

Curriculum Vitae

Michael J. Madison

Contact information

Office: University of Pittsburgh School of Law
3900 Forbes Avenue, Pittsburgh, PA 15260
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Email: madison@law.pitt.edu
Website: <http://www.law.pitt.edu/madison/index.htm>
Weblog (1): <http://madisonian.net> (law and technology)
Weblog (2): <http://madisonian.net/conferences> (IP conferences)
Weblog (3): <http://pittsblog.blogspot.com> (regional economics)

Home: 54 Woodhaven Drive, Pittsburgh, PA 15228
Telephone: +1 (412) 388-1129

Current Academic Appointment

University of Pittsburgh School of Law

Associate Dean for Research, January 2006-present
Associate Professor with tenure, appointment effective September 1, 2004
Assistant Professor, 2000-2004; Visiting Assistant Professor, 1998-2000
Principal subjects: Intellectual Property, Contracts, and Commercial Law
Courses include: Copyright Law, Trademark Law, Contracts, Patent Law, Intellectual Property (survey), Foundations of Intellectual Property (seminar), Electronic Commerce, Legal Process, Property, and Secured Transactions

Other Academic Appointments

George Washington University Law School

Munich IP Summer Program, Summer 2006

Washington University School of Law

Visiting Assistant Professor, Summer 2002

Harvard Law School

Climenko Fellow, January 1997 through July 1998

Research Interests

Intellectual property (copyright, trademark, patent, and trade secret law), the law of "cyberspace," and legal issues involving new technologies and media

Books

The Law of Intellectual Property (with Craig Allen Nard & David Barnes) (and Teachers' Manual) (Aspen Publishers) (2006)

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Articles and Essays

Information Form and Flow
Working Paper 2006

IP, Pooling Arrangements, and Constructed Environments
Working Paper 2006 (with Brett Frischmann and Joseph Scott Miller)

The Idea of the Law Review: Scholarship, Prestige, and Open Access
Lewis & Clark Law Review (forthcoming, 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)

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)

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

Fair Use and Social Practices
(book chapter, in *Intellectual Property and Information Wealth* (Peter Yu ed.,
forthcoming 2006))

The Legitimacy of Open Source and Other Software Licenses
9 J. Internet L. 1 (2005) (abridged version of *Reconstructing the Software License*, 35 Loy. U. Chi. L.J. 275 (2003))

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Other Publications (continued)

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

What's My Copy Right?
48 J. Copyright Soc'y (U.S.A.) 787 (2001)

Paper Presentations

Information Form and Flow, George Washington University Law School, 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

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 (invited)

Social Software and a Framework for Information Governance, Stanford Law School Center for Internet and Society, 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

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

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

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

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Paper Presentations (continued)

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

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

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

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

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

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

Invited Remarks at Conferences

Chair and commentator on presentations on Open Source, Free Software, Creative Commons, Con/Texts of Invention: A Working Conference of the Society for Critical Exchange, Case Western Reserve University, Cleveland, OH, April 2006

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

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

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

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

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

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Invited Remarks at Conferences (continued)

Beyond Napster: Debating the Future of Copyright on the Internet, American University Washington College of Law, Washington, DC, November 2000 (remarks published at 50 American U. L. Rev. 363 (2000))

Presentations to the Bar

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

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

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, Practicing Law Institute, Washington DC, April 2001

Other Professional Employment

Gray Cary Ware & Freidenrich
Palo Alto, CA, Associate Attorney, 1992-1996

Shartsis, Friese & Ginsburg
San Francisco, CA, Associate Attorney, 1987-1992

Education and Honors

Stanford Law School, J.D., 1987
Graduated with Distinction
Stanford Law Review, Assistant Managing Editor, Vol. 39

Yale University, B.A., *magna cum laude*, in Political Science, 1983
Graduated with Distinction in the Major
National Merit Scholar

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University of Pittsburgh School of Law

Professional and Service Activities

University of Pittsburgh School of Law

Director, University of Pittsburgh School of Law Certificate in Intellectual Property and Technology Law (2002-2005)

Co-organizer, Where IP Meets IP: Technology and the Law Symposium, University of Pittsburgh School of Law (March 2005)

Faculty Advisor, University of Pittsburgh School of Law Giles Sutherland Rich Memorial Moot Court Team

Faculty Advisor, University of Pittsburgh School of Law Cardozo/BMI Entertainment and Communications Law Moot Court Team

Faculty Advisor, *University of Pittsburgh School of Law Journal of Technology Law & Policy* (<http://www.pitt.edu/~sorc/techjournal>)

Faculty Advisor, University of Pittsburgh School of Law Student Intellectual Property Law Association

Colloquium Committee (2001-2003; Chair 2002-2003); Petitions and Academic Standards Committee (Chair, 2003-2004); Library and Technology Committee (Chair, 2004-05); Appointments Committee (2006-2007 and 2005-2006)

University of Pittsburgh

University of Pittsburgh University Research Council (2003-2005)

Chair, University of Pittsburgh Central Research Development Fund Small Grants Program Social Sciences and Humanities Committee (2005)

Presenter, *Creating a Realistic Business Environment*, Today's Vision, Tomorrow's Realities: Commercializing Academic Innovation, University Senate Plenary Session, March 2006

Other Professional Service

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

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

Member, Legal Advisory Board, Documentary Filmmakers' Statement of Best Practices in Fair Use, American University Center for Social Media (<http://centerforsocialmedia.org/rock/backgrounddocs/bestpractices.pdf>) (2005)

Editor, The Amicus Archive (<http://jurist.law.pitt.edu/amicus/index.htm>)

Journal Referee, *The Information Society* and *Jurimetrics*

Reviewer, *The Internet Encyclopedia* (H. Bidgoli, ed., 2004)

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Professional and Service Activities (continued)

Other Professional Service

Reviewer, *The Handbook of Information Security* (H. Bidgoli, ed., 2005)

Editorial comments on books for Aspen Publishing on copyright and trademark law

Advisory Committee to the Western District of Pennsylvania for Intellectual Property Cases (2004-05)

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

Member, American Intellectual Property Law Association, American Bar Association (Section of Litigation, Section of Intellectual Property Law, Section of Science and Technology Law), Pittsburgh Intellectual Property Law Association (Chair, Program Committee (2004-05); Board of Managers (2005-present)

Member, Board of Governors, Association of Yale Alumni (2004-present); present and prior service on Boards of Directors of the Yale Club of Pittsburgh, the Yale Club of Silicon Valley, and the Yale Club of San Francisco

Weblogs

Madisonian.net, a weblog about law, society, and technology
(<http://madisonian.net>) (with Professor Brett Frischmann and Professor Frank Pasquale)

IP and IT Conferences, a weblog that produces a calendar of academic conferences on information technology law and policy
(<http://madisonian.net/conferences>)

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

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

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)

Last updated: November 2006