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Born: Freeport, N.Y., July 21, 1955

EDUCATION

University of Paris II, Doctor of Laws, with highest honors, 1995;
Diplôme d'études approfondies (DEA) in intellectual property law,
mention bien (magna cum laude), 1985

Fulbright Scholarship received for study in France 1984-85

Harvard Law School, J.D., cum laude, 1980
Editor and Note Editor, Harvard Law Review, vols. 92, 93

University of Chicago, M.A. 1977, B.A. 1976
General and Special Honors, Phi Beta Kappa

EMPLOYMENT

Current, since December 1992	Morton L. Janklow Professor of Literary and Artistic Property Law, Columbia University School of Law
Academic Year 2004-05	University of Cambridge, Arthur L. Goodhart Visiting Chair of Legal Science; Professorial Fellow, Emmanuel College
May 2002 – April 2008	Co-Reporter, American Law Institute: Intellectual Property - Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes (with Prof. Rochelle Dreyfuss and Prof. François Dessemontet)
July 1998	Hague Academy of International Law, teaching course on “The Private International law of Copyright in an Era of Technological Change”
January 1991-November 1992	Professor of Law, Columbia University School of Law
January 1987-December 1990	Associate Professor of Law, Columbia University School of Law
Fall 1983	Adjunct Assistant Professor, Benjamin N. Cardozo School of Law, taught basic copyright course
November 1981-August 1984	Associate, Cowan, Liebowitz & Latman, P.C., New York City
August 1980-August 1981	Law Clerk, Hon. John J. Gibbons, United States Court of Appeals for the Third Circuit

ONGOING FELLOWSHIPS

From April 2015	American Academy of Arts and Sciences, Member
From May 2013	American Philosophical Society, Member
From July 2011	British Academy, Corresponding Fellow
From 2007	Emmanuel College, University of Cambridge, Honorary Fellow

OTHER FELLOWSHIPS, AWARDS AND VISITING TEACHING POSITIONS

February 2023	Kwa Geok Choo Distinguished Visitor, National University of Singapore
June 2022	<i>Ambasciatrice</i> , Università del Salento, Italy
October 2020	Doctor <i>honoris causa</i> , University of Neuchatel, Switzerland
May 2020	Visiting Professor, Bocconi University Faculty of Law, Milan (online)
March 2019, January 2020, January 2022	Visiting Professor, École de droit, Sciences-Po, Paris
October 2017, December 2005	Senior Fellow, University of Melbourne Law School
Fall 2016	Alliance Visiting Professor, Université de Paris I (Panthéon-Sorbonne)
October 2018, January 2016, May 1998	University of Lyon III (teaching U.S. and international copyright law)
September 2019, November 2018, September 2017, November 2016	Hanken Business School, Helsinki Finland (teaching U.S. and international copyright law)
October 2015	ChIPs Women in IP Hall of Fame Honoree
October 2015	University of Cambridge Center for Intellectual Property and Information Law [CIPIL] Fellow, teaching international copyright
May 2015	American Bar Association Section on Intellectual Property, Mark T. Banner Award
March-May 2015	Resident, American Academy in Rome Michael Sovern Affiliated Fellow (March-May 2009); Visiting Scholar (April-May; December 2010; December 2011; September 2012; December 2013; May 2016; May 2017)
October-November 2014	New Zealand Law Foundation Distinguished Visiting Fellowship (lecturing at six universities)
November 2012	Visiting Professor, University of Technology, Sydney
May 2012	Hebrew University in Jerusalem, Martin and Susan Adelman Visiting Professorship in Intellectual Property Law (first holder)

Jan. 2012, Jan. 2016, March 2018	Visiting Professor, University of Paris I (Panthéon-Sorbonne) (comparative copyright law and new technologies)
2010-11	Phi Beta Kappa Visiting Scholar (5 colleges)
2009	Order of the Coif Distinguished Visitor (Texas Tech; de Paul)
October 2009	Legal Research Foundation Visiting Fellow, University of Auckland law faculty
Fall 2008	Herbert Smith Fellow, University of Cambridge Faculty of Law
2008	IP Hall of Fame inductee
1994-2020 (various months)	University of Paris XI -- Sceaux (teaching copyright protection of new technologies)
1998-2012; 2014; 2016 (various months)	University of Toulouse I (teaching U.S. legal methods, and copyright protection of new technologies)
June 1991, May 1997; April 2005	University of Nantes (teaching U.S. and French intellectual property law)
November 1993-June 1994	Universities of Paris I -- Sorbonne, and II -- Panthéon (teaching U.S. contracts law and legal methods)
July 1994, 1992, 1990, 1988	Columbia-Leiden-Amsterdam program in American Law (teaching U.S. copyright law)
December 1991	French University of the Pacific, Papeete, French Polynesia (teaching U.S. contracts law)

LANGUAGES

French, Italian, Spanish

EDITORIAL AND ADVISORY BOARDS

Cambridge University Press, Intellectual Property and Information Law Series, Advisory Board

International Advisory Board, UK Arts and Humanities Research Council “Primary Sources on Copyright” History Project

Board of Advisors, *Columbia-VLA Journal of Law & the Arts*

Editorial Board, *Journal of the Copyright Society of the USA*

Editorial Board, *Entertainment Law Review*, London, U.K.

International Editorial Board, *Cahiers de la propriété intellectuelle* (Canada)

MEMBERSHIPS AND OTHER ADVISORY POSITIONS

Vice President, Association Littéraire et Artistique Internationale (ALAI); President, ALAI-USA

Board of Advisers, Cambridge Centre for Intellectual Property and Information Law (CIPIL) (UK)

American Law Institute, Life Member (since 1990)

Co-Reporter, Intellectual Property - Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes

Adviser, Restatement of Copyright

Adviser, Principles of the Law of Software Contracts

International Law Association, Committee on Private International Law and Intellectual Property

American Association of Universities, Copyright Working Group

Digital Public Library of America, Copyright Working Group

Council on Foreign Relations, Member

Board of Guarantors, Italian Academy in America (2007-10)

Columbia University, Co-Chair, University-wide committee to create and oversee University copyright ownership policy (2000-01)

Library of Congress, Advisory Committee on Copyright Registration and Deposit (ACCORD) 1993-95

Chair, ABA Patent, Copyright, Trademark Section, Committee on Pictorial, Graphic, Sculptural and Choreographic Works (1990-91)

Chair, American Association of Law Schools, Section on Intellectual Property (1990-91)

PUBLICATIONS

ssrn author abstract url: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=222890#reg

NELLCO Legal Scholarship Repository author url: http://lsr.nellco.org/columbia_pllt/0591

Books

INTERNATIONAL COPYRIGHT AND NEIGHBORING RIGHTS: THE BERNE CONVENTION AND BEYOND, with Prof. Sam Ricketson (3d ed. Oxford University Press 2022)

LEGISLATION: STATUTORY INTERPRETATION IN THEORY AND IN PRACTICE, with David Louk (with Teacher's Manual) (Foundation Press 2021)

CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW, Editor with Prof. Irene Calboli (Cambridge University Press 2020)

DEEP DIVE: BURROW-GILES LITHOGRAPHING V. SARONY (US 1884) COPYRIGHT PROTECTION FOR PHOTOGRAPHS AND CONCEPTS OF AUTHORSHIP IN AN AGE OF MACHINES (Twelve Tables Press 2020)

CASES AND MATERIALS ON LEGAL METHODS, with David Louk (with Teacher's Manual) (Foundation Press, 5th edition)

2020)

COPYRIGHT: CASES AND MATERIALS, with Prof. R.A. Gorman and Prof. R.A. Reese (Foundation Press 9th edition 2017) and 2021 Case Supplement with Prof. R.A. Reese (10th ed in preparation)

TRADEMARK AND UNFAIR COMPETITION LAW, with Prof. Jessica Litman and Mary L. Kevlin, Esq (Carolina Academic Press, 7th edition 2021)

INTERNATIONAL COPYRIGHT LAW - US AND EU PERSPECTIVES: TEXT AND CASES, with Prof. Edouard Treppoz (Edward Elgar, 2015)

INTELLECTUAL PROPERTY AT THE EDGE: THE CONTESTED CONTOURS OF IP, Editor, with Prof. Rochelle Dreyfuss (Cambridge University Press 2014)

COPYRIGHT LAW: CONCEPTS AND INSIGHTS, with Prof. Robert A. Gorman (Foundation Press 2012)

COPYRIGHT AND PIRACY: AN INTERDISCIPLINARY CRITIQUE, Editor, with Prof. Lionel Bently and Dr. Jennifer Davis (Cambridge University Press 2010)

TRADE MARKS AND BRANDS: AN INTERDISCIPLINARY CRITIQUE, Editor, with Prof. Lionel Bently and Dr. Jennifer Davis (Cambridge University Press 2008)

INTELLECTUAL PROPERTY STORIES, Editor, with Prof. Rochelle Dreyfuss (Foundation Press, 2005)

FOUNDATIONS OF INTELLECTUAL PROPERTY LAW, Editor, with Prof. R.P. Merges (Foundation Press, 2004)

ADJUNCTS AND ALTERNATIVES TO COPYRIGHT: PROCEEDINGS OF THE 2001 CONGRESS OF THE ASSOCIATION LITTÉRAIRE ET ARTISTIQUE INTERNATIONALE, Editor, with June Besek, Esq. (Kernochan Center for Law, Media and the Arts, 2002)

THE PRIVATE INTERNATIONAL LAW OF COPYRIGHT IN AN ERA OF TECHNOLOGICAL CHANGE, 1998 *Recueil des cours* of the Hague Academy of International Law, part 273, 239-405 (1999)

Book Chapters

Twenty Years of U.S. Digital Copyright: Adapting from Analog, in Eleonora Rosati and Hayleigh Boshier, 20 YEARS OF IPKAT (forthcoming Oxford University Press 2022)

Authors' Remuneration: Reforms to be Wished-For, in Valeria Falce and Gustavo Ghidini, eds., THE FUTURE OF IP—REFORM PROPOSALS (forthcoming, Edward Elgar 2022)

Conundra of the Berne Convention Concept of Country of Origin, in Morten Rosenmeier et al. eds, Festschrift for Jorgén Blomqvist 253 (2021), <http://ssrn.com/abstract=3773236>

Floors and Ceilings in International Copyright Treaties (Berne/TRIPS/WCT minima and maxima), in Axel Metzger and Henning Grosse Ruse-Khan, editors, INTELLECTUAL PROPERTY ORDERING BEYOND BORDERS (Cambridge University Press 2022) https://www.cambridge.org/core/services/aop-cambridge-core/content/view/31464E8F7A65748B18E840DD96AF50E3/9781316512937AR.pdf/Intellectual_Property_Ordering_beyond_Borders.pdf?event-type=FTLA

A United States Perspective on Digital Single Market Directive, art. 17, in Irini Stamatoudi and Paul Torremans, Eds.,

EUROPEAN UNION COPYRIGHT LAW: A COMMENTARY (2d ed. Edward Elgar 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3579076

Territoriality and Supranationality: Judicial and Legislative Competence in International Trademark Disputes, with Prof. Edouard Treppoz, in Irene Calboli and Jane C. Ginsburg, Eds., CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW (Cambridge U. Press 2020)

Overlapping Copyright and Trademark Protection in the United States: More Protection and More Fair Use?, with Prof. Irene Calboli, in Irene Calboli and Jane C. Ginsburg, Eds., CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW (Cambridge U. Press 2020)

People Not Machines: Who Is an Author Under the Berne Convention?, in Graeme Austin, et al. eds., INTERCONNECTED INTELLECTUAL PROPERTY: ESSAYS IN HONOUR OF SAM RICKETSON (Cambridge U. Press 2020)

Liability for Hyperlinking, with Prof. Alain Strowel, in Tanya Aplin, ed., RESEARCH HANDBOOK ON IP AND DIGITAL TECHNOLOGIES (*forthcoming*, Edward Elgar 2021)

Proto-proprietà intellettuale, letteraria ed artistica: i privilegi di stampa papali nel XVI secolo (trans. Andrea Ottone) in PRIVILEGI LIBRARI NELL'ITALIA DEL RINASCIMENTO 103-287 (Andrea Ottone and Erica Squassino, eds.) (Franco Angeli, Milan, 2020)

The 1593 Antonio Tempesta Map of Rome, in Dan Hunter and Claudy Op Den Kamp, eds., A HISTORY OF IP IN 50 OBJECTS (Cambridge University Press 2019), <http://ssrn.com/abstract=3090507>

“Courts have twisted themselves into knots” (and the tangled knots remain): US Copyright Protection for Applied Art after *Star Athletica*, in Estelle Derclaye, ed. THE COPYRIGHT/DESIGN INTERFACE (Cambridge U. Press 2018)

OXFORD HANDBOOK OF INTELLECTUAL PROPERTY, chapter on Copyright (Oxford U. Press 2018) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2811179

Intellectual Property in News? Why not?, with Prof. Sam Ricketson, in Sam Ricketson and Megan Richardson, eds., RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY IN MEDIA AND ENTERTAINMENT (Edward Elgar 2017) <http://ssrn.com/abstract=2773797>

The Author's Place in the Future of Copyright, in Ruth Okediji, ed., COPYRIGHT IN AN AGE OF LIMITATIONS AND EXCEPTIONS (Cambridge Univ. Press 2017) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2574496

Asking the right questions in copyright cases: Lessons from Aereo and its international brethren, with Rebecca Giblin, Proceedings of the 2014 ATRIP Congress (Edward Elgar 2019) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2539142

Licensing Commercial Value: From Copyright to Trademarks and Back, in Irene Calboli and Jacques de Werra, eds., THE LAW AND PRACTICE OF TRADEMARK TRANSACTIONS: A GLOBAL AND LOCAL OUTLOOK 53 (Edward Elgar 2016) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2613195

The Divulgarion Right: From Publication to Privacy and Back Again, in MORAL RIGHTS IN THE 21ST CENTURY: PROCEEDINGS OF THE 2014 ALAI CONGRESS 244 (2015)

The Berne Convention – historical and institutional aspects, with Prof. Sam Ricketson, in INTERNATIONAL INTELLECTUAL PROPERTY: A HANDBOOK OF CONTEMPORARY RESEARCH, Daniel Gervais, ed. (Edward Elgar, 2015)

Where does the act of “making available” occur?, in RESEARCH HANDBOOK ON EU INTERNET LAW 191, Andrej Savin, ed. (Edward Elgar, 2014)

Exceptional Authorship: the Role of Copyright Exceptions in Promoting Creativity, in Susy Frankel and Daniel Gervais, eds., *EVOLUTION AND EQUILIBRIUM: COPYRIGHT THIS CENTURY 15* (Cambridge University Press, 2014) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2221458

Authors' Contracts and the US Copyright Law, in *RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY LICENSING*, Jacques de Werra, ed. (Edward Elgar 2013)

User-Generated Content Sites and Section 512 of the US Copyright Act, in Irini Stamatoudi, ed., *COPYRIGHT ENFORCEMENT IN CYBERSPACE* (Kluwer 2011) http://lsr.nellco.org/columbia_pllt/9192

A Common Lawyer's Perspective on Contrefaçon, in *COPYRIGHT AND PIRACY: AN INTERDISCIPLINARY CRITIQUE*, Lionel Bently, Jennifer Davis and Jane C. Ginsburg, eds., Cambridge University Press (2010)

Envisioning Intellectual Property Rights for a Global Market : Out-takes from the American Law Institute's Project on Intellectual Property : Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes, with Prof. Rochelle Dreyfuss, in *LIBER AMICORUM FRANÇOIS DESSEMONTET 127* (2009)

Contracts, Orphan Works, and Copyright Norms: What Role for Berne and TRIPs?, in *WORKING WITHIN THE BOUNDARIES OF INTELLECTUAL PROPERTY 471* Rochelle Cooper Dreyfuss, Harry First, Diane Leenheer Zimmerman, eds., Oxford University Press (2010), available at <http://lsr.nellco.org/columbia/pllt/papers/09162>

"See Me, Feel Me, Touch Me, Hea[r] Me." I am a Trademark – A U.S. Perspective, in *TRADE MARKS AND BRANDS: AN INTERDISCIPLINARY CRITIQUE 92* (Lionel Bently, Jennifer Davis and Jane C. Ginsburg, eds., Cambridge University Press 2008)

Of Mutant Copyrights, Mangled Trademarks, and Barbie's Beneficence: The Influence of Copyright on Trademark Law, *TRADEMARK LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH 481* (Graeme B. Dinwoodie & Mark D. Janis eds., 2008), available at, <http://lsr.nellco.org/columbia/pllt/papers/07138>

Copyright, eCommerce and Conflicting National Norms: Judicial and Legislative Competence, in *LEGAL ASPECTS OF AN E-COMMERCE TRANSACTION 33* (Andrea Schultz, Ed., Hague Conference on Private International Law 2006)

Authors and Publishers: Adversaries or Collaborators in Copyright Law?, with Prof. R.A. Gorman, in *AN UNHURRIED VIEW OF COPYRIGHT REPUBLISHED (AND WITH CONTRIBUTIONS FROM FRIENDS)* (2005)

The (New?) Right of "Making Available", in *INTELLECTUAL PROPERTY IN THE NEW MILLENNIUM: ESSAYS IN HONOUR OF WILLIAM R. CORNISH 234* (Cambridge U. Press, 2004), available at <http://lsr.nellco.org/columbia/pllt/papers/0478>

Copyright, Contracts, and the U.S. Professorate, in *URHEBERRECHT IM INFORMATIONSZEITALTER: FESTSCHRIFT FÜR WILHELM NORDEMANN 711* (2004)

U.S. Initiatives to Protect Works of "Low Authorship", in *ROCHELLE DREYFUSS, ET AL., EDS., EXPANDING THE BOUNDS OF INTELLECTUAL PROPERTY: INNOVATION POLICY FOR THE KNOWLEDGE SOCIETY 55* (Oxford University Press, 2001)

The Role of National Copyright Law in an Era of International Norms in A. Dietz, ed., *PROCEEDINGS OF THE ALAI 1999 BERLIN CONGRESS 211* (2000)

Private Copying in the Digital Environment, with Yves Gaubiac, *LIBER AMICORUM HERMAN COHEN JEHORAM 149* (1998)

ARTICLES (in English; see *infra* for articles in French)

Letter from the US, Part II: Supreme Court Copyright Decisions and Legislative Enactments (with Ian J. Berkelaar), *forthcoming* Revue Internationale du Droit d'Auteur (Apr. 2022)

Letter from the US, Part I: The Fair Use Pendulum Oscillates, *forthcoming* Revue Internationale du Droit d'Auteur (Oct. 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3964178

US Second Circuit Court of Appeals tames ‘transformative’ fair use; rejects ‘celebrity-plagiarist privilege’; clarifies protectable expression in photographs, *Journal of Intellectual Property Law & Practice* (Oxford U. Press), Volume 16, Issue 7, July 2021, Pages 638–646, <https://doi.org/10.1093/jiplp/jpab094> ; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3839836

Minimum and Maximum Protection Under International Copyright Treaties, 44 *Columbia Journal of Law & The Arts* 1 (2020), <https://journals.library.columbia.edu/index.php/lawandarts/article/view/7308>

Comment: Foreign Contracts and U.S. Copyright Termination Rights: What Law Applies?, with Lord Justice Richard Arnold, 43 *Columbia Journal of Law & the Arts* 437 (2020) <https://journals.library.columbia.edu/index.php/lawandarts/article/view/6125>

Essay – Fair Use Factor Four Revisited: Valuing the “Value of the Copyrighted Work.” 67 *J Copyr. Soc. USA* 19 (2020), <http://ssrn.com/abstract=3537703>

Fair Use in the United States: Transformed, Deformed, Reformed? 2020 *Singapore Journal of Legal Studies* 265 <https://law1.nus.edu.sg/sjls/articles/SJLS-Mar-20-265.pdf>

Embedding Content or Interring Copyright: Does The Internet Need The “Server Rule”?, with Luke Ali Budiardjo, 42 *Columbia Journal of Law & the Arts* 417 (2019), <https://journals.library.columbia.edu/index.php/lawandarts/article/view/1984>

Authors and Machines, with Luke Ali Budiardjo, 34 *Berkeley Technology Law Journal* 343 (2019), https://btlj.org/data/articles2019/34_2/01_Ginsburg_Web.pdf

Intellectual Property as Seen by Barbie and Mickey: The Reciprocal Relationship of Copyright and Trademark Law (13th annual Christopher Meyer lecture) 65 *Journal of the Copyright Society of the USA* 245 (2018) <http://ssrn.com/abstract=3078944>

Liability for Providing Hyperlinks to Copyright-Infringing Content: International and Comparative Law Perspectives, with Luke A. Budiardjo (CLS '18), 41 *Columbia Journal of Law & the Arts* 153 (2018), <https://lawandarts.org/article/liability-providing-hyperlinks-copyright-infringing-content/>

Extended Collective Licenses in International Treaty Perspective: Issues and Statutory Implementation, 2/2019 *Nordic Intellectual Property Review* 215 (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3068997

Essay: The Sum is More Public Domain Than Its Parts? Copyright Protection for Applied Art After *Star Athletica*, 166 *U. PA. L. REV. ONLINE* 83 (2017), <https://www.pennlawreview.com/2017/10/25/the-sum-is-more-public-domain-than-its-parts-us-copyright-protection-for-works-of-applied-art-under-star-atheticas-imagination-test/>

The Court of Justice of the European Union Creates an EU Law of Liability for Facilitation of Copyright Infringement: Observations on *Brein v. Filmseker* [C-527/15] (2017) and *Brein v. Ziggo* [C-610/15] (2017) (English translation of article in French in 2016/5-6 *AUTEURS ET MÉDIAS* 401 (2017), see “articles in French”)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3024302

Euro-Yearnings? Moving Toward a “Substantive” Registration-Based Trademark Regime [Response to Rebecca Tushnet, *Registering Disagreement: Registration in Modern American Trademark Law*, 130 HARV. L. REV. 867 (2017)], 130 Harv. L. Rev. F. 95 (2017) <http://harvardlawreview.org/2017/01/euro-yearnings-moving-toward-a-substantive-registration-based-trademark-regime/>

“Courts have twisted themselves into knots”: US Copyright Protection for Applied Art, 40 Columbia J. Law & the Arts 1 (2016); http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2837728

The Most Moral of Rights: The Right to be Recognized as the Author of One’s Work, 8 Geo. Mason J. of Int’l. Commercial L. 44 (2016)
<http://www.georgemasonjicl.org/wp-content/uploads/2016/08/Summer-Issue-2016.pdf>
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2806316

Berne-Forbidden Formalities and Mass Digitization, 96 Boston U. L. Rev. 745 (2016)
<http://ssrn.com/abstract=2772176>

Private International Law Aspects of Authors’ Contracts: the Dutch and French Examples, with Prof. Pierre Sirinelli, 39 Colum. J.L. & the Arts 171 (2016)
<http://ssrn.com/abstract=2704017>

We (still) need to talk about Aereo: New controversies and unresolved questions after the Supreme Court’s decision, with Rebecca Giblin 38 Colum. J. Law & the Arts (2015)
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2514648

Letter from the US: Exclusive Rights, Exceptions, and Uncertain Compliance with International Norms, 241 and 242 Revue Internationale du Droit d’Auteur
(Part I, July 2014) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2539685;
(Part II, October 2014) <http://ssrn.com/abstract=2539178>

Fair Use: For Free or “Permitted But Paid”?, 29 Berkeley Tech. L. J. 1383 (2014),
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2444500

We Need to Talk About Aereo: Copyright-Avoiding Business Models, Cloud Storage and a Principled Reading of the “Transmit” Clause, with Rebecca Giblin, (posted 29 May 2014)
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2443595; http://lsr.nellco.org/columbia_pllt/9207/

“With untired spirits and formal constancy”: Berne-Compatibility of Formal Declaratory Measures to Enhance Copyright Title-Searching, 28 Berkeley Tech. L. J. 1583 (2014),
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2262924

From Hypatia to Victor Hugo to Larry & Sergey: All the World’s Knowledge and Universal Authors’ Rights, 2012 British Academy Law Lecture, *Journal of the British Academy*, 1, 71-94. (July 2013),
<http://www.britac.ac.uk/journal/1/ginsburg.cfm>

Proto-property in Literary and Artistic Works: Sixteenth-Century Papal Printing Privileges, 36 Colum. J. L. & the Arts 345 (2013), <http://www.lawandarts.org/articles/proto-property-in-literary-and-artistic-works-sixteenth-century-papal-printing-privileges/>

Copyright 1992-2012: The Most Significant Development?, 23 Fordham IPLJ 465 (2013),
<http://ssrn.com/abstract=2218764>

Moral Rights in the US: Still in Need of a Guardian *Ad Litem*, 30 *Cardozo Arts & Ent. L.J.* 73 (2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2006548

Duration of Copyright in Audiovisual Works under U.S. Copyright Law, *IRIS plus* (Journal of the European Audiovisual Observatory) 2012-2

“European Copyright Code” – Back to first principles (with some additional detail), 58 *Journal of the Copyright Society of the USA* 265 (2011), and in *Auteurs et Médias* (Belgium) (2011), <http://ssrn.com/abstract=1747148>

“The sole right shall return to the Author”: Anglo-American Authors’ Reversion Rights from the Statute of Anne to Contemporary U.S. Copyright, with Prof. Lionel Bently, 25 *Berkeley Technology Law Journal* 1475 (2011), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1663906

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The Author’s Place in the Future of Copyright, 153 *Proceedings of the American Philosophical Society* 147 (2009); also published at 45 *Willamette Law Rev.* 381(2009)

Recent Developments in US Copyright – Part II, Caselaw: Exclusive Rights on the Ebb?, 218 *Revue Internationale du Droit d’Auteur* 167 (October 2008), available at <http://lsr.nellco.org/columbia/pllt/papers/08158> ; Italian version (with Paolo Marzano) *Diritto d’Autore*, 2009.3

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A Marriage of Convenience? A Comment on “The Protection of Databases,” 82 *Chicago-Kent L. Rev.* 1171 (2007)

Une Chose Publique?: The Author’s Domain and the Public Domain in Early British, French and US Copyright Law, 65 *Cambridge Law Journal* 636 (2006) (based on inaugural Emmanuel College lecture in international intellectual property law, University of Cambridge, May 2006), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=928648 , shorter version published in *COPYRIGHT LAW: A HANDBOOK OF CONTEMPORARY RESEARCH* 133 (Paul Torremans, ed, 2007)

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