



## SEAN M. FLYNN

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW  
Program on Information Justice and Intellectual Property  
4801 Massachusetts Avenue, NW  
Washington, DC 20016  
[sflynn@wcl.american.edu](mailto:sflynn@wcl.american.edu) 202-274-4157

### EDUCATION

HARVARD LAW SCHOOL, J.D., *magna cum laude*, 1999

#### Honors:

Hankin Fund General University Scholar  
Frederick Sheldon Traveling Fellowship  
Irving Kaufman Fellowship  
J. William Fulbright Foreign Scholarship (post-graduation)

#### Activities:

Board of Student Advisors  
Instructor, Legal Argument and Reasoning  
Research Assistant, Professor Lucie White  
Founder, Project on Law and Organizing

PITZER COLLEGE, B.A., honors, Political Studies, 1992

### TEACHING EXPERIENCE

Health Law, Constitutional Law, Comparative Constitutional Law, IP & Access to Medicines, Health Law Practicum (experiential learning), Law and Development, Legal Theory

### EMPLOYMENT

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

*Professorial Lecturer in Residence*, 2008-present

*Associate Director*, Program on Information Justice and Intellectual Property, 2006-present

Courses Taught: Intellectual Property, Human Rights & Development; Intersection of IP and Healthcare; Human Rights & Access to Medicine (University of Pretoria); Intellectual Property and Access to Medicine in Eastern Europe and Central Asia (National Ukrainian University of Mohyla Academy, Kiev)

Grants and Awards: Human Rights and Intellectual Property Legal Education Initiative, Open Society Institute (2007-09); International Copyright Flexibilities and Documentary Film, Ford Foundation (2008-09); Prescription Access Litigation & Policy, NLARx, Community Catalyst, Prescription Policy Choices (2006-09); Prescription Drugs and Trade, Forum on Democracy and Trade (2006-09);

SPIEGEL & MCDIARMID, Washington D.C. 2004-2006

*Associate*. City and public agency representation.

CONSUMER PROJECT ON TECHNOLOGY, Washington D.C. 2002-04

*Senior Attorney*. Headed international access to medicine project.

HON. RAYMOND C. FISHER, U.S. COURT OF APPEALS, 9<sup>TH</sup> CIR., Pasadena, Ca. 2001-02

*Law Clerk.*

UNIVERSITY OF WITWATERSRAND, Johannesburg, South Africa, 2001  
*Adjunct Professor*, School of Law, Advanced Topics in Constitutional Law  
*Research Associate*, School of Public and Development Management, Municipal Services Project

CHIEF JUSTICE ARTHUR CHASKALSON, PRESIDENT OF THE CONSTITUTIONAL COURT OF SOUTH AFRICA, Johannesburg, 1999-2000  
*Law Clerk.*

CIVIL RIGHTS DIVISION, U.S. DEPT. OF JUSTICE, 1992-96  
*Congressional Liaison*, Office of the Assistant Attorney General (Deval Patrick), 1994-96  
*Policy Analyst (detail)*, Executive Office of the President, White House Affirmative Action Review (reporting to Counsel Christopher Edley) 1996  
*Paralegal Specialist*, Disability Rights Section, 1992-94  
Honors: Outstanding Service Award, U.S. Dept of Justice, 1995  
Special Achievement Award, U.S. Dept of Justice, 1993, 1994

**SELECTED  
CONSULTING**

NATIONAL LEGISLATIVE ASSOCIATION ON PRESCRIPTION DRUG PRICES, 2006-PRESENT  
Serve as general counsel for membership organization of state legislators.

DISTRICT OF COLUMBIA CITY COUNCIL, COMMITTEE ON HEALTH, 2007  
Advised Committee Chair on legal and policy issues related to prescription drug legislation.

COMPETITION COMMISSION OF SOUTH AFRICA, Pretoria, South Africa, 2003  
Directed expert team in drafting submissions and final report recommending remedies in *Hazel Tau v. GlaxoSmithKline et. al.*

**SELECTED  
PUBLICATIONS**

*An Economic Justification for Open Access to Essential Medicine Patents in Developing Countries*, 37 J. L. MED. & ETHICS 184 (2009) (with Aidan Hollis & Mike Palmedo)

*Using Competition Law to Promote Access to Knowledge*, in FROM IP TO ACCESS TO KNOWLEDGE (Amy Kapczynski, ed.) (Forthcoming 2009)

UNTOLD STORIES IN SOUTH AFRICA: THE CREATIVE CONSEQUENCES OF THE CLEARANCE CULTURE FOR DOCUMENTARY FILMMAKERS (Forthcoming 2009) ( with Peter Jaszi)

*Abbott's Refusal to Register Medicines as a Contravention of Section 28 of the Thailand Competition Act*, in RIGHT TO LIFE (ed. Kannikar Kijtiwatchakul 2007)

*The Constitutionality of State Regulation of Prescription Data Mining*, BNA Pharm. L. & Indus. Rep. (2007)

*Who's Afraid of Competition? The Latest Assaults on Municipal Provision of Broadband Services and the Competitive Ideals of the Communications Act.* 13 J. MUN. TELECOM. POL. 6 (2006)

*Dispelling Myths: A Real World Perspective on Trinko*, 50 ANTITRUST BULL. 589 (2006) (with

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*Dispelling Myths: A Real World Perspective on Trinko*, 50 ANTITRUST BULL. 589 (2006) (with Robert Jablon & Mark Hegedus)

*Brand X and the New Agency Kings*, 46 Mun. Lawyer 6 (2005) (with Tim Lay)

*Verizon Communications v. Trinko: The Message for Cities is Caution*, 45 MUN. LAW. 18 (2005) ( with Robert Jablon & Mark Hegedus)

*Democratizing the Regulation and Governance of Water in the U.S.*, in RECLAIMING PUBLIC WATER: ACHIEVEMENTS, STRUGGLES AND VISIONS FROM AROUND THE WORLD (2005).

*Constitutional Issues and the Right to Water*, in THE AGE OF COMMODITY: WATER PRIVATIZATION IN SOUTHERN AFRICA (David A. McDonald & Greg Ruiters eds., 2004) ( with Danwood Chirwa)

*Legal Strategies for Expanding Access to Medicines*, 17 EMORY INT'L L. J. 535 (2003) (presented at Lexus Symposium on Intellectual Property and Public Health, Emory University, April 2003)

**WORKS IN  
PROGRESS**

*Prescription Privacy and the First Amendment [or The Public/Private Distinction in the Commercial Speech Doctrine]* (to be presented at AALS, New Orleans, Jan. 2010)

*The Structure of Constitutional Argument in the U.S. and South Africa* (unfinished manuscript)

*A Third World Approach to USTR's Special 301* (rough draft; invited for publication in a book chapter, Susan Sell ed. 2010)

**GRANT PROJECTS  
IN PLANNING**

*Access to Medicines Legal Scholar Exchange*, Open Society Institute, 2010-13

**TESTIMONY &  
ORAL ARGUMENT**

“Data Privacy and the First Amendment,” Testimony to the Maine Joint Committee on the Judiciary, Augusta, October 15, 2009

“Trade Secrets and Gift Disclosure Laws,” Testimony to the Vermont Committee on the Judiciary, February 2009

“Constitutional Issues in the Regulation of Prescription Record Privacy,” Testimony to the D.C. Council Committee on Health (January 9, 2009)

“Free Speech and Prescription Data Privacy,” Testimony to the Joint Standing Committee on the Judiciary, West Virginia Legislature (August 26, 2008)

“Limiting the Sale of Prescribing Information by Pharmacies or Others,” Testimony to New York General Assembly Committee on Health, New York City, February 2008

Oral argument, *IMS Health v. Ayotte*, First Circuit Court of Appeals, Boston, February 2008

“DC’s Safe Rx Act of 2007,” Testimony to the D.C. Council Committee on Health, Washington, DC, October 2007

**PRESENTATIONS**

American Medical Students Association Annual AIDS Leadership Meeting, “Global Activism and Access to AIDS Medicines,” Washington D.C., October 25, 2009

Conference Organizer, “Lawyering for Access: Legal Strategies to Improve Access to Affordable Pharmaceuticals,” American University Washington College of Law, October 16, 2009

Presenter, “Prescription Data Mining Regulation and the First Amendment,” American University Washington College of Law, October 16, 2009

Commentator, “Competing Patent Perspectives: Analyzing Cross Currents to Access to Medicine,” paper by Professor Cynthia Ho, LATCRIT, American University Washington College of Law, October 3, 2009

Presenter, “The Right to Benefit from Scientific Discoveries: The Case of Access to Medicines in South Africa,” American Academy for the Advancement of Science, September 10, 2009

Presenter, “Hale, Foucault, and the Possibilities for Post-Realist Essential Services Litigation Strategies,” Centre for Civil Society, University of Kwazulu Natal, Durban, South Africa, July 2009

Presenter, “Economic Justifications for Limiting Patent Rights in Developing Countries,” Brown International Advanced Research Institute, Brown University, June 2009

Presenter, “Litigation Update: *PCMA v. District of Columbia*,” Spring Meeting of the National Legislative Association on Prescription Drug Prices, Washington D.C., April 2009

Presenter, “Administrative Justice and USTR’s Special 301,” FGV University, Rio de Janeiro, March 2009

Panelist, “Compulsory Licensing and Access to Medicine,” Open Society Institute Meeting on Access to Hepatitis C Treatment, Kiev, Ukraine, March 2009

Lecture, “The Global Access to Medicines Movement,” National Ukrainian University, Mohyla Academy, Kiev, March 2009

Workshop Organizer and Moderator, “Copyright Limitations and Exceptions and Documentary Film in South Africa,” Cape Town, March 2009

Conference Organizer and Moderator, “Achieving Access + Innovation in Global Pharmaceutical Markets,” American University Washington College of Law, February 2009

Presenter, “An Economic Critique of the Barton/Pfizer Price Discrimination Proposal,” Achieving Access + Innovation in Global Pharmaceutical Markets, American University Washington College of Law, February 2009

Panelist, “Fair Use, Fair Dealing and Documentary Film in the U.S., Canada and South Africa,” University of Ottawa, February 2009

Presenter, “Intellectual Property and Human Rights,” Intellectual Property Workshop for Korean Visiting Scholars, American University Washington College of Law, January 2009

Presenter, “Prescription Data Privacy and the First Amendment,” Righting the Script: Improving Prescription Drug Policy In An Era Of Health Reform, Carnegie Center, Washington D.C., December 2008

Presenter, “Special 301’s Threat to Access to Knowledge,” Open Society Institute, London, October 2008

Presenter, “Patents and Innovation in Developing Countries,” Spring IP Colloquium, Franklin Pierce Law School, April 2008

Presenter, “The TRIPS Agreement and Prizes,” George Washington University, Washington, D.C., February 2008

Presenter, “Legal Challenges to State Pharmaceutical Regulations,” National Legislative Association on Prescription Drug Prices, Portland, Maine, October, 2007

Presenter, “Competition Grounds for Compulsory Licenses,” Seminario Internacional: Los Tratados Internacionales ante el Acceso a los Medicamentos, Caracas, Venezuela, July 2006.

Presenter, “Competition Grounds for Compulsory Licenses for Needed Medicines in Developing Countries,” Médecins Sans Frontières Neglected Diseases Group Meeting, National Centre for Drug Research, Universiti Sains Malaysia, Paneng, February 2004.

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American Medical Students Association Annual AIDS Leadership Meeting, “Global Activism and Access to AIDS Medicines,” Washington D.C., October 25, 2009

Conference Organizer, “Lawyering for Access: Legal Strategies to Improve Access to Affordable Pharmaceuticals,” American University Washington College of Law, October 16, 2009

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