

Stacey Dogan

Boston University School of Law
765 Commonwealth Ave.
Boston, MA 02215
(617) 353-3142
sdogan@bu.edu

EMPLOYMENT

Academic Positions

Boston University:

School of Law

Professor & Law Alumni Scholar (2009-present); Associate Dean for Academic Affairs (2018-21); Visiting Professor (2007-08; spring 2005)

Courses: Trademark Law; Property; IP & the Internet; Law & Regulation of Online Platforms; International IP (Executive LLM); Kilachand Honors College Sophomore Course (“Insight & Invention”); First-Year Lawyering Laboratory.

Awards: Michael Melton Award for Excellence in Teaching (2016); Faculty Service Award (2015, 2019, 201)

School of Law Service: Co-chair, Lateral Appointments Committee (2022-23); Co-Chair, Oversight Board, BU-MIT Entrepreneurship, Intellectual Property & Cyberlaw Program (2015-19); Chair, Outcomes & Assessments Committee (2018-21); Co-Chair, Intellectual Property & Entrepreneurship Program Committee (2015-18); Chair, Faculty Advising Program Committee (2013-15); Chair, Clinical Subcommittee of Appointments Committee (2015-16, 2016-17, 2017-18); Chair, Special Search Committee for Associate Dean for Experiential Education (2013-14); Chair, Faculty Workshop Committee (2011-12); JD Committee (2014-15); Appointments Committee (2009-10, 2010-11, 2014-15); Conferences Committee (2014-16, Chair 2015-16); Academic Standards Committee (2011-12).

Faculty of Computing & Data Sciences

Founding Faculty (2019-2022); Affiliated Faculty (2022-present)

Service: Committee on Curriculum (2019-21) (Provost appointment); Working Group on Ethics in Computing Curriculum (summer 2020); Appointments Committee (2020-21)

University Service

Hariri Institute for Computing and Computational Science Steering Committee (2019-2022)

Ad hoc Committee on Research Security and Conflicts of Commitment (2019-20) (Presidential appointment)

Panel to review appeal of faculty termination (spring 2023) (Provost appointment)

Graduate Council (2019-2021)

Faculty Affairs Council (2018-2021)

Tel Aviv University, The Buchmann Faculty of Law, Tel Aviv, Israel

Visiting Professor; taught US Trademark Law (fall 2021)

Northeastern University School of Law, Boston, MA

Professor (2005-2009); Associate Professor (2002-2005); Assistant Professor (1999-2002); Visiting Assistant Professor (1998-99)

Courses: Intellectual Property; Trademark Law; Software and Internet Law; Antitrust Law; Patent Law.

Boston College Law School, Newton, MA

Visiting Associate Professor (2003-04); taught courses in Intellectual Property, Advanced Copyright Theory (seminar), and Trademark Law.

Georgetown University Law Center, Washington, DC

Adjunct Professor of Law (Spring 1998); co-taught Computers, Technology & the Law.

Harvard University Department of Economics, Cambridge, MA

Teaching fellow (1991-92)

Primary instructor for full-year course in macro- and microeconomics.

Other Relevant Professional Experience

Covington & Burling, Washington, DC

Associate; specialized in trademark, copyright, and antitrust law (1994; 1995-1998)

United States Court of Appeals, D.C. Circuit, Washington, DC

Law Clerk for the Honorable Judith Rogers (1994-1995)

Heller, Ehrman, White & McAuliffe, San Francisco, CA

Associate (1992-1993)

EDUCATION

HARVARD LAW SCHOOL

J.D., *magna cum laude*, June 1992

Managing and Tech Editor, *Harvard Civil Rights-Civil Liberties Law Review*

Executive Board Member, Women's Law Association

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

B.S. in Economics, June 1988

PROFESSIONAL ASSOCIATIONS AND COMMUNITY SERVICE

- Program Committee, 2022 ACM Symposium on Computer Science and Law
- Boston Tech Hub Faculty Working Group Member (spring 2022)
- President (2009), Executive Board Member (2006-2010), Intellectual Property

- Section of the Association of American Law Schools.
- Co-Editor in Chief (2008-2011), Editorial Board member (2011-present) Journal of the Copyright Society of the U.S.A.
- Trustee, Copyright Society of the U.S.A. (2008-2016).
- Participant, HERS Summer Institute for Women in Higher Education Administration (2019)
- Prepublication reviewer for Aspen Publishers, Stanford University Press, Cornell University Press, Cambridge University Press, Harvard Law Review, Stanford Technology Law Journal.
- Admitted to the Bar in California (1992), U.S. District Court and Court of Appeals for Ninth Circuit (1992), Washington, DC (1994).

PUBLICATIONS

Articles and Essays

Levels of Generality and Antitrust's Deference to Product Design (work in progress)

Harm, Benefit, and Justification in Trademark Law (work in progress)

The Long Shadow of Inevitable Disclosure (with Felicity Slater), GEORGE MASON L. REV. (forthcoming 2023)

Stirring the Pot: A Response to Rothman's Right of Publicity, 42 COLUM. J.L. & ARTS 321 (2019)

Bounded Rationality and Paternalism in Trademark Law, 56 HOUSTON L. REV. 269 (2019)

The Role of Design Choice in Intellectual Property and Antitrust Law, 15 JOURNAL ON TELECOMMUNICATIONS AND HIGH TECHNOLOGY LAW 27 (2016)

Bullying and Opportunism in Trademark and Right-of-Publicity Law, 96 BOSTON UNIVERSITY LAW REVIEW 1293 (2016)

Principled Standards vs. Boundless Discretion: A Tale of Two Approaches to Intermediary Trademark Liability Online, 37 COLUM. J.L. & ARTS 503 (2014)

Parody as Brand (co-authored with Mark Lemley), 46 U.C. DAVIS L. REV. 473 (2013)

"We Know it When We See it": Intermediary Trademark Liability and the Internet, 2011 STANFORD TECH. L. J. 7

Judicial Takings and Collateral Attacks on State Court Property Decisions (with Ernest Young), 6 DUKE J. CONST'L L. & PUB. POL. 107 (2011)

Trademark Remedies and Online Intermediaries, 14 LEWIS & CLARKE L. REV. 467 (2010)

Beyond Trademark Use, 8 JOURNAL ON TELECOMMUNICATIONS AND HIGH TECHNOLOGY LAW 135 (2010)

Antitrust Law and Regulatory Gaming (with Mark Lemley), 87 TEXAS LAW REVIEW 685 (2009)

The Trademark Use Requirement in Dilution Cases (with Mark Lemley), 24 SANTA CLARA HIGH TECHNOLOGY LAW REVIEW 541 (2008)

Grounding Trademark Law Through Trademark Use (with Mark Lemley), 92 IOWA L. REV. 1669 (2007), *reprinted in* 98 THE TRADEMARK REPORTER 1345 (2008)

What Is Dilution, Anyway?, 105 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 103, *available at* <http://students.law.umich.edu/mlr/firstimpressions/vol105/dogan.pdf> (2006)

What The Right of Publicity Can Learn from Trademark Law (with Mark Lemley), 58 STANFORD LAW REVIEW 1161 (2006)

Comment: Sony, Fair Use, and File Sharing, 55 CASE WESTERN RESERVE LAW REVIEW 971 (2005)

The Merchandising Right: Fragile Theory or Fait Accompli? (with Mark Lemley), 54 EMORY LAW JOURNAL 461 (2005)

Copyright Law and Subject Matter Specificity: The Case of Computer Software (with Joseph P. Liu), 61 NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW 203 (2005)

Trademarks and Consumer Search Costs on the Internet (with Mark Lemley), 41 HOUSTON LAW REVIEW 777 (2004)

Code Versus the Common Law, 2 JOURNAL ON TELECOMMUNICATIONS & HIGH TECHNOLOGY LAW 73 (2003)

An Exclusive Right to Evoke, 44 BOSTON COLLEGE LAW REVIEW 291 (2003)

Infringement Once Removed: The Perils of Hyperlinking to Infringing Content, 87 IOWA LAW REVIEW 829 (2002)

Essay, *Where's the Middle Ground? – The Battlefield Over Copyright*, NORTHEASTERN LAW MAGAZINE 2 (Summer 2002)

Is Napster A VCR? The Implications of Sony for Napster and Other Internet Technologies, 52 HASTINGS LAW JOURNAL 939 (2001)

Book chapters

Reforming Trademark Law's Approach to Intermediary Liability, in GRAEME B. DINWOODIE & MARK D. JANIS (eds.), RESEARCH HANDBOOK ON TRADEMARK LAW REFORM (Edward Elgar, 2021)

Annette Kur: Toward Understanding, in Niklas Bruun, Graeme B. Dinwoodie, Marianne Levin & Ansgar Ohly (eds.), TRANSITION AND COHERENCE IN INTELLECTUAL PROPERTY LAW (Cambridge University Press, 2020)

Approaches to Secondary Trademarks Liability: Common Law Evolution, in IRENE CALBOLI & JANE C. GINSBURG (EDS.), THE CAMBRIDGE HANDBOOK OF INTERNATIONAL AND COMPARATIVE IP LAW (Cambridge Univ. Press, 2020)

Greeted with a Shrug: The Impact of the Community Design System on United States Law, in A. KUR, M. LEVIN & J. SCHOVSBO (EDS.), THE EU DESIGN APPROACH – A GLOBAL APPRAISAL (Edward Elgar 2018)

The Right of Publicity: A Cautionary Tale from the United States, in THE INTERNET AND THE EMERGING IMPORTANCE OF NEW FORMS OF INTELLECTUAL PROPERTY (Susy Frankel & Daniel Gervais, eds., 2016)

Haelan Laboratories v. Topps Chewing Gum: Publicity as a Legal Right, in ROCHELLE COOPER DREYFUSS & JANE C. GINSBURG (EDS.), INTELLECTUAL PROPERTY AT THE EDGE: THE CONTESTED CONTOURS OF IP (Cambridge Univ. Press, 2014)

A Search Costs Theory of Limiting Doctrines in Trademark Law (with Mark Lemley), in GRAEME B. DINWOODIE & MARK D. JANIS (EDS.), TRADEMARK LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH (2008, Edward Elgar Publishers), *reprinted in* 97 THE TRADEMARK REPORTER 1223 (2008)

Trademarks and Consumer Information, in NOUVELLES APPROCHES EN PROPRIETE INTELLECTUELLE DANS UN MONDE TRANSSYSTEMIQUE [INTELLECTUAL PROPERTY AT THE EDGE: NEW APPROACHES TO IP IN A TRANSSYSTEMIC WORLD] 321 (2007)

Peer-to-Peer Technology and the Copyright Crossroads, chapter in PEER-TO-PEER COMPUTING: THE EVOLUTION OF DISRUPTIVE TECHNOLOGY (Brian Goodman & Ramesh Subramanian, eds., 2005)

Copyright in Cyberspace, in TEACHING CYBERLAW IN CYBERSPACE (online resource for cyberspace courses), *available at* www.cyberspacelaw.org (1999)

Reviews

Whittling Away at Trademark Law's Notions of Harm (review of Michael Handler, *What Can Harm the Reputation of a Trademark? A Critical Re-Evaluation of Dilution by Tarnishment*, 106 TM REP. 639 (2016)), JOTWELL, Jan. 30, 2017, *available at* <https://ip.jotwell.com/whittling-away-at-trademark-laws-notions-of-harm/>

Internet Payment Blockades: SOPA and PIPA in Disguise? Or Worse? (review of Annemarie Bridy, *Internet Payment Blockades*, FLA. L. REV. (forthcoming 2015), JOTWELL, March 25, 2015, available at <http://ip.jotwell.com/internet-payment-blockades-sopa-and-pipa-in-disguise-or-worse/>)

Intermediary Trademark Liability: A Comparative Lens (review of Graeme B. Dinwoodie, *Secondary Liability for Online Trademark Infringement: The International Landscape*, 36 COLUM. J.L. & ARTS (2014)), JOTWELL, May 2014, available at <http://ip.jotwell.com/intermediary-trademark-liability-a-comparative-lens/>

Beyond Confusion? (review of Robert G. Bone, *Taking the Confusion Out of "Likelihood of Confusion": Toward a More Sensible Approach to Trademark Infringement*, 106 NW. U. L. REV. 1307 (2012)), JOTWELL, December 2012, available at <http://ip.jotwell.com/beyond-confusion/>

Trademark Dilution and Corporate Personhood (review of Sandra L. Rierson, *The Myth and Reality of Dilution*, 2012 DUKE L. & TECH. REV), JOTWELL, December 2011, available at <http://ip.jotwell.com/trademark-dilution-and-corporate-personhood/>

Brand or Anti-Brand? (review of Sonia K. Katyal, *Stealth Marketing and Anti-Branding: The Love that Dare Not Speak its Name*, 58 BUFF. L. REV. 795 (2010)), JOTWELL, December 2010, available at <http://ip.jotwell.com/brand-or-anti-brand/>

Amicus Briefs

Brief of *Amici Curiae* Intellectual Property Law Faculty in Support of Affirmance, *Rescuecom Corp. v. Google, Inc.*, No. 06-4881-CV (2d Cir., filed Feb. 22, 2007) (co-authored with Eric Goldman)

Expert Reports and Testimony

Expert report filed in *Frederick M. Brown v. Frederick J. Brown*, No. CV11-06897JFW (RZX) (C.D. Cal., submitted April 2012)

Expert report filed in *Southern Snow Mfg. Co. v. SnoWizard*, No. 06-9170 (E.D. La. January 2011); testified in jury trial on Feb. 22, 2013

PRESENTATIONS AND PROCEEDINGS

Participant, Trademark Scholars Roundtable, UCLA, Los Angeles, CA, Feb. 24-25, 2023.

Panelist, *Bridging the Computer Science-Law Divide: Recommendations from the Front Lines*, ACM Symposium on Computer Science and Law, Nov. 1-2, 2022.

Commentator, *Screening Meaning*, Harvard-NYU-Penn Trademark and Unfair Competition Roundtable, University of Pennsylvania, Oct. 7-8, 2022.

The Long Shadow of Inevitable Disclosure, BU Law Faculty Workshop, Sept. 29, 2022.

Participant, Trademark Scholars Roundtable, Oxford University, Oxford, UK, June 24-25, 2022.

Paper Commentator, *Antitrust & Race* (H. Hafiz), Harvard/Yale/Stanford Junior Faculty Forum, Cambridge, MA, Jun. 9-10, 2022.

Levels of Generality and Antitrust's Deference to Product Design, Yale Information Society Project Speaker Series, Apr. 26, 2022 (via Zoom).

Levels of Generality and Antitrust's Deference to Product Design, Annual Loyola Antitrust Colloquium, Institute for Consumer Antitrust Studies, Loyola University Chicago, Apr. 22, 2022.

Paper Commentator, *From Business As Usual to Health for the Future: Challenging the Intellectual Property Regime to Address COVID-19 and Future Pandemics* (B. Baker & R. Thrasher), BU International Law Journal Symposium, Mar. 23, 2022.

Paper Commentator, *Anticompetitive Trademark Settlement* (E. Hovenkamp & S. Hemphill), 2022 Next Generation of Antitrust, Data Privacy and Data Protection Scholars Conference, NYU School of Law, Jan. 28, 2022 (via Zoom).

Levels of Generality and Antitrust's Deference to Product Design, Law & Technology Workshop, Tel-Aviv University, Nov. 18, 2021.

Interrogating Design Choice in Antitrust Law, Antitrust Roundtable, University of California, Irvine, Oct. 8, 2021 (via Zoom).

Antitrust and Big Tech, CS Tea, Carleton College Department of Computer Science, Northfield, MN, Sept. 30, 2021.

Moderator, *Intellectual Property, Technology, and Bias*, Symposium on Technology and the Law: Examining and Addressing Bias, Boston University Journal of Science and Technology Law, Feb. 19, 2021 (via Zoom).

Panelist, *Teaching Public Interest Technology through a Multidisciplinary Lens*, Public Interest Technology – University Network Annual Conference, Nov. 13, 2020 (via Zoom).

Panelist on Careers in Law and Computer Science, Workshop on the Co-Development of Computer Science and Law, Nov. 10, 2020 (via Zoom).

Panelist, *USPTO v. Booking.com*, Supreme Court IP Review, Chicago-Kent College of Law, Sept. 25, 2020 (via Zoom).

Organizer, *Bridging the Law-Tech Divide: A Workshop for Faculty and Academic Leaders*, April 18, 2020 (via Zoom).

Participant, Trademark Scholars Roundtable, Stanford Law School, Feb. 28-29, 2020.

Harms, Benefits and Justifications in Trademark Law, Faculty Workshop, University of Minnesota Law School, Feb. 13, 2020.

Panelist, *The FUCTION Case of Trademarks and Free Speech: Registering Immoral and Scandalous Marks*, Boston Chapter of Federalist Society, May 9, 2019.

Participant, Trademark Scholars Roundtable, Harvard Law School, April 12-13, 2019.

Deep Fakes: A Trademark Perspective, University of Maryland Law Review Symposium, Feb. 1, 2019.

Stirring the Pot: A Response to Rothman's Right of Publicity, Kernochan Center Symposium "Owning Personality: The Expanding Right of Publicity," Columbia Law School, New York, Oct. 19, 2018.

Cybersecurity Liability in the US: Trends and Perspectives, Geneva Cybersecurity Law & Policy Conference, June 21, 2018.

Moderator, Panel on Litigation Strategies, Conference on Commercial Speech and the First Amendment: Right of Publicity, Abrams Institute for Freedom of Expression, Yale Information Society Project, New York, June 4, 2018.

Bounded Rationality, Paternalism, and Trademark Law, Houston Law Center Institute for Intellectual Property & Information Law Annual Conference, Santa Fe, June 2, 2018.

The Role of Design Choice in Intellectual Property and Antitrust Law, University of Colorado Copyright Colloquium, Boulder, April 26, 2018.

The Role of Design Choice in Intellectual Property and Antitrust Law, BU Law Intellectual Property Theory Workshop, Boston, April 18, 2018.

Participant, Trademark Scholars Roundtable, Notre Dame in Chicago, Chicago, IL, April 13-14, 2018.

Legal Issues on the Technology Frontier, U.S. District Court (D. Minnesota), March 2, 2018 (helped to plan, and introduced, judicial education program presented by Professor Ahmed Ghappour)

The Role of Design Choice in Intellectual Property and Antitrust Law, Antitrust Scholars Roundtable, UC Irvine Competition, Antitrust Law, and Innovation Forum, November 2, 2017.

Product-Hopping and Antitrust Law, Northeastern University/American Antitrust Institute Joint Workshop on Innovation and Antitrust, October 20, 2017.

Harms, Benefits and Justifications in Trademark Law, Food with Faculty speaker series, BU Law, October 18, 2017.

Harms, Benefits and Justifications in Trademark Law, Trademark Law Works-in-Progress Symposium, American University, September 15, 2017.

Harms, Benefits and Justifications in Trademark Law, International Trademark Association Scholarship Symposium, Barcelona, Spain, May 24, 2017.

Commentator, Information Law Faculty Workshop, Fordham Law School, March 31, 2017, to comment on Phil Weiser, *Earned Regulatory Authority*.

Participant, Trademark Scholars Roundtable, Chicago-Kent School of Law, March 23-24, 2017.

The Role of Design Choice in Intellectual Property and Antitrust Law, Works-in-Progress in Intellectual Property Conference, Boston University School of Law, February 11, 2017.

Harms, Benefits and Justifications in Trademark Law, Hofstra IP Colloquium, October 24, 2016.

Keynote speaker, Women's Law Association Annual Faculty Address, Boston University School of Law, October 13, 2016.

Panelist, "Intellectual Property in the Digital World," AIPLA webinar, September 28, 2016.

Participant and chair, Trademark Scholars Roundtable, Boston University School of Law, June 9-10, 2016.

Trends in Intermediary Liability Law for Trademark and Copyright, Boston Bar Association, April 2016.

Harms, Benefits and Justifications in Trademark Law, Roger Williams School of Law faculty workshop, March 30, 2016.

Intellectual Property Law and Intermediary Business Models, Digital Broadband Migration Conference, Silicon Flatirons, UC Boulder, February 1, 2016.

Panelist, *The Problem with Patents*, MIT Alumni Association webcast, January 28, 2016.

Copy, Create, Hack and Distribute: An Introduction to Intellectual Property Issues on the Internet, MIT Media Lab, January 14, 2016 (Independent Activities Period program, co-presented with Kate Darling, MIT Media Lab)

Panelist, *Pedagogy for New Law Teachers: Teaching IP to Non-Law Students*, Association of American Law Schools Annual Meeting, New York, January 9, 2016.

Participant and co-organizer, *Trademark Law's Fundamental Purposes* roundtable, first in a series of "IP Conversations" hosted by Boston University School of Law, November 20, 2015.

Design: A Perspective from the United States, workshop on European Design Law, University of Copenhagen Center for Information, November 16-17, 2015.

Participant, Right of Publicity Workshop, Yale Law School Information Society Project and Abrams Institute for Free Expression, October 17, 2015.

Bullying and Opportunism in Trademark and Right-of-Publicity Law, Boston University Law Review annual conference, "Notice & Notice Failure in IP Law," September 26, 2015.

Participant, Trademark Scholars Roundtable, Oxford, UK, June 29-30, 2015.

Panelist, Silicon Flatirons Cable Academic Workshop, Searle Center, Northwestern University School of Law, Chicago, IL, May 5, 2015.

A Moving Line? Exploring the Boundaries of Trademark Enforcement and Trademark Misuse, invited participant in Academic Day panel, International Trademark Association Annual Meeting, San Diego, CA, May 4, 2015.

Harms, Benefits, and Justifications in Trademark Law:
St. John's Intellectual Property Law Colloquium, Jamaica, NY, April 27, 2015.

Chosen as winning trademark paper for presentation at ABA-IPL Scholarship Symposium, Bethesda, March 25, 2015.

Intellectual Property Theory Colloquium, Loyola Law School, Los Angeles, March 10, 2015.

Trademarks and Pharmaceuticals, Boston University School of Public Health, March 31, 2015.

Participant, American Trademark Law Society meeting, New York University, March 27, 2015.

The Right of Publicity: Harms, Benefits, and Justifications, at “Intellectual Property on the Internet: Is There Life Outside the Big Three?”, Wellington, New Zealand, November 17-18, 2014.

Harms, Benefits, and Justifications in Trademark Law, Intellectual Property Scholars Conference, University of California, Berkeley, August 7, 2014.

Participant, Workshop on Trademark Law Reform, Chicago, IL, June 27, 2014.

Burdens of Persuasion in Trademark Law, Faculty workshop at Boston University School of Law, March 27, 2014.

Participant, Academic Roundtable on U.S. and European Design Law, Max Planck Institute, Munich, Germany, Nov. 22-23, 2013.

Secondary Trademark Infringement in the US: Law and Policy, at “International Conference on Secondary Liability for Trademark Infringement,” Columbia Law School, November 8, 2013.

Burdens of Persuasion in Trademark Law, Faculty workshop at Fordham Law School, October 10, 2013.

Parody as Brand, Faculty workshop at Notre Dame Law School, September 13, 2013.

Participant, Fifth Trademark Scholars Roundtable, Indiana University, Bloomington, April 12-13, 2013.

Parody as Brand, Faculty workshop at Vermont Law School, April 8, 2013.

Parody as Brand (co-presented with Mark Lemley), University of California, Davis, conference, “Brand New World: Distinguishing Oneself in the Global Flow,” October 5, 2012.

The Role of Law and Economics in Intellectual Property Legal Research, 31st Annual Congress of the International Association for the Advancement of Teaching and Research in IP, Chicago, Illinois, July 30, 2012.

Trademarks and Access to the Marketplace: A Response to Professor Dinwoodie, The Access Challenge in the 21st Century: Emerging Issues in Intellectual Property Law and Knowledge Governance, Bucerius Law School, Hamburg, Germany, May 18, 2012.

Participant, Fourth Trademark Scholars Roundtable, Chicago, Illinois, April 20-21, 2012.

Haelan Laboratories v. Topps Chewing Gum: Publicity as a Legal Right, at “Intellectual Property at the Edge” workshop, Columbia Law School, April 12, 2012.

Trademark Functionality, Intellectual Property in the Trees Speaker Series, Lewis & Clark Law School, March 16, 2012.

Burdens of Persuasion in Trademark Law, University of Georgia School of Law conference, “Back to the Future: Global Perspectives on the Future of IP Law in the Next Decade,” March 2, 2012.

Functionality, Oxford Intellectual Property Invited Speaker Seminar Series, Oxford, UK, October 20, 2011.

Mass Copyright Infringement Litigation (panel), Copyright Society (USA) Annual Meeting, Bolton Landing, NY, June 7, 2011.

Advanced Trademark, Copyright and Other Intellectual Property Issues in Entertainment Law Worldwide (panelist), ABA Forum on the Entertainment and Sports Industries Second Annual International Legal Symposium, South Beach, April 29, 2011.

Participant, Third Trademark Scholars Roundtable, Indiana University, Bloomington, April 22-23, 2011.

Functionality (co-presented with Wendy Gordon), Works-in-Progress-in-Intellectual-Property Conference, Boston University, February 11, 2011.

The Product Design Quandary, Fordham Intellectual Property and Innovation Colloquium, March 28, 2011.

“We Know it When We See it”: Intermediary Trademark Liability and the Internet, Secondary and Intermediate Liability on the Internet conference, Stanford Law School, March 3, 2011.

Judicial Takings and Collateral Attacks on State Law Property Decisions, at “Takings, the Fifth Amendment, and *Stop the Beach*,” Duke Law School, Feb. 4, 2011.

Federalism and the United States Trademark System, presented at workshop, “A Study on the Overall Evaluation of European Trademark Law,” Max Planck Institute, Munich, Germany, June 1, 2010.

Participant, Second Trademark Scholars Roundtable, DePaul University, April 16-27, 2010.

Secondary Liability in U.S. Trademark Law, at “Widening the Net: Contributory/Accessorial/Secondary Liability for Facilitating, Authorising and Inducing Infringement of Intellectual Property Rights,” Cambridge University, U.K, March 13, 2010.

Trademarks in Cyberspace, presented at conference, “Signifiers in Cyberspace: Domain Names and Online Trademarks,” Center for Law, Technology & Arts, at Case Western Reserve University School of Law, Cleveland, Ohio, November 13, 2009.

Panel member, *Keywords and Search Engine Liability*, “The Brand as Property: Trademark Law and its Challenges in the New Era,” University of San Francisco, November 4, 2009.

Remedies in Contributory Trademark Infringement Cases, Lewis & Clarke Law School, October 2, 2009.

Trademark Law’s Identity Crisis, OECD, Paris, July 17, 2009.

Rights of Publicity and the First Amendment (commentator), Intellectual Property and Reputation Meet the First Amendment, Boston College Law School, April 3, 2009.

A Recipe for Confusion: The Fragmentation of Trademark Rules and Practices Online, The Digital Broadband Migration: Imagining the Internet’s Future, University of Colorado at Boulder, February 9, 2009.

Sports and Intellectual Property: Names, Faces and Money, Boston Bar Association, January 22, 2009.

“*Trademark Use*” in an Internet Age, International Trademark Association Leadership Meeting, Boca Raton, November 15, 2008 (debate with Professor Graeme Dinwoodie).

Antitrust Law and Regulatory Gaming, Minnesota Works-in-Progress Workshop, University of Minnesota, September 19-20, 2008.

Keynote Speaker: Expansions and Contractions in Turn-of-the-Century Trademark Law, Massachusetts Continuing Legal Education’s Intellectual Property Law Annual Conference, June 18, 2008.

Participant, Trademark Scholars Roundtable, University of Iowa, April 10-12, 2008.

Is a Trademark Use Requirement Useless?, Evil Twins Debate, University of Richmond, April 4, 2008.

Intellectual Property Rights and Faculty Authors, Northeastern University Libraries Brown Bag Series, March 28, 2008.

Functionality Reconsidered, Boston University School of Law faculty workshop, February 7, 2008; BU Law & Economics Workshop, November 12, 2007.
Reevaluating the Limits of Restrictive License Terms in the Wake of Leegin and Illinois Tool Works, at conference, "Licensing: Seizing Opportunities and Mitigating Risks," Suffolk Law School, November 9, 2007.

Functionality Reconsidered, Michigan Intellectual Property Workshop, November 7, 2007.

Trademarks as Keywords for Paid Search Results and Advertising: Is it Trademark Use?, PLI Advanced Seminar on Trademark Law, New York, May 15, 2007.

Keyword-Triggered Advertising/Sponsored Links -- Is it Trademark Infringement?, AIPLA Annual Meeting Session, Boston, May 10, 2007.

Keyword Advertising and Trademarks on the Internet, VIII European Intellectual Property Institutes Network Congress, Alicante, Spain, May 4, 2007.

Grounding Trademark Law Through Trademark Use, Faculty Workshop, Thomas Jefferson School of Law, April 16, 2007.

Grounding Trademark Law Through Trademark Use, Institute for Global Innovation Management Thought Leadership Seminar Series, March 22, 2007.

The Morality of Copyright Disobedience (panelist), AALS Annual Meeting, Washington, DC, January 4, 2007.

Legislative Developments in Copyright Law: Orphan Works and Beyond, Boston Bar Association, December 7, 2006.

Discussant on paper, "iTunes for Authors, or Napster for Books? Copyright and Antitrust Implications of the Publishing Industry's Campaign Against Google Book Search," by Hannibal Travis, AALS Mid-Year Meeting, Vancouver, BC, June 15, 2006.

By Any Other Name: Intellectual Property as "Property", Panelist, Federalist Society IP Basics Conference, May 17, 2006.

Trademarks as Information, Faculty Workshop, William and Mary School of Law, April 7, 2006.

Trademarks as Information, Meredith Memorial Lectures 2006, McGill University, Montreal, Canada, March 17, 2006.

Intellectual Property and Systems Competition, Systems Competition Workshop, American Antitrust Institute Workshop, Northeastern University, February 10, 2006.

Recent Developments in Trademark Legislation, Boston Patent Law Association's "Hot Topics in Trademark Law" conference, October 19, 2005.

What the Right of Publicity Can Learn from Trademark Law, Colloquium on Technology, Innovation & Intellectual Property, University of Arizona, October 3, 2005.

An Arsenal of Merchandising Rights – Comparing US and EU Law, Intellectual Property in the New Millennium Seminar Series, St. Peter's College, Oxford, U.K., May 24, 2005.

The Merchandising Right: Fragile Theory or Fait Accompli?, Chicago Intellectual Property Colloquium, April 26, 2005.

The Economics of the Middlemen, panelist, Whither the Middleman: Intermediaries in the Information Age, Michigan State University College of Law, April 9, 2005.

The Merchandising Right: Fragile Theory or Fait Accompli?, Boston University School of Law Faculty Workshop, March 31, 2005.

Panelist, *Cutting Edge Copyright Law*, Massachusetts CLE presentation, March 30, 2005.

Is Copyright Law Technology-Specific?, University of Pittsburgh Intellectual Property/Internet conference, March 18, 2005.

Fair Use since Sony, panelist, Case Western Center for Law, Technology, and the Arts, Symposium on the Twentieth Anniversary of *Sony v. Universal City Studios*, February 25, 2005.

Recent Developments in Trademark Legislation, Boston Patent Law Association's "Hot Topics in Trademark Law" conference, November 3, 2004.

The Merchandising Right: Fragile Theory or Fait Accompli?, St. Louis University School of Law faculty colloquium, October 28, 2004.

Trademarks and Consumer Search Costs on the Internet, at Stanford Law School technology and law seminar, October 14, 2004.

Is Copyright Law Technology-Specific? (co-presented with Joseph P. Liu), Work in Progress Intellectual Property Colloquium, Boston University School of Law, September 10, 2004.

Trademarks and Consumer Search Costs on the Internet (co-presented with Mark A. Lemley), at 2004 Intellectual Property Scholars Conference, DePaul University College of Law Center for Intellectual Property & Information Technology, August 2, 2004.

Trademarks and Consumer Search Costs on the Internet (co-presented with Mark A. Lemley), at Trademarks in Transition: 2004 IPIL/Houston Santa Fe Conference (sponsored by Institute for Intellectual Property and Information Law, University of Houston Law Center), June 4, 2004.

Privacy and Liberty Implications of Suing File Sharers, panelist, 14th Conference on Computers, Freedom, and Privacy, April 22, 2004.

Trademarks and Consumer Search Costs on the Internet:

Boston University Intellectual Property Speaker Series, Feb. 23, 2004.

Thomas Jefferson Law School Intellectual Property Speaker Series, Feb. 16, 2004.

University of San Diego Faculty Workshop, Feb. 13, 2004.

George Washington University IP Workshop Series, Feb. 4, 2004.

Copyright, Deterrence, and Social Norms, Works-in-Progress Colloquium, Tulane University, Oct. 18, 2003.

Participant in joint workshop on global innovation between Northeastern University's Institute for Global Innovation Management and the Institute of International Business, Stockholm School of Economics, Stockholm, Sweden, June 12-13, 2003.

Code Versus the Common Law, faculty colloquium at Rutgers University, Camden campus, April 14, 2003.

International Industrial Organization Conference, Northeastern University, April 5, 2003:

Session chair, *Sharing the Costs of Copyright Infringement: Secondary Copyright Liability in a Digital Age* (interdisciplinary panel of economists and law faculty).

Presented paper: *Legislating Technology in the Era of Digital Copies: Has the Common Law Failed?* in the session listed above.

Discussant on paper: *Intellectual Property Rights and Innovation in Developing Countries*, by Thitima Puttitanun & Yongmin Chen, in session on *Regional Comparisons of Innovative Activity*.

From Rights to Bytes: Authorship and Copyright in a Digital Era, Northeastern University Economic Policy Forum, March 25, 2003.

Code Versus the Common Law, for Silicon Flatirons Telecommunications Symposium at University of Colorado, February 3, 2003.

Code Versus the Common Law, Northeastern University School of Law Faculty Colloquium, January 22, 2003.

Intellectual Property Challenges for the Global Enterprise, Northeastern University Institute for Global Innovation Management Thought Leadership Seminar Series, December 12, 2002.

An Exclusive Right to Evoke, for Boston College Symposium, "Intellectual Property, Ecommerce and the Internet," October 18, 2002.

A Discussion of Bowers v. Baystate, Boston Bar Association Intellectual Property Subcommittee, October 7, 2002.

Beyond the VCR: Implications of Sony v. Universal City Studios for Internet-Related Actors, presented to the Second International Conference of the Association of Internet Researchers, University of Minnesota, October 13, 2001.

Infringement Once Removed: The Perils of Hyperlinking to Infringing Content
Berkman Center, Harvard Law School, May 2001.
Suffolk Law School faculty colloquium, April 2001.
Northeastern Law School faculty colloquium, January 2001.

Patenting and Financing Bioinformatic Inventions and Data Protection Statutes and Bioinformatic Databases, Moderator, Symposium on Bioinformatics and Intellectual Property Law, Boston University, April 2001.

Linking to Infringement: A Comparative and Cross-Border Analysis, BILETA annual conference on IT and the Law, University of Edinburgh, Scotland, April 2001.

Is Napster A VCR? The Implications of Sony for Napster and Other Internet Technologies, Symposium on Consumers in the Digital Age: Perspectives on the Intersection Between Law, Technological Innovation, and Consumer Protection, Hastings Law School, February 2001.

Copyright Law for Artists, combined presentation for Massachusetts CLE and Massachusetts Volunteer Lawyers for the Arts, December 2000.

Infringement Once Removed, Boston University Intellectual Property Colloquium Series, August 2000.

Copyright Law for Artists, combined presentation for Massachusetts CLE and Massachusetts Volunteer Lawyers for the Arts, December 1998.

Intellectual Property in the New Age of Computers, Northwestern University School of Law Corporate Counsel Symposium, October 7, 1998.