

TALHA SYED

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Assistant Professor, University of California, Berkeley Law School

EDUCATION

Harvard Law School, S.J.D. candidate

- Dissertation: Distributive Equity in Law & Policy: The Principle of Proportionate Priority
- 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) (Degree earned but waived for tuition purposes)
University of Victoria, LL.B. (Gold Medal for Student with Highest Cumulative Average)
U of Western Ontario, B.A. (Dean's Honor Roll, Dept. of Political Science)

SCHOLARSHIP

Publications

Beyond Efficiency: Consequence-Sensitive Theories of Copyright, 29 BERK. TECH. L. J. 229 (2014) (with Oren Bracha)
Beyond the Incentive-Access Paradigm? Copyright & Product Differentiation 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? Incentives for Global Health 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 University Press) (with Terry Fisher)
Educational Opportunity as Distributive Equity: The Principle of Proportionate Progress
Amelioration, not Compensation: A Distributive Equity Approach to Pain & Suffering Damages
Equitable Access for Differential Needs in Healthcare: The Principle of Proportionate Benefit
The Pharmaceutical Patent Paradox: Weak Patents for an Industry Needing Strong Protection?
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

"Property as a Social Relation: Taking Hohfeld Seriously," Harvard Law School legal theory seminar (January 2016)
"Pharmaceutical Innovation & the Weak Patent Paradox," University of Toronto (November 2015)
"Free Rider vs Fair Rider Problems in Global Innovation Policy," Beyond IP2, Yale Law School (March 2015)
"Market-Mimicking in Alternative Innovation Policy Analysis," Beyond IP1, Yale Law School (March 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 legal theory seminar (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 legal theory seminar (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)
 “Reframing Incentives and Access for a Global Context of Pharmaceutical Innovation,” Conference on IP and Developing Countries, UCLA (February 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

- Served on Committee on Graduate Legal Studies, 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 and 2012
 - Reviewed applications to LLM Program, 2010- 2012
- Kadish Center Advisory Board member since 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

Graduate Scholarships

- 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 Horwitz, 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