's Information Society Project. Chatterjee clerked for the Honorable Judge Robert D. Sack of the US Court of Appeals for the Second Circuit in the 2019-20 term and was a Summer Associate at Davis Polk & Wardwell LLP and Durie Tangri LLP. She received her BA in philosophy with a minor in symbolic systems from Stanford University in 2014.

MC FORELLE

MC Forelle is a Cornell Presidential Postdoctoral Research Fellow, the first to be based at Cornell Tech in New York City. Her work broadly examines the intersection of law, technology, and culture, with particular interests in materiality, sustainability, and practices of resistance and change. Currently, she is expanding her dissertation into a book project that studies the legal and technical obstacles faced by users, tinkerers, and repair communities working to repair, maintain, and modify software-enabled automotive technologies. She graduated from the University of Southern California's Annenberg School for Communication and Journalism in 2019, where her dissertation utilized a multimethod qualitative approach to examine how copyright presents a legal challenge to car owners and mechanics attempting to do their own repairs, and how those communities responded to that challenge. She has an MA in Media, Culture and Communication from New York University, and a BS in Film, TV, and Radio from Boston University. Her past work has explored the world of credit default swaps in finance, interactive music videos online, and policies of diversity ownership in broadcast media. Born in Venezuela, she now lives in Brooklyn with her partner, kids, and dog named Dr. Waffles.

JUYOUN HAN

Juyoun ["Joo-Yon"] is a partner at Eisenberg & Baum LLP, where she leads the Artificial Intelligence Fairness and Data Privacy group. Having served as a judicial law clerk for Hon. Steven L. Tiscione and a judicial intern for Hon. Kiyo A. Matsumoto at the US District Court in the Eastern District of New York (Brooklyn), Juyoun effectively represents clients in impact litigation cases nationwide. Her work centers on challenging bias and discrimination that may exist in the design and deployment of automated decision systems in public and private sectors. Juyoun is a frequent speaker on topics where technology and social justice converge. She has presented before a wide range of professional, academic, and advocacy groups including the Inn of Court, Yale Law School, Northwestern University, World Congress for the World Federation of the Deaf (Paris), and various podcasts. She received her JD from Georgetown Law and BA in psychology and international law from Handong University (South Korea). She lives in New York City and is particularly fond of its street art, music, and K-town restaurants.

SAM KRYSTAL

Sam is a public interest technologist. Prior to his appointment, he graduated from NYU's Interactive Telecommunications Program in 2021, and received his undergraduate degree in social science from NYU in 2019. Sam's interdisciplinary background includes behavioral psychology research, music licensing, and public policy administration. His interests primarily focus on the downstream impact of technological innovation on human behavior, and the risks incurred from misinformation of consumers around digital privacy and security issues.

SARAH LAMDAN

Sarah Lamdan is a Professor of Law at CUNY School of Law who specializes in information law and policy across the spectrum from open government to personal privacy. She also has a master's degree in library science and legal information management. Along with teaching administrative law, data privacy, and a really fun seminar on freedom of information, Sarah also works with open access and data privacy groups. She is a member of the Environmental Data & Governance Initiative, an IOI (Invest in Open Infrastructure) council member, and a Senior Fellow with SPARC (the Scholarly Publishing and Academic Resources Coalition). Sarah's book, *Data Cartels*, which analyzes the transition of publishers and electronic database providers to data analytics firms, is forthcoming from Stanford University Press. When she's not thinking about information law and policy, Sarah is probably slow-running, fast-knitting, or hanging out with her dogs.

LEE TUSMAN

Lee Tusman is an artist, programmer, educator and organizer. He is the host of the podcast *Artists and Hackers*, and is a co-organizer at Babycastles, a New York City-based collective fostering and amplifying diverse voices in videogame culture. He is a co-founder of Processing Community Day NYC, a conference dedicated to art, code, and diversity. His work has been presented at the MIT Center for Art, Science and Technology, The Hammer Museum, Interaccess, the Culver Center of the Arts, Asian Arts Initiative, Flux Factory, Unrequited Leisure, and CultureHub. Lee received his MFA from UCLA Design Media Arts and is Assistant Professor of Computer Science and New Media at Purchase College.

LAUREN VAN HAAFTEN-SCHICK

Lauren van Haaften-Schick is an art historian and curator completing a PhD in the history of art at Cornell University. She is a 2020-21 Smithsonian Institution Predoctoral Fellow at the Smithsonian American Art Museum, and previously was a 2018-19 Digital Life Initiative Doctoral Fellow at Cornell Tech. Lauren writes on the intersections of art, law, and technology, with a focus on artists' contracts from early conceptual art experiments to contemporary smart contracts, the history of artists' rights laws, and the politics of labor and property in art.

KATHY ZHANG

Kathy Zhang works across sectors to scale public interest technology. As an early employee at Substack, Kathy led Operations and Compliance for the publishing platform. Prior to Substack, she worked on expanding Uber's e-bike and scooter share program internationally, helping cities achieve ambitious sustainable mobility and climate goals. Before entering the private sector, Kathy led operations and special projects at Columbia University's Tow Center for Digital Journalism and led communications at the UN Sustainable Development Solutions Network (SDSN). Kathy holds a master of international affairs with a focus on urban and tech policy and a BA in sustainable development, both from Columbia University.

GLOBAL FELLOWS

JANE ANDERSON

Jane Anderson is an Associate Professor in Anthropology and Museum Studies at New York University, Lenapehoking. She has a PhD in law and has spent 20 years working on intellectual and cultural property law, Indigenous rights, and the protection of Indigenous/traditional knowledge and cultural heritage. Jane has worked in international policy contexts with the World Intellectual Property Organization. With the Penobscot Nation, she also delivers training workshops for US-based tribes on IP law, policy, and support for tribal decision-making around research conducted on Indigenous lands and waters. She is the co-founder of Local Contexts, which delivers the extra-legal digital protocol and provenance mechanism, the TK and Biocultural Labels, and is Co-Director of the Equity for Indigenous Research and Innovation Coordinating Hub (ENRICH).
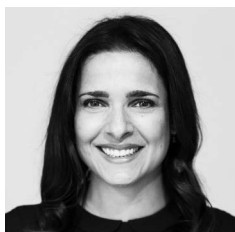
MĀUI HUDSON

Māui Hudson (Whakatāhea) is an Associate Professor and Director of the Te Kotahi Research Institute at the University of Waikato. His work focuses on Indigenous Data Sovereignty and the application of Indigenous Knowledge to decision-making across a range of contemporary contexts. Māui advocates for Indigenous rights and interests through Te Mana Raraunga: Māori Data Sovereignty Network, and the Global Indigenous Data Alliance (GIDA). He is a Co-Director of Equity for Indigenous Research and Innovation Coordinating Hub (ENRICH) and Local Contexts.

RESEARCH FELLOWS

CHRISTO BUSCHEK

Christo Buschek is a programmer and data journalist. His focus lies in data-driven research, which he combines with storytelling to expose human rights abuses and strengthen social justice. Among other projects, Christo's open-source software, Sugarcube, has been used to preserve the most extensive collection of documentation on war crimes in Syria. Christo received the Kim Wall Award and the Pulitzer Prize in 2021 for the project "Built to Last," which documented the mass incarceration of Uighurs in China. Additionally, he participates in the interdisciplinary Knowing Machines research group founded by Kate Crawford. The group studies the biases of datasets that underlie today's AI. In the past, Christo has also trained non-profit staff and human rights activists in digital security and privacy.

SARAH FEINGOLD

Born an artist, Sarah Feingold decided the best way to protect creative folk like herself was to attend law school. She then cannonballed into Etsy as the 17th employee and first lawyer. For nearly a decade, she played an integral role in scaling Etsy from an inconspicuous startup to a publicly traded company. After Etsy, Sarah joined Vroom as its General Counsel and first attorney. In 2018, the *New York Law Journal* awarded her with the General Counsel Impact Award for her accomplishments. Sarah is an international speaker, co-founded The Fourth Floor, and consults for various startups. You can also find her making things, writing, eating candy, hammering silver, and chasing her child.
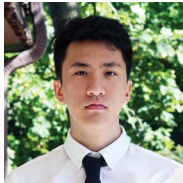
PATRICIA MARTONE

Patricia A. Martone is an author and speaker in the field of patent law. During her 47 years of law practice, she focused on intellectual property disputes involving technology leaders based in the United States, Europe, and Asia. After 40 years in Big Law, including partnerships in the firms of Fish & Neave LLP, Ropes & Gray LLP, and Morrison & Foerster LLP, in 2014 she started her own firm. Patricia closed her law and arbitration practice at the end of 2020 to focus on her work at the Engelberg Center. Inspired by her own pioneering experience as a woman who became a first chair trial lawyer in the patent field, her research is focusing on the barriers that continue to exist for women in that role, and how those barriers can be overcome.
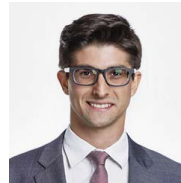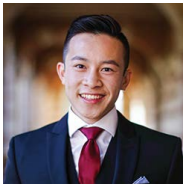
STUDENT FELLOWS

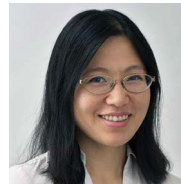JOSEPH ADAMCZYK

JONATHAN BI

EDMUND (NED) BROSE

MARIO CABRAL

AARON CHOW

JESSICA CRUZ FINO

NAVYA DASARI

JENNIFER LAN

CADE MALLETT

NEHA MEHTA

ASLESHA PARCHURE

DAVID STEIN

KATHRYN TAYLOR

CHANIQUE VASSELL

SAM YU

JULIANA ZHANG

AFFILIATED FACULTY
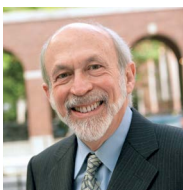
AMY ADLER
Emily Kempin Professor of Law
A leading scholar of art law, Amy Adler specializes in the legal regulation of artistic expression, sexuality, and free speech. Her recent scholarship addresses an array of issues such as the First Amendment treatment of visual images, the misfit between copyright law and the art market, the legal regulation of pornography, and the moral rights of artists.

RICHARD EPSTEIN
Laurence A. Tisch Professor of Law
Considered one of the most influential thinkers in legal academia, Richard Epstein is known for his research and writings on a broad range of constitutional, economic, historical, and philosophical subjects.

HARRY FIRST
Charles L. Denison Professor of Law
Harry First is Co-Director of the Competition, Innovation and Information Law Program and a specialist in antitrust and business crime. His scholarly work has focused on various aspects of antitrust enforcement and theory.

ELEANOR FOX LLB '61
Walter J. Derenberg Professor of Trade Regulation
Eleanor Fox LLB '61 is a prominent antitrust and comparative competition law scholar. She has a special interest in developing countries, poverty, and inequality, and explores how opening markets and attacking privilege, corruption, and cronyism can alleviate marginalization and open paths to economic opportunity and inclusive development.

DEEPAK HEGDE
Professor of Management and Organizations, NYU Stern School of Business; Founding Director, Endless Frontier Labs
Deepak Hegde's research focuses on the unique challenges posed by innovation to business strategy and public policy (principally the production and commercialization of new ideas). He studies high-tech industries including biomedical and information and communication technologies.

MYLES JACKSON

Gallatin Research Excellence Professor,
NYU Gallatin School of Individualized Study

Myles Jackson is a Professor of History of the Faculty of Arts and Science at NYU, as well as a Professor in the Division of Medical Bioethics at the NYU Langone School of Medicine. His research interests include the history of science; the history of physics in 19th-century Germany; intellectual property, gene patenting, race, and genomics; and humans, machines, and aesthetic theories.

DANIEL KEVLES

Interdisciplinary Fellow, NYU School of Law; Stanley Woodward Professor Emeritus of History, History of Medicine & American Studies, Yale University; Adjunct Professor, Yale Law School

Daniel Kevles' research and writing encompass the interplay of science, technology, and society past and present with a focus on the United States. His particular research interests include the history of physics, biology, scientific fraud and misconduct, plant and animal breeding, biotechnology, intellectual property, and science, arms, and the state.
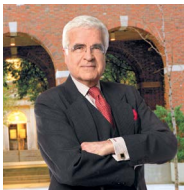

BENEDICT KINGSBURY

Vice Dean and Murry and Ida Becker Professor of Law; Director, Institute for International Law and Justice; Faculty Director, Guarini Institute for Global Legal Studies, NYU School of Law

Benedict Kingsbury's major current projects focus on large-scale global ordering such as TPP and the Belt and Road Initiative (MegaReg); physical, digital, and informational infrastructure (InfraReg, with Sally Merry); and global data/tech law.

FLORENCIA MAROTTA-WURGLER '01
Boxer Family Professor of Law, Faculty Director, NYU Law in Buenos Aires

Florencia Marotta-Wurgler '01 is an expert in online and standard form contracting. Her teaching and research interests are contracts, consumer privacy, electronic commerce, and law and economics. Her published research has addressed various problems associated with standard form contracts online, such as the effectiveness of disclosure regimes and whether people read the fine print. She is currently working on a large empirical project on consumer privacy policies online and on the effectiveness of the Federal Trade Commission's privacy enforcement actions.

ARTHUR MILLER
University Professor and Warren E. Burger Professor of Constitutional Law and the Courts

Arthur Miller, CBE, is one of the nation's most distinguished legal scholars in the areas of civil litigation, copyright, unfair competition, and privacy. A renowned commentator on law and society, he won an Emmy for his work on PBS' *The Constitution: That Delicate Balance* and served for two decades as the legal editor for ABC's *Good Morning America.*

PETRA MOSER
Professor of Economics, Jules I. Backman Faculty Fellow, NYU Stern School of Business

Petra Moser's research combines methods from empirical microeconomics and economic history to examine the determinants of creativity and innovation. She uses historical variation in patent and copyright laws to examine the effects of intellectual property on science, technological innovation, and artistic creativity.

JOEL STECKEL
Professor of Marketing, Vice Dean for Doctoral Education, NYU Stern School of Business

Joel Steckel's primary research areas of interest include marketing research, marketing and branding strategy, approaches for one-to-one marketing, managerial decision processes, and methodologies for measuring consumer performance and behavior. Among other accomplishments, he was the Founding President of the INFORMS Society for Marketing Science.

DIANE ZIMMERMAN
Samuel Tilden Professor of Law Emerita

An award-winning reporter for *Newsweek* and the *New York Daily News*, Diane Zimmerman joined the faculty of NYU School of Law in 1977. Her specialties include freedom of speech and press and intellectual property.

VISITING SCHOLAR

CAMILLA HRDY
Professor of Intellectual Property Law, The University of Akron School of Law
Professor Camilla A. Hrdy is Professor of Intellectual Property Law at The University of Akron School of Law. Her primary teaching areas are Intellectual Property Law, Trade Secret Law, Trademark Law, Patent Law, State and Local Government Law, and Civil Procedure (Due Process and Federalism).

Her research has focused on the role of federal, state, and local governments in promoting innovation and economic development; the history of United States patent law; the law and policy of trade secrets and unfair competition; and the relationship between intellectual property law, innovation, and human well-being. Her articles have appeared or will soon appear in various law journals, including *Stanford Law Review*, *Boston College Law Review*, *Florida Law Review*, *Colorado Law Review*, *Wisconsin Law Review*, *Lewis & Clark Law Review*, and *Berkeley Law & Technology Journal*. She is a three-time recipient of the Thomas G. Byers Outstanding Faculty Scholarly Publication.

She is also a regular blogger on the IP scholarship blog, *Written Description*, where she writes on IP scholarship related to trade secrets, trademarks, patents, IP theory, the history of intellectual property in America, and numerous other topics.

ADJUNCT FACULTY

ZACHARY GOLDMAN '09
Senior Associate, WilmerHale

JODI BALSAM '86
Associate Professor of Clinical Law,
Director of Externship Programs,
Brooklyn Law School

NICHOLAS GROOMBRIDGE
Partner, Paul, Weiss, Rifkind,
Wharton & Garrison

MEGAN K. BANNIGAN
Partner, Debevoise & Plimpton

DOUGLAS HAND '97
Partner, Hand Baldachin &
Associates

DAVID H. BERNSTEIN
Partner, Debevoise & Plimpton

VINAY JAIN '09
Vice President and Senior Counsel
for Technology & IP, American
Express Global Business Travel

MITCH ENGLER '90, LLM '91
Professor of Law, Cardozo Law School

MICHAEL KASDAN '01
Partner, Wiggin and Dana

ANGELINA FISHER
Program Director,
Institute for International Law and Justice,
NYU School of Law

BRETT MAX KAUFMAN
Senior Staff Attorney,
ACLU Center for Democracy

DAY KROLIK '73
Adjunct Professor of Law,
NYU School of Law

BENJAMIN MARKS '97
Partner,
Weil, Gotshal & Manges

RANDAL MILCH '85
Executive Vice President, Strategic
Policy Advisor to the Chair and CEO of
Verizon Communications (retired)

JEFFREY PARNASS
Vice President & Assistant General
Counsel, News Corp/Dow Jones

DAVID PASHMAN '97
General Counsel, JW Player

IRA RUBINSTEIN
Research Fellow, Information Law
Institute, NYU School of Law

MELANIE RUPERT '01
Partner, Paul Hastings

ROSE SCHWARTZ '80
Partner, Franklin, Weinrib, Rudell &
Vassallo, LLP

ERIC STONE '97
Partner, Paul, Weiss, Rifkind, Wharton
& Garrison

THOMAS STREINZ LLM '15
Adjunct Professor of Law and Research
Scholar, NYU School of Law

BRUCE WEXLER '92
Partner, Paul Hastings

DONN ZARETSKY
Partner, Silberman Zaretsky PC

ENGELBERG CENTER EVENTS

NORMALIZING GAZE

August-October 2021

Co-Hosted with the High Line and the Surveillance Technology Oversight Project (STOP)

The Normalizing Gaze: Surveillance from Drones to Phones was an online speaker series presented in conjunction with Sam Durant's High Line Plinth commission Untitled (drone). The second High Line Plinth commission, Untitled (drone) is a large-scale fiberglass sculpture in the shape of an abstracted Predator drone. This biweekly online series brought together artists, activists, scholars, filmmakers, journalists, and more to demystify the twinned histories of surveillance and drone warfare in the US and examine routine examples of surveillance in our daily lives.

BOOK TALK: RUDE CITIZENSHIP

April 8, 2022

Co-Hosted with the NYU *Journal of Intellectual Property and Entertainment Law*

Professor Larisa Kingston Mann (also known as DJ Ripley of Dutty Artz/Heavy NYC) joined the Engelberg Center to discuss her new book *Rude Citizenship: Jamaican Popular Music, Copyright, and the Reverberations of Colonial Power.* In this deep dive into the Jamaican music world filled with the voices of creators, producers, and consumers, Larisa Kingston Mann—DJ, media law expert, and ethnographer—identifies how a culture of collaboration lies at the heart of Jamaican creative practices and legal personhood. In street dances, recording sessions, and global genres such as the riddim, notions of originality include reliance on shared knowledge and authorship as an interactive practice. In this context, musicians, music producers, and audiences are often resistant to conventional copyright practices. And this resistance, Mann shows, goes beyond cultural concerns.

FUTURE OF SOCIAL MEDIA

April 13, 2022

Co-Hosted with CUNY Craig Newmark Graduate School of Journalism, the Information Law Institute, NYU Arts & Science, NYU Brademas Center, and NYU Center for Social Media and Politics

Social media platforms generate mountains of data—about what we like, what news we read, and who we talk to. This information, for the most part, is only available to the companies themselves, meaning journalists, researchers, policymakers, and the public lack a clear understanding of how social media impacts our society. The Facebook Papers changed that. The internal research not only revealed the potential harms caused by its platforms, but that Facebook knew about those harms and did little to stop them. Now, with an explosion of attention around this issue, we must ask—what's next? This half-day virtual symposium brought together a range of journalists, researchers, and legal experts to explore that question and examine how to cover, research, and regulate social media platforms in the wake of the Facebook Papers.

TWELFTH ANNUAL TRI-STATE REGION IP WORKSHOP
JANUARY 14, 2022

The 2022 Tri-State Region IP Workshop brought together intellectual property scholars (including professors, fellows, visitors, graduate students, and practitioners) from New York, New Jersey, Connecticut, and Philadelphia to present their works in progress for commentary in a workshop environment.

Professors **Barton Beebe** and **Jeanne Fromer** organized the workshop, which featured the following authors, papers, and commentators:

INVENTION AND INNOVATION
Oskar Liivak, Cornell Law School
Don't Cite (The Majority) in Funk
Commentator: Christopher Beauchamp, Brooklyn Law School

Daniel Hemel, University of Chicago Law School
(Visiting Professor, NYU School of Law)
Valuing Medical Innovation (with Lisa Larrimore Oullette)
Commentator: Christopher Morten, Columbia Law School

IP LAWS AND GOVERNMENT
Shyam Balganesh, Columbia Law School
Authoring the Law
Commentator: Jacob Victor, Rutgers Law School

Christopher Morten, Columbia Law School
Publicizing Corporate Secrets for Public Good
Commentator: Courtney Cox,
Fordham University School of Law

STUDENT PRESENTATION
Katrina Geddes, NYU School of Law
The Death of the Legal Subject

TRADEMARK LAW
Jeremy Sheff, St. John's School of Law
Reverse Confusion and the Justification of Trademark Protection
Commentator: Christopher Sprigman,
NYU School of Law

Christopher Buccafusco, Cardozo School of Law
Screening Meaning (with Jonathan Masur and Mark McKenna)
Commentator: Jennifer Rothman,
University of Pennsylvania Carey Law School

EMPIRICAL STUDIES OF PATENT LAW
Janet Freilich and Sepehr Shahshahani,
Fordham University School of Law
Measuring Follow-On Innovation
Commentator: Deepak Hegde, NYU Stern School of Business

Jonathan Ashtor, Paul, Weiss LLP; Cardozo School of Law
Investigating Patent Examination Quality
Commentator: Michael Burstein, Cardozo School of Law

ENGELBERG CENTER WHITE PAPERS AND REPORTS

DISTRIBUTED MANUFACTURING OF OPEN HARDWARE

Open Hardware Distribution & Documentation Working Group

A working group of experts explore and document the elements required to build a sustainable model for open hardware distribution, using the OpenFlexure Microscope as a case study.

ENGELBERG CENTER INITIATIVES AND PROJECTS

ENRICH

A collaboration between NYU and the University of Waikato, ENRICH supports the development of Indigenous-based protocols, Indigenous-centered standard-setting mechanisms, and machine-focused technology that inform policy, transform institutional and research practices, and reform relationships between Indigenous communities and wider society.
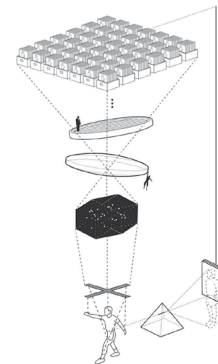
GLAM-E LAB

The GLAM-E Lab is a joint initiative between the Centre for Science, Culture and the Law at the University of Exeter and the Engelberg Center on Innovation Law & Policy at NYU Law to work with smaller and less well-resourced UK and US cultural institutions and community organizations to build open access capacity and expertise.

KNOWING MACHINES

Knowing Machines is a research project tracing the histories, practices, and politics of how machine learning systems are trained to interpret the world.

OTHER EVENTS AT NYU LAW

MEMES ON MEMES AND THE NEW CREATIVITY
(NYU LAW FORUM)

November 3, 2021

Whether viewed from the perspective of copyright law, which values creativity, or First Amendment law, which prizes a robust marketplace of ideas and political discourse, memes matter. They are a paradigm of contemporary creativity, and a powerful form of contemporary speech, often with significant political consequences. Because of the fundamental role copying plays in their production and their reliance on the visual image, they are emblematic of current-day cultural expression. Indeed, memes herald a much larger shift that is underway in creativity across a range of areas, including music, dance, and visual art, making the issues memes present of increasing and widespread significance. At this forum, Professors Amy Adler and Jeanne Fromer drew on their combined expertise in the First Amendment, intellectual property, and art law to place a phenomenon of our digital era into a broader legal, historical, and cultural context.

2022 NEXT GENERATION OF ANTITRUST, DATA PRIVACY AND DATA PROTECTION SCHOLARS CONFERENCE

January 28-29, 2022

The NYU School of Law and the American Bar Association Antitrust Law Section proudly announce the 7th biennial Next Generation conference, which has expanded beyond Antitrust to include Data Privacy and Data Protection. This two-day-long Next Generation of Antitrust, Data Privacy and Data Protection Scholars Conference provided an opportunity for professors in law, economics, accounting, finance, management, information systems, operations management, and marketing who began their full-time tenure-track career in or after 2014 to present their latest research. Senior scholars and practitioners in the field commented on the papers. This free, non-CLE conference was co-sponsored by the ABA Antitrust Law Section and NYU School of Law.

NFTS EXPLAINED...TO THE EXTENT POSSIBLE (NYU LAW FORUM)

April 6, 2022

What is an NFT, and why are people talking about them? In this forum, Professors Amy Adler and Chris Sprigman—joined by Mitchell F. Chan, an artist and leading NFT innovator—looked at what NFTs do, and just as importantly, what they **don't** do. They discussed a number of recent NFT controversies and examined the role that NFTs are beginning to play in art markets. They also reviewed the intellectual property law, as well as other legal and social issues raised by NFTs, and ventured some early predictions about whether NFTs will have enduring importance—and, if so, why. Professor Barton Beebe moderated.

NYU SCHOOL OF LAW
IP COURSE OFFERINGS

SURVEY

Survey of Intellectual Property (IL elective)

Survey of Intellectual Property
(2L, 3L, and LLM)

ART LAW

Art Law

Advanced Topics in Art Law Seminar

COPYRIGHT LAW

Copyright Law

Advanced Copyright Law

PATENT LAW

Patent Law

Patent and IP Licensing Seminar

Patent Litigation Simulation

Patent Law and Life Sciences

Bio-Tech Patent Law

TRADEMARK LAW

Advanced Trademark and Advertising Law

Branding and the Law

Trademark and False Advertising Law

TRADE SECRET LAW

Trade Secret Law

ADVANCED TOPICS IN INNOVATION LAW & POLICY

Advanced Technology Law and Policy Clinic

Advanced Technology Law and
Policy Clinic Seminar

Advanced Topics in IP and
Information Law Seminar

Antitrust and Intellectual Property Seminar

Big Data, Law and Policy Seminar

Communicating Academic Work to
Policymakers Seminar

Counterterrorism Intelligence Gathering
and Law Enforcement Seminar

Cybersecurity Law and Technology Seminar

Cybersecurity Scholars Workshop

Entertainment Law Seminar

Fashion Law and Business

Free Speech

Global Data Law I

Global Data Law II-Ordering and Power

Global Tech Law: Selected Topics Seminar

Guarini Colloquium: Regulating Global
Digital Corporations

Guarini Externship: Global Legal Practice
in Digital Society Seminar

Human Rights, Civil Society, and the
Internet in China Seminar

Information Privacy Law

Innovation Externship

Innovation Externship Seminar

Innovation Law and Economics

Innovation Policy Colloquium

Intellectual Property and
Human Rights Seminar

Intellectual Property & Traditional
Knowledge: The Politics of Law,
Knowledge and Culture

Intellectual Property Crimes Seminar

International Intellectual Property Law

Internet and Business Law for
Technology Companies

Internet Contracts Seminar

Labor and Employment in the
Entertainment Industry

Law and Policy of Big Data,
AI and Machine Learning

Law and Journalism Seminar

Law and the Many Faces of
Information Seminar

Law of the Startup Seminar

Mass Media Law

Sports Law

Taxation of Intellectual Property

Technology Law and Policy Clinic

Technology Law and Policy Clinic Seminar

Theories of Intellectual Property Law Seminar

Topics in Museum Studies:
Museums & the Law

TECHNOLOGY LAW & POLICY CLINIC

Technological advances are driving greater social, economic, and political change, including in access to information, health care, and entertainment; in impacts on the environment, education, and commerce; and by facilitating greater surveillance by law enforcement agencies. These changes mean that issues related to privacy, consumer rights, free speech, and intellectual property are becoming increasingly critical and complex.

The **Technology Law & Policy Clinic** is a semester-long, 6-credit course that focuses on the representation of individuals, nonprofits, and consumer groups that are engaged with these questions from a public interest perspective. The clinic is a mixture of fieldwork and seminar discussion, ranging from technology law and policy to the ethical challenges of representing public interest organizations. The seminar includes problem-solving workshops, guest speakers, and other components that expose students to the practice of technology law in the public interest.

The Technology Law & Policy Clinic is directed by Professor **Jason Schultz** and co-taught with Adjunct Professor **Brett Max Kaufman** and Deputy Director **Christopher Morten '15**.

Past representative matters include:
- Counseling the New York Public Library on copyright, privacy, and security issues related to its groundbreaking e-book lending app, SimplyE;
- Filing an amicus brief on behalf of Mozilla, Mapbox, Medium, Patreon, Etsy, and Wikimedia in support of certiorari for the *Google v. Oracle* decision, raising concerns that overprotecting APIs via copyright law could have detrimental impacts on innovation and competition, especially for open source projects and small startups;
- Filing an amicus brief on behalf of two artists in an important copyright case involving the modern practice of appropriation art, arguing that the fair use doctrine should protect artistic, cultural, and political acts of critique and recontextualization that make use of others' copyrighted works;
- Working with the PrEP4All Collaboration, an all-volunteer group of access-to-medicines activists based in New York City, to challenge patent monopolies on life-saving HIV/AIDS and COVID-19 drugs and ensure wide, equitable access to medical technologies; and
- Working with a non-profit comprised of criminal defense lawyers to research and draft model briefs addressing the effect of the Supreme Court's recent landmark privacy decision, *United States v. Carpenter*, to new contexts that involve location tracking.

THE ENGELBERG CENTER COLLOQUIUM ON INNOVATION LAW & POLICY

Each year, the Engelberg Center sponsors a colloquium on Innovation Law & Policy that is open to students and members of the innovation community, including other faculty at NYU, faculty at other universities, law practitioners, and industry representatives. Topics are chosen on a yearly basis by those serving as the colloquium faculty for that year.

The 2022 Colloquium, which was co-taught by Professors **Rochelle Dreyfuss** and **Katherine Strandberg**, examined innovation in the health care field, looking at such matters as the relationship between intellectual property, encouraging medical advances, and assuring appropriate public access to these advances; the special problem of developing countries; and competition issues related to innovation and intellectual property. The colloquium considered these matters through the lens of the COVID pandemic.

Previous colloquium topics have included:
* Intellectual property in traditionally excluded areas such as algorithmic bias, traditional knowledge, and biological heritage
* Alternative forms of intellectual property, including trade secrets, the right of publicity, and geographical indications
* The relationship between intellectual property law and inequality
* Legal and policy challenges posed by society's increasing reliance on Big Data
* The law and economics of intellectual property
* The relationship between design and intellectual property
* The role of incentives in intellectual property law
* Criminal intellectual property laws
* Open source and collaborative production

JANUARY 27
SIVA THAMBISETTY
LSE Law School, London School of
Economics and Political Science
*The TRIPS Intellectual Property
Waiver Proposal*

FEBRUARY 3
ANA SANTOS RUTSCHMAN
Center for Health Law Studies, Saint Louis
University School of Law
*Aligning Vaccine Innovation with
Public Health Needs*

FEBRUARY 10
RACHEL SACHS
Visiting Professor, NYU School of Law,
Spring 2022; Washington University in
St. Louis School of Law
The Accidental Innovation Policymakers

MARCH 9
CHRISTOPHER MORTEN
Science, Health, and Information Clinic,
Columbia Law School
*Publicizing Corporate Secrets
for Public Good*

MARCH 24
MICHAEL MATTIOLI
Maurer School of Law, Indiana University
FDA's Privacy Halo

MARCH 31
NICHOLSON PRICE
University of Michigan Law School
*Rethinking the Role of Innovation
at the FDA*

APRIL 7
JOHN LIDDICOAT
University of Cambridge Faculty of Law
*Repositioning Generic Drugs:
Empirical Realities*

APRIL 13
PETER LEE
UC Davis School of Law
*COVID-19 Vaccines, Technical
Disclosure, and Public-Private
Quid Pro Quos*

LLM PROGRAM

The LLM program in Competition, Innovation, and Information Law (CIIL) trains students by combining advanced policy and technical expertise with sophisticated legal analysis. The program aims to develop an integrated understanding of the dynamic forces that shape contemporary economic activity and innovation. Students in the CIIL LLM program choose one of two areas of principal focus—Intellectual Property and Information Law, or Antitrust and Competition Policy—while gaining an introductory foothold in the other area and exposure to other related areas of law.

The CIIL program also draws on NYU's strength in international law. The faculty includes leading experts in international and comparative aspects of competition policy and intellectual property law. Their courses and seminars enable students to understand the importance of competition policy and intellectual property law in today's global economy.

STUDENT LIFE IN NYU SCHOOL OF LAW'S INNOVATION COMMUNITY

The **Information Law Institute** is an academic center for the study of law, policy, and social norms defining and affecting the flow of information in a digitally networked society. Its mission is to encourage and disseminate thoughtful research and commentary, welcoming the participation of faculty, students, and other researchers across the disciplinary spectrum. Katherine Strandburg is its Director. Florencia Marotta-Wurgler, Ira Rubinstein, and Jason Schultz are its Faculty Fellows.

The **Intellectual Property and Entertainment Law Society** (IPELS) of the NYU School of Law is a student-run organization that sponsors panels, events, and educational and networking opportunities that promote an understanding of entertainment, sports, fashion, information, internet, and technology law. By connecting NYU School of Law students with industry professionals, IPELS helps them obtain valuable career and academic advice. IPELS partners with the Art Law Society, Media Law Collaborative, and Sports Law Association.

The *NYU Journal of Intellectual Property & Entertainment Law* (JIPEL) is a student-run academic journal dedicated to encouraging scholarly discourse among academics, practitioners, and students interested in intellectual property and entertainment law topics. JIPEL publishes scholarly articles on timely and cutting-edge topics, along with comments and criticism of those articles by industry professionals. As NYU School of Law's first and only online journal, JIPEL provides a unique opportunity for online dialogue through comments from its readers. In keeping with its goals of open access and discourse, JIPEL makes its content available for free to anyone interested in intellectual property and entertainment law. JIPEL also sponsors academic programs and networking events that bring together members of the Intellectual Property and Entertainment Law Society, the Engelberg Center co-directors and affiliated faculty, innovators, industry and government experts, and practitioners.

The **Media Law Collaborative** (MLC) brings together the NYU School of Law and the arts programs of the university. It creates a space where law students can address the typical, yet significant, legal issues that students face when engaged in the film, music, software, publishing, or fine art industries. Law students also have the opportunity to work directly with media students, providing legal advice to those vetted by their particular programs, under the supervision of attorneys. MLC also sponsors joint educational events, such as guest lectures and panel discussions, and social activities in conjunction with other student organizations at NYU Law as well as NYU's arts programs.

The NYU Law **Art Law Society** was launched in 2011. Its mission is to provide a forum at NYU Law for cutting-edge art law topics through lectures, panel presentations, gallery visits, and conversations with practitioners, academics, students, and artists themselves.

Rights over Tech's (R/T) mission is to ensure human and civil rights take supremacy over technology and the power structure that creates it. R/T works against those who sanction, design, or deploy science or technology that violates these rights, especially the rights of those who are vulnerable and marginalized. R/T builds a space where all members of the law school community can have safe but challenging conversations about the development and deployment of technology with perspectives informed by differences in race, gender identity, sexual orientation, age, visibility of disability, religion, immigration status, ability, and class.

NYU Law's **Sports Law Association** (SLA) organizes events to educate its members and the broader NYU community about sports law and its related disciplines and to develop relations with industry-leading institutions (including law firms, leagues, players' associations, and management groups) in order to connect our members with unique career opportunities unavailable through traditional on-campus recruitment. SLA also provides a forum in which the legal issues at the forefront of the profession can be intensively debated.

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