

MOLLY SHAFFER VAN HOUWELING

University of California, Berkeley
School of Law
Berkeley, CA 94720

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APPOINTMENTS

Harold C. Hohbach Distinguished Professor of Patent Law and Intellectual Property (2017-present)

Associate Reporter, Restatement of the Law, Copyright (2014-present)

Associate Dean, J.D. Curriculum & Teaching, University of California, Berkeley (2015-2022)

Professor of Law, University of California, Berkeley (2010-present)

Courses: Property, Introduction to Intellectual Property, Food Law and Policy, Food Justice, Intellectual Property Scholarship Seminar, Property's Intellect Seminar, Law & Technology Writing Workshop

Co-Director, Berkeley Center for Law & Technology (2005-present)

Fellow, Center for Advanced Study in the Behavioral Sciences at Stanford University (2013-2014)

Assistant Professor of Law, University of California, Berkeley (2005-2010)

Visiting Assistant Professor of Law, University of California, Berkeley (2004-2005)

Assistant Professor of Law, University of Michigan Law School (2002-2005)

AWARDS

Rutter Award for Teaching Distinction, University of California, Berkeley, School of Law (2022)

Extraordinary Teaching in Extraordinary Times Award, University of California, Berkeley (2020)

EDUCATION

Harvard Law School, Cambridge, MA. J.D., *cum laude*, 1998

University of Michigan, Ann Arbor, MI. B.A. with Highest Distinction, Political Science, 1994

PREVIOUS EMPLOYMENT

Executive Director, Creative Commons (2001-2002)

Research Fellow, Center for Internet and Society, Stanford Law School (2001-2002)

Law Clerk to Justice David H. Souter, U.S. Supreme Court (2000-2001)

Law Clerk to Judge Michael Boudin, U.S. Court of Appeals for the First Circuit (1999-2000)

Senior Advisor to the President and Directors, Internet Corporation for Assigned Names & Numbers (1998-1999)

Teaching and Research Fellow, Berkman Center for Internet & Society, Harvard Law School (1997-1999)

Program Analyst, United States Department of Commerce, Technology Administration (1994-1995)

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PUBLICATIONS

- The New Private Law and Intellectual Property: Calibrating Copyright on the Common Law Continuum*, in OXFORD HANDBOOK OF THE NEW PRIVATE LAW (Andrew Gold, et al., editors, 2020).
- Intellectual Property as Property*, in RESEARCH HANDBOOK ON THE LAW AND ECONOMICS OF INTELLECTUAL PROPERTY (Ben Depoorter & Peter Menell eds., 2019).
- Equitable Estoppel and Information Costs in Contemporary Copyright*, 23 LEWIS & CLARK L. REV. 553 (2019).
- Tempting Trespass or Suggesting Sociability? Augmented Reality and the Right to Include*, 51 U.C. DAVIS. L. REV. 731 (2017).
- Disciplining the Dead Hand of Copyright: Durational Limits on Remote Control Property*, 30 HARV. J.L. & TECH. 53 (2017).
- Authors Versus Owners*, 54 HOUSTON L.R. 371 (2016).
- Exhaustion and the Limits of Remote-Control Property*, 93 DENVER U. L.R. 951 (2016).
- Exhaustion and Personal Property Servitudes*, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY EXHAUSTION AND PARALLEL IMPORTS (Irene Calboli & Edward Lee, eds., 2016).
- Making Copyright Work for Authors Who Write to be Read*, 38 COLUM. J.L. & ARTS 381 (2014-15).
- Land Recording and Copyright Reform*, 28 BERKELEY TECH. L. J. 1497 (2013).
- Technology and Tracing Costs: Lessons from Real Property*, in INTELLECTUAL PROPERTY AND THE COMMON LAW (Shyam Balganes, ed., 2013).
- Atomism and Automation*, 27 BERKELEY TECH. L. J. 1471 (2012).
- Touching and Concerning Copyright*, 51 SANTA CLARA L. REV. 1063 (2011).
- Author Autonomy and Atomism in Copyright Law*, 96 VIRGINIA L. REV. 549 (2010).
- The New Servitudes*, 96 GEORGETOWN L. J. 885 (2008).
- Cultural Environmentalism and the Constructed Commons*, 70 LAW & CONTEMP. PROBS. 23 (2007).
- Bumping Around in Culture: Creativity, Spontaneity and Physicality in Copyright Policy*, 40 U.C. DAVIS. L.REV. 1253 (2007).
- Communications' Copyright Policy*, 4 J. TELECOMM. & HIGH TECH. L. 97 (2005).
- Distributive Values in Copyright*, 83 TEXAS L. REV. 1535 (2005).
- Enforcement of Foreign Judgments, the First Amendment, and Internet Speech: Notes for the Next Yahoo! v. LICRA*, 24 MICH. J. INT'L L. 697 (2003).
- Cultivating Open Information Platforms: A Land Trust Model*, 1 J. TELECOMM. & HIGH TECH. L. 309 (2002).

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REPRESENTATIVE PRESENTATIONS

Restating the Law of Copyright in the United States. Online presentation to the Center for Studies of Intellectual Property Rights, Zhongnan University of Economics and Law, Nov. 27, 2022.

Best Practices (and Common Pitfalls) in Law School Pedagogy. Workshop chair and moderator for online AALS workshop for adjunct faculty, July 28, 2022.

Private Law Attorneys General. Harvard Law School Private Law Workshop, Nov. 20, 2019.

Private Law Attorneys General. University of Michigan Intellectual Property Workshop, Nov. 18, 2019.

The New Private Law and Intellectual Property. Harvard Law School Conference on the Landscape of Private Law, March 15, 2019.

Equitable Estoppel and Information Costs in Contemporary Copyright. Lewis & Clark Law School Business Law Forum on the Procedure of Intellectual Property, Sept. 28, 2018.

Fair Use as Market Maker. Intellectual Property Scholars Conference, Aug. 8, 2018.

Tempting Trespass or Suggesting Sociability? Augmented Reality and the Right to Include. Davis Law Review 50th Anniversary Symposium on Future-Proofing Law: From rDNA to Robots, Jan. 27, 2017.

Authors v. Owners. University of Houston Law Center Institute for Intellectual Property & Information Law symposium on Authorship in America (and Beyond), June 4, 2016.

How Has Software Licensing Affected Software Markets? Panel moderator at the Berkeley Center for Law and Technology symposium on Software IP, Apr. 15, 2016.

Exhaustion and the Limits of Remote-Control Property. Presentation to the Denver Law Review symposium on Future World IP, Feb. 4, 2016.

The Dead Hand of Copyright. Presentation to the Harvard Law School conference on Private Law and Intellectual Property, Mar. 11, 2016.

What Benefits Might Terminating Transfers Offer to Authors and to Society More Generally? Discussion moderator at the Berkeley Center for Law and Technology workshop on Copyright Terminations of Transfer, Oct. 30, 2015.

Licensing. Discussion moderator at the Harvard Law School workshop on Private Law and Intellectual Property, Oct. 9, 2015.

Preserving Your Intellectual and Creative Legacy. Panel moderator at the University of Michigan Library, Oct. 5, 2015.

Preserving Our Intellectual Legacies in the Digital Age. Panel moderator at the Townsend Center for the Humanities, Apr. 9, 2015.

The Dead Hand of Copyright. Presentation to the Ohio State University Moritz College of Law Faculty Workshop, Oct. 13, 2014.

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REPRESENTATIVE PRESENTATIONS, continued

Making Copyright Work for Authors Who Write to be Read. Presentation to the Columbia Law School Kernochan Center for Law, Media, and the Arts symposium on Creation is not its Own Reward: Making Copyright Work for Authors and Performers, Oct. 10, 2014.

The Dead Hand of Copyright. Presentation to the Intellectual Property Scholars Conference, Aug. 7, 2014.

Property's Intellect. Presentation to the Center for Advanced Study in the Behavioral Sciences at Stanford University seminar, Apr. 2, 2014.

Property's Intellect About Information Costs. Presentation to the Berkeley Law and Economics workshop, Nov. 18, 2013.

Land Recording and Copyright Reform. Presentation to the Lewis & Clark Law School IP in the Trees Workshop, April 1, 2013 (also presented at the April 2013 Berkeley Center for Law & Technology symposium on Reform(aliz)ing Copyright).

Property's Intellect. Presentation to the University of Texas Law School Faculty, Oct. 5, 2012 (also presented at the 2012 Intellectual Property Scholars Conference and the 2012 Property Works in Progress Conference).

Technology and Tracing Costs: Lessons from Real Property. Presentation to the University of Pennsylvania Law School Conference on Intellectual Property and the Common Law, May 6, 2011 (revised draft presented to the University of Colorado Law School faculty in October, 2012, and the Duke Law School faculty in February, 2013).

Touching and Concerning Copyright. Presentation to the Santa Clara High Tech Law Institute Conference on Exhaustion and First Sale in Intellectual Property, November 5, 2010 (also presented at intellectual property workshops at Fordham, Loyola Los Angeles, and Loyola Chicago).

Copyright in the Digital Age. Presentation to the Santa Fe Institute Symposium on Complexity of Regulation, November 13, 2010.

The Moral Right of Revision. Presentation to the Intellectual Property Scholars Conference, August 13, 2010 (also presented at the Statute of Anne Conference at the University of California, Berkeley; the Intellectual Property Colloquium at Cardozo Law School; and the Property Works in Progress Conference at the University of Colorado Law School).

Using Intellectual Property to Teach Property Essentials. Presentation to the American Association of Law Schools Mid-Year Workshop on Property, June 11, 2010.

Autonomy and Atomism in Copyright Law. Presentation to the Intellectual Property Scholars Conference, August 6, 2009 (also presented at the Law and New Institutional Economics Workshop at the University of Colorado Law School, the Columbia Law School Intellectual Property Colloquium, the Property Works in Progress Conference at the University of Colorado Law School, the Cyberlaw Colloquium at American University, and the Berkeley Law Intellectual Property Scholarship Seminar).

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REPRESENTATIVE PRESENTATIONS, continued

The New Servitudes. Online workshop hosted by the University of Chicago Law School Faculty, February 2-8, 2008.

Safe Harbors in Copyright. Presentation to the Intellectual Property Scholars Conference, August 10, 2006.

Real Property, Intellectual Property, and the Constructed Commons. Presentation to the Stanford Law School Conference on Cultural Environmentalism at 10, March 12, 2006.

Communications' Copyright Policy. Presentation to the Silicon Valley Flatirons Conference on the Digital Broadband Migration, University of Colorado School of Law, February 14, 2005.

REPRESENTATIVE PROFESSIONAL ACTIVITIES AND INSTITUTIONAL SERVICE

Member, Creative Commons Advisory Council (2022-present)

American Association of Law Schools, Workshop for Adjunct Faculty, Program Committee Chair (2022)

University of California, Berkeley, Faculty Senate Library Committee (2021-22)

University of California, Berkeley, Faculty Senate Athletics Council Co-Chair (Spring 2018), member (2017-21)

University of California, Berkeley, School of Law, Curriculum Committee Chair (2018-22), member (2015-18)

Chair, Creative Commons Board of Directors (2017-2022)

Adviser to the American Law Institute's Restatement of the Law of Property (2014-present)

Member, American Law Institute (2014-present)

University of California, Berkeley, Chancellor's Committee on Sexual Violence and Sexual Harassment (2016-17)

University of California, Berkeley, Scholarly Communications Officer Search Committee (2015)

University of California, Berkeley, University Librarian Search Committee (2014-15)

Commission on the Future of the University of California, Berkeley, Library (2012-2013)

University of California, Berkeley, School of Law, Faculty Appointments Committee Chair (2011-12), member (2007-08, Spring 2011, and 2012-13)

National Academies' Board on Science, Technology, and Economic Policy Committee on the Impact of Copyright Policy on Innovation in the Digital Era (2011-13)

Board of Directors, Authors Alliance (2014-present)