

EDWARD LEE

IIT Chicago-Kent College of Law
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EXPERTISE

Copyright, Trademark, International intellectual property, Design law, and Internet law.

EDUCATION

Harvard Law School, Cambridge, MA. Graduated *cum laude*, J.D., 1995.
Harvard Law Review, Co-chair, Books & Commentaries Office, and Editor. Student Head of Tutors for first-year law students. Chair of Academic Affairs Office and Member of Asian Pacific American Law Students Association.

Williams College, Williamstown, MA. Graduated *summa cum laude*, 1992.
Bachelor of Arts degree in Philosophy, with highest honors, and in Classics. Phi Beta Kappa.

TEACHING EXPERIENCE

IIT Chicago-Kent College of Law, Chicago, IL. *Professor of Law*. Director, Program in Intellectual Property Law. Co-Founder and Co-Director, Center for Design, Law & Technology. Norman and Edna Freehling Scholar. Taught at Thammasat University, Bangkok, Thailand (July 2010); China University of Political Science and Law, Beijing, China (May 2011).

Moritz College of Law, The Ohio State University, Columbus, OH (2002-2010). *Professor of Law*.

Stanford Law School, Stanford, CA (2000 - 2002). *Instructor*. Instructor of legal research and writing to first-year law students.

Stanford Law School Center for Internet and Society, Stanford, CA (2001 - 2002).
Supervising Attorney. Supervised students in public interest litigation for clinical. Cases involved cutting-edge issues related to the Internet, and law and technology.

PUBLICATIONS

Books

INTERNATIONAL INTELLECTUAL PROPERTY: PROBLEMS, CASES, AND MATERIALS (West 4th ed. 2021) (with Daniel Chow) (casebook).

DESIGN PATENTS AND OTHER PROTECTIONS FOR DESIGN; PROBLEMS, CASES, AND MATERIALS (West 2017) (with Mark McKenna, David Schwartz) (casebook).

RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY EXHAUSTION AND PARALLEL IMPORTS (I. Calboli & Edward Lee eds., Elgar 2016).

TRADEMARK PROTECTION AND TERRITORIALITY: CHALLENGES IN THE GLOBAL ECONOMY (I. Calboli & Edward Lee eds., Elgar 2014).

THE FIGHT FOR THE FUTURE: HOW PEOPLE DEFEATED HOLLYWOOD AND SAVED THE INTERNET—FOR NOW (2013).

Articles

Do Experts Matter? A Study of the Effect of Musicologist Testimony in Music Cases (forthcoming) (with A. Moshirnia).

Does Fair Use Matter? An Empirical Study of Music Cases, 94 S. CAL. L. REV. (forthcoming 2021) (with A. Moshirnia).

Moderating Content Moderation: A Framework for Nonpartisanship in Online Governance, 70 AM. U. L. REV. 913 (2021).

Can Copyright Law Protect People from Sexual Harassment, 69 EMORY L.J. 607 (2020).

Fair Use Avoidance in Music Cases, 59 B.C. L. REV. 1873 (2018).

Recognizing Rights in Real Time: The Role of Google in the EU Right to Be Forgotten, 49 U.C. DAVIS L. REV. 1017 (2016).

Suspect Assertions of Copyright, 15 CHI.-KENT J. INTELL. PROP. 379 (2016).

Patent Trolls: Moral Panics, Motions in Limine, and Patent Reform, 19 STAN. TECH. L. REV. 113 (2015).

The Right to Be Forgotten v. Free Speech, 12 I/S: J. L. & POL'Y FOR INFO. SOC'Y 85 (2015).

The Global Trade Mark, 35 U. PENN. J. INT'L L. 917 (2014).

Copyright-Exempt Nonprofits: A Simple Proposal to Spur Innovation, 45 ARIZ. STATE L.J. 1433 (2013).

Copyright, Death, and Taxes, 47 WAKE FOREST L. REV. 1 (2012).

Measuring TRIPS Compliance and Defiance: The WTO Compliance Scorecard, 18 J. INTELL. PROP. L. 401 (2011).

Technological Fair Use, 83 S. CAL. L. REV. 797 (2010).

Remixing Lessig, 6 I/S: J. L. & POL'Y FOR INFO. SOC'Y 41 (2010).

Decoding the DMCA Safe Harbors, 32 COLUM. J.L. & ARTS 233 (2009).
Cited favorably by U.S. Court of Appeals for the Ninth Circuit, *UMG Recordings, Inc. v. Shelter Capital Partners LLC*, -- F.3d --, 2011 WL 6357788 (9th Cir. 2011).

Guns and Speech Technologies: How the Right to Bear Arms Affects Copyright Regulations of Speech Technologies, 17 WM. & MARY BILL RTS. J. 1037 (2009).

Warming Up to User-Generated Content, 2008 UNIV. ILL. L. REV. 1459 (2008). An abridged version of this article is to be published in 2009 by Amicus Books (Icfa Univ. Press, India) and by the JOURNAL OF INTERNET LAW.

Freedom of the Press 2.0, 42 GEORGIA L. REV. 309 (2008). Dean Rodney Smolla, a First Amendment expert, selected this article as one of the notable First Amendment articles of 2008 for inclusion in THE FIRST AMENDMENT LAW HANDBOOK for 2008-2009 published by West. It was also selected as one of the best law review articles related to intellectual property for inclusion in INTELLECTUAL PROPERTY REVIEW (West 2009).

Introduction: The Future of Patent Reform, 4 I/S: J.L. & POL'Y INFO. SOC'Y 1 (2008) (symposium

issue).

The Ethics of Innovation: p2p Software Developers and Designing Substantial Noninfringing Uses Under the Sony Doctrine, J. BUS. ETHICS (2005).

The New Canon: Using or Misusing Foreign Law to Decide Domestic Intellectual Property Claims, 46 HARV. INT'L L.J. 1 (2005).

The Public's Domain: The Evolution of Legal Restraints on the Government's Power to Control Public Access Through Secrecy or Intellectual Property, 55 HASTINGS L.J. 1 (2003).

Rules and Standards for Cyberspace, 77 NOTRE DAME L. REV. 1275 (2002).
Cited favorably by U.S. District Court for the Central District of California, Ticketmaster Corp. v. Tickets.Com, Inc., 2003 WL 21406289, *3, (C.D. Cal. Mar 07, 2003).

Note, *Universal Access to Health Care*, 108 HARV. L. REV. 1323 (1995).

Book Note, *The Partial Constitution*, 107 HARV. L. REV. 493 (1993) (book review of Cass Sunstein's THE PARTIAL CONSTITUTION).

Case Comment, *United States v. James Daniel Good Real Property*, 108 HARV. L. REV. 191 (1994).

BLOGS

Contributor to HUFFINGTON POST (<http://www.huffingtonpost.com/edward-lee/>)

The Presidential Debates Failed Us—Here's How to Fix Them, Oct. 22, 20112.

Can Copyright or YouTube Save Cindy Lee Garcia from "Innocence of Muslims" Video Fallout?, Oct. 2, 2012.

Did UCLA and NYT Overreact to Student's "Asians in the Library" Video?, March 22, 2011.

Golan v. Holder: Supreme Court to Review Copyrighting Works in Public Domain, March 9, 2011.

Why Malcolm Gladwell Should Apologize to Social Media, February 13, 2011.

Why a Google-Groupon Deal Makes Sense, November 30, 2010.

Camille Utterback and the Technology of Interactive Art, November 4, 2010.

Is Facebook a Friend or Bully?, August 27, 2010.

Copyright and Remixing Kanye Tweets and New Yorker Cartoons, August 4, 2010.

Copyright Office Rules in Favor of Fair Use and Consumer Freedom, August 3, 2010.

On Being Justin Bieber in the Age of YouTube, July 1, 2010.

Contributor to ISCOTUSblog on U.S. Supreme Court cases
-For articles on my predictions of the winners:
<http://blogs.kentlaw.iit.edu/iscotus/lee-predicting-winners/>

OTHER WORK EXPERIENCE

The Free Internet Project, Chicago, IL (2014 – present). *Founder* and *Managing Director* of nonprofit whose mission is to track efforts to protect Internet freedoms around the world.

Mayer, Brown & Platt, Washington, D.C., (1996 - 1999).
Litigation Associate. Extensive experience at all levels of litigation, including cases before U.S. Supreme Court. Significant pro bono work, including successful trial of discrimination claims.

Judge John T. Noonan, Jr., **United States Court of Appeals for the Ninth Circuit**, San Francisco, CA (1995-1996). *Law Clerk*.

TECHNOLOGY AND INTELLECTUAL PROPERTY CASES

Microsoft Corp. v. AT&T Corp. (submitted *amicus curiae* brief in support of neither party)

Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd. (submitted *amici curiae* brief in support of Respondents).

Golan v. Ashcroft (serve as lead supervising attorney in constitutional challenge to copyright restoration provision, § 514 of the Uruguay Round Agreements Act).

Eldred v. Ashcroft (assisted in constitutional challenge to Copyright Term Extension Act).

CNN v. Exley (assisted in defense of trademark dispute over CNNdn parody website).

United States v. Microsoft (conducted legal research and factual analysis for *amicus curiae*).

Lough v. Brunswick (prepared response to petition for writ of certiorari in patent case involving “public use” statutory bar).

American Farm Bureau Federation v. Alabama Farmers Federation (assisted in preparation of appellate brief in successful trademark infringement suit).

Intel v. Advance Micro Devices (conducted legal analysis of copyright preemption issue).

ACADEMIC AWARDS (college)

Arthur B. Graves Prize for Best Senior Thesis in Philosophy, *Educating Plato*, 1992.

Sentinels of the Republic Prize for outstanding essay in Political Science, 1992.

C. David Harris Prize for outstanding essay in Political Science, 1991.

Erastus C. Benedict first prize for excellence in Latin, 1989 and 1991; and first prize for excellence in classical Greek, 1990.

PRESENTATIONS

Invited panelist, *Can IP Law Protect People from Harassment?*, ATRIP 37th Annual Congress, August 5-8, 2018.

Keynote speaker, *Interoperability: Design feature or Design Flaw*, The Gdansk IP Law Summer School 2018, June 27-30, 2018.

- Invited commenter at International IP Roundtable, New York University Law, April 6-7, 2017.
- Participant at Trademark Scholars Roundtable, Chicago-Kent College of Law, March 23-24, 2017.
- Speaker on *Tam* case at Supreme Court IP Review, Chicago-Kent College of Law, Sept. 22, 2016.
- Invited speaker, *Copyright State of Mind*, 16th Annual Intellectual Property Scholars Conference (IPSC), Stanford Law School, Aug. 11-12, 2016.
- Invited lecturer, U.S. copyright law, Maastricht University, May 3-4, 2016.
- Invited speaker, *The Right to Be Forgotten*, International IP Roundtable, UNLV William S. Boyd School of Law, April 8-9, 2016.
- Invited speaker for faculty workshop on *Patent Trolls: Moral Panics, Motions in Limine, and Patent Reform*, Chicago-Kent College of Law, Feb. 16, 2016.
- Invited speaker to Spring IP Speaker Series, *What Is the "Right to Be Forgotten?"* with Marc Rotenberg, President, EPIC, Columbia Law School, Feb. 2, 2016.
- Invited speaker, *Fair Use of Musical Works—An Empirical Study*, Intellectual Property Scholars Conference, DePaul University College of Law, August 6-7, 2015.
- Moderated panel on DMCA at American Bar Association annual meeting with representatives from Google, Twitter, and Recording Industry Association of America, July 30, 2015.
- Invited lecturer, U.S. copyright law, Maastricht University, May 11, 2015.
- Invited commenter, International IP Roundtable, Duke University School of Law, April 24-25, 2015.
- Invited panelist, American Constitution Society debate with Richard Warner over the Right to Be Forgotten, Chicago-Kent College of Law, April 23, 2015.
- Invited speaker, online magazine Triple Canopy discussion on "The End of the Image as We Know It: 3-D Printing before the Law," New York City, April 10, 2015.
- Invited speaker for faculty workshop, *Recognizing Rights in Real Time: The Role of Google in the Right to Be Forgotten*, Chicago-Kent College of Law, April 7, 2015.
- Invited speaker, *Symposium: The Future of Internet Regulation*, panel on *The Right to Be Forgotten v. Free Speech*, Moritz College of Law, March 27, 2015.
- Invited speaker, *The Right to Be Forgotten*, Internet Law Works-in-Progress, Santa Clara University School of Law, March 7, 2015.
- Invited panelist, "The State of Fair Use in U.S. Copyright Law As It Affects Libraries and Educational Institutions," Berkeley Law School, Dec. 9, 2014.
- Invited speaker, "The Free Internet Project," San Francisco, Oct. 23, 2014.
- Invited commentator, Michigan State Law School Junior Scholars Workshop, Oct. 17-18, 2014.
- Invited speaker, "The Free Internet Project," The Rotary Club of Chicago, Oct. 12, 2014.
- Invited panelist, "Ownership in an Open Source World with Cathy Casserly," IIT Institute of Design, Oct. 6.

Invited speaker, “Tweet Me: Using Social Media to Mobilize People and Customers,” (with Prof. L. Hemphill), Social Media Week Chicago, Sept. 24, 2014.

Invited speaker and conference organizer, 2014 Supreme Court IP Review, IIT Chicago-Kent College of Law, Sept. 12, 2014.

Invited participant, “Spark Camp 6: Visionaries, Leaders and Managers,” Harvard University, June 19-22.

Participant, 13th Annual Conducting Empirical Legal Scholarship Workshop, Washington University School of Law, St. Louis, June 9-11, 2014.

Invited Speaker, “The Fight for the Future,” Groupon Speaker Series, Chicago, April 10, 2014.

Invited Speaker, “The Fight for the Future,” University of Warsaw, Poland, March 17, 2014.

Invited Speaker, “The Fight for the Future,” Faculty of Law and Administration, University of Gdansk, March 18, 2014.

Invited Speaker, “The Fight for the Future,” Intellectual Property Law Institute of Jagiellonian University, Krakow, Poland, March 21, 2014.

Invited Speaker, “The Fight for the Future,” American Constitution Society, DePaul University College of Law, March 12, 2014.

Invited Speaker, “The Fight for the Future,” VU University of Amsterdam, Netherlands, February 27, 2014.

Invited Speaker, “The Fight for the Future,” Maastricht University, Maastricht, Netherlands, Faculty of Law, February 28, 2014.

Invited Speaker, “The Fight for the Future,” The George Washington University Law School, February 20, 2014.

Invited Speaker, Works in Progress Intellectual Property (WIPIP) conference, Santa Clara University, February 7-8, 2014.

Invited Speaker, “The Fight for the Future,” Goethe-Universität Frankfurt am Main, Frankfurt, Germany, January 14, 2014.

Invited Speaker, “The Fight for the Future,” Goethe-Universität Frankfurt am Main, Frankfurt, Germany, January 15, 2014.

Invited Speaker, “The Fight for the Future,” University of Bonn, Bonn, Germany, January 16, 2014.

Invited Speaker, “The Fight for the Future,” Google (public policy group), Mountainview, CA, December 17, 2013.

Invited Speaker, “The Fight for the Future,” Pinterest, San Francisco, December 16, 2013.

Invited Speaker, “The Fight for the Future,” University of Illinois College of Law, November 21, 2013.

Invited Speaker, “The Fight for the Future,” Stanford Law School, Stanford Law and Technology Association, November 18, 2013.

Invited Speaker, “The Fight for the Future,” Creative Commons hosted at San Francisco State

University Downtown Campus, November 15, 2013.

Invited Speaker, “The Fight for the Future,” Northwestern University School of Law, November 11, 2013.

Invited Speaker, “The Fight for the Future,” Berkman Center Luncheon Series, Harvard Law School, November 5, 2013.

Invited Speaker, “The Fight for the Future,” Center for Intellectual Property Policy, McGill University, Chancellor Day Hall, November 1, 2013.

Invited Speaker, “The Fight for the Future,” University of Chicago Law School, sponsored by Intellectual Property Law Society, October 23, 2013.

Invited Speaker, “The Fight for the Future,” IIT Chicago-Kent College of Law, Room 570, co-sponsored by Intellectual Property Law Society, The Federalist Society, and the American Constitution Society, October 17, 2013.

Invited Speaker, “The Fight for the Future,” Social Media Week @ Chicago Cultural Center, Chicago, IL, Sept. 25, 2013.

Invited speaker to Symposium, Berkeley Center for Law & Technology, *Reform(aliz)ing Copyright for the Internet Age*, Berkeley, CA, April 18-19, 2013.

Invited speaker to International Intellectual Property Scholars Roundtable, University of San Diego School of Law, April 19-20, 2013.

Invited speaker to East China University of Political Science and Law, Shanghai, May 9, 2013.

Invited speaker to Intellectual Property Scholars Conference, Cardozo Law School, New York, August 8-9, 2013.

Invited Speaker, “The Fight for the Future,” Berkeley Law School, January 9, 2013.

Invited Keynote Speaker, International Symposium on “Current Situations of Asian Courts on Intellectual Property Right,” Bangkok, Thailand, March 7-12, 2012.

Interviewed about Newt Gingrich campaign’s unauthorized use of “Eye of the Tiger” for campaign events, Feb. 3, 2012, Viewpoints, Pat Reuter.

Invited Speaker to present “Digital Originality,” Vanderbilt Journal of Entertainment & Technology Symposium, Jan. 27, 2012, Vanderbilt Univ. Law School.

Invited Speaker to discuss Stop Online Piracy Act (SOPA) and Copyright Reforms, for ABA webinar, ABA IP Litigation Section, Nov. 18, 2011.

Invited Speaker to present “Copyright, Death, and Taxes,” Marquette University Law School, Oct. 25, 2011.

Invited panelist to speak on DMCA Safe Harbors, Universidad Sergio Arboleda, Bogota, Colombia, Oct. 20, 2011.

Invited Speaker to discuss *Golan v. Holder* to copyright class, DePaul University College of Law, October 6, 2011.

Invited commentator at Law and Information Society Faculty Workshop, Fordham Law School, September 16, 2011.

- Panelist on *Golan v. Holder*, Supreme Court IP Review, Chicago-Kent College of Law, Sept. 15, 2011.
- Presenter of work in progress “Copyright, Death, and Taxes,” Intellectual Property Scholars Conference, DePaul University, Aug. 11-12, 2011.
- Invited Speaker for the Research Roundtable on the “Law and Economics of Digital Markets.” Northwestern University School of Law in Chicago, IL, June 23-24, 2011.
- Invited Panelist on the constitutional challenge in *Golan v. Holder* at the Copyright Society of the USA Annual Meeting, June 7, 2011.
- Moderator of roundtable discussion on “Technology, Social Media, and Liminal IP” at the Annual Meeting for Law and Society, June 5, 2011.
- Invited speaker to present “The Global Trade Mark” as a part of the selected papers for Academic Day at INTA’s Annual Meeting, May 16, 2011.
- Invited speaker to present “Measuring TRIPS Compliance and Defiance: The WTO Compliance Scorecard,” Beijing Institute of Technology, Beijing, China, May 5, 2011.
- Invited commentator on junior faculty scholarship at the 4th Annual Junior Scholars in Intellectual Property Workshop at Michigan State University College of Law, April 15-16, 2011.
- Invited speaker on “Enforcement of TRIPS by BRIC and Developing Countries” at a conference on the TRIPS Agreement at Thomas Jefferson School of Law, April 8, 2011.
- Presenter of paper “Measuring TRIPS Compliance and Defiance: The WTO Compliance Scorecard,” at the 2011 Works-in-Progress Intellectual Property Colloquium (WIPIP), February 11-12, 2011.
- Invited panelist on “Copyright—The Changing Face of Creativity,” Heartland Angels, a private equity capital investment network, Chicago, Feb. 7, 2011.
- Invited speaker for a symposium on the TRIPS Agreement After 15 Years of Implementation at Georgia School of Law, Jan. 28, 2011.
- Moderator and panelist at the Chicago-Kent Supreme Court IP Review, Sept. 30, 2010.
- Fellow at conference *Intellectual Property in International Perspective*, hosted by the Intellectual Property and Information Law (IPIL) at the University of Houston Law Center, June 5-7, 2009 (upcoming).
- Panelist on the Kojo Nnamdi Show on National Public Radio, D.C., about the role of YouTube and online videos in the presidential campaign of 2008, on October 12, 2008. Other panelists included Declan McCollough of CNET and James Kotecki of Politico.
- Presenter at The Supernova Conference on Challenges for the Network Age, produced by Wharton Business School, June 18, 2008. Spoke about article *Warming Up to User-Generated Content*.
- Guest lecturer at ergonomic design class, The Ohio State University, May 21, 2008. Spoke about patent law.
- Presenter at Ohioana Book Fair, May 10, 2008. Spoke about authorship and copyright law.
- Presenter at faculty workshop, Moritz College of Law, October 4, 2007. Spoke about article *Freedom of the Press 2.0*.

Guest lecturer at ergonomic design class, The Ohio State University, May 21, 2007. Spoke about patent law.

Presenter at 14th Annual Villanova Sports & Entertainment Law Journal Symposium on “Copyright Robin Hood’s or Ransackers: Will the Future Find Media Distributors to be Merry Men or Merely Thieves?”, February 24, 2007.

Moderator and organizer for symposium on *The Future of Patent Reform*, Moritz College of Law, February 23, 2007.

Presenter at 6th Annual Conference of Mid-Atlantic Asian Pacific American Law Students, University of Pennsylvania Law School, January 27, 2007.

Presenter at Vanderbilt Law School conference on the *Grokster* case, April 18, 2006.

Presenter at the Michigan State University College of Law Annual IP conference on the International Intellectual Property Regime Complex, April 8, 2006.

Commenter at Symposium *Where IP Meets IT* at the University of Pittsburgh School of Law, March 18, 2005.

Presenter of paper on *The Ethics of Innovation* at the University of Notre Dame Mendoza College of Business conference on Ethical Dimensions in Business, Nov. 19, 2004.

Guest lecturer in a class on entrepreneurship at the Fisher College of Business, May 18, 2004.

Presenter of paper at Chicago Intellectual Property Colloquium, April 20, 2004.

Panel speaker on mentoring for Asian Pacific American students in academia, The Ohio State University, February 2, 2004.

Panel speaker on faculty workshop on blogging, Moritz College of Law, Jan. 13, 2004.

Panel moderator on copyright controversy over music downloading, Moritz College of Law, Oct. 14, 2003.

Panel speaker on *Eldred v. Ashcroft*, Northwestern Law School, April 17, 2003.

Presenter of paper at Intellectual Property Workshop, University of Michigan Law School, April 9, 2003.

Panelist on National Public Radio’s *The Connection*, on *Eldred v. Ashcroft*, October 10, 2002.