

## **CHRISTINE HAIGHT FARLEY**

American University Washington College of Law  
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### **EXPERIENCE:**

<b>American University Washington College of Law</b>	Washington, DC
<i>Associate Dean for Faculty and Academic Affairs</i>	2007-present
<i>Professor</i>	2006-present
<i>Co-Director, Program on Information Justice and Intellectual Property</i>	2005-09
<i>Associate Professor</i>	2003-06
<i>Assistant Professor</i>	1999-2003

Created new courses in Intellectual Property Law, International and Comparative Trademark Law, Law and the Visual Arts and a first year elective in IP. Taught International Intellectual Property Law at University of Paris X, Art Law at University of Puerto Rico, and International Trademark Law at Monash University. Taught International Trade in summer programs in Chile and Turkey. Helped found Glushko-Samuelson Intellectual Property Law Clinic in 2000 and Program on Information Justice and Intellectual Property Law in 2005.

<b>Rabinowitz, Boudin, Standard, Krinsky &amp; Lieberman</b>	NY, NY
<i>Associate</i>	1997-99

Practiced trademark and copyright law in boutique firm known for civil liberties litigation. Participated in trademark infringement litigation in federal district court and in the Trademark Trial and Appeal Board. Prosecuted trademark applications. Wrote appellate briefs in Internet copyright infringement cases.

<b>Columbia Law School</b>	NY, NY
<i>Associate in Law</i>	1995-97

Designed and taught a first year course in legal writing to three sections of twenty students.

<b>University at Buffalo Law School</b>	Buffalo, NY
<i>Lecturer in Law</i>	1994-95

Designed and taught two sections of a year-long, six credit, graded course in legal writing.

<b>U.S. Senate, Office of Legal Counsel</b>	Washington, DC
<i>Law Clerk</i>	summer 1993

Wrote memoranda on recess appointments, speech and debate clause immunity and the Congressional Accountability Act.

### **EDUCATION:**

<b>Columbia Law School</b>	
<i>Doctor of Juridical Science (J.S.D.)</i>	2006
Dissertation: "Dangerous Undertakings: The Legal Recognition of Cultural Products"	

*Master of Laws (LL.M.)* 1997  
“Associate in Law” Fellowship

**University at Buffalo Law School** 1994

*Juris Doctor*

Ford Foundation Fellowship in Public International Law

Editor-in-Chief, Buffalo Women's Law Journal

Awards: Law Faculty Award

National Association of Women Lawyers Award

Legal Ethics Award

**Binghamton University** 1989

*Bachelor of Arts* (Art History major)

Rotary International Fellowship, Surat, India

## **PUBLICATIONS:**

GLOBAL ISSUES IN TRADEMARK LAW (Thomson West, forthcoming 2010)

*Imaging the Law: Art in LAW AND THE HUMANITIES: AN INTRODUCTION* (Austin Sarat et al. eds., Cambridge University Press 2010)

*Convergence and Incongruence: Trademark Law and ICANN's Introduction of New Generic Top-Level Domains*, 25 J. MARSHALL J. COMPUTER & INFO. L. 625 (2009) (invited symposium contribution)

(with Peter Jaszi, Victoria Phillips, Joshua Sarnoff & Ann Shalleck, *Clinical Legal Education and the Public Interest in Intellectual Property Law*, 52 ST. LOUIS. U. L.J. 735 (2008)

(with Geri L. Haight) *Review of the 2006 Trademark Decisions of the Federal Circuit*, 56 AM. U. L.R. 987 (2007)

*Why We Are Confused About Trademark Dilution Law*, 16 FORDHAM INTELLECTUAL PROP., MEDIA & ENT. L. J. 1175 (2006) (invited symposium contribution) (reprinted as chapter 1 in A.V. Narsimha Rao, ed., TRADEMARK DILUTION: APPLICATIONS AND IMPLICATIONS, 2009)

*Judging Art*, 79 TULANE L. REV. 805 (2005) (lead article)

*Copyright*, 9 ENCYCLOPEDIA AMERICANA (2004)

*Copyright Law's Response to the Invention of Photography*, 65 U. PITT. L. REV. 385 (2004) (lead article)

*Conflicts Between U.S. Law and International Treaties Concerning Geographical Indications*, 22 WHITTIER L. REV. 73 (2000) (invited symposium contribution)

*Protecting Folklore of Indigenous Peoples: Is Intellectual Property the Answer?*, 30 CONN. L. REV. 1 (1997) (lead article)

*Confronting Expectations: Women in the Legal Academy*, 8 YALE J. OF L. & FEMINISM 333 (1996)(discussed in *Weinstock v. Columbia*, 224 F.3d 33 (2d Cir. 2000))

*Men May Work From Sun to Sun, But Women's Work is Never Done: International Law and the Regulation of Women's Work at Night*, 4 BUFF. WOMEN'S J.L. & SOC. POL'Y 44 (1996)

*College Policies Dealing with Rape (Appendix I)*, in RAPE, SEXUAL ASSAULT, & CHILD SEXUAL ABUSE: WORKING TOWARDS A MORE RESPONSIVE SOCIETY (1990)

*The Museum*, HARPUR ACADEMIC REVIEW VI: 32 (1989)

### **SELECTED PRESENTATIONS:**

"The Feminine Mystique of the Brand in Trademark Law," Faculty Speaker Series, Rutgers School of Law, Camden (3/10)

"Resolving Objections to New gTLD Applications: What Role for Trademark Law," at 9<sup>th</sup> Annual Hot Topics in Intellectual Property Symposium, Duke University Law School (2/10)

"ICANN's Trademark Law," at "Signifiers in Cyberspace: Domain Names and Online Trademarks," Case Western Reserve University School of Law (11/09)

"Art Photography as Legal Category," at the Colloquium on Law, Photography and Other Recording Devices, University of Toronto (3/09)

"International Disputes Over Geographical Indications," University of the Pacific, Lima, Peru (12/07)

"Trademarks, Domain Names and Speech: The Convergence of Law and Technology," at Information Convergence: At the Boundaries of Access, John Marshall Law School (11/07)

"Frank Schechter Was a Man Ahead of His Time, but Now He Is Dead," at Trademark Dilution: Theoretical and Empirical Inquiries, Santa Clara Law School (10/07)

"The Feminine Mystique of the Brand in Trademark Law Today," University of Melbourne Faculty of Law (8/07)

"Hot Topics in US IP Law," the Federal Court of Australia, Sydney, Australia (8/07)

"New Top-level Domain Policy: Wrong on Trademark Law," ICANN Annual Meeting, San Juan (6/07)

Commentator, "Copyright in Context," Institute for Intellectual Property and Information Law, University of Houston Law Center, Santa Fe, NM (6/07)

"Harmonization of Intellectual Property Laws After NAFTA," at A North American Legal System: Is it Possible? Desirable?, American University (2/07)

"The Feminine Mystique of the Brand in Trademark Law Today," Seventh Annual Women and the Law Conference, Thomas Jefferson School of Law (2/07)

"IP and Culture Based Industries," International Intellectual Property Institute, Namibia (11/06)

"Can I Use It?: Fair Use of Copyrighted Works," DC Bar Association, IP Section (4/06)

"What's Hot and What's Not On Capitol Hill?," DC Bar Association, IP Section (3/06)

"The Artistic Expression Exception," Art Law Section, AALS Annual Meeting (1/06)

"Trademark Dilution Law: Still not Defined," at Exploring the Limits: Recent Challenges to the Scope of IP Law, Fordham Law School (11/05)

"Protection of Non-traditional Marks," United States Patent and Trademark Office and International Intellectual Property Institute Joint Workshop on Vietnam's Draft Intellectual Property Legislation (10/05)

"Search Engines as Third Party Trademark Infringers," Third Party Liability in Intellectual Property Law, Santa Clara University School of Law (10/05)

"Intellectual Property Issues and Trade," Jordan Intellectual Property Association, Amman, Jordan (6/05)

"Trademark Fair Use," DC Bar Association, IP Section (4/05)

"Intellectual Property on the Internet," Jordan Intellectual Property Association, Amman, Jordan (4/05)

"Search Engines as Valuable Intermediaries," W(h)ither the Middleman, Michigan State University (4/05)

"Law and Aesthetics," Annual Meeting of the Association for the Study of Law, Culture and the Humanities in Austin, Texas (3/05)

"Untitled: Artists Use of Trademarks in Titles," Art Law Section, AALS Annual Meeting (1/05)

“The Protection of Well-Known Marks in U.S. Law,” Conflict Resolution in Industrial Property, Havana, Cuba (5/04)

“Due Process Problems in the DMCA,” Peer-to-Peer Networking at the Crossroads, Seton Hall Law School (4/04)

“Law and Aesthetic Judgments,” Art Law Section, AALS Annual Meeting (1/04)

“Trademark Expansionism in Free Trade Agreements,” Negotiating Intellectual Property Provisions in Free Trade Agreements, University of Miami (11/03)

“What is The World Intellectual Property Office Doing to Change Trademark Law and Why Is It Doing It?,” Consumers International 2003 International Congress, Lisbon, Portugal (10/03)

“The Supreme Court's Decision in *Dastar*: Drawing a Line Between Copyright and Trademarks,” Annual Meeting of the American Intellectual Property Law Association (10/03)

“The Public Costs of The Madrid Protocol,” “Dilution and the Supreme Court” and “Trademarks as Copyright Substitute,” 11<sup>th</sup> Annual Conference on International Intellectual Property Law & Policy, Fordham University School of Law (4/03)

“Copyright Law’s Response to the Invention of Photography,” Faculty Workshop, Albany Law School (10/02)

“Intellectual Property and the Rights of Indigenous Peoples,” Organization of American States, Indian Rights Working Group (12/02)

“Old & New Media: The Impact of Technology,” 75<sup>th</sup> Anniversary of Women, Columbia Law School (10/02)

“Mock Supreme Court Argument on Anti-Dilution Law,” International Trademark Association Annual Meeting (5/02)

“The Appellate Body of the WTO on Trademarks,” 10<sup>th</sup> Annual Conference on International Intellectual Property Law & Policy, Fordham University School of Law (4/02)

“Where does the Public Belong in Public Art?,” Art Law Section, Association of American Law Schools Annual Meeting (1/02)

“US Violation of Trademark Treaty Commitments and Possible Consequences,” US & Cuban Trademarks: Current Status, Prospects & Problems, Carnegie Endowment for International Peace (6/01)

“Geographical Indications and Domain Names,” Official Speaker at the Washington Regional Consultation of the World Intellectual Property Organization’s Second Internet Domain Name Process (5/01)

“Linking and Liability: Trademark and Copyright Issues on the Internet,” Museum Computer Network Annual Meeting, Las Vegas (9/00)

“Conflicts Between U.S. Law and International Treaties Concerning Geographical Indications,” Whittier Law School’s 17th Annual International Law Symposium: Intellectual Property on the Pacific Rim (3/00)

“Protecting Folklore of Indigenous Peoples: Is Intellectual Property the Answer?,” Law & Society Annual Meeting (6/97)

“The Persistent Myth of the Author in Copyright,” Law & Society Annual Meeting (5/96)

“Confronting Expectations: Women in the Legal Academy,” Feminism and Legal Theory Workshop, Columbia Law School (10/96)

“Copyright, Commodities, and Culture: The Institutional Production of Meaning,” Law & Society Annual Meeting (5/95)

#### **TEACHING AREAS:**

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|-----------------------------|---|
| • Intellectual Property Law | • International and Comparative Trademark Law |
| • Trademark Law             | • International Intellectual Property Law     |
| • Law and the Visual Arts   | • International Trade and IP                  |

#### **PROFESSIONAL AFFILIATIONS:**

- Reviewer, Journal of World Intellectual Property
- International Trademark Association, Indigenous Rights Subcommittee 2005-07
- American Bar Association, Intellectual Property Section
- American Intellectual Property Law Association
- Lawyers’ Committee for Cultural Heritage Preservation
- Washington Area Lawyers for the Arts
- Law and Society Association
- Southeastern Association of Law Schools, New Scholar Mentor Committee, 2007-08
- Expert Reviewer, Multistate Performance Test, National Conference of Bar Examiners
- Member of the Bar of New York

#### **LAW SCHOOL & UNIVERSITY SERVICE:**

- Provost’s Operation Council, 2008-10
- Strategic Planning Committee, Chair, 2009-10
- Faculty Appointments Committee, 2000-01, 2005-10
- Curriculum Committee, 1999-2002, 2007-10
- Space Committee, 2009-10

- Faculty Advisory Board, LL.M. Program on Law and Government, 2004-05
- Special Projects Committee, 2006-07
- Moot Court Committee, 2002-04
- Technology Committee, 2001-02
- Committee on Legal Writing, 1999-2002

## **HONORS AND AWARDS**

- Named to the Irish Legal 100, 2009
- International Association of Law Schools, Delegate in 2007 (China) & 2009 (Australia)
- Association of American Law Schools, Art Law Section Chair, 2003

## **SELECTED MEDIA APPEARANCES:**

*Austrian Radio*, “Nazi Looted Art on Trial” (10/09)

*NPR, Marketplace*, “Does Apple Own ‘POD?’” (8/06)

*Voice of America Television*, “Peru Demands Return of Antiquities from Yale”(3/06)

*Washington Times*, “Supreme Court Tackles ‘Patent Trolls’” (11/05)

*Jordan Times*, “IP Issues in the US-Jordan FTA” (6/05)

*NBC 4 News*, “Copyright Law & iPods” (6/05)

*NBC Nightly News*, “Federal Circuit Considers Patentability of Crustless Peanut Butter and Jelly Sandwich” (4/05)

*Christian Science Monitor*, “Who Owns Public Art?” (3/05)

*NPR, The Kojo Nnamdi Show*, “European Copyrights on Sound Recordings”(1/05)

*NBC 4 News*, “Googles.com Sues Google,” (7/04)

*Granma* (official paper of the Communist party in Cuba), “Pirating Cuban Tobacco Trademarks” (5/04)

*New York Daily News*, “You’re Fired!® - by the Donald” (3/04)

*NBC 4 News*, “Copyright Law & Music Filing Sharing” (11/03)

*The Today Show, NBC Nightly News, MSNBC*, “Fox Sues Al Franklin for Use of Fair and Balanced” (8/03)

*NPR's Morning Edition*, "Internet Firms Resist Legal Assault on File Sharing" (8/03)

*MSNBC.com and Washington Business Journal*, "Suit May Cost Post Unit Its Trademark" (8/18/03)

*NPR, The Kojo Nnamdi Show*, "Consequences of Eldred v. Ashcroft" (1/03)

*CNBC, Closing Bell*, "The Supreme Court's Decision in Eldred v. Ashcroft" (1/03)

*NPR, The Kojo Nnamdi Show*, "Law: How a New Case May Change Access to Mickey Mouse and Other Art Forms" (10/8/02)

*DGA Magazine* (The Director's Guild of America), "Knock of the Knockoffs--The DGA Battles Unauthorized Film Editing" (9/02)

*Darwin Magazine*, "Five Thoughts About Intellectual Property Law with Christine Haight Farley" (6/02)

*NPR, The Motley Hour Radio Program*, "The Supreme Court to hear a Trademark Anti-dilution case" (4/20/02)

*CNN, Burden of Proof*, "Is the Right of Publicity Balanced by the First Amendment?" (4/27/01)

*The New York Times*, "When Linking Isn't Better Business" (3/23/01)

*Legal Times & New York Law Journal*, "Digital Age Copyright Fight: Paying Royalties on Webcast Music" (2/12/01)

*NPR, Morning Edition*, "Does Exxon's Tiger Infringe Kellogg's Tiger?" (10/18/00)

And regularly interviewed for LawCast and Law360 for IP stories.