

Curriculum Vitae

Michael J. Madison

University of Pittsburgh
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Education

Stanford Law School, Stanford, CA, J.D., with Distinction, 1987

Yale University, New Haven, CT, B.A., *magna cum laude*, in Political Science, 1983

Faculty Appointments

University of Pittsburgh, Pittsburgh, PA

Professor of Law, 2008-present; Associate Professor, 2004-2008; Assistant Professor, 2000-2004; Visiting Assistant Professor, 1998-2000

Faculty Director, Innovation Practice Institute, January 2011-present

Associate Dean for Research, January 2006-December 2010

Courses taught: Copyright Law, Trademark Law, Patent Law, Intellectual Property (survey), Foundations of Intellectual Property (seminar); Contracts; Property; Secured Transactions

Munich Intellectual Property Law Center, Max-Planck-Institut für Geistiges Eigentum, Wettbewerbs- und Steuerrecht, Munich, Germany

Visiting Professor, George Washington University Law School Summer IP Program, Summer 2011, Summer 2010, Summer 2009, Summer 2008, Summer 2006

Course: Theoretical Foundations of Intellectual Property / Philosophical Foundations of Intellectual Property

Washington University, St. Louis, MO

Visiting Assistant Professor of Law, Summer 2002

Course: Intellectual Property

Harvard University, Cambridge, MA

Climenko Fellow, Harvard Law School, January 1997-July 1998

Course: Lawyering

Honors and Awards

University of Pittsburgh Chancellor's Distinguished Teaching Award, 2009

Officer and Advisory Positions

Chair, Section on Law and Computers, American Association of Law Schools, 2005

Executive Committee, Section on Intellectual Property Law, American Association of Law Schools, 2008

Advisory Committee to the Western District of Pennsylvania for Intellectual Property Cases, 2004-present

Ad Hoc Committee of the Pittsburgh Intellectual Property Law Association on Local Patent Rules for the Western District of Pennsylvania, 2003-04

Legal Advisory Boards, Statements of Best Practices in Fair Use, American University Center for Social Media (http://www.centerforsocialmedia.org/resources/fair_use) (Documentary Filmmakers, 2005; Online Video, 2008; Media Literacy Education, 2008; Dance-Related Materials, 2009; OpenCourseWare, 2009; Scholarly Research in Communication, 2010; Poetry, 2011)

Research Interests

Intellectual property law (copyright, trademark, patent, and trade secret law), legal issues involving new technologies and media, and institutions and new forms of social order.

Books and Book Chapters

THE LAW OF INTELLECTUAL PROPERTY (Aspen Law & Business) (3d ed. 2011) (with Craig Allen Nard, Mark McKenna & David Barnes) (and Teachers' Manual, and website at <http://www.ipcasebook.com>)

Creativity and Craft, in CREATIVITY, LAW AND ENTREPRENEURSHIP (Shubha Ghosh & Robin Paul Malloy eds.) (Edward Elgar Publishing, 2011)

Open Secrets, in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH (Rochelle C. Dreyfuss & Katherine J. Strandburg eds.) (Edward Elgar Publishing, 2011)

Fair Use and Social Practices, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH 177-199 (Peter Yu ed., 2006)

Articles and Essays

Knowledge Curation, 86 NOTRE DAME L. REV. 1957-1998 (2011)

Articles and Essays (continued)

Beyond Invention: Patent as Knowledge Law, 15 LEWIS & CLARK L. REV. 71-108 (2011)

Some Optimism About Fair Use and Copyright Law, 57 J. COPYRIGHT SOC'Y U.S.A. 351-370 (2010)

Beyond Creativity: Copyright as Knowledge Law, 12 VANDERBILT J. ENT. & TECH. L. 817-851 (2010)

Reply: The Complexity of Commons, 95 CORNELL L. REV. 839-850 (2010) (with Brett M. Frischmann & Katherine J. Strandburg)

Constructing Commons in the Cultural Environment, 95 CORNELL L. REV. 657-709 (2010) (with Brett M. Frischmann & Katherine J. Strandburg)

Of Coase and Comics, or the Comedy of Copyright, 95 VA. L. REV. IN BRIEF 27-42 (2009)

Notes on a Geography of Knowledge, 77 FORDHAM L. REV. 2038-2085 (2009)

The University as Constructed Cultural Commons, 30 WASHINGTON UNIVERSITY J.L. & POL'Y 365-406 (2009) (with Brett M. Frischmann & Katherine J. Strandburg)

IP and Americana, or Why Intellectual Property Gets the Blues, 18 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 677-710 (2008)

Writing to Learn Law and Writing in Law: An Intellectual Property Illustration, 52 ST. LOUIS U. L.J. 823-41 (2008)

The Idea of the Law Review: Scholarship, Prestige, and Open Access, 10 LEWIS & CLARK L. REV. 901-924 (2006)

Social Software, Groups, and Governance, 2006 MICH. ST. L. REV. 153-191

Metaphor, Objects, and Commodities, 54 CLEV. ST. L. REV. 141-174 (2006) (with George Taylor)

Law as Design: Objects, Concepts, and Digital Things, 56 CASE W. RES. L. REV. 381-478 (2005)

Rewriting Fair Use and the Future of Copyright Reform, 23 CARDOZO ARTS & ENT. L.J. 391-418 (2005)

A Pattern-Oriented Approach to Fair Use, 45 WM. & MARY L. REV. 1525-1690 (2004)

The Narratives of Cyberspace Law (or, Learning from Casablanca), 27 COLUM. J. L. & ARTS 249-275 (2004)

Articles and Essays (continued)

Reconstructing the Software License, 35 LOY. U. CHI. L.J. 275-340 (2003)

Rights of Access and the Shape of the Internet, 44 B.C. L. REV. 433-507 (2003)

Where Does Creativity Come From? and Other Stories of Copyright, 53 CASE W. RES. L. REV. 747-765 (2003)

The Lawyer as Legal Scholar, 65 U. PITT. L. REV. 63-81 (2003) (book review of *Academic Legal Writing*, by Eugene Volokh)

Complexity and Copyright in Contradiction, 18 CARDOZO ARTS & ENT. L. J. 125-174 (2000)

Legal-Ware: Contract and Copyright in the Digital Age, 67 FORDHAM L. REV. 1025-1143 (1998)

Other Publications

The Legitimacy of Open Source and Other Software Licenses, 9 J. INTERNET L. 1 (2005)

What's My Copy Right?, 48 J. COPYRIGHT SOC'Y U.S.A. 787-794 (2001)

Works in Progress

Contrasts in Innovation: Pittsburgh Then and Now in INNOVATION AND ENTREPRENEURSHIP IN EVOLVING ECONOMIES: THE ROLE OF LAW (Megan Carpenter ed.) (forthcoming, Edward Elgar Publishing, 2012)

Knowledge Law (draft article)

Cultural Commons and Climate Change (draft book chapter)

Astrocommons and the Evolving Futures of Scientific Research (draft book chapter)

Published Presentations

Information Governance, 25 J. MARSHALL J. COMPUTER & INFO. L. 673-679 (2009)

Beyond Napster: Debating the Future of Copyright on the Internet, 50 AMERICAN U. L. REV. 363-387 (2000)

Scholarly Presentations

Astrocommons and the Evolving Futures of Scientific Research, Convening Cultural Commons Workshop, NYU School of Law, New York, NY, September 2011

Scholarly Presentations (continued)

IP and Knowledge, Workshop on Progressive Property IV, McGill University Faculty of Law, Montreal, Quebec, Canada, May 2011

Commons and Knowledge Curation, Symposium on Creativity and the Law, University of Notre Dame Law School, South Bend, IN, November 2010

Constructing Commons in the Cultural Environment, H. John Heinz III College Faculty Research Seminar Series, Carnegie Mellon University, Pittsburgh, PA, November 2010

Constructing Commons in the Cultural Environment, Oxford Intellectual Property Seminar Series, St. Peter's College, University of Oxford, Oxford, UK, May 2010

Beyond Creativity: What Copyright Ignores, History of Art and Architecture Colloquium, University of Pittsburgh, Pittsburgh, PA, April 2010

Constructing Commons in the Cultural Environment, Association for Law, Property and Society, Annual Meeting, Washington, DC, March 2010

Gift and Ownership in Popular Music, Conference on Music and Cultural Rights, University of Pittsburgh Department of Music, Pittsburgh, PA, December 2009

Recovering Copyright as a System for Knowledge, Drawing Lines in the Digital Age: Copyright, Fair Use, and Derivative Works, Vanderbilt University Law School, Nashville, TN, October 2009

The University as Constructed Cultural Commons, Law and New Institutional Economics Workshop for Law Professors, University of Colorado Law School, Boulder, CO, June 2009

Open Source Licenses and the Boundaries of Knowledge Production, Torys Speaker Series in Law & Technology, University of Ottawa, Faculty of Law, Ottawa, Ontario, March 2009

The Entrepreneurship Commons, Digital Entrepreneurship Symposium, West Virginia University College of Law, Morgantown, WV, March 2009

Open Secrets, Workshop on Trade Secrecy, New York University School of Law, New York, NY, February 2009

Notes on a Geography of Knowledge, When Worlds Collide: Intellectual Property Laws at the Interface Between Systems of Knowledge Creation Symposium, Fordham University School of Law, New York, NY, October 2008

Notes on a Geography of Knowledge, Faculty Workshop, Brooklyn Law School, Brooklyn, NY, October 2008

Scholarly Presentations (continued)

Constructing Commons in the Cultural Environment, Intellectual Property Scholars Conference, Stanford Law School, Stanford, CA, August 2008

Constructing Commons in the Cultural Environment, Conference on Science and Technology Studies and Intellectual Property Law, UC Berkeley & Stanford Law Schools, St. Helena, CA, May 2008

The University as Constructed Cultural Commons, Symposium: Open Source and Proprietary Models of Innovation: Beyond Ideology, Washington University School of Law, St. Louis, MO, April 2008

Information Governance, Faculty Workshop, Lewis & Clark Law School, Portland, OR, January 2008

Information Governance, Conference on Information Convergence, John Marshall Law School, Chicago, IL, November 2007

Information Governance, Entertainment, Media & Intellectual Property Colloquium, UCLA School of Law, Los Angeles, CA, October 2007

Information Governance, Faculty Workshop, Santa Clara University School of Law, Santa Clara, CA, October 2007

Information Governance, Thomas Jefferson School of Law, San Diego, CA, October 2007

Information Governance, Faculty Workshop, Boston College Law School, Boston, MA, September 2007

Constructing Commons in the Cultural Environment, Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, August 2007

Information Governance, Yale Law School Information Society Project Speaker Series, New Haven, CT, April 2007

What if the Ancient Romans Had Invented the Printing Press?, Conference: What Ifs, and Other Alternative Intellectual Property and Cyberlaw Stories, Michigan State University College of Law, East Lansing, MI, March 2007

Information Form and Flow, George Washington University Law School: IP Series, Washington, DC, November 2006

IP, Pooling Arrangements, and Constructed Environments, Works in Progress Intellectual Property Colloquium, University of Pittsburgh School of Law, Pittsburgh, PA, October 2006

Scholarly Presentations (continued)

The Idea of the Law Review: Scholarship, Prestige, and Open Access, Lewis & Clark Law School Symposium on Open Access Publishing and the Future of Legal Scholarship, Portland, OR, March 2006 [delivered *in absentia*]

Social Software and a Framework for Information Governance, Stanford Law School Center for Internet and Society Speaker Series, Stanford, CA, January 2006

The Knowledge Problem in Patent Law, Works in Progress Intellectual Property Colloquium, Washington University School of Law, St. Louis, MO, October 2005

Social Software, Groups, and Law, Association for the Study of Law, Culture & Humanities Annual Meeting, Austin, TX, March 2005

Fair Use and the Future of Copyright Reform, Faculty Workshop, Marquette University Law School, Milwaukee, WI, March 2005

Fair Use and the Future of Copyright Reform, Symposium: Modest Proposals 2.0, Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY, February 2005

Social Software, Groups, and Law, Symposium on Real Law and Online Rights, Virginia Journal of Law & Technology, University of Virginia, Charlottesville, VA, February 2005

Information Markets, Humanism, and the Intellectual Property Apocalypse, Works in Progress Intellectual Property Colloquium, Boston University School of Law, Boston, MA, September 2004

Rights and Things, Fourth Annual Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL, August 2004

Rights and Things, Law and Society Association Annual Meeting, Chicago, IL, May 2004

Rights and Things, Intellectual Property & Communications Law and Policy Scholars Roundtable, Michigan State University-DCL College of Law, East Lansing, MI, February 2004

A Pattern-Oriented Approach to Fair Use, Penn-Temple-Wharton Colloquium, Philadelphia, PA, November 2003

A Pattern-Oriented Approach to Fair Use, Tulane Law School Works-in-Progress Intellectual Property Colloquium, New Orleans, LA, October 2003

Private Rules and Public Order, Law and Society Association Annual Meeting, Pittsburgh, PA, June 2003

Reconstructing the Software License, Loyola Law School Chicago Conference on the Internet and Governance, Chicago, IL, March 2003

Scholarly Presentations (continued)

Rights of Access and the Shape of the Internet, Chicago Intellectual Property Colloquium, Chicago-Kent College of Law, Chicago, IL, January 2003

Rights of Access and the Shape of the Internet, Boston College Intellectual Property, the Internet & E-Commerce Conference, Boston, MA, October 2002

Where Does Copyright Come From?, Conference on *New York Times v. Tasini* and Beyond, Case Western Reserve University School of Law, Cleveland, OH, November 2002

The Fairness of File Sharing, Penn-Temple-Wharton IP Colloquium, Philadelphia, PA, November 2002

The Fairness of File Sharing, Cardozo Intellectual Property Scholars Conference, New York, New York, NY, August 2002

Other Invited Presentations

Legal Aspects, The Future of Scientific Knowledge Discovery in Open Networked Environments, Board on Research Data and Information and Computer Science and Telecommunications Board, National Academy of Sciences, Washington, DC, March 2011

Junior Scholars in IP Workshop, Invited Reviewer and Commentator, Michigan State University College of Law, East Lansing, MI, April 2010

The Future of Legal Scholarship, American University Washington College of Law, Washington, DC, January 2010

IP Pedagogy, 2009 IP Scholars Roundtable, Drake University Law School, Des Moines, IA, February 2009

Free and Open Source: Next Generation Issues, AALS Annual Meeting Section on Law and Computers, San Diego, CA, January 2009

Advice to Junior IP Scholars, 2009 IP Scholars Roundtable, Drake University Law School, Des Moines, IA, February 2008

Copyright in Context, University of Houston Law Center Institute for Information and Intellectual Property Law, Santa Fe, NM, June 2007 (Conference Fellow)

Teaching Students to Practice Intellectual Property, Plenary session, Workshop on Intellectual Property, American Association of Law Schools 2006 Mid-Year Meeting, Vancouver, British Columbia, Canada, June 2006

Conference on Technology for Life and Living, University of Pittsburgh Institute on Aging, Pittsburgh, PA, October 2005 (*The Impact and Ethics of Innovation for Older Adults*)

Other Invited Presentations (continued)

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

Untold Stories: Creative Consequences of the Rights Clearance Culture
American University Washington College of Law, Washington, DC, November 2004

Conference on Current Controversies in Medical Ethics, UPMC Health System/University of Pittsburgh School of Medicine, Pittsburgh, PA, April 2003 (commentator, *Genetic Ownership: Property and the Human Body*)

Consumers in the Digital Age: Perspectives on the Intersection between Law, Technological Innovation and Consumer Protection, University of California Hastings College of the Law, San Francisco, CA, February 2001

Presentations to Professional Organizations

Freedom of Information in China: Learning from Google's Example, Allegheny County Bar Association Asian Attorneys Committee, Pittsburgh, PA, May 2010

Copyright Law, Internet Law Update, Pennsylvania Bar Institute, Pittsburgh, PA, April 2010

Pittsburgh: Past, Present and Future of an American City, Morgen/Tomorrow: International Urban Planning Congress Amsterdam, Amsterdam, The Netherlands, October 2009

Digital Rights Management, Internet Law Update, Pennsylvania Bar Institute, Pittsburgh, PA, April 2007

The Legal Implications of Engaging Outsiders into Business Communities, Community 2.0 Conference, Las Vegas, NV, March 2007

Claim Construction: How Claim Construction is Determined in a Patent Case at a Trial Court Level, AIPLA Annual Meeting, Washington, DC, October 2005

Local Patent Rules for the Western District of Pennsylvania, Pennsylvania Bar Institute, Pittsburgh, PA, September 2005

Claim Construction After Phillips, Pennsylvania Bar Institute, Pittsburgh, PA, August 2005

Symposium on Emerging Intellectual Property Issues, Southern Methodist University, Dedman School of Law, Dallas, TX, March 2005

The State of the Software License, American Intellectual Property Law Association Annual Meeting, Washington, DC, October 2003

Presentations to Professional Organizations (continued)

Enforcement of Shrink-Wrap and Click-Wrap Agreements, The 17th Annual Intellectual Property Law Conference, American Bar Association Section of Intellectual Property Law, Washington DC, April 2002

Solving the Legal Issues Affecting B2B Transactions, Practising Law Institute, Washington DC, April 2001

Conferences Organized

Convening Cultural Commons Workshop, NYU School of Law Engelberg Center for Innovation Law & Policy, September 2011 (with Katherine J. Strandburg & Brett M. Frischmann)

Works in Progress Intellectual Property (WIPIP) Colloquium, University of Pittsburgh School of Law, October 2006

Where IP Meets IP: Technology and the Law Symposium, University of Pittsburgh School of Law, March 2005

Students

Graduated PhD students (committee member)

Alexandre Mateus, Carnegie Mellon University Department of Engineering & Public Policy (EPP), 2011

Jonathan Miller, University of Pittsburgh School of Information Sciences, 2009

Other Professional Employment

Gray Cary Ware & Freidenrich (now part of DLA Piper), Palo Alto, CA, 1992-1996

Shartsis, Friese & Ginsburg (now known as Shartsis Friese), San Francisco, CA, 1987-1992

Professional Activities and Service

Peer Review

Referee and Reviewer, Yale University Press; Oxford University Press; *The Information Society* (journal); *Journal of Information Technology & Politics*; *Jurimetrics*; *The Journal of Information Technology and Politics*; *The Handbook of Information Security* (H. Bidgoli, ed., 2005); *The Internet Encyclopedia* (H. Bidgoli, ed., 2004)

Faculty Service: University of Pittsburgh

University of Pittsburgh Open Access Task Force, 2010-present

Provost's Advisory Council on Instructional Excellence, 2009-present

University of Pittsburgh University Research Council, 2003-2005

Professional Activities and Service (continued)

Faculty Service: University of Pittsburgh

Chair, University of Pittsburgh Central Research Development Fund Small Grants Program
Social Sciences and Humanities Committee, 2005
Faculty Affiliate, The Sara Fine Institute: Dedicated to Exploring the Intersection of
Interpersonal Behavior and Technology, 2007-present
Faculty Affiliate, University Center for International Studies, 2007-present
Commenter, *Scholarly Publishing: Today and Tomorrow: What You Need to Know*, University
Senate Spring Plenary Session, March 2009
Presenter, *Creating a Realistic Business Environment*, Today's Vision, Tomorrow's Realities:
Commercializing Academic Innovation, University Senate Spring Plenary Session,
March 2006

Faculty Service: University of Pittsburgh School of Law

Director, University of Pittsburgh School of Law Certificate in Intellectual Property and
Technology Law, 2002 (inaugural Director)-2005; Acting Director, 2007-2008
Committee service
Colloquium Committee, 2001-2003, 2007-2010; Chair, 2002-2003, 2007-2010
Petitions and Academic Standards Committee, Chair, 2003-2004
Library and Technology Committee, Chair, 2004-2005
Appointments Committee, 2005-2007
Ad Hoc Committee on the Appointments Process, 2007-2008
Budget and Planning Committee, 2008-2010
Legal Education Initiatives Committee, Co-Chair, 2009-2010
Faculty Advisor
University of Pittsburgh Law Review, 2008-present
University of Pittsburgh School of Law Journal of Technology Law & Policy, 1999-
present
University of Pittsburgh School of Law Giles Sutherland Rich Memorial Moot Court
Team and Cardozo/BMI Entertainment and Communications Law Moot Court
Team, 1998-2008
Joint JD/MS Degree Program at the University of Pittsburgh School of Law and the
Heinz College, formerly the H. John Heinz III School of Public Policy and
Management, Carnegie Mellon University, 2008-present
University of Pittsburgh School of Law Student Intellectual Property Law Association,
1999-present; Sports and Entertainment Law Society, 2003-present

Professional Memberships

American Intellectual Property Law Association, 2000-present
American Bar Association, 1987-present
Pittsburgh Intellectual Property Law Association, 1998-present (Board of Managers, 2005-2007;
Chair, Program Committee, 2004-2005)

Professional Activities and Service (continued)

Selected Volunteer Service

Board of Governors, Association of Yale Alumni, 2004-present (Chair, 2010-present; Vice-Chair, 2008-2010; Secretary, 2007-2008)

Boards of Directors of the Yale Club of Pittsburgh, the Yale Club of Silicon Valley, and the Yale Club of San Francisco, 1988-2010

Websites and weblogs

Webmaster, AALS Section on Intellectual Property Law, 2007-2010

Madisonian.net, a weblog about law, society, and technology (<http://madisonian.net>). Founder and editor, 2004-present

Pitt Law Faculty Blog, a weblog that chronicles the scholarly activities of the faculty of the University of Pittsburgh School of Law. Founder and editor, 2006-2010

IP and IT Conferences, a calendar of academic conferences on information technology law and policy (<http://madisonian.net/conferences>). Founder and editor, 2006-present

Pittsblog, a weblog about economic development in Pittsburgh and Western Pennsylvania (<http://pittsblog.blogspot.com>). Founder and editor, 2004-present

Blog-Lebo, a weblog about community events and local politics in Mt. Lebanon, PA (<http://bloglebo.blogspot.com>). Founder and editor, 2005-2009

Bar Admissions

State of California, 1987

Supreme Court of the United States, 1999

United States Court of Appeals for the Ninth Circuit, 1987

United States District Courts for the Northern, Eastern, and Central Districts of California, 1987

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