

JOSEPH P. LIU

Boston College Law School
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ACADEMIC APPOINTMENTS

BOSTON COLLEGE LAW SCHOOL, Newton, MA

Professor of Law (2009-Present)

Associate Dean for Faculty (2012-2015)

Summer Research Scholar (2008-10)

Associate Professor w/ Tenure (2004-09)

Assistant Professor (2001-04)

Research: Copyright Law, Trademark Law, Internet Law

Courses: Intellectual Property, Copyright, Trademark, Property, Internet Law, Software Law

Visiting Professorships: Boston University School of Law (2004)

Advisor: Saul Lefkowitz Trademark Moot Court Team; American Constitution Society

Committees: Appointments (2012-15, 2008-10, 2005-07, 2002-03); Educational Policy (2005-06);

Publications (2004-05 Chair); AALS IP Section Executive Committee (2005, 2009); University

Research Council (2003-05); University Intellectual Property Review Board (2004-05); Strategic

Planning (2004-05, 2010-11; 2011-13 Chair); Admissions (2003-04, 2010-11 Co-Chair); Judicial

Clerkship (2001-02)

TSINGHUA UNIVERSITY SCHOOL OF LAW, Beijing, China

Visiting Professor (Spring 2013, Spring 2014)

Research: Copyright Law, International Intellectual Property

Courses: Foreign Copyright Law

UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF LAW, San Francisco, CA

Assistant Professor (2000 - 01)

Research: Copyright Law, Trademark Law, Internet Law

Courses: Intellectual Property Survey, Property, Internet I.P., Computer Law

HARVARD LAW SCHOOL, Cambridge, MA

Lawyering Teaching Fellow (1997-98)

Research: Intellectual Property, Copyright Law

Courses: Lawyering 100

EDUCATION

HARVARD LAW SCHOOL, Cambridge, MA

L.L.M. 1999, Thesis: Owning Digital Copies

COLUMBIA LAW SCHOOL, New York, NY

J.D. 1994, Editor-in-Chief, Columbia Law Review (1993-94)

YALE UNIVERSITY, New Haven, CT

B.A. 1989, Physics and Philosophy, Cum Laude

CLERKSHIP

JUDGE LEVIN H. CAMPBELL, U.S. Court of Appeals for the First Circuit, Boston, MA

Law Clerk (1994-95)

PUBLICATIONS

What Belongs in Copyright?, ___ COLUM. J.L. & ARTS ___ (forthcoming 2016) (Keynote Address: Columbia Law School Symposium, "Copyright Outside the Box")

Notice Failure, Fair Use, and the Limits of Property, ___ B.U. L. REV. ___ (forthcoming 2016) (Boston University School of Law Symposium, "Notice and Notice Failure in Intellectual Property Law")

COPYRIGHT LAW: ESSENTIAL CASES AND MATERIALS (3d ed. West 2016) (with Alfred C. Yen)

"Paracopyright – A Peculiar Right to Control Access" in Rochelle Cooper Dreyfuss & Jane Ginsburg, eds., INTELLECTUAL PROPERTY AT THE EDGE: THE CONTESTED CONTOURS OF IP (Cambridge 2014)

The New Public Domain, 2013 U. ILL. L. REV. 1395 (2013)

Sports Merchandising, Publicity Rights, and the Missing Role of the Sports Fan, 52 B.C. L. REV. 493 (2011) (Boston College Law School, Symposium, "Legal Perspectives on the NCAA")

Toward a Defense of Fair Use Enablement: Or How U.S. Copyright Law is Hurting my Daughter, 57 J. COPYRIGHT SOC'Y U.S.A. 423 (2010) (peer reviewed)

Two Factor Fair Use?, 31 COLUM. J.L. & ARTS 571 (2008) (Columbia Law School, Symposium, "Fair Use: Incredibly Shrinking or Extraordinarily Expanding?")

Enabling Copyright Consumers, 22 BERKELEY TECH. L.J. 1099 (2007) (U.C. Berkeley, Boalt Hall Law School, Symposium, "Copyright, DRM Technologies, and Consumer Protection")

Copyright and Breathing Space, 30 COLUM. J.L. & ARTS 429 (2007) (Columbia Law School, Symposium, "Constitutional Challenges to Copyright") (transcript available at 30 COLUM. J.L. & ARTS 319 (2007))

The WIPO Copyright Treaties: 10 Years Later: Comment on Gwen Hintze, 57 CASE W. RES. L. REV. 823 (2007) (Case Western Reserve Law School, "Law, Technology and the Arts Symposium")

Copyright Law and Subject-Matter Specificity: The Case of Computer Software, 61 N.Y.U. ANN. SURV. AM. L. 203, (2005) (with Stacey Dogan)

Regulatory Copyright, 83 N.C. L. REV. 87 (2004)

Copyright Law's Theory of the Consumer, 44 B.C. L. REV. 397 (2003)

The DMCA and the Regulation of Scientific Research, 17 BERKELEY TECH. L.J. 501 (2003) (U.C. Berkeley, Boalt Hall Law School, Symposium, "The Law and Technology of Digital Rights Management")

Copyright and Time: A Proposal, 101 MICH. L. REV. 409 (2002)

Owning Digital Copies: Copyright Law and the Incidents of Copy Ownership, 42 WM. & MARY L. REV. 1245 (2001)

PUBLICATIONS (cont'd)

Legitimacy and Authority in Internet Coordination: A Domain Name Case Study, 74 IND. L.J. 587 (1999), excerpted in Jerry Kang, COMMUNICATIONS LAW AND POLICY 247 (2001)

SELECT PRESENTATIONS

- Panelist, “Regulatory and Adjudicatory Functions,” A Copyright Office For the 21st Century, Joint Conference by Duke Law School and NYU Law School, Washington, DC (March 18, 2016)
- Commentator, “Legal Force of Private Law,” Private Law and Intellectual Property, Harvard Law School, Cambridge, MA (March 12, 2016)
- “Regulatory Copyright and the Next Great Copyright Act,” Loyola IP Speakers Series, Loyola Law School, Los Angeles, CA (February 15, 2016)
- Keynote Address: “What Belongs in Copyright?,” Copyright Outside the Box, Columbia Law School, New York, NY (October 2, 2015)
- “Notice Failure, Fair Use, and the Limits of Property,” Notice and Notice Failure in Intellectual Property Law, Boston University School of Law, Boston, MA (September 25, 2015)
- “The Next Great Copyright Acts: A Global Analysis of Current Legislative and Industry Developments and Proposed Solutions for our Modern Digital Environment,” International Bar Association Annual Meeting, Boston, MA (Oct. 11, 2013)
- “ISP Liability Under U.S. Copyright Law,” Tsinghua University Law School, Beijing, China (April 20, 2013)
- “Third-Party and Copyright ISP Liability in the U.S.: Recent Developments,” Tsinghua University Law School, Beijing, China (June 28, 2011)
- “Sports Merchandising, Publicity Rights, and the Missing Role of the Sports Fan,” NCAA at 100: Perspectives on its Past, Present, and Future, Boston College Law School (October 15, 2010) (co-organizer)
- “Saving Journalism from Itself? Hot News, Copyright Fair Use and News Aggregation,” Journalism’s Digital Transition: Unique Legal Challenges and Opportunities, Harvard Law School (April 9, 2010)
- “Book Banned or Infringement Averted? Reflections on the J.D. Salinger/ 60 Years Copyright Case,” Arts Entertainment & Sports Law Committee, Boston Bar Association (October 31, 2009)
- “The Mechanical License and the Origins of Regulatory Copyright,” Conference on the 100th Anniversary of the 1909 Copyright Act, Santa Clara University School of Law (April 30, 2009)
- “Publicity, Privacy, and Intellectual Property Meet the First Amendment,” Boston College Law School (April 3, 2009) (conference co-organizer)
- “Third-Party Copyright in the United States,” International Conference on Opportunities and Challenges for Intellectual Property, Taipei, Taiwan (December 20, 2008)
- “Fair Use and Fan Fiction: The Harry Potter Decision and More,” Intellectual Property Law Committee, Boston Bar Association (November 14, 2008)
- “Two-Factor Fair Use?,” Fair Use: Incredibly Shrinking or Extraordinarily Expanding?, Columbia Law School (February 8, 2008)
- “Issues and Controversies in Copyright Law: Digital Rights Management and the DMCA,” MCLE IP Conference, Boston, MA (June 13, 2007) (keynote address)
- “Trademark Dilution and the TDRA,” AIPLA Spring Meeting, Boston, MA (May 11, 2007)
- “Consumer Protection: Inside Copyright Law or Outside?,” Copyright, DRM Technology, and Consumer Protection, U.C. Berkeley Boalt Hall (March 10, 2007)
- “The Copyright Treaties and Digital Rights Management,” Law Technology & Arts Symposium, Case Western Reserve Law School (November 10, 2006)

PRESENTATIONS (cont'd)

- “Copyright and Breathing Space,” Constitutional Challenges to Copyright, Columbia Law School (October 27, 2006)
- “The Legal Framework Surrounding Digital Rights Management Technologies,” IASTED Conference on Law and Technology, MIT (October 9, 2006)
- “Intellectual Property and the First Amendment,” Discussion Leader, AALS Intellectual Property Conference (June 12, 2006)
- “Copyright and Consumer Enabling Technologies,” Chicago IP Colloquium (February 21, 2006)
- “Google Book Search,” Boston Bar Association, Committees on Intellectual Property and Art Law (Jan. 27, 2006)
- “Bowdlerization, Copyright, and Consumer Theory,” Faculty Workshop, St. John’s University Law School (October 3, 2005)
- “Creating a Competitive Advantage with Intellectual Property,” Emerging Enterprises Program, Boston College Law School (April 27, 2005) (panel moderator)
- “Making Your Move and Choosing Your Path,” Asian American Lawyers Assoc. of Massachusetts Annual Conference, Boston, MA (April 23, 2005)
- “Regulatory Copyright,” Intellectual Property Speakers Series, Cardozo Law School (Feb. 7, 2005)
- “Regulatory Copyright,” Faculty Workshop, University of San Francisco Law School (Jan. 26, 2005)
- “Thoughts on Skylink, Lexmark, and the DMCA,” Boston Bar Association, Committees on Computer Law and Intellectual Property (Nov. 2, 2004)
- “Copyright and Subject-Matter Specificity: The Case of Computer Software,” Works in Progress Intellectual Property Program, Boston University School of Law (Sep. 10, 2004) (with Stacey Dogan)
- “The Contraction of Copyright and its Implementation,” 3rd Conference on Asian and European Intellectual Property Rights, Taipei, Taiwan (June 7, 2004)
- “Copyright and Music: Owners, Consumers, and Third Parties,” 19th Annual I.P. Law Conference, ABA Section on IP Law, Washington, DC (Apr. 2, 2004)
- “Regulatory Copyright,” Intellectual Property Faculty Lecture Series, Case Western Reserve School of Law (Mar. 1, 2004)
- “Thoughts on Skylink, Lexmark, and the DMCA” Program of Section on Law and Computers, AALS Annual Meeting, Atlanta, GA (Jan. 3, 2004)
- “Regulatory Copyright,” Intellectual Property Colloquium Series, Georgetown University Law Center (Oct. 23, 2003)
- “CAPALF: 10 Years Past and Future,” Conference of Asian Pacific-American Law Faculty, Boston College Law School (Oct. 18, 2003) (conference co-organizer)
- “The Ethics of Over-Reaching: Business Method Patents,” Sixth Annual Ethics & Technology Conference, Boston College (June 27, 2003)
- “Copyright, Science and the Public Interest,” American Association for the Advancement of Science, Washington, DC (Jun. 20, 2003) (panelist)
- “The DMCA and the Regulation of Scientific Research,” Conference on the Law and Technology of Digital Rights Management, U.C. Berkeley Boalt Hall School of Law (Feb. 28, 2003)
- “The DMCA and the Regulation of Scientific Research,” Faculty Colloquium Series, Northeastern University School of Law (Feb. 19, 2003)
- “Copyright and Time: A Proposal,” Intellectual Property Speakers Series, Boston University School of Law (Nov. 4, 2002)
- “Copyright Law’s Theory of the Consumer,” Symposium on Intellectual Property, Ecommerce & the Internet, Boston College Law School (Oct. 18, 2002) (co-organizer of the symposium)

PRESENTATIONS (cont'd)

- “Information Law for the Electronic Age,” Annual Conference of the American Chemical Society, Boston, MA (Aug. 20, 2002)
- “An Empirical Study of the DMCA’s Impact on Encryption Research,” Second Annual I.P. Scholars Conference, Cardozo Law School (Aug. 8, 2002)
- “Copyright and Time: A Proposal,” Junior Faculty Exchange, Northeastern University Law School (Mar. 7, 2002)
- “Copyright Law’s Theory of the Consumer,” Internet Research 2.0: The Second International Conference of the Association of Internet Researchers, University of Minnesota (Oct. 13, 2001)
- “Copyright Law’s Theory of the Consumer,” Consumers in the Digital Age: Perspectives on the Intersection Between Law, Technological Innovation, and Consumer Protection, Hastings Law Journal Symposium, U.C. Hastings College of Law (Feb. 10, 2001)
- Free Speech and the Posting of Proprietary Documents on the Internet, Electronic Frontier Foundation BayFF (Nov. 2, 2000) (panelist)

PRIVATE PRACTICE

BUYERZONE.COM, INC., Watertown, MA

Vice President and General Counsel (1996-2002)

Vice President and General Counsel to a 70-person, venture-backed, business-to-business e-commerce Internet start-up.

FOLEY, HOAG & ELIOT, LLP, Boston, MA

Associate (1995-96, 1999)

Practiced in the Intellectual Property and Securities Litigation departments. Handled cases involving patent and trademark infringement.

ACTIVITIES

JOURNAL OF THE COPYRIGHT SOCIETY OF THE U.S.A., New York, NY

Co-Editor-in-Chief (2011-2015)

Co-Editor-in-Chief of peer-reviewed scholarly journal focusing on copyright law.

ELECTRONIC FRONTIER FOUNDATION, San Francisco, CA

Cooperating Attorney (2000-02)

Worked on a number of cases involving the Digital Millennium Copyright Act of 1998, including: *Felten v. Recording Industry Assoc. of Am.*, Civ. No. CV-01-2669 (GEB) (D.N.J.)

MISCELLANEOUS

BAR ADMISSIONS: Massachusetts (1995)