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PROFESSOR EXPERIENCE

Santa Clara University School of Law, Santa Clara, CA, 2006-
Associate Professor, 2008-present
Assistant Professor, 2006-08
Director of the High Tech Law Institute, 2006-present
Courses taught: Internet Law (formerly Cyberspace Law), Intellectual Property,
Advertising & Marketing 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

ADVERTISING AND MARKETING LAW: CASES AND MATERIALS (with Rebecca Tushnet) (beta teaching materials anticipated Spring 2011)

In Defense of 47 U.S.C. §230 (in progress)

The Regulation of Reputational Information, in THE REPUTATION SOCIETY: HOW ONLINE OPINIONS ARE RESHAPING THE OFFLINE WORLD (Hassan Masum and Mark Tovey eds.) (MIT Press, 2011) ([draft](#))

ACADEMIC ARTICLES AND BOOK CHAPTERS

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

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)

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

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

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 since 2008
Columnist ("From Eric's Blog"), *Cyberspace Lawyer*, 2006-
Selected posts republished in CircleID, 2005-
Selected posts republished in *Internet Law & Business*, 2009-

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

ContractsProf Blog (http://lawprofessors.typepad.com/contractsprof_blog/), 2005-07

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

ARTICLES ABOUT THE LAW

The Third Wave of Internet Exceptionalism, SANTA CLARA MAGAZINE, Winter 2008
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

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

SELECTED BLOG POST REPUBLICATIONS

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.

Is/Isn't Trademark Infringement—Internet search engine keyword advertising, ILLINOIS STATE
BAR ASSOCIATION INTELLECTUAL PROPERTY NEWSLETTER, June 2006, at 1 (republishing several
posts)

Gripers 1, Initial Interest Confusion 0—Lamparello v. Falwell, ILLINOIS STATE BAR
ASSOCIATION INTELLECTUAL PROPERTY NEWSLETTER, Oct. 2005, at 1

Grokster Commentary, CIPerati, Sept. 2005

MISCELLANEOUS PUBLICATIONS

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, 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

ACADEMIC PRESENTATIONS

Law and Regulation of Virtual Worlds, UC Irvine Center for Computer Games and Virtual Worlds, April 2011 (*47 USC 230(c)(2)*)

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

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

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

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

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, Practicing 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 (*On-line 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*)

2006 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*)

GOVERNMENT INPUT

OECD Experts Workshop, The Role of Internet Intermediaries in Advancing Public Policy Objectives, Paris, June 2010

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

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

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

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-

External Board of Advisors, Washington Journal of Law, Technology + Arts, 2006-

CCH Computer Law Advisory Council, 2007-

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-

ADVISORY BOARDS

Member, Santa Clara University School of Law High Tech Advisory Board, 1999-2002, 2006-

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

PROFESSIONAL AWARDS

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

PROFESSIONAL, UNIVERSITY AND ALUMNI ACTIVITIES

Elected Member, American Law Institute, 2007-

ALI-ABA's Technology Law Advisory Panel, 2009-

Faculty Scholar, Markkula Center for Applied Ethics at Santa Clara University, 2009-

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

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

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

Santa Clara University School of Law Committees

Kyle Graham Mentoring Committee, 2009

Strategic Planning Committee, 2009

Representative to Center for Science, Technology & Society Steering Committee, 2006-
Faculty Affairs Committee, 2007-08

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

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, 1998-1999

Member, UCLA Alumni Freshman Scholarship Committee, 1990-2002

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