

TALHA SYED

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EDUCATION

Harvard Law School, S.J.D. (forthcoming)

- Dissertation: Pharmaceutical Innovation Policy: From Patents to Public Utility (First Reader: William W. Fisher; Second Reader: Yochai Benkler)
- Fields: Theories of Intellectual Property and Law & Technology (Supervisor: William W. Fisher)
Critical Jurisprudence and Law & Economics (Supervisor: Duncan Kennedy)
Social Theory and Political Philosophy (Supervisor: Roberto M. Unger)

Harvard Law School, LL.M.

(Straight A average)

University of Victoria, LL.B.

(Gold Medalist for Student with Highest Cumulative Average)

U of Western Ontario, B.A.

(Dean's Honor Roll, Dept. of Political Science)

SCHOLARSHIP

Publications

Law and Political Economy Today: Reshaping Markets or Embedding Them? (forthcoming 2022)

CLS from an LPE Perspective (forthcoming 2022)

Intellectual Property as Market Power (forthcoming 2022)

Developing Copyright: A Model Statute (with William W. Fisher, Ruth Okediji, and Oren Bracha) (forthcoming 2022)

Taking Patents out of Pharma, I: The Really Existing Role of Patent Protection in Pharmaceutical Innovation (forthcoming)

Taking Patents out of Pharma, II: Replacing Pharmaceutical Patents with Regulatory Exclusivity (forthcoming)

Reconstructing Patent Eligibility, 70 AM. U. L. REV. 1937 (2021)

Property's Building Blocks, in THE LEGACY OF WESLEY HOHFELD: EDITED MAJOR WORKS, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (Henry Smith et. al, eds. Cambridge UP 2021) (with Anna di Robilant)

The Wrongs of Copyright's Statutory Damages, 98 TEXAS L. REV. 1219 (2020) (with Oren Bracha)

Educational Accommodation and Distributive Equity: The Principle of Proportionate Progress, 50 CONN. L. REV. 485 (2018)

The Social Responsibility Index, submission to U.N. SECRETARY-GENERAL HIGH-LEVEL PANEL ON ACCESS TO MEDICINES (with William W. Fisher) available at <http://www.unsgaccessmeds.org/inbox/2016/2/28/jaime-espinoza>

Beyond Efficiency: Consequence-Sensitive Theories of Copyright, 29 BERK. TECH. L. J. 229 (2014) (with Oren Bracha)

Beyond the Incentive-Access Paradigm? Product Differentiation & Copyright Revisited 92 TEXAS L. REV. 1841 (2014) (with Oren Bracha)

The Continuum of Nonexcludability and the Limits of Patents, 122 YALE L. J. 1900 (2013) (with Amy Kapczynski)

Should a Prize System for Pharmaceuticals Require Patent Protection for Eligibility? IGH DISCUSSION PAPER No. 2 (June 10, 2009)

A Prize Alternative as a Partial Solution to the Health Crisis in the Developing World (with William W. Fisher) in Thomas Pogge et. al, eds., *Incentives for Global Health: Patent Law & Access to Essential Medicines* (Cambridge University Press 2009)

Global Justice in Healthcare, 40 U.C. DAVIS L. REV. 581 (2007) (with William W. Fisher)

Works in progress

INFECTION: DRUGS, LAW & THE GLOBAL HEALTH CRISIS (forthcoming Stanford UP) (with William W. Fisher)

Embedding Innovation: From Incentive-based Regulation to Regulation-based Incentives

Rethinking Equity in Education: From Positional to Development Fairness

Making Better, Not Whole: A Distributive Equity Approach to Pain & Suffering Damages

Equitable Access to Health as Distributive Justice: The Principle of Proportionate Benefit

Transcending Equality versus Priority: Fairness as Comparative Priority

The Architecture of Property

Is Welfare the Only Value? Part I: A Critique of Kaplow & Shavell's Core Arguments in Favor of Welfarism as the Sole Normative Framework for Legal and Social Policy Analysis

Is Welfare the Only Value? Part II: The Rational and the Reasonable in Welfarist Political Morality

Selected Conference and Workshop Presentations

"The Vertical and Horizontal in Capitalism," Law and Political Economy Workshop, Yale Law School (March 2021)

“Reconstructing Patent Eligibility,” IP Scholars Conference, Stanford Law School (July 2020)
 “Dephysicalizing Intellectual Property Law” IP Law and Philosophy Colloquium (May 2019)
 “Embedding Innovation: From Incentive-based Regulation to Regulation-based Incentives,” Stanford Law (Feb. 2018)
 “The Architecture of Property: Structure and Purpose in Hohfeldian Analysis,” Property Works in Progress (Sept. 2017)
 “Beyond Legal Internalism: Law as/and Social Theory” Gothenburg University Law School (December 2016)
 “Property as a Social Relation: Taking Hohfeld Seriously,” Harvard Law School legal theory seminar (January 2016)
 “Pharmaceutical Innovation & the Weak Patent Paradox,” Boston University IP theory seminar (March 2015)
 “Free Rider versus Unfair Rider Problems in Global Innovation Policy,” Beyond IP2, Yale Law School (February 2015)
 “The Mirage of Optimal Incentives: Market-Mimicking in Alternative Innovation Policies,” Beyond IP1, Yale (Mar. 2014)
 “Crisis-Induced Transformations in Property,” Common Core of European Law, Turin Italy (November 2013)
 “Distributive Justice for Expensive Needs in Health,” University of Tulsa Law School (September 2013)
 “The Legacy of American Legal Realism,” Harvard Law School SJD program (September 2013)
 “Democratic & Distributive Theories of Copyright,” Intellectual Property Scholars Conference (August 2013)
 “Copyright & Product Differentiation Revisited,” Michigan Law School IP workshop (November 2012)
 “Legal Theory & Graduate Legal Education,” Harvard Law School SJD program (September 2012)
 “Product Differentiation & Copyright Revisited,” Penn Law School Center for Internet & Technology (Sept. 2012)
 “Equality, Priority & Differential Needs: The Principle of Proportionate Benefit/Sacrifice,” Law & Political Theory workshop, Tel Aviv University Law School (June 2012)
 “Prizes and Public Funding: Challenges of Institutional Design and Normative Choice,” Global Congress on IP and the Public Interest, American University WCL (August 2011)
 Commentator on Guido Calabresi, “Trade-offs in a Pluralist Society,” International University College Turin (July 2011)
 “Nonexcludability and the Limits of Patents,” Yale Law School Information & Society Project (May 2011)
 “Disability & Distributive Justice: Theory and Applications for Healthcare Allocation,” Harvard Law School Health Law Policy Workshop (April 2011)
 Commentator on Jules Coleman, “The Architecture of Jurisprudence,” Kadish Lecture Berkeley (March 2011)
 “The Relevance of Product Differentiation Theory to IP’s Incentive-Access Analysis,” Breyer Symposium on Copyright, George Washington University (November 2010)
 “Priority Review Vouchers and Fine-Grained Price Discrimination: Some Cautionary Thoughts,” Drug Development Today Conference, Stanford University (February 2010)
 “Distributive vs Rights-Based Approaches for Pharmaceutical-Innovation and Health Law and Policy,” A2K Conference, Yale Law School (January 2010)
 “Cost-Effectiveness Metrics for Healthcare Allocation and Distribution: Fundamental and Systemic Concerns” Talk at Health Metrics Conference, Harvard University (November 2009)
 “Motivational Cultures for Innovative Activity & the Role of IP Incentives: Assessing Positive and Normative Premises of Standard and Critical Accounts,” Lecture at The Berkman Center Summer Doctoral Program (July 25, 2007)
 “Developing Drugs for the Developing World,” Presentation at *Intellectual Property and Social Justice Symposium* (U.C. Davis School of Law, March 10, 2006)
 “University Patenting & Licensing in the Aftermath of *Bayh-Dole* and *Chakrabarty*,” Presentation at *Patent Law and Innovation in the Life Sciences* (Berkman Center for Internet & Society, Harvard Law School, December 15-16, 2005)
 “Patent Law and the Global Health Crisis” Presentation at *Some Modest Proposals 2.0* (Benjamin N. Cardozo School of Law, February 24-25, 2005)

PROFESSIONAL SERVICE

- Teaching: Intellectual Property, Antitrust, Patents, Property, Torts, FDA Law, Health Law
- Kadish Center Advisory Board, 2011-present
- Served on Committee on Graduate Legal Studies, 2010-2013, in which capacity:
 - Oversaw Implementation of Reforms to JSD Program, including advising and approving student course selections and serving as Instructor for First-Year JSD Legal Theory Seminar, 2011 and 2012
 - Prepared Reports on Reforms to JSD Program, 2010-11 and Admissions Reforms, 2012
 - Served on Oral Examination Committee for JSDs 2011
 - Reviewed applications to LLM Program, 2010 and 2011
- Planning Committee for Conference on Global Warming, Innovation and IP Policy, 2010-2011

- Faculty Advisor to CHEFs, 2009, 2010 & 2011

HONORS & AWARDS

Teaching Awards

- Certificate of Distinction in Teaching, Harvard University Office for Undergraduate Education
(Awarded for each of the following terms: Fall 2002, Spring 2003, Fall 2003, Spring 2004, Spring 2005)
- Dean's Award for Excellence in Teaching, John F. Kennedy School of Government, Fall 2002

Grants and Scholarships

- Institute for New Economic Thinking, Academic Fellow 2020-2021
- Academic Fellow, Petrie-Flom Center for Health Law Policy, Biotechnology, & Bioethics 2006-2009
- Weatherhead Center Justice, Welfare and Economics Research Grant 2004-2005
- Social Sciences & Humanities Research Council of Canada Doctoral Fellowship 2003-2006
- Viscount Bennett Fellowship (Canadian Bar Association's national fellowship) 2001-2002
- Mackenzie King Traveling Scholarship (One of two awarded nation-wide) 2001-2002
- Law Foundation of British Columbia Fellowship (One of four awarded) 2001-2002

TEACHING FELLOWSHIPS

Harvard College: Ethics, Biotechnology, & the Future of Human Nature (Biological Sciences 60)

Profs. Douglas Melton & Michael Sandel, Spring 2006

Harvard College: Globalization (Social Analysis 71) Profs. Michael Sandel & Lawrence Summers, Spring 2005

Harvard College: The Warren Court (Historical Study 61b) Prof. Morton Horowitz, Fall 2004

Harvard College: Social Protest (Moral Reasoning 66) Prof. Susanna Siegel, Spring 2004

Harvard College: Justice (Moral Reasoning 22) Prof. Michael Sandel, Fall 2002, Fall 2003

Harvard College: American Constitutional Law (Gov. 1340) Prof. Murray Dry, Spring 2003

Kennedy School of Government: Ethics in Government (API 602) Prof. Kenneth Winston, Fall 2002

OTHER ACADEMIC EXPERIENCE

Primary Author, Syllabus for Legal Theory Seminar for First-Year SJD students 2006-2007

Research Fellow, Project on Patents and the Life Sciences, Berkman Center for Internet & Society 2005-2006

Graduate Forum Coordinator & LLM Advisor, Harvard Law School Graduate Program 2003-2005

Researcher & Executive Member, Environmental Law Centre, University of Victoria 1997-1999

Article Editor, *Appeal* (University of Victoria's only Law Journal) 1997-1998

Criminal Justice Unit Researcher, Centre for the Study of Violence & Reconciliation, Johannesburg 1997

PROFESSIONAL LEGAL WORK EXPERIENCE

Clifford Chance US LLP, New York – Summer Associate 2003

Woodward & Company Law Corporation, Victoria, Canada – Summer Associate 2000

Chandler & Thong-Ek, Bangkok, Thailand – Summer Associate 1999

Public Service Employees Relations Commission, Victoria – Legal Intern 1998