

**Committee on Energy and Commerce**  
**U.S. House of Representatives**  
Witness Disclosure Requirement - "Truth in Testimony"  
Required by House Rule XI, Clause 2(g)(5)

1. Your Name: <u>ERIC GOLDMAN</u>		
2. Your Title: <u>PROFESSOR OF LAW, SANTA CLARA UNIVERSITY</u>		
3. The Entity(ies) You are Representing: <u>N/A</u>		
4. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No <input checked="" type="checkbox"/>
5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2015. Only grants, contracts, or payments related to the subject matter of the hearing must be listed.  <u>NONE</u>		
6. Please attach your curriculum vitae to your completed disclosure form.		

Signature: \_\_\_\_\_



Date: 11/28/17

**Eric Goldman**  
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**PROFESSOR EXPERIENCE**

Santa Clara University School of Law, Santa Clara, CA, 2006-  
Director/Co-Director of the High Tech Law Institute, 2006- (on sabbatical 2015-16)  
Supervisor/Co-Supervisor, Privacy Law Certificate, 2014- (on sabbatical 2015-16)  
Assistant Director, Tech Edge J.D. program, 2017-  
(Full) Professor, 2012-  
Associate Professor, 2008-2012  
Assistant Professor, 2006-08  
Courses taught: Internet Law, Intellectual Property, Advertising & Marketing Law,  
Summer LLM Program (9 hours of Internet Law)

Assistant Professor, Marquette University Law School, Milwaukee, WI, 2002-06  
Courses taught: Contracts, Copyrights, Cyberlaw, Intellectual Property, Professional  
Responsibility, and Software Licensing

**ADJUNCT TEACHING EXPERIENCE**

Copyright Law, University of California, Berkeley School of Law (Boalt Hall), Spring 2002

Cyberspace Law, Santa Clara University School of Law, Spring 1997-2002

Cyberspace Law, University of San Francisco School of Law, Spring 1996

**OTHER WORK EXPERIENCE**

General Counsel and Assistant Secretary, Epinions, Inc., Brisbane, CA, 2000-2002

Associate, Information Technology Group, Cooley Godward LLP, Palo Alto, CA, 1994-2000

Senior Real Estate Analyst, Langdon Rieder Corporation, Los Angeles, CA, 1988-1990

## EDUCATION

UCLA School of Law, JD, 1994  
Editor, UCLA Law Review  
3 American Jurisprudence awards

UCLA Anderson School of Management, MBA, 1994  
Beta Gamma Sigma business honor society

UCLA, BA, Economics/Business, 1988  
Summa cum laude  
Phi Beta Kappa  
College Honors  
Departmental Honors  
Chancellor's Marshall (for distinguished University service)

## ACADEMIC WORKS IN PROCESS

*Understanding the Consumer Review Fairness Act*, 24 MICH. TELECOMM. & TECH. L. REV. \_\_ (2017)

*Emojis and the Law*

*Judicial Resolution of Nonconsensual Pornography Cases* (with Angie Jin), \_\_ I/S: J.L. & POL'Y FOR THE INFO. SOCIETY \_\_ (2018)

*The Ten Most Important Section 230 Rulings*, 20 TULANE J. TECH. & IP \_\_ (2017)

*Copyright's Memory Hole* (with Jessica Silbey)

## ACADEMIC ARTICLES, BOOKS AND BOOK CHAPTERS

[INTERNET LAW CASES AND MATERIALS](#) (July 2017 edition)

*The Defend Trade Secrets Act Isn't an Intellectual Property Law*, 33 SANTA CLARA HIGH TECH. L.J. 541 (2017)

[ADVERTISING & MARKETING LAW: CASES AND MATERIALS](#) (3d edition 2016) (with Rebecca Tushnet)

[INTERNET LAW CASES AND MATERIALS](#) (May 2016 edition)

*Regulation of Lawyers' Use of Competitive Keyword Advertising*, 2016 U. ILL. L. REV. 103 (with Angel Reyes III)

*Ex Parte Seizures and the Defend Trade Secrets Act*, 72 WASH. & LEE L. REV. ONLINE 284 (2015)

*Self-Publishing an Electronic Casebook Benefited Our Readers—and Us*, 11 WASH. J.L. TECH. & ARTS 49 (2015) (with Rebecca Tushnet)

INTERNET LAW CASES AND MATERIALS (July 2015 edition)

INTERNET LAW CASES AND MATERIALS (July 2014 edition)

ADVERTISING & MARKETING LAW: CASES AND MATERIALS (2d edition 2014) (with Rebecca Tushnet)

*The Irony of Privacy Class Action Lawsuits*, 10 J. TELECOMM. & HIGH TECH. L. 309 (2012)

ADVERTISING & MARKETING LAW: CASES AND MATERIALS (1st edition 2012) (with Rebecca Tushnet)

*Online User Account Termination and 47 U.S.C. §230(c)(2)*, 2 U.C. IRVINE L. REV. 659 (2012)

*Revisiting Search Engine Bias*, 38 WILLIAM MITCHELL L. REV. 96 (2011)

*Regulating Reputation*, in THE REPUTATION SOCIETY: HOW ONLINE OPINIONS ARE RESHAPING THE OFFLINE WORLD 51 (Hassan Masum and Mark Tovey eds.) (MIT Press, 2011)

Edited version republished as *The Regulation of Reputational Information* in THE NEXT DIGITAL DECADE: ESSAYS ON THE FUTURE OF THE INTERNET 193 (Berin Szoka & Adam Marcus eds.) (2010)

*Wikipedia's Labor Squeeze and its Consequences*, 8 J. TELECOMM. & HIGH TECH. L. 157 (2010)  
Republished in InformIT.com, [July 8](#) and [July 15](#), 2010

*Brand Spillovers*, 22 HARVARD J. L. & TECH. 381 (2009)

*Teaching Cyberlaw*, 52 ST. LOUIS U. L.J. 749 (2008)

*Online Word of Mouth and Its Implications for Trademark Law*, in TRADEMARK LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH 404 (Graeme B. Dinwoodie and Mark D. Janis eds.) (Edward Elgar Press, 2008)

Republished in TRADEMARKS: ONLINE PROTECTION (P. Solomon Vinay Kumar ed.) (Amicus Books 2008)

*Co-Blogging Law*, 84 WASH. U. L. REV. 1169 (2006)

Republished in InformIT.com, Feb. 15 and 22, 2008

Edited version published as *No Safety in Numbers*, *BLOGGER & PODCASTER MAG.*, Aug. 2007, at 20

*Stealth Risks of Regulating Stealth Marketing*, 85 TEXAS L. REV. SEE ALSO 11 (2006)

*A Coasean Analysis of Marketing*, 2006 WIS. L. REV. 1151

*Search Engine Bias and the Demise of Search Engine Utopianism*, 8 YALE J. L. & TECH. 188 (Spring 2006)

Republished in *InformIT.com*, Sept. 22, 2006

Republished in *WEB SEARCH: MULTIDISCIPLINARY PERSPECTIVES* 121 (Amanda Spink & Michael Zimmer, eds.) (Springer 2008)

Edited version republished in *THE NEXT DIGITAL DECADE: ESSAYS ON THE FUTURE OF THE INTERNET* 461 (Berin Szoka & Adam Marcus eds.) (2010)

*Data Mining and Attention Consumption*, in *PRIVACY AND TECHNOLOGIES OF IDENTITY: A CROSS-DISCIPLINARY CONVERSATION* 225 (Katherine Strandburg & Daniela Raicu, eds. 2005)

*Speech Showdowns at the Virtual Corral*, 21 SANTA CLARA COMPUTER & HIGH TECH. L.J. 845 (2005)

Republished as *Online Gaming and Free Speech: Showdown at the Virtual Corral*, *InformIT.com*, Aug. 12, 2005

*Deregulating Relevancy in Internet Trademark Law*, 54 EMORY L.J. 507 (2005)

*The Challenges of Regulating Warez Trading*, *SOC. SCI. COMPUTER REV.*, Spring 2005, at 24

*Warez Trading and Criminal Copyright Infringement*, 51 J. COPYRIGHT SOC'Y U.S.A. 395 (2004)

Republished in *InformIT.com*, Jan. 23, 2004 and Apr. 9, 2004

A modified version republished as *The Law of Warez Trading*, *JOURNAL OF INTERNET LAW*, Jan. 2005

*Where's the Beef? Dissecting Spam's Purported Harms*, 22 J. MARSHALL J. COMPUTER & INFO. L. 13 (2003)

*A Road to No Warez: the No Electronic Theft Act and Criminal Copyright Infringement*, 82 OR. L. REV. 369 (2003)

*The Intellectual Property Renaissance in Cyberspace: Why Copyright Law Could be Unimportant on the Internet*, 12 BERKELEY TECH. L.J. 15 (1997)

*Computer Bulletin Board Technology: Sysop Control and Liability in a Decentralized Information Economy*, International Symposium on Technology and Society 1993 Conference Proceedings 191 (1993)

*Cyberspace, the Free Market, and the Free Marketplace of Ideas: Recognizing Legal Differences in Computer Bulletin Board Functions*, 16 HASTINGS COMM. & ENT. L.J. 87 (1993)

## MISCELLANEOUS ACADEMIC WORKS

*Sex Trafficking Exceptions to Section 230*, September 2017 (based on written testimony to the Senate Committee on Commerce, Science and Transportation)

*Writing Tenure Review Letters: My Top 10 Suggestions*, 19 GREEN BAG 2D 357 (2016)  
Republished in *Inside Higher Ed*, January 19, 2017  
See also [the micro-symposium of responses](#), 20 GREEN BAG 2D 290-303

*An Assessment of the Consumer Review Freedom Act of 2015*, November 2015 (based on written testimony to the Senate Committee on Commerce, Science and Transportation)

*How the DMCA's Online Copyright Safe Harbor Failed*, 3 NTUT J. INTELL. PROP. L. & MGMT. 195 (2014)  
Republished in 18 KOREA UNIV. L. REV. 103 (2015)

*Do We Need a New Federal Trade Secret Law?*, September 2014 (based on Tertium Quid post)

*Legal Column: Patients' Online Reviews of Physicians*, MEDICAL ETHICS (a journal published by Lahey Health), Fall 2013, at 6

*The Implications of Excluding State Crimes from 47 U.S.C. §230's Immunity*, July 2013 (based on Tertium Quid posts)

*Congratulations! Now What? An Essay of Advice for the Newly Tenured Professor*, INSIDE HIGHER ED, May 31, 2013  
Republished as *Top 10 Tips for a Newly Tenured Professor*, AALS New Law Professors Section Annual Newsletter, Dec. 2014

*Fixing Software Patents*, January 2013 (based on Tertium Quid posts)

*A Century of Trademark Law: Looking Back and Looking Forward*, 101 TRADEMARK REP. 1801 (2011) [speech transcript]

*Unregulating Online Harassment*, 87 DENV. U. L. REV. ONLINE 59 (2010)

*I'm Not Sure I Want to Be Ethan Leib's Friend Any More*, A Comment on Ethan Leib's *Friends as Fiduciaries* article as part of the Fourth Annual Conglomerate Junior Scholars Workshop, The Conglomerate, July 30, 2008

*Integrating Contract Drafting Skills and Doctrine*, 12 J. LEGAL WRITING INSTITUTE 209 (2007)

*Symposium Presentation: Doing Internet Co-Branding Agreements*, 22 HASTINGS COMM. & ENT. L.J. 221 (2000) [speech transcript]

*Understanding Internet Co-Branding Agreements*, 16 SANTA CLARA COMPUTER & HIGH TECH. L.J. 65 (1999) (co-authored with Candice Lee). Includes a [provider-favorable co-branding agreement](#) and a [brander-favorable co-branding agreement](#)

*The Role of Certification Authorities in Consumer Transactions: A Report of the ILPF Working Group on Certification Authority Practices*, Internet Law & Policy Forum Working Paper (1997) (co-authored with Terry Maher and Brad Biddle)

*Electronic Networks and Computer Bulletin Boards: Developing a Legal Regime to Fit the Technology*, Spring 1994

## ADVOCACY FILINGS

Stop Enabling Sex Traffickers Act of 2017, [response to Questions for the Record](#), U.S. Senate Committee on Commerce, Science & Technology, November 2017.

[Comments](#) on the Copyright Office's proposed revisions to the DMCA agent designation process (In the Matter of Designation of Agent to Receive Notification of Claimed Infringement, 37 CFR Part 201, Docket No COLC-2016-0006-0001), June 2016 (with Electronic Frontier Foundation and Organization of Transformative Works)

[Letter on behalf of 42 law professors opposing the Defend Trade Secrets Act](#), Nov. 2015

[Letter on behalf of 59 law professors and legal scholars in support of the SPEAK FREE Act](#) (proposed federal anti-SLAPP legislation), Sept. 2015

Garcia v. Google, appeal to the Ninth Circuit ([amicus brief](#) supporting Google/YouTube on behalf of Internet Law professors), Nov. 2014 (with Venkat Balasubramani)

PDX v. Hardin, [amicus letter to the California Supreme Court](#) in support of a petition for review, Sept. 2014

Garcia v. Google, request for en banc rehearing by the Ninth Circuit ([amicus brief](#) on behalf of Internet Law professors), April 2014 (with Venkat Balasubramani)

[Comments](#) on Florida State Bar Standing Committee on Advertising's Proposed Advisory Opinion A-12-1 regarding keyword advertising and other online marketing practices, April 2013 (with Faye Jones, Lyrisa Lidsky and Jake McGowan)

[Comments](#) on the Copyright Office's proposed revisions to the DMCA agent designation process, November 2011 (with Corynne McSherry of the EFF and Jason Schultz)

Comments on the [Securities and Exchange Commission Guidance on the Use of Company Web Sites](#), Nov. 2008

[Rescuecom, Inc. v. Google, Inc.](#), appeal to the Second Circuit (amicus brief on behalf of intellectual property law professors), Feb. 2007 (with Stacey Dogan)

[WhenU.com, Inc. v. Utah](#), motion for preliminary injunction filed with the Utah State District Court (amicus brief on behalf of FindWhat.com), May 2004

Comments on [sentencing guidelines for spam](#), March 2004 (with Michael O’Hear)

[1-800 Contacts, Inc. v. WhenU.com, Inc.](#), appeal to the Second Circuit (amicus brief on behalf of Electronic Frontier Foundation), Feb. 2004 (with Cindy Cohn and Fred von Lohmann)

## **BLOGS AND COLUMNS**

Technology & Marketing Law Blog (<http://blog.ericgoldman.org>), 2005-  
Syndicated via Newstex, 2008-  
Columnist (“From Eric’s Blog”), *Cyberspace Lawyer*, 2006-  
Selected posts republished in *Ars Technica*, *Techdirt*, *CircleID*, *Internet Law & Business*  
and *Computer Law Reporter*, *Technology | Academics | Policy*, and the *Illinois State Bar Association Intellectual Property Newsletter*

Goldman’s Observations Blog (<http://blog.ericgoldman.org/personal>), 2005-

Tertium Quid at Forbes (<http://blogs.forbes.com/ericgoldman/>), 2012-16

ContractsProf Blog ([http://lawprofessors.typepad.com/contractsprof\\_blog/](http://lawprofessors.typepad.com/contractsprof_blog/)), 2005-07

Guest blogging at [Concurring Opinions](#), Jan.-Feb. 2007

## **ESSAY COLLECTIONS CURATED**

“[Commemorating the 20th Anniversary of Internet Law’s Most Important Judicial Decision](#),”  
Law.com, 2017

“[Can Technology Rescue Democracy?](#),” The Atlantic, 2017

“[Solutions to the Software Patent Problem](#),” Wired, 2012

## **ARTICLES ABOUT THE LAW**

[Commemorating the 20th Anniversary of Internet Law’s Most Important Judicial Decision](#),  
Law.com, November 10, 2017 (with Jeff Kosseff)

[Who Cyber-Attacked Ken Zeran, and Why?](#), Law.com, November 10, 2017



[Congress Is About To Eviscerate Its Greatest Online Free Speech Achievement](#), ACS Blog, Sept. 11, 2017

[Are you Kinning Me? Microsoft Beats Trademark Lawsuit Over Kinect](#), GeekWire, Feb. 6, 2012

[Top Internet Law Developments of 2010](#), InformIT.com, Jan. 25, 2011

[The Problems with Google House Ads](#), Search Engine Land, Aug. 18, 2010  
Republished in [Gizmodo](#), [p2pnet](#) and [Business Insider](#) on Aug. 23, 2010

[Top Cyberlaw Developments of 2009](#), INTERNET LAW & BUSINESS, Feb. 2010, at 89  
Republished in E-COMMERCE LAW REPORT, Feb. 2010

[Implications of Lori Drew's Conviction](#), LEXISNEXIS® MEALEY'S™ LITIGATION REPORT CYBER TECH & E-COMMERCE, Jan. 2009

[The Third Wave of Internet Exceptionalism](#), SANTA CLARA MAGAZINE, Winter 2008  
Republished in THE NEXT DIGITAL DECADE: ESSAYS ON THE FUTURE OF THE INTERNET 165 (Berin Szoka & Adam Marcus eds.) (2010)  
Republished in [InformIT.com](#), Feb. 23, 2009

[Affiliate Marketing: The Good and Bad](#), InformIT.com, Aug. 5, 2008  
Republished as [Affiliate Liability Extravaganza](#), E-COMMERCE L. REP., Aug. 2008, at 1

[Top Cyberlaw Developments of 2007](#), InformIT.com, Jan. 11, 2008

[The Best and Worst Internet Laws](#), InformIT.com, Apr. 20, 2007

[Grokster Commentary](#), CIPerati, Sept. 2005

[Will the Adware Industry Beat Spitzer?](#), CNET News.com, Aug. 2, 2005  
Republished in [CIPerati](#), Sept. 2005

[A Web Site for Hunting Poses Questions About Killing](#), S.J. MERCURY NEWS, July 25, 2005  
Republished in at least 15 other newspapers

[SCO and the Battle Over UNIX: A Clear Explanation](#), InformIT.com, June 18, 2004 (co-authored with Michael Faulkner)  
Republished in [Cyberspace Lawyer](#), June 2004  
Republished as [The Battle Over UNIX: SCO v. Linux, AIX And The Open Source Community](#), [CIPerati](#), August 2004

[Congress, the New Copyright Bully](#), CNET News.com, Aug. 6, 2003

*Spam is Just a Byproduct of Our Media-Saturated World*, S.J. MERCURY NEWS, July 1, 2003, at 6B

Republished as *Hate Spam? Just Hit Delete*, ST. PAUL PIONEER PRESS, Aug. 11, 2003

Republished as *In Defense of Spam*, E-COMMERCE LAW REPORT, June 2003, at 2

*No Electronic Theft Act Proves a Partial Success*, NATIONAL LAW JOURNAL, March 17, 2003, at B9 (co-authored with Julia Gladstone)

Republished as *No Electronic Theft is a Partial Success*, E-COMMERCE LAW & STRATEGY, April 2003, at 1

Republished in NEW JERSEY LAW JOURNAL, Aug. 11, 2003

*Drafting Enforceable Arbitration Clauses for Online Businesses*, E-COMMERCE LAW REPORT, Dec. 2002 - Jan. 2003, at 20 (co-authored with Christopher Smith)

*The Privacy Hoax*, FORBES, Oct. 14, 2002, at 42

Republished as *Let Markets Regulate, Not State*, LOS ANGELES DAILY JOURNAL, Nov. 13, 2002, at 6

Republished as *The Internet Privacy Fallacy*, COMPUTER & INTERNET LAWYER, Jan. 2003, at 20

Republished as *Does Online Privacy 'Really' Matter? 'No' According to Consumers*, CircleID, Sept. 12, 2003

*Do Internet Companies Overuse Nondisclosure Agreements?*, E-COMMERCE LAW REPORT, July 2001, at 10

Republished in COMPUTER & INTERNET LAWYER, Oct. 2001, at 18

Republished in INTERNET LAW & BUSINESS, Nov. 2001, at 36

Republished as *You Can't Say That*, INTELLECTUAL PROPERTY & TECHNOLOGY LAW MONITOR (Recorder Supplement), July/Aug. 2001, at 14

Republished as *Potential Drawbacks of a Company's Overuse of Nondisclosure Agreements*, START-UP & EMERGING COMPANIES STRATEGIST, Aug. 2001, at 1

*Here's the Deal—Avoiding Common Internet Co-Branding Pitfalls*, Build Brand Value Newsletter, Spring 2000

*New Email Laws Create New Legal Issues*, CYBERSPACE LAWYER, Nov. 1999, at 2 (co-authored with Max Ochoa)

Republished in Project Cool Future Focus, Oct. 16, 1999

Republished as *Stupid Email Tricks*, INDUSTRY STANDARD, Oct. 22, 1999

Republished as *Stupid Email Tricks... Or Stupid Email Laws?*, BOARDWATCH, Dec. 1999

*Play or Fold: Write Online Gambling Regulations Clearly and Precisely, or Not at All*, SAN FRANCISCO DAILY JOURNAL, Feb. 11, 1999, at 4

Republished as *Regulating Internet Gambling*, CYBERSPACE LAWYER, Mar. 1999, at 9

*Website Provider Liability for User Content and Actions*, MULTIMEDIA & WEB STRATEGIST, Jan. 1999, at 1

Republished in eCommerce Strategies for Success in the Digital Economy Conference Proceedings, at 91 (1999)

*Drafting a Privacy Policy? Beware!*, CYBERSPACE LAWYER, July/Aug. 1998, at 2  
Republished as *Is Your System Safe?*, IP MAGAZINE (Recorder Supplement), Aug. 1998, at 6  
Republished in Fifth Annual Seminar on Legal and Business Aspects of the Internet Conference Proceedings, at 301 (1998)

*A Fresh Look at Web Development and Hosting Agreements*, JOURNAL OF INTERNET LAW, May 1998, at 7 (including sample agreement)  
Republished in MULTIMEDIA & WEB STRATEGIST, Apr. 1998, at 1  
Republished in INTERNET LAW & BUSINESS, Nov./Dec. 1999, at 33 (including [sample Web Development and Hosting Agreement](#))  
Republished in Second Annual Internet Law Institute Conference Proceedings, at 399 (1998) (including sample agreement)  
Republished as *Reaching Compromises While Negotiating Web Development and Hosting Agreements*, E-COMMERCE LAW REPORT, Oct. 1998, at 4 (including sample agreement)  
Republished in eCommerce Strategies for Success in the Digital Economy Conference Proceedings, at 91 (1999) (including sample agreement)

*Private Label and Co-Branding Deals: New Deal-Making Paradigms on the Internet* (including [sample agreements](#)), JOURNAL OF INTERNET LAW, Aug. 1997, at 11  
Republished in Cyberspace Law School '98 Conference Proceedings, at 663 (1998)  
Republished in Third Annual Internet Law Institute Conference Proceedings, at 583 (1999)

*What You Need to Know About Reno v. ACLU*, INTERNET NEWSLETTER: LEGAL & BUSINESS ASPECTS, July 1997, at 3 (co-authored with Wendy Leibowitz)

*System Operator Liability: What Have We Learned?*, BOARDWATCH, Apr. 1997  
Republished as *Thirteen Years: What Have We Learned?*, Project Cool Future Focus, Mar. 1, 1997  
Republished in SUG West San Francisco Conference Proceedings & Program, at 51 (1997)

*Copy Control*, SAN FRANCISCO DAILY JOURNAL, Dec. 26, 1996, at 7 (co-authored with Shawn Molodow)

*Top 10 Legal Issues for Clients of Web Developers*, ADVERTISING AGE'S NET MARKETING, Dec. 1996

*Pitfalls In Outsourcing Your Website*, COMPUTER LAW STRATEGIST, Nov. 1996, at 1

*Cache-22*, IP MAGAZINE (Recorder Supplement), Summer 1996, at 15

Republished in Project Cool Future Focus, Sept. 1996  
Republished as *Caching on the Internet*, CYBERSPACE LAWYER, Oct. 1996, at 2  
Republished as *To Cache or Not to Cache*, LEGAL TIMES SPECIAL REPORT ON  
INTELLECTUAL PROPERTY, Dec. 9, 1996, at 44

*Stern v. Delphi: Are Online Services “News Disseminators”?*, BOARDWATCH, Aug. 1995, at 110

*Intellectual Property Protection Regimes in the Age of the Internet*, CNI-Copyright, Mar. 1995

*War of the Cancelbots!*, 1995

### MISCELLANEOUS PUBLICATIONS

*What Makes the Privacy Law Certificate Special?*, SANTA CLARA LAW, Spring 2017

FIND KITTY NALA (2016) (with Lisa Goldman)

*Introducing the New Privacy Law Certificate*, THE ADVOCATE (Santa Clara University School of Law), Nov. 2014

Co-author of the [DoctoredReviews](#) website, 2011

Foreword to GAIL A. SCHLACHTER & R. DAVID WEBER, [HOW TO PAY FOR YOUR LAW DEGREE](#) (Reference Service Press 2003)

*A Faculty Member’s Perspective on the Golden Leagle*, GOLDEN LEAGLE (Marquette University Law School), Aug. 2003, at 2

*My First Three Months in an Internet Start-Up*, E-COMMERCE LAW REPORT, Sept. 2000  
Republished in Fourth Annual Internet Law Institute Conference Proceedings (2000)  
Republished in E-Commerce Law School ‘00 Conference Proceedings, at 3 (2000)

*Eric’s Tips to Surviving the California Bar Exam*, THE ADVOCATE (Santa Clara University School of Law), Mar. 1999, at 3  
Republished in THE ADVOCATE, Apr. 2001

*Form Internet and Email Use Policy*, Fifth Annual Seminar on Legal and Business Aspects of the Internet Conference Proceedings, at 313 (1998)

*Generating Revenues from Websites*, BOARDWATCH, July 1995, at 60  
Republished in INTELLIGENCE (South Africa), 1996 spec. ed., at 46

*Cyberspace Law Review Bibliography*, INFORMATION LAW ALERT, Feb. 10, 1995 at 4

*Internet Trademarks and Domain Name Legal Bibliography*, Patents.com, 1994 to Mar. 1996

“*Real Estate Dictionary*” Book Review, 27 REFERENCE Q. 576 (RQ), Summer 1988

“*Seeds of Peace*” Book Review, 26 REFERENCE Q. 522 (RQ), Summer 1987

## ACADEMIC PRESENTATIONS AND WORKSHOPS

Santa Clara University School of Law Faculty Workshop, November 2017 (*Copyright’s Memory Hole*)

Santa Clara University Scholar Commons Soiree (Lightning Lectures Edition), October 2017 (*Section 230: The Law That Built the Internet*)

Bay Area Intellectual Property WIP, Santa Clara University, May 2017 (*Emojis and IP Issues*)

Santa Clara University School of Law Faculty Workshop, March 2017 (*Judicial Resolution of Nonconsensual Pornography Cases*)

7th Annual Internet Law Works-in-Progress Conference, Santa Clara University School of Law, March 2017 (*Emojis and the Law*)

University of North Carolina School of Law, Cyberspace Law Seminar, February 2017 (*Emojis and the Law*) (via videoconferencing)

Santa Clara University School of Law Faculty Workshop, October 2016 (*Emojis and the Law*)

Intellectual Property Scholars Conference, Stanford Law School, August 2016 (*The Defend Trade Secrets Act Isn’t an “Intellectual Property” Law*)

University of Sussex, Brighton, England, April 2016 (*Internet Immunity as Economic Policy*)

British and Irish Law, Education and Technology Association (BILETA) Annual Conference, University of Hertfordshire (London), April 2016 (*Four Stages of Legal Education Specialization*)

Stanford Intermediary Liability Lab (SILLab), February 2016 (*Section 230 Overview*)

Privacy Law Scholars Conference, Berkeley, June 2015 (co-leader for *Privacy Pedagogy* discussion)

Open Net-Harvard Berkman Center Seminar on Intermediary Liability, Seoul, Korea, May 2015 (*Intermediary Liability and Copyright*)

Internet Law Works-in-Progress Conference, Santa Clara University School of Law, March 2015 (*Copyright As a Privacy-Protection Tool*)

Algorithms and Accountability, New York University School of Law, February 2015

AALS Annual Meeting, Contracts Section meeting, Washington DC, January 2015 (*Mind the Gap! - Contracts, Technology and Legal Gaps*)

Law, Science & Technology Colloquium, Stanford Law School, November 2014 (*Using Copyright as a Privacy-Protection Law*)

Distinguished Speaker in Privacy Law, Whittier Law School, January 2014 (*Why State Legislatures Shouldn't Regulate Internet Privacy*)

Stanford Intermediary Liability Lab, January 2014 (*Internet Intermediary Laws*)

Law, Science & Technology Colloquium, Stanford Law School, January 2014 (*Why State Legislatures Shouldn't Regulate Internet Privacy*)

Computer Science and the Law Workshop, University of Pennsylvania Law School, Philadelphia, June 2013

Privacy Law Scholars Conference, Berkeley, June 2013 (commentary on *Vanished* by Jane and Derek Bambauer)

Ph.D. Student Colloquium, University of Washington Law School, Seattle, May 2013 (*Designing Optimal Safe Harbors and Immunities*)

Getting Your Word Out: Reaching Beyond the Academy with New Media, Varsi Café, Santa Clara University, April 2013

Fifth Trademark Scholars' Roundtable, Bloomington, Indiana, April 2013

Workshop on Marketing Law, Notre Dame Law School, South Bend, Indiana, February 2013

Yale Information Society Project, New Haven, February 2013 (*The Unexpected Benefit of Internet Immunity*)

AALS Annual Meeting, IP Section meeting, New Orleans, January 2013 (*Trademarks and Social Media*)

Law and Information Society Faculty Workshop participant, Fordham Law School, New York, November 2012 (*Survey of False Advertising Law Cases*)

International Conference on Perceptions, Privacy and Permissions (CONSENT Policy Conference), Faculty of Law, Babeş-Bolyai University, Cluj-Napoca, Romania, September 2012 (Panel on *The new draft EU framework for data protection and its implication for Internet activities*)

International Conference on Perceptions, Privacy and Permissions (CONSENT Policy Conference), Faculty of Law, Babeş-Bolyai University, Cluj-Napoca, Romania, September 2012 (Keynote talk: *Obama Administration's "Consumer Data Privacy in a Networked World"*)

IP Scholars Conference (IPSC), Stanford Law School, August 2012 (*Trademark Policing Duty*)

Fifth Annual Junior Scholars in Intellectual Property (JSIP) Workshop, Michigan State University College of Law, Lansing, MI, May 2012 (commentator)

Teaching Consumer Law in a New Economy, University of Houston Law Center, May 2012 (*Teaching Advertising as Consumer Protection*)

Fourth Trademark Scholars' Roundtable, Chicago, April 2012 ([recap](#))

Oldham Lecture in Intellectual Property Law, University of Akron School of Law, March 2012 (*Regulating Reputation Systems*)

Internet Law Works-in-Progress, New York Law School, New York City, March 2012 (*The Irony of Privacy Class Action Lawsuits*)

Faculty Workshop, University of Akron School of Law, March 2012 (*The Irony of Privacy Class Action Lawsuits*)

Works in Progress in Intellectual Property (WIPIP), University of Houston Law Center, February 2012 (*Retiring the Initial Interest Confusion Doctrine*)

Faculty Workshop, University of North Carolina Law School, Chapel Hill, NC, February 2012 (*Internet Immunity as Economic Policy*)

Work in Progress Workshop 2012 @ U.C. Hastings, January 2012 (*Retiring the Initial Interest Confusion Doctrine*)

The Economics of Privacy, University of Colorado Law School, Boulder, December 2011 (*The Economics of Behavioral Advertising*)

Advertising Law Workshop, University of Tulsa Law School, September 2011

Inconsistency Robustness 2011, Stanford University, August 2011 (*Inconsistency Robustness in Law*)

The Law & Economics of Search Engines and Online Advertising, George Mason Law & Economics Center, Arlington, VA, June 2011 (*The Potential Costs and Benefits of Search Regulation*)

Privacy Law Scholars Conference, Berkeley, June 2011 (*47 U.S.C. 230 as Economic Policy*)

Law & Society Association Annual Meeting, San Francisco, June 2011 (*47 U.S.C. 230 as Economic Policy*)

Third Trademark Scholars' Roundtable, Indiana University, Bloomington, Indiana, April 2011 ([recap](#))

Governing the Magic Circle: Regulation of Virtual Worlds, UC Irvine Center for Computer Games and Virtual Worlds, April 2011 ([Online Account Termination and 47 USC 230\(c\)\(2\)](#))

Intellectual Property Scholarship Seminar, UC Hastings, March 2011 ([Prospective Assignments of Copyrights and Suppression of Online Reviews](#))

47 U.S.C. §230: A 15 Year Retrospective, Santa Clara University School of Law, March 2011 (*In Defense of 47 USC 230*)

Law, Science & Technology Colloquium, Stanford Law School, January 2011 (*In Defense of 47 USC 230*)

Institute for Information Law, University of Amsterdam Faculty of Law, June 2010 (*Regulating Reputational Systems*)

European American Consortium on Legal Education (EACLE) Annual Research Conference, Erasmus School of Law, Rotterdam, the Netherlands, May 2010 (*Regulating Reputational Systems*)

San Jose State University School of Library & Information Science Colloquia, May 2010 ([Regulating Reputational Systems](#))

Second Trademark Scholars' Roundtable, DePaul University College of Law, Chicago, April 2010 ([recap](#))

Dean's Lecture, University of California Berkeley School of Information, April 2010 ([Regulating Reputational Systems](#))

Law, Science & Technology Colloquium, Stanford Law School, February 2010 (*Economics of Reputational Information*)

Cyber Civil Rights: New Challenges for Civil Rights and Civil Liberties in our Networked Age, University of Denver Sturm College of Law, November 2009 ([recap](#))

Google, ISPs, and Other Online Intermediaries: Power, Responsibility, and Regulation, The Silicon Flatirons Roundtable Series on Entrepreneurship, Innovation and Public Policy, Denver, November 2009



Signifiers in Cyberspace: Domain Names and Online Trademarks, Case Western Reserve Law School (Cleveland), November 2009 (*Trademarks and Behavioral Targeting*)

Cyberlaw 2.0: Legal Challenges of an Evolving Internet, DePaul University College of Law (Chicago), October 2009 (*A Tale of Two Reputation Systems*)

Berkeley-GW Privacy Law Scholars Conference, UC Berkeley Law School, June 2009 (*Economics of Reputational Information*)

Law and Economics of Innovation, George Mason University School of Law (Virginia), May 2009 (*Economics of Reputational Information*)

Intermediaries in the Information Society, Fordham Center on Law and Information Policy, March 2009 (*Content and CDA Immunity*)

The Digital Broadband Migration: Imagining The Internet's Future, University of Colorado Boulder (Silicon Flatirons), February 2009 (*Why Wikipedia Will Fail*)

Law, Science & Technology Colloquium, Stanford Law School, November 2008 (*Economics of Reputational Information*)

Virtual Worlds, Social Networks & User-Generated Content Roundtable, Vanderbilt Law School, November 2008 (*Why Wikipedia Will Fail*)

IP Speaker Series, Cardozo Law School (New York), October 2008 (*Economics of Reputational Information*)

Midwestern Law and Economics Association Annual Meeting, Northwestern University School of Law, Chicago, October 2008 (*Economics of Reputational Information*)

Works in Progress Intellectual Property (WIPIP) Colloquium, Tulane University School of Law, October 2008 (*Economics of Reputational Information*)

IP Scholars Conference, Stanford Law School, August 2008 (*Economics of Reputational Information*)

Trademark Scholars' Roundtable, University of Iowa College of Law (Iowa City), April 2008 (*notes*)

Law, Science & Technology Colloquium, Stanford Law School, March 2008 (*Economics of Reputational Information*)

Reputation Economies in Cyberspace, Yale Law School, December 2007 (*Ownership of Cyber-Reputation*)

Wharton Colloquium on Media and Communications Law, The Wharton School at University of Pennsylvania, Philadelphia, November 2007 (*Brand Spillovers*)

Internet Research 8.0: Let's Play, Association of Internet Researchers, Vancouver BC, October 2007 (*Investment Decisions on a Shaky Virtual Foundation*)

Telecommunications Policy Research Conference (TPRC), George Mason University Law School (Arlington, VA), September 2007 (*Brand Spillovers*)

Trademark Workshop, University of Minnesota Law School, September 2007 (*Brand Spillovers*)

Law, Science & Technology Colloquium, Stanford Law School, April 2007 (*Brand Spillovers*)

I Think I Can, I Think ICANN, University of the Pacific, McGeorge School of Law (Sacramento), February 2007 (*Keyword Regulation and Domain Name Exceptionalism*)

The Law of Search Engines, Haifa Center of Law & Technology (Israel), December 2006 (*Search Engines & Transaction Costs*)

Works in Progress Intellectual Property (WIPIP) Colloquium, University of Pittsburgh School of Law, October 2006 (*Online Word of Mouth and Its Trademark Implications*)

Intellectual Property Scholars Conference, UC Berkeley Law School (Boalt Hall), August 2006 (*Brand Spillovers*)

From Creator to Consumer: Working Together in the Digital World, University of Denver Law School, May 2006 (*Working Within the Legal Framework*)

Bloggership: How Blogs Are Transforming Legal Scholarship, Harvard Law School, April 2006 (*Co-Blogging Law*)

14th Annual Conference on International Intellectual Property Law and Policy, Fordham University School of Law, New York, April 2006 (*Criminal Copyright Infringement*)

Attack of the Blog: Legal Horrors in the Workplace, University of North Carolina School of Law, April 2006 (*Employee Risks from Blogging* and *Symposium Closing Remarks*)

McCarthy Institute for Intellectual Property and Technology Law, University of San Francisco Law School, March 2006 (*A Coasean Analysis of Marketing*)

Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?, Brooklyn Law School, February 2006 (*Teaching Drafting Skills in a Specialized Context*)

Regulating Search?, Yale Law School, December 2005 (*Search Engines and Public Regulation*)

Midwestern Law and Economics Association Annual Meeting, Northwestern University School of Law, Chicago, October 2005 (*A Coasean Analysis of Marketing*)

Internet Research 6.0: Internet Generations, Association of Internet Researchers, Chicago, October 2005 (*Search Engines and Relevancy*)

Third-Party Liability in Intellectual Property Law, Santa Clara University School of Law, October 2005 (*Keyword Advertising and Trademark Law*)

National Conference on Teaching Contract Drafting, Northwestern University School of Law, Chicago, July 2005 (*Teaching Transactional Drafting to Upper Level Students*)

Law & Society Association Annual Meeting, Las Vegas, June 2005 (*Trademark Adjacency*)

2nd Conference on Online Deliberation: Design, Research, and Practice / DIAC-2005, Stanford University, May 2005 (*Media Regulation and Deliberative Democracy*)

Bay Area Law School Technology Conference, Stanford Law School, April 2005 (*Trademark Fair Use Online*)

W(h)ither the Middleman: The Role and Future of Intermediaries in the Information Age, Michigan State University College of Law, East Lansing, April 2005 (*Online Service Providers*)

Spyware: The Latest Cyber-Regulatory Challenge, UC Berkeley Law School (Boalt Hall), April 2005 (*Regulatory Challenges*)

Intellectual Property & Communications Law and Policy Scholars Roundtable, Michigan State University College of Law, East Lansing, February 2005 (*Lexicon Law*)

Rules & Borders: Regulating Digital Environments, Santa Clara University School of Law, February 2005 (*Regulating Content*)

Symposium: Privacy and Identity: The Promise and Perils of a Technological Age, DePaul University College of Law, Chicago, October 2004 (*Data Mining, Unwanted Marketing and Attention Consumption*)

Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, August 2004 (*Attention Scarcity*)

Law and Society Association Annual Meeting, Chicago, May 2004 (*Propertization of Attention*)

Symposium: Evolving Responses to Spam, Marquette University Law School, Milwaukee, February 2004 (*Harms of Spam*)

Intellectual Property Scholars Conference, UC Berkeley Law School (Boalt Hall), August 2003 (*Deregulating Relevancy: Consumer Confusion on the Internet*)

Institute of Legal Studies, University of Wisconsin (Madison) Law School, October 2002  
(*Regulating Relevancy: Initial Interest Confusion and the Internet*)

University of Dayton School of Law Scholarly Symposium on the Constitutionality of Protecting Factual Compilations, October 2002 (*The Role of the First Amendment*)

International Symposium on Technology and Society, George Washington University, Washington D.C., October 1993 (*Sysop Liability for Statements and Actions of Users*)

## **PRESENTATIONS TO LEGAL PRACTITIONERS**

IP Institute, California State Bar's IP Section, Newport Beach, CA, November 2017 (*What's Up With the Defend Trade Secrets Act?*)

230 of the Communications Decency Act, Bar Association of San Francisco, October 2017

Google Legal Specialist Summit, Sunnyvale, October 2017 (*Section 230 and SESTA*)

The Future of Speech Online, Center for Democracy & Technology, Washington DC, September 2017 (*The Role of Intermediaries*)

[Carving Out Exceptions to Section 230: How Will It Affect The Internet?](#), Congressional Internet Caucus Advisory Committee, Washington DC, September 2017

Logikcull Social Media and the Law (Webinar), September 2017 (*Emojis and the Law*)

PLI Hot Topics in Advertising Law 2017, New York City, June 2017 (*Privacy*)

Frivolous Defamation Suits vs. Online Reviews - Gagged by the Law(yers)?, Congressional Internet Caucus Advisory Committee, Washington DC, June 2017

Commercial Speech and the First Amendment II: Creeping Commercial Speech, Abrams Institute for Freedom of Expression of Yale Law School, New York City, June 2017 (*Beyond "Native Advertising"*)

U.S.-China Exchange Council, Union City, California, December 2016 (*Regulating the Internet*)

UK's Economic and Social Research Council, University of Edinburgh Business School (via videoconference), November 2016 (future of legal services)

The Honorable Ronald M. Whyte Symposium, Stanford Law School, October 2016

The Good, the Bad, and the Really, Really Ugly: Dealing with Recent Rulings under CDA 230, Media Law Resource Center, San Francisco, October 2016

Cisco China Government Leader Program, Santa Clara, September 2016 (*Regulating the Internet*)

Tort Law & Public Policy Conference, Independent Voter Project, Sacramento, September 2016 (*Privacy and Data Breach: Issues and Lawsuits*)

2016 IP and the Internet Conference, California State Bar IP Section, San Francisco, September 2016 (*CDA Section 230 in the Age of Cyber Civil Rights and Terrorism*)

Thirteenth Annual Stanford E-Commerce Best Practices Conference, Stanford Law School, June 2016 (*Social Media and Publicity Rights*)

Association of Corporate Counsel (ACC) Spring CLE, Santa Clara, April 2016 (*Defend Trade Secrets Act*)

Intellectual Property on the Internet: Opportunities and Risks, Haifa Center for Law and Technology, Herzliya, Israel, April 2016 (*Online Trademark and Marketing Law Trends*)

TechLaw Institute 2016: The Digital Evolution, PLI, San Francisco, March 2016 (*Tech Law Litigation*)

San Francisco Bay Area Intellectual Property American Inn of Court, Palo Alto, January 2016 (*Defend Trade Secrets Act*)

State Bar of California Intellectual Property Law Section, Intellectual Property Protection and Social Media Issues in the Workplace, San Francisco, January 2016 (*Privacy Issues in the Workplace: Recent Developments*)

Gagged by the Fine Print: Protecting Consumer Rights to Share Reviews Online, Congressional Internet Caucus Advisory Committee, Washington DC, January 2016

California State Bar IP Institute, Rancho Mirage, CA, November 2015 (*Internet Law Year-in-Review*)

Computing Technology Industry Association (CompTIA) Meeting, San Diego, November 2015 (*State Legislatures as Mad Scientists*)

State Bar of California Intellectual Property Law Section, Technology, Internet & Privacy Interest Group (webinar), August 2015 (*Content and Control Online: Changes in Responsibility for Online Content*)

Twelfth Annual Stanford E-Commerce Best Practices Conference, Stanford Law School, June 2015 (*Balancing Safety and Free Speech*)

2015 Legal Frontiers in Digital Media, Media Law Resource Center (MLRC), Mountain View, May 2015 (*Probing the Outer Limits of Section 230*)

Hot Topics in Internet, Cloud, and Privacy Law, Santa Clara University HTLI Briefing, April 2015

Internet, Innovation and ICANN: The Evolving Landscape of the Net, INTA, San Francisco, September 2014 (*Intermediary Liability*)

Eleventh Annual Stanford E-Commerce Best Practices Conference, Stanford Law School, June 2014 (*The Sharing Economy*)

Privacy Challenges In The Internet Age, Stanford Technology Law Review 17th Annual Symposium, April 2014 (*Internet Torts & Cybercrimes*)

Carolina Privacy Officials Network (CPON) meeting, January 2014 (via telephone)

Protecting Individual Privacy in the Internet Age, Mike Belote Endowed Capital Center Lecture, University of the Pacific, McGeorge School of Law, Sacramento, CA, December 2013

Spotlight on Privacy Law: Nowhere Left to Hide?, Bar Association of San Francisco, San Francisco, November 2013

Hot Topics in Internet, Cloud, Mobile and Blog Law, Santa Clara University HTLI Briefing, October 2013

Privacy and the Internet: Is the Law Adapting as Fast as we Are? The Legal Implications of Technological Advancements, Chapman University School of Law, Orange, CA, October 2013 (*Employee Social Media Accounts*)

National Advertising Division Annual Conference 2013, New York City, October 2013 (*The Mysteries of Social Media: Are Advertisers Responsible for What Their Customers Say Online?*)

2013 Midwest IP Institute, Minneapolis, September 2013 (*Trademark Year-in-Review and Teaching IP to Millennials*)

Utah State Bar Cyberlaw Section, 2013 Annual i-Symposium on Data Security & Privacy, Lehi, Utah, September 2013 (*Online Trespass to Chattels*)

4th Global Forum on Intellectual Property (GFIP) 2013, Singapore, August 2013 (*IP in the Online World - Social Media, Domain Names, Copyright and TM issues*)

COPPA: The Past, Present & Future of Children's Privacy & Media, TechFreedom, Washington DC, July 2013

Congressional staffer briefings on Section 230, TechFreedom, Washington DC, July 2013

Tenth Annual Stanford E-Commerce Best Practices Conference, Stanford Law School, June 2013 (*Branding and Trademark Challenges and Opportunities*)

National Association of Attorneys General 2013 Summer Meeting, Boston, June 2013 (*Who Are We Keeping Safe With The Communications Decency Act's Safe Harbor?*)

16th Annual FDA-OCRA 2013 Educational Conference, Irvine, June 2013 (*Regulation of Social Media Advertising*)

11th Annual Rocky Mountain Intellectual Property & Technology Institute, Denver, May 2013 (*Online Marketing Updates*)

III St. Petersburg International Legal Forum, St. Petersburg, Russia, May 2013 (*Legal Regulation of the Internet as a Place for Business Innovation*)

2013 World Technology Law Conference & Annual Meeting, Scottsdale, Arizona, May 2013 (*Recent Developments with Section 230*)

AIPLA Spring Meeting, Seattle, May 2013 (*Computer Fraud & Abuse Act*)

Fifth Annual Fair Housing and Public Accommodations Symposium, California State Bar Real Property Law Section, Fair Housing and Public Accommodations Subsection, Golden Gate University, San Francisco, April 2013 (*Fair Housing and the First Amendment*)

Trademark Law and Its Challenges 2013, McCarthy Institute for Intellectual Property and Technology Law and Microsoft Corporation, Los Angeles, February 2013 (*False Advertising Surveys*)

American Bar Association Antitrust Section, Consumer Protection Conference, George Washington University, Washington DC, February 2013 (*Regulation of Social Media and Mobile Media*)

Hot Topics In Blog, Social Network and Internet Law, Santa Clara University HTLI Briefing, November 2012

IP Law and Policy Conference, Golden Gate University School of Law, San Francisco, October 2012 (*SOPA/PIPA and Online Copyright Battles*)

Belli Seminar, Santa Clara County Trial Lawyers Association, Lincoln Law School, San Jose, October 2012 (*Anti-SLAPP Laws and How to Avoid Filing a SLAPP*)

Fall Privacy and Data Security Symposium, ABA Communications Law Forum and the Federal Communications Bar Association's Privacy and Data Security Committee, Santa Clara University, October 2012 (*Mobile Privacy: Navigating the Changing Landscape of Laws and Lawsuits*)

California State Bar's IP and the Internet Conference, Los Angeles, September 2012 (*Hot Topics in Internet Law*)

7th Annual Door County IP Academy, IP Section of the Wisconsin State Bar, Sturgeon Bay, WI, July 2012 (*SOPA, Using Intermediaries for IP Enforcement, and Other Hot Copyright Topics*)

Intellectual Property & Internet Law telephonic CLE, Rossdale Group, July 2012 (*Hot Topics in Internet Law*)

Tech Policy Summit, Napa, CA, June 2012 (*Online Intermediaries and the Platform Economy*)

San Francisco Intellectual Property Law Association (SFIPLA) meeting, Healdsburg, CA, June 2012 (*Hot Topics in Internet Law*)

Lawyers' Guide to Using Social Media for Professional and Client Development, Practicing Law Institute (PLI), San Francisco, May 2012 (*Social Media Monitoring and Engagement and Social Media's Role in Publishing and the Courts*)

Social Networking Sites: Law, Policy and Practical Strategies, Suffolk University Law School, Boston, April 2012 (*Social Media and Trademarks*)

University of New Hampshire School of Law, Concord, NH, April 2012 (*Deputizing Intermediaries for IP Enforcement*)

University of Washington School of Law, Seattle, April 2012 (*Deputizing Intermediaries for IP Enforcement*)

J. Reuben Clark Law Society Annual Conference, Stanford University, February 2012 (*Social Networking Panel*)

Fenwick and West Symposium on Technology, Entrepreneurship and the Law, UC Davis School of Law, February 2012 (*Content, Copyright, Intellectual Property, Host Liability*)

ABA Business Law Section Cyberspace Committee's Winter Working Meeting, San Francisco, January 2012 (*2011 Cyberlaw Year-in-Review*)

California State Bar IP Institute, Dana Point, CA, November 2011 (*Emerging IP Issues*)

Golden State Institute, California State Bar's Antitrust and Unfair Competition Law Section, San Francisco, October 2011 (*The UCL, FAL, and CLRA "Go Viral": Facebook, Google, Apple, Yahoo!, Zynga, and Other High-Tech Cases*)

Silicon Valley IP Law Association, Palo Alto, CA, June 2011 (*Key IP Decisions During the Past Year and Those Looming on the Horizon*)



Eighth Annual Ecommerce Best Practices Conference, Stanford Law School, June 2011 (*Virtual Goods and the First-Sale Doctrine*)

Next Digital Decade, TechFreedom, Washington DC, June 2011 (*Search Engine Regulation: A Solution in Search of a Problem?*)

Hot Topics In Blog, Social Network and Internet Law, Santa Clara University HTLI Briefing, June 2011

Intellectual Property seminar for Chinese IP judges, Stanford Law School, May 2011 (*Trademarks and the Internet*)

Legal Frontiers in Digital Media, Media Law Resource Center, Stanford University, May 2011 (*Content Regulation: the good, the bad and the ugly*)

INTA Annual Meeting, San Francisco, May 2011 (*A Century of Trademark Law: Where Do We Go from Here?*)

INTA Annual Meeting, San Francisco, May 2011 (*Functionality Doctrine*)

2011 Intellectual Property Institute, USC Gould School of Law, Beverly Hills, March 2011 (*Hot Topics in Trademark and New Media*)

NCUC Policy Summit: ICANN & the Global Public Interest, San Francisco, March 2011

Social Media 2011: Addressing Corporate Risks, PLI, San Francisco, February 2011 (*Defamation, False Information and the CDA Safe Harbor*)

UH Law Center Moot Court National Championship (MCNC) Symposium, Houston, January 2011 (*Domain Name and Keyword Regulation*)

University of Houston Law Center, Institute for Intellectual Property & Information Law (“IPIL”) Advisory Board Dinner, Houston, January 2011 (*Consumer Reviews of Doctors and Copyright Law*)

Next Digital Decade, TechFreedom, Washington DC, January 2011 (*Internet Exceptionalism & Intermediary Deputization*)

California State Bar IP Institute, Napa, CA, October 2010 (*Hot Topics in Internet & Technology Law*)

Can Large-Scale Copyright Enforcement Save the Newspaper Business?, BC Edge teleconference, September 2010

Seventh Annual Ecommerce Best Practices Conference, Stanford Law School, June 2010 (*Online Advertising*)

The Law of Keyword Advertising Changes Again, ABA Section of Intellectual Property Law/ABA Center for Continuing Legal Education, teleconference, June 2010

Hot Topics In Blog, Social Network and Internet Law, Santa Clara University HTLI Briefing, June 2010 ([slides](#))

Obstacles and Opportunities: eCommerce on Both Sides of the Atlantic, Santa Clara University HTLI Briefing, May 2010

Journalism's Digital Transition: Unique Legal Challenges and Opportunities, Harvard Law School, April 2010 (*Building and Managing Online Communities*)

How Blogs, Twitter and Social Media Are Changing Legal Reporting, Northern California Federal Courts Media Conference, San Francisco, CA, November 2009

Trademark-Based Keyword Advertising: Potential Liability and Avenues for Relief, Pike & Fischer webinar, July 2009

Keyword Advertising Do's and Don'ts, PLI webinar, July 2009

IAB Legal Affairs Council meeting, Santa Clara, June 2009 (*Trademark Issues for Online Publishers*)

Consumer Protection Conference, ABA Antitrust Section, Georgetown University Law Center, Washington DC, June 2009 (*Consumers Confronted by Old Challenges, New Technologies: Learning From Last Year's Mistakes*)

Sixth Annual Ecommerce Best Practices Conference, Stanford Law School, June 2009 (*Affiliate Marketing Over the Internet*)

Marked for Confusion: Has the Internet Changed Trademark Law?, HTLI/Bingham briefing, Palo Alto, June 2009

Digital Media Law Conference, Media Law Resource Center, Stanford University, May 2009 (*Clicks and Customers—New Technologies and Online Advertising*)

PLI Information Technology Law Institute 2009: Web 2.0 and the Future of Mobile Computing, San Francisco, April 2009 (*Social Networking Sites & Blogs*)

Navigating the Hazards of Cyberspace, Sacramento County Bar Association Intellectual Property Law Section, Sacramento, January 2009 (*47 USC 230*)

2008 IP and the Internet Conference, California State Bar IP Section, San Francisco, December 2008 (*Keywords & Adwords: Uses and Disputes* and *The Communications Decency Act and Section 230 Immunity*)

2008 IP and the Internet Conference, California State Bar IP Section, Santa Monica, December 2008 (*Keywords & Adwords: Uses and Disputes* and *The Communications Decency Act and Section 230 Immunity*)

Intellectual Property Law Speaker's Panel, Hastings Intellectual Property and Cyber Law Society, October 2008

Success for Mid-Level Attorneys, Santa Clara County Bar Association, San Jose, October 2008 (*Beyond Private Practice*)

ISP Immunity: Communications Decency Act S. 230, ALI-ABA, teleconference, August 2008

Legal Frontiers in Digital Media, Media Law Resource Center, Stanford University, May 2008 (*Advertising Rules of the Future*)

Center for Creativity and Commerce Symposium: New Media, New Markets, New Rights, Georgia State University Communications Department (Atlanta), May 2008 (*Liability for Third Party Content*)

California State Bar, Business Law Section, Cyberspace Committee meeting (telephonic), April 2008 (*Recent 47 USC 230 Cases*)

Information Technology Law Institute 2008, Practising Law Institute, San Francisco, March 2008 (*The Newest Forms of Communication: Social Networks and Blogs*)

Congressional Internet Caucus Advisory Committee's 4th annual State of the Net Conference, Washington DC, January 2008 (*Social Networking Privacy: An Oxymoron*)

Best Practices for Businesses Exploring...Exploiting...and Expanding in Web 2.0, Pike & Fischer, teleconference, January 2008

eCommerce 2.0: The Challenge of 'Multiples', Association of Corporate Counsel, San Francisco, November 2007 (*Geolocation and a Bordered Cyberspace*)

eCommerce 2.0: The Challenge of 'Multiples', Association of Corporate Counsel, Palo Alto, November 2007 (*Geolocation and a Bordered Cyberspace*)

How Blogs Impact Legal Discourse, Stanford Law School (CIS/SLATA), November 2007

Blogging, Scholarship, and the Bench and Bar, Santa Clara University School of Law, September 2007

ABA National Institute on Computing and the Law, San Francisco, June 2007 (*Web Developments and Controversies*)

Fourth Annual Ecommerce Best Practices Conference, Stanford Law School, June 2007  
(*Navigating the Shoals of State Regulation*)

International IT Law Summit 2007, Southwestern Law School (Los Angeles), June 2007 (*Online Marketing Issues and What to Do About Them*)

20th Annual Technology and Computer Law Conference, University of Texas School of Law, May 2007 (*Internet Advertising and Click Fraud*)

California State Bar, Business Law Section, Cyberspace Committee meeting, Palo Alto, May 2007 (*Click Fraud*)

Emerging Issues in Computer and Technology Law, SMU Dedman School of Law, April 2007  
(*Keyword Law*)

Litigating “Click Fraud” Cases, Stanford Law School, November 2006 (*presentation*)

Oregon State Bar Intellectual Property Section, Portland, November 2006 (*Keyword Law: The Latest Legal Developments Regarding Buying & Selling Keywords Online*)

Oregon State Bar Computer and Internet Law Section, Portland, November 2006 (*Blog Law*)

IP and the Internet Conference, California State Bar IP Section, Beverly Hills, September 2006  
(*Internet Law Updates*)

American Bar Association Annual Meeting, Business Law Section, Honolulu, August 2006  
(*Real Writing for Real Lawyers: Training Business Lawyers to Draft*)

A Comprehensive Tour of Key Issues for Corporate Counsel (Law Seminars International), San Francisco, July 2006 (*Common Mistakes on E-Commerce Sites*)

Milwaukee Bar Association, May 2006 (*Blogs and Intellectual Property*)

CCH Computer Law Advisory Council Symposium, Chicago, April 2006 (*Blog Law*)

2005 Midwest Intellectual Property Institute, Minneapolis, September 2005 (*Trademark and Copyright Infringement on the Internet: Infringing Goods and Keyword-Based Advertising*)

2005 Midwest Intellectual Property Institute, Minneapolis, September 2005 (*IP Blogs, Websites and Technology*)

American Bar Association Annual Meeting, Intellectual Property Law Section, Chicago, August 2005 (*Keyword Disputes*)

Intellectual Property Law Association of Chicago, June 2005 (*Internet Search and the Doctrine of Initial Interest Confusion*)

International IT Law Conference, Southwestern University School of Law (Los Angeles), June 2005 (*Secondary Liability for ISPs and Websites: Latest Developments on Defamation, Copyright Infringement and the DMCA*)

Legal Ethics 2004: Representing Intellectual Property and Technology Clients, Milwaukee Bar Association, December 2004 (*Ethics of Licensing Transactions*)

Wisconsin Intellectual Property Law Association, Milwaukee, November 2004 (*Nondisclosure Agreements*)

Intellectual Property Fundamentals—What You Need to Know, Madison, October 2004 (*Basics of Copyright Law*)

Milwaukee Bar Association, October 2004 (*Hardware, Software, and Service Contracts – Drafting, Negotiating, and Counseling Considerations*)

American Bar Association Annual Meeting, Cyberspace Law Committee, Atlanta, August 2004 (*Current Developments in Adware and Spyware*)

Managing Legal Risks in a Technology-Driven World, Corporate Counsel Forum, Milwaukee, May 2004 (*Educating Employees About Compliance With Technology-Related Legal Risk Management Procedures*)

Ethical and Moral Challenges Encountered in Everyday Practice, St. Thomas More Society of Wisconsin, Milwaukee, December 2003 (*Doing Business Transactions with Clients*)

Intellectual Property Fundamentals—What You Need to Know, event of the Wisconsin State Bar IP Section, Appleton, WI, October 2003 (*Basics of Copyright Law*)

Business Bar Leaders Conference, Chicago, May 2003 (*Bar Association Activities for E-commerce Law*)

American Bar Association Business Law Section Spring Meeting, Intellectual Property Subcommittee, Cyberspace Law Committee, Los Angeles, April 2003 (*Legislative Efficacy: No Electronic Theft Act*)

American Bar Association Business Law Section Spring Meeting, Los Angeles, April 2003 (*IP and Commercial Law: Quicksand, Mirages and Oases*)

Wisconsin Intellectual Property Law Association, Milwaukee, February 2003 (*State of Initial Interest Confusion After Promatek v. Equitrac*)

Chicago Bar Association Computer Law Committee, February 2003 (*Protecting and Licensing Internet Content Databases*)

American Bar Association Annual Meeting, Intellectual Property Subcommittee, Cyberspace Law Committee, Business Law Section, Washington DC, August 2002 (*Regulating Relevancy: Initial Interest Confusion and the Internet*)

University of Dayton School of Law Thirteenth Annual Advanced Computer and Cyberspace Law Seminar, June 2002 (*Drafting and Implementing Website User Agreements*)

C.E.B. Electronic Commerce and Internet Law & Practice: 5th Annual Recent Developments, Palo Alto and San Francisco, January 2002 (*Derivative Liability for User Content and Actions*)

C.E.B. Electronic Commerce and Internet Law & Practice: 5th Annual Recent Developments, Palo Alto and San Francisco, January 2002 (*Protecting Internet Content Databases*)

Green Lights and Red Flags: FTC Rules of the Road for Advertisers, Santa Clara, November 2001 (*Special Considerations When Doing Business Online*)

PLI E-Commerce Strategies for Success in the Digital Economy, San Francisco, September 2000 (*B2C Overview*)

Bar Association of San Francisco Computer Law Institute, San Francisco, September 2000 (*The Future of Intellectual Property on the Internet*)

PLI 4th Annual Institute on Internet Law, San Francisco, July 2000 (*In-House Panel*)

E-Commerce Law School, Palo Alto, June 2000 (*Care and Feeding of an Internet Start-Up*)

American Corporate Counsel Association (SF Bay Chapter), Palo Alto, April 2000 (*Privacy Issues*)

CyberspaceCamp Conference, San Jose, March 2000 (*Website Development and Hosting Agreements*)

Cyberspace Law School, Palo Alto, February 2000 (*Co-Branding, Cross-Marketing and Other Business Relationships*)

Cyberspace Law School, Palo Alto, February 2000 (*The Internet and Overview*)

Hastings COMM/ENT 12th Annual Computer Law Symposium, San Francisco, January 2000 (*Doing Internet Co-Branding Agreements*)

PLI E-Commerce Strategies for Success in the Digital Economy, San Francisco, August 1999 (*Storefront Development and Hosting*)

PLI 3rd Annual Institute on Internet Law, San Francisco, July 1999 (*Drafting Co-Branding and Internet Distribution Agreements*)

Cyberspace Law School, San Francisco, November 1998 (*Co-Branding, Cross-Marketing and Other Business Relationships*)

Legal and Business Aspects of the Internet, San Francisco, November 1998 (*Privacy and Data Collection*)

PLI 2nd Annual Institute on Internet Law, San Francisco, July 1998 (*Web Development and Hosting*)

PLI 1st Annual Institute on Internet Law, San Francisco, July 1997 (*Terminology and Technology of the Internet*)

University of Texas' 10th Annual Computer Law Conference: Communicating and Conducting Business On-Line, Austin, May 1997 (*Online Deals and Licensing Issues*)

### **HEARINGS AND SIMILAR PROCEEDINGS**

Latest Developments in Combating Online Sex Trafficking, U.S. House of Representatives Committee on Energy & Commerce, Subcommittee on Communications and Technology, November 2017 (testimony)

S. 1693, the Stop Enabling Sex Traffickers Act of 2017, U.S. Senate Committee on Commerce, Science, and Transportation, September 2017 ([testimony](#))

Zero Stars: How Gagging Honest Reviews Harms Consumers and the Economy, U.S. Senate Committee on Commerce, Science, and Transportation, November 4, 2015 ([testimony and attachments](#))

Balancing Privacy and Opportunity in the Internet Age, an Informational Hearing of the Assembly Judiciary Committee, the Assembly Business, Professions & Consumer Protection Committee, and the Assembly Select Committee on Privacy, Santa Clara University, December 2013

Board Review Committee on Professional Ethics of The Florida Bar Board of Governors (telephonic), October 2013 (evaluation of Florida bar's proposed restrictions on keyword advertising)

Board Review Committee on Professional Ethics of The Florida Bar Board of Governors (telephonic), July 2013 (evaluation of Florida bar's proposed restrictions on keyword advertising)

XV St. Petersburg International Economic Forum, sponsored by the Russian Federation Minister of Economic Development, St. Petersburg, Russia, June 2011 (*Can IP Be Protected in the Internet Age?*)

OECD Experts Workshop, The Role of Internet Intermediaries in Advancing Public Policy Objectives, Paris, June 2010 ([written submission](#))

Federal Trade Commission Privacy Roundtable, Berkeley, January 2010

[Testimony](#) before the National Gambling Impact Study Commission (a Congressionally-authorized study) Regulatory, Enforcement and Internet subcommittee, December 1998

## **PRESENTATIONS TO NON-LAWYERS**

Scholar Commons Soiree, Santa Clara University, October 2017 (*The Law That Built the Internet*)

Freedom vs. Privacy: Has Big Brother gone too far? A debate about the erosion of digital privacy, Ethics and Responsible Business Forum, California State University Monterey Bay, Marina, CA, March 2017

Santa Clara University Leavey School of Business, Executive Development Center, joint program with ESADE (Escuela Superior de Administración y Dirección de Empresas), September 2015 (*Algorithm Utopianism*)

California Orthopaedic Association 2015 Annual Meeting, Indian Wells, CA, April 2015 (*Legal Overview of Doctor Reviews*)

ODR 2014, Stanford Law School, June 2014 (*Resolving Disputes in Online Reputation Systems*)

Security in the Hybrid Era, Mission College Center for Innovation and Technology (MC2IT), Santa Clara, June 2014

SXSW, Austin, Texas, March 2014 (*The Fragile Law That Protects Online Speech*)

The Ethics of Online Price Discrimination, SCU Markkula Center for Applied Ethics, October 2013

Los Altos High School History Week, Los Altos, CA, January 2013 (*Teenagers and Social Media*)

Online Trust Forum, San Jose, October 2012 (*Internet Governance*)

[Online Copyright: What You Need to Know](#), Sunnyvale Public Library, July 2012

Second Annual CSUN Technology Fair, Cal State Northridge, June 2012 (*Cloud Computing: Is Anything Private?*)



American Society for Aesthetic Plastic Surgery Annual meeting, Vancouver BC, May 2012  
*(Reputation Management – Managing Your Online Image)*

State of the Net West, Town Hall with Rep. Mike Honda, Santa Clara University, April 2012  
*(SOPA)*

Santa Clara University student forum, Online Copyright Legislation, February 2012

21st Annual Computers, Freedom & Privacy, Washington DC, June 2011 *(Intermediary Immunity Under Section 230)*

The Great Privacy Debate – To Track or Not To Track, BrightTalk teleconference, March 2011

OMMA Global, San Francisco, March 2010 *(Can Publishers Take Ownership of Privacy?)*

Jewish High Tech Community, Mountain View, March 2010 *(Regulating Reputational Systems)*

SMX West, Santa Clara, March 2010 *(FTC Blogger Guidelines)*

SMX West, Santa Clara, March 2010 *(Thorny Legal Issues: What’s Happening and Why Should You Care?)*

IEEE Communications Society, Santa Clara Valley Chapter, Santa Clara, March 2009  
*(Engineers’ Role in Internet Law Development)*

SMX West, Santa Clara, February 2009 *(Legally Speaking: Recent Legal News About Search)*

Search Engine Strategies, San Jose, August 2008 *(Trademark Issues: What SEMs Should Know)*

OMMA Behavioral, San Francisco, July 2008 *(Privacy Panel)*

ION Game Conference, Seattle, May 2008 *(Navigating the Minefield - Getting the Most Out of User Generated Content)*

SMX West, Santa Clara, February 2008 *(Legally Speaking: Recent Legal News About Search)*

Spyware: What’s Worked, What’s Left, and What’s Coming, Anti-Spyware Coalition, Washington DC, January 2008 *(Is Adware Dead?)*

IT Security World, San Francisco, September 2007 *(Blog Law)*

Search Engine Strategies, San Jose, August 2007 *(Copyrights & Trademarks: What Every Search Marketer Should Know)*

Bronco Entrepreneur Group Meeting, Santa Clara University Center for Innovation and Entrepreneurship, March 2007 *(Entrepreneurship & IP)*

Anti-Spyware Coalition Public Workshop: Defining the Problem, Developing Solutions, Washington DC, February 2006 (*Fighting Spyware Through Industry Self-Regulation*)

Search Engine Strategies, San Jose, August 2005 (*Copyright & Trademarks*)

Search Engine Strategies, San Jose, August 2005 (*Auditing Paid Listings & Click Fraud Issues*)

Search Engine Strategies, Chicago, December 2004 (*Legal Protection Issues & Tactics*)

Search Engine Strategies, San Jose, August 2004 (panelist on *Moot Court: Trademark Protection on Trial*)

DEF CON 11, Las Vegas, August 2003 (*Criminal Copyright Infringement and Warez Trading*)

Black Hat USA 2003 Briefings, Las Vegas, July 2003 (*Criminal Copyright Infringement and Warez Trading*)

Comdex, Las Vegas, November 2001 (*Privacy: Can It Ever Be Protected on the Internet?*)

Spring Internet World, Los Angeles, April 2000 (*9 Key Issues in Negotiating Web Development and Hosting Agreements*)

Santa Clara MBA Alumni Breakfast Briefing, Santa Clara, January 2000 (*Privacy Policies*)

Internet Business Development Forum, So. San Francisco, November 1999 (*Co-Branding Deals*)

Internet Business Development Forum, Los Altos, CA, August 1999 (*Internet Term Sheets*)

ONE ISPCON, San Jose, October 1998 (*Alternative Revenue Models for ISPs and Websites*)

Spring Internet World, Los Angeles, March 1998 (*Emerging Web Business Models*)

Internet Commerce Expo, Los Angeles, September 1997 (*Launching Web-related Start-up Ventures*)

American Chemical Society, San Francisco, April 1997 (*Copyrights and the Internet*)

Spring Internet World, Los Angeles, March 1997 (*Internet Legal Roundtable*)

Spring Internet World, Los Angeles, March 1997 (*Emerging Business Models on the Internet*)

Sun User Group West '97, San Francisco, March 1997 (*System Administrator Liability*)

Sun User Group Computers & the Law III, San Jose, December 1996 (*Will the Internet Destroy Copyright?*)

ONE ISPCON, San Francisco, August 1996 (*Issues in Website Entrepreneurship*)

Spring Internet World, San Jose, May 1996 (*Issues in Website Entrepreneurship*)

Spring Internet World, San Jose, May 1996 (*Copyright on the Internet*)

Net Expo West, San Francisco, September 1995 (*Legal Issues in Cyberspace*)

ONE BBSCON, Tampa, August 1995 (*Realities of Making Money on the Web*)

ONE BBSCON, Tampa, August 1995 (*Issues in Website Entrepreneurship*)

### **MODERATOR**

Social Media 2015: Addressing Corporate Risks, PLI, San Francisco, February 2015 (*Social Media, Mobile Apps and the Emerging Regulatory Landscape*)

Does the U.S. Patent System stifle innovation? An Oxford-style debate, ZERO1 Garage, San Jose, October 2013

Complying with the EU Cookie Directive – How Not to Get Left Holding the Bag, IAB Legal Affairs Council, Santa Clara, August 2012

President's Speaker Series, David Drummond of Google, Santa Clara University, April 2011

Secondary and Intermediary Liability on the Internet, Stanford Technology Law Review, March 2011 (*Online Trademarks*)

Intellectual Property in the International Arena – WIPO Comes to Stanford, Stanford Law School, November 2010 (*ACTA*)

Regulating Data Collection Online and Offline, IAB Legal Affairs Council, Santa Clara, June 2010

Copyright@300, UC Berkeley, April 2010 (*What Challenges Does Copyright Face in the Twenty-First Century?*)

2009 IP and the Internet Conference, California State Bar IP Section, San Francisco, December 2009 (*Review Sites and Anonymous Speech and DMCA Notice and Takedown*)

2009 IP and the Internet Conference, California State Bar IP Section, Santa Monica, December 2009 (*Review Sites and Anonymous Speech and DMCA Notice and Takedown*)

Supernova, San Francisco, December 2009 (*Trademarks and Intermediaries*)

Internet Collaboration, Santa Clara University School of Law, February 2008 (*User Generated Content*)

The Toll Roads: The Legal and Political Debate Over Network Neutrality, University of San Francisco School of Law, January 2008 (*Communication: Effects on Media, Information Sharing & Capacity*)

Cross-Border Legal Challenges in High Tech Law, Santa Clara University School of Law, January 2007 (*Legal Limits of IP Technical Protection Measures*)

Patent Policy in the Supreme Court and Congress, Santa Clara University School of Law, October 2006 (*Claim Construction and Infringement*)

Sixteenth Conference on Computers, Freedom and Privacy, Washington DC, May 2006 (*Spyware*)

Command Lines: The Emergence of Governance in Global Cyberspace, University of Wisconsin-Milwaukee, April 2005 (*Governance of the Interface*)

American Bar Association Annual Meeting, Business Law Section, Atlanta, August 2004 (*Search Engines, Adware and Trademark Law: What Your Clients Can Do and Can't Do in Online Advertising*)

American Bar Association Annual Meeting, Business Law Section, San Francisco, August 2003 (*Can Technology and New Business Models Substitute for Copyright Law on the Internet?*)

Marquette Law School Intellectual Property Issues in Sports, Milwaukee, October 2002 (*Scope of Protectable Rights in Sports Events and Game Accounts and Scope of Protection for Methods/Styles of Play and Playing Equipment*)

Santa Clara University Computer & High Technology Law Journal Symposium on Information Insecurity: Protecting Data in the Digital Age, February 2002 (*Corporations & Privacy Law*)

Santa Clara University Computer & High Technology Law Journal Privacy Symposium, Santa Clara, February 2000 (*Commercial Application of the Internet*)

## **GUEST LECTURES**

Wake Forest Law School, Internet Law, Fall 2017 (*SESTA*)

Tulane University Law School, IP Writing, Fall 2017

Stanford Law School, Juelsgaard Intellectual Property and Innovation Clinic, Winter 2016 (*picking pro bono projects*)

Tulane University Law School, IP Writing, Fall 2013

Santa Clara University School of Law, Copyright Law, Spring 2013 (*Secondary Liability*)

University of Wisconsin Law and Entrepreneurship Clinic, Spring 2013 (*COPPA and Doing Privacy Policies*)

Stanford Law School, Internet Business Law and Policy, Spring 2012 (*Intermediary Liability*)

University of Washington School of Law, IP Innovations, Spring 2012 (*Advertising Law*)

University of Akron School of Law, March 2012 (*Entertainment Law*)

SCU Leavey School of Business, Internet Marketing, Winter 2012 (*SOPA, PIPA and OPEN*)

SCU Leavey School of Business, Managing Tech & Innovation, Spring 2011 (*Crowdsourcing and IP*)

SCU Leavey School of Business, Management of the High Tech Firm, Fall 2010 (*Entrepreneurship and IP*)

SCU Leavey School of Business, Management of the High Tech Firm, Spring 2010 (*Entrepreneurship and IP*)

Commons-based Peer Production, University of California, Berkeley, School of Information, Spring 2010 (*Wikipedia*)

SCU Leavey School of Business, Management of the High Tech Firm, Fall 2009 (*Entrepreneurship and IP*)

SCU Leavey School of Business, Management of the High Tech Firm, Spring 2009 (*Entrepreneurship and IP*)

Ohio State Law School, Cyberlaw and Privacy Seminar, Fall 2008

Stanford Law School, Intellectual Property: Innovation Industries, Fall 2007 (*Keyword Advertising*)

Chinese University of Hong Kong, MBA Technology Field Study, Summer 2007 (*Overview of US IP Law*)

John Marshall Law School, Spam Seminar, Summer 2003 (*Policy Considerations*)

Marquette Business School, Internet Marketing, Fall 2002 (*Web Marketing Legal Issues*)

Santa Clara University School of Law, Civil Practice Internship, Summer 2000 (*Life as a Lawyer*)

Santa Clara University School of Law, E-Commerce Law, Summer 1999 (*Internet Copyright*)

University of California, Berkeley School of Law (Boalt Hall), What is E-Commerce?, Fall 1998 (*Internet Deals*)

College of Notre Dame (Belmont, CA), Introduction to Media, Fall 1996 (*Media Liability*)

### **EDITORIAL BOARDS**

Board of Editors, JOURNAL OF THE COPYRIGHT SOCIETY OF THE U.S.A., 2004-14

External Board of Advisors, WASHINGTON JOURNAL OF LAW, TECHNOLOGY + ARTS, 2006-14

CCH Computer Law Advisory Council, 2007-14

Koncision NDA Editorial Board, 2010-12

Publications Board, Business Law Section of the ABA, 2004-06

Board of Editors, BUSINESS LAW TODAY, 2003-06

Editorial Board, INTELLECTUAL PROPERTY NEWS (publication of the IP Section of the Wisconsin State Bar), 2002-06

Board of Editors, E-COMMERCE LAW REPORT, 1998-

Board of Editors, INTERNET LAW & BUSINESS, 1999-

Occasional reviewer for NEW MEDIA & SOCIETY, 2008-

### **OTHER BOARDS**

Board Member, IP Logic Systems, Inc., 2016-

Advisory Board, Future of Privacy Forum, 2014-

Board of Directors, Public Participation Project, a non-profit organization lobbying for federal anti-SLAPP protection, 2011-

Board of Advisors, Wisconsin Innovation Network (WIN) Foundation-Milwaukee Chapter, 2004-06

## PROFESSIONAL AWARDS

Named to the ABA Journal Blawg 100 every year from 2009 to 2016. Inducted into the ABA Journal “Blawg 100 Hall of Fame” in 2016

Named one of the Fastcase 50 for 2015

Named one of “The 50 Most Influential Law Professors Alive Today,” MJE (Magazine Journal Express), 2013

Shortlisted as a North American “IP Thought Leader,” *Managing IP* magazine, 2012 and 2013

IP Vanguard Award for academics/public policy, awarded by the IP Section of the California State Bar, 2011

Marquis Who’sWho in American Law, 2005

Marquis Who’sWho in American Education, 2005

Smallbizplanet.com award for excellence in online business journalism, 1999

An International Who’s Who of Internet and E-Commerce Lawyers, 1998 (selected by Law Business Research)

Internet World 4+ speaker, 1998

## UNIVERSITY ACTIVITIES

Santa Clara University School of Law Committees

Building Committee, 2011-12 and 2014-15 (chair)

Dean’s Faculty Advisory Council, 2013-15

Curriculum Committee, 2011-14

High Tech Faculty Committee, 2009-15 (chair 2009-14)

High Tech Advisory Board, 1999-2002 and 2006-15 (chair 2006-14)

Ad Hoc Work Group on Fiscal Retrenchment, 2013

Technology Steering Committee, 2011-13 (chair 2012-13)

Grievance Committee, 2012-13

Strategic Planning Committee, 2009

Faculty Affairs Committee, 2007-08

Colleen Chien Promotion Advisory Committee, 2017 (chair)

Clinic Review Committee for Laura Norris, 2015

Brian Love Mentoring Committee, 2013-15 (chair)

Colleen Chien Tenure Advisory Committee, 2012 (chair)

Kyle Graham Mentoring Committee, 2009-2012

Major programmatic accomplishments (selected)

- Restructuring of Intellectual Property curriculum and High Tech Law Certificate (2009)
- Creation of the Entrepreneurs' Law Clinic (2013)
- Creation of the Privacy Law Certificate (2014)
- Creation of the SVJD Certificate (2017)

Conference series organized (selected)

- Internet Law Works-in-Progress Conference, 2011- (with the New York Law School) (co-founder)
- Santa Clara University's IT, Ethics and Law speaker series, 2006- (with the Markkula Center for Applied Ethics)
- State of the Net West, 2007-2012 (with the Congressional Internet Caucus Advisory Committee) (co-founder)

Academic conferences organized (selected)

- Trademark Dilution: Theoretical and Empirical Inquiries (2007)
- Junior patent scholars works-in-progress workshop (2009)
- Exhaustion and First Sale in IP (2010)
- 47 U.S.C. 230: A 15 Year Retrospective (2011)
- Defense 2.0: New Strategies for Reducing Patent Risk (2011)
- Solutions to the Software Patent Problem (2012)
- 15 Year Retrospective of the Digital Millennium Copyright Act (2013)
- Content Moderation and Removal at Scale (2018)

Santa Clara University Committees

- University Strategic Plan Advisory Committee, 2013-14
- Advisory group for Internet Ethics program, Markkula Center for Applied Ethics, 2012-
- Faculty Scholar, Markkula Center for Applied Ethics, 2009-
- Representative to Center for Science, Technology & Society Steering Committee, 2006-12

Marquette University Law School Committees

- Curriculum Committee, 2002-06
- Work Group on Strategic Planning for Admissions, 2004-05 (chair)
- Academic Programs Committee, 2003-04
- Technology Committee (a/k/a Web Committee), 2002-05
- Orientation Ad Hoc Committee, 2003
- Faculty Advisor, Marquette Intellectual Property Law Review, 2002-06
- Faculty Advisor, Intellectual Property Law Society, 2002-06
- Faculty Advisor, Jewish Law Students Association, 2002-06
- Faculty Advisor, *Verdict* student newspaper, 2003-06
- University-wide Advisory Committee on External Scanning, 2004-06



## **OTHER PROFESSIONAL AND ALUMNI ACTIVITIES**

Elected Member, American Law Institute, 2007-

Organizing Board - Works in Progress Intellectual Property (WIPIP) Colloquium, 2013-14

International Trademark Association (INTA) Academic Committee, 2012-14

ALI-ABA's Technology Law Advisory Panel (renamed ALI CLE Technology Advisory Panel), 2009-12

AALS Section on Internet and Computer Law (formerly the Law and Computers section)  
Nominating Committee, 2011  
Chair, 2009  
Chair-Elect, 2008  
Executive Committee member, 2006

Member (appointed), Cyberspace Law Committee, Business Law Section, State Bar of California, 2006-10

Co-Chair, Intellectual Property Subcommittee, Cyberspace Law Committee, Business Law Section, American Bar Association, 2002-06

Co-Chair, Computer Law Association Legal Writing Competition, 2003-06

Mentor, Wisconsin Governor's Business Plan Contest, 2004-06

Faculty Representative to the Board of Directors, IP Section of the Wisconsin State Bar, 2002-06

Programme Committee, Second International Conference on Business, Law and Technology (IBLT), 2008

Conference Co-Chair, Cyberspace Law School, Palo Alto, February 2000

Conference Co-Chair, Cyberspace Law School, San Francisco, November 1998

Cooley Godward Firm Committees  
IT Group Lunch Speaker Coordinator, 1998-2000  
Website Oversight Committee, 1995-2000  
Summer Associate Mentor, 1998 and 1999

Member, UCLA Alumni Freshman Scholarship Committee, 1990-2002

Member, UCLA College of Honors Scholarship Review Committee, 1989-1994