
PAMELA SAMUELSON

University of California at Berkeley
UC Berkeley School of Law
892 Simon Hall
Berkeley CA 94720-7200

(510) 642-6775 (voice)
pam@law.berkeley.edu

PRIMARY ACADEMIC APPOINTMENTS

University of California, Berkeley

Richard M. Sherman Distinguished Professor of Law & Information,
since 2005; Chancellor's Professor of Law & Information, 2001-06;
Professor since 1996

Courses on intellectual property, Internet law, information law and
policy; seminars on copyright reform, open source and open content
licensing, intellectual property scholarship, peer to peer file sharing,
copyright law for an information society

University of Pittsburgh School of Law, Professor of Law, 1987-1996;
Associate Professor, 1984-87; Assistant Professor, 1981-84

Principal Investigator, Software Licensing Project, Software Engineering
Institute, Carnegie-Mellon University, 1985-86, Consultant 1986-88

OTHER ACADEMIC APPOINTMENTS

Honorary Professor, University of Amsterdam, since June 2002; Visiting
Professor of Law, New York University Law School, Fall 2011; Harvard
Law School, Fall 2007; Cornell Law School, 1995-96; Columbia Law
School, Spring 1994; Emory University, 1989-90; Distinguished Visiting
Faculty, University of Toronto Law School, February 2016, January 2002;
Visiting Fellow, University of Melbourne School of Law, Summer 1997;
Visiting Scholar, Vrije Universiteit Brussels, Summer 1993; Visiting
Assistant Professor of Law, University of Hawaii Law School, Fall 1980

EDUCATION & OTHER EMPLOYMENT HISTORY

Yale Law School, J. D. 1976

University of Hawaii at Honolulu, M. A. 1972, Political Science; B. A. 1971, History

Litigation Associate, Willkie Farr & Gallagher, 1977-81

Research Associate, Vera Institute of Justice, 1976-77

LAW REVIEW PUBLICATIONS

Freedom to Tinker, *Theoretical Inquiries in Law* (forthcoming 2015)

Possible Futures of Fair Use, 90 *Wash. L. Rev.* 815 (2015)

The Path of IP Studies: Growth, Diversification, and Hope, 92 *Tex. L. Rev.* 1757 (2014) (with John M. Golden & Robert P. Merges)

A Fresh Look at Tests for Nonliteral Copyright Infringement, 107 *Nw. L. Rev.* 1821 (2013)

The Quest for a Sound Conception of Copyright's Derivative Work Right, 101 *Geo. L.J.* 1505 (2013),

excerpts republished in JULIE E. COHEN, ET AL., *COPYRIGHT IN A GLOBAL INFORMATION ECONOMY* (4th Ed. 2015)

Is Copyright Reform Possible?, 126 *Harv. L. Rev.* 740 (2013) (book review)

Solving the Orphan Works Problem for the United States, 37 *Colum. J. L. & Arts* 1 (2013) (with David Hansen, Kathryn Hashimoto, Gwen Hinze, & Jennifer Urban)

Statutory Damages: A Rarity in Copyright Laws Internationally--But for How Long?, 60 *J. Cop. Soc'y* 529 (2013) (with Phil Hill & Tara Wheatland)

A Perspective on the Merits of the Antitrust Objections to the Failed Google Book Settlement, Harv. J. L. & Tech. Occas'l Papers (July 2013),
<http://jolt.law.harvard.edu/antitrust/articles/Samuelson.pdf>

The Past, Present and Future of Software Copyright Interoperability Rules in the EU and US, 2012 Eur. Intell. Prop. Rev. 229 (March 2012)

Does Copyright Protection Under the EU Software Directive Extend to Computer Program Behaviour, Languages, and Interfaces?, 2012 Eur. Intell. Prop. Rev. 158 (Feb. 2012) (with Thomas Vinje & William Cornish)

The Uneasy Case for Software Copyrights Revisited, 79 Geo. Wash. U. L. Rev. 1746 (2011)

Legislative Alternatives to the Google Book Settlement, 34 Colum. J. L. & Arts 697 (2011)

The Google Book Settlement as Copyright Reform, 2011 Wisc. L. Rev. 479

Standing Up for Copyright: Marybeth Peters and the Google Book Settlement, 58 J. Cop. Soc'y 75 (2011)

The Copyright Principles Project: Directions for Reform, 25 Berkeley Technology L.J. 1175 (2011) (with Members of the Copyright Principles Project),

republished in ANNUAL REPORT ON LEGAL ENVIRONMENT FOR DIGITAL CONTENTS 2011, Digital Content Association of Japan 57

“Clues” for Determining Whether Business or Service Methods Are Unpatentable Abstract Ideas, 15 Lewis & Clark L. Rev. 109 (2011) (with Jason Schultz),

republished in PERSPECTIVES ON PATENT SUBJECT MATTER (Michael B. Abramowitz, James E. Daily, F. Scott Kieff, eds., 2014)

High Technology Entrepreneurs and the Patent System: Results of the 2008 Berkeley Patent Survey, 24 Berkeley Technology L. J. 1255 (2010) (with Stuart J.H. Graham, Robert P. Merges, & Ted Sichelman),

republished in INTELLECTUAL PROPERTY AND DIGITAL CONTENT (Richard S. Gruner, ed. 2013)

Google Book Search and the Future of Books in Cyberspace, 94 Minn. L. Rev. 1308 (2010),
republished in INTELLECTUAL PROPERTY AND DIGITAL
CONTENT (Richard S. Gruner, ed. 2013)

Academic Author Objections to the Google Book Settlement, 8 J. Telecom. & High Tech. L. 217 (2010)

Is the Proposed Google Book Settlement “Fair”?, 2010-2 AMI: Tijdschrift voor Auteurs, Media & Informatierecht 50

Pamela Samuelson’s Letters to the Court: Concerns on the Proposed Google Book Settlement, 12 Tulane J. Tech. & Intell. Prop. L. 185 (2009)

Why Plaintiffs Should Have To Prove Irreparable Harm in Copyright Preliminary Injunction Cases, 5 I/S: J. Law & Policy for Info. Soc’y 67 (2009) (with Krzysztof Bebenek)

Statutory Damages in U.S. Copyright Law: A Remedy in Need of Reform, 51 Wm. & Mary L. Rev. 439 (2009) (with Tara Wheatland),
selected for republication as one of the best 2009 law review articles
on intellectual property law in the INTELLECTUAL PROPERTY REVIEW

Debate, Unconstitutionally Excessive Statutory Damage Awards in Copyright Cases, 158 U. Pa. L. Rev. PENNumbra 53 (2009),
<http://www.pennumbra.com/debates/pdfs/CopyrightDamages.pdf> (with Ben Sheffner)

Are Patents on Interfaces Impeding Interoperability?, 94 Minn. L. Rev. 1943 (2009)

Unbundling Fair Uses, 77 Fordham L. Rev. 2537 (2009)
selected for republication as one of the best 2009 law review articles
on intellectual property law in the INTELLECTUAL PROPERTY REVIEW

Why Copyright Excludes Systems and Processes From the Scope of Its Protection, 85 Tex. L. Rev. 1921 (2007)

selected for republication as one of the best 2007 law review articles on intellectual property law in the INTELLECTUAL PROPERTY REVIEW

Principles for Resolving Conflicts Between Trade Secrets and the First Amendment, 58 Hastings L. J. 777 (2007)

republished in FIRST AMENDMENT LAW HANDBOOK 2007-08 (Rodney Smolla, ed. 2008); excerpts republished in ELIZABETH ROWE & SHARON SANDEEN TRADE SECRECY LAW: CASES AND MATERIALS (2012)

Questioning Copyright in Standards, 48 B.C. L. Rev. 193 (2007),

republished in OPENING STANDARDS (Laura DeNardis, ed. 2011); republished as one of the best 2007 law review articles on intellectual property law in the 2007 INTELLECTUAL PROPERTY REVIEW

A Reverse Notice and Takedown Regime to Enable Fair Uses of Technically Protected Copyrighted Works, 22 Berkeley Tech. L.J. 981 (2007) (with Jerome H. Reichman & Graeme Dinwoodie),

republished in P2P AND SECONDARY LIABILITY IN COPYRIGHT LAW (Alain Strowel, ed. 2009)

Should Copyright Owners Have to Give Notice About Their Use of Technical Protection Measures?, 6 J. Telecom. & High Tech. L. 41 (2007) (with Jason Schultz),

republished in DIGITAL RIGHTS MANAGEMENT TECHNOLOGIES (ICFAI 2008)

Preliminary Thoughts on Copyright Reform, 2007 Utah L. Rev. 551, republished in J. Scholarly Pub'g (April 2008)

Enriching Discourse on Public Domains, 55 Duke L. J. 783 (2006)

The Generativity of *Sony v. Universal*: The Intellectual Property Legacy of Justice Stevens, 74 Fordham L. Rev. 1831 (2006)

Three Reactions to the *Grokster* Decision, 13 Mich. Telecom. & Tech. L. Rev. 177 (2006),
republished in ENTERTAINMENT, PUBLISHING, & ARTS HANDBOOK (2007)

Brief Amicus Curiae of Sixty Intellectual Property and Technology Law Professors and US-ACM Public Policy Committee, to the U.S. Supreme Court in *MGM v. Grokster*, 20 Berkeley Tech. L.J. 535 (2005)

Intellectual Property Arbitrage: How Foreign Rules Can Affect Domestic Protections, 71 Chi. L. Rev. 223 (2004),
republished in INTERNATIONAL PUBLIC GOODS AND TRANSFER OF TECHNOLOGY UNDER A GLOBALIZED INTELLECTUAL PROPERTY REGIME (Keith E. Maskus & Jerome.H. Reichman eds. 2005);
Latin Am. & Carib. J. Legal Stud., available at services.bepress.com/lacjls

Should Economics Play A Role in Copyright Law and Policy?, 1 U. Ottawa L. & Tech. J. 3 (2004),
republished in DEVELOPMENTS IN THE ECONOMICS OF COPYRIGHT: RESEARCH AND ANALYSIS (Lisa Takeyama, ed. 2004)

The Constitutional Law of Intellectual Property After *Eldred v. Ashcroft*, 50 J. Cop. Off. Soc'y 547 (2003)

Copyright and Freedom of Expression in Historical Perspective, 11 J. Intell. Prop. L. 319 (2003),
earlier version published under the title "Copyright, Censorship and Commodification: The Past As Prologue", in COMMODIFICATION OF INFORMATION (Niva Elkin-Koren & Neil Netanel, eds., 2002),
republished in CONSTRUCTING CYBERSPACE (Birgit Viohl, ed., UNITAR CD-ROM 2003)

Mapping the Digital Public Domain: Threats and Opportunities, 66 Law & Contemp. Probs. 147 (2003),
portions republished in MARGARET JANE RADIN, JOHN ROTHCHILD & GREGORY SILVERMAN, INTERNET COMMERCE: THE EMERGING LEGAL FRAMEWORK (2002)

The Law and Economics of Reverse Engineering, 111 Yale L. J. 1575 (2002) (with Suzanne Scotchmer)

Toward a “New Deal” for Copyright in an Information Age, 100 Mich. L. Rev. 1488 (2002) (book review)

Economic and Constitutional Influences on Copyright Law in the United States, 23 Eur. Intell. Prop. Rev. 409 (Sept. 2001),
updated version published in U.S. INTELLECTUAL PROPERTY LAW AND POLICY (Hugh Hansen, ed. 2006)

Privacy as Intellectual Property?, 52 Stan. L. Rev. 1125 (2000),
republished in FIRST AMENDMENT HANDBOOK (James L. Swanson, ed., 2002); portions republished in ANNE FITZGERALD & BRIAN FITZGERALD, INTERNET AND E-COMMERCE LAW: CASES AND MATERIALS (2002); DANIEL SOLOVE & MARC ROTENBERG, INFORMATION PRIVACY LAW (2003); CYBERLAW (Brian Fitzgerald, ed., 2005); ANITA L. ALLEN, PRIVACY TODAY (2010)

Challenges For the World Intellectual Property Organization and the Trade-Related Aspects of Intellectual Property Rights Council In Regulating Intellectual Property Rights In The Information Age, 21 Eur. Intell. Prop. Rev. 578 (Nov. 1999)
first published as a chapter in CAPITAL FOR OUR TIME (Nicolas Imparato, ed. 1998), portions republished in MARGARETH BARRETT, INTELLECTUAL PROPERTY (2d ed. 2001)

Licensing Information in the Global Information Market: Freedom of Contract Meets Public Policy, 21 Eur. Intell. Prop. Rev. 386 (Aug. 1999) (co-authored with Kurt Opsahl)
republished in CYBERLAW (Brian Fitzgerald, ed., 2005)

Intellectual Property and the Digital Economy: Why the Anti-Circumvention Regulations Need To Be Revised, 14 Berkeley Tech. L.J. 519 (1999) (in symposium on e-commerce policy issues),
portions republished in YOCHAI BENKLER, WILLIAM FISHER, LAWRENCE LESSIG, CHARLES NESSON, & JONATHAN ZITTRAIN, INTERNET LAW (2005); ELIZABETH MACDONALD & DIANE ROWLAND, INFORMATION TECHNOLOGY LAW (3d Ed. 2005); MARK A. LEMLEY

ET AL., SOFTWARE AND INTERNET LAW (2000), (2d Ed. 2003), (3RD Ed. 2006); JULIE E. COHEN ET AL., COPYRIGHT IN A GLOBAL INFORMATION SOCIETY (2002), and INTERNET AND E-COMMERCE LAW: CASES AND MATERIALS (Anne Fitzgerald & Brian Fitzgerald, eds. 2002)

A New Kind of Privacy? Regulating Uses of Personal Data In the Global Information Economy, 87 Calif. L. Rev. 751 (1999) (book review)

Intellectual Property and Contract Law for the Information Age: Foreword to a Symposium, 87 Calif. L. Rev. 1 (1999)

Foreword, Symposium on Intellectual Property and Contract Law for the Information Age, 13 Berkeley Tech. L.J. 809 (1998)

The U.S. Digital Agenda at WIPO, 37 Va. J. Int'l L. 369 (1997),
portions republished in GRAEME DINWOODIE ET AL., INTERNATIONAL INTELLECTUAL PROPERTY LAW AND POLICY (2001) and in FREDERICK ABBOTT ET AL., THE INTERNATIONAL INTELLECTUAL PROPERTY SYSTEM (1999)

Intellectual Property Rights in Data?, 50 Vand. L. Rev. 51 (1997) (co-authored with J.H. Reichman),
portions republished in JULIE E. COHEN ET AL., COPYRIGHT IN A GLOBAL INFORMATION SOCIETY (2002); DANIEL CHOW & EDWARD LEE, INTERNATIONAL INTELLECTUAL PROPERTY: PROBLEMS, CASES, AND MATERIALS (2d ed. forthcoming 2012)

Foreword to Digital Content Symposium, 12 Berkeley Tech. L. J. 1 (1997)

Protecting Software and Information on the Internet, 3 J. Sci. & Techn. L. 3 (1997) (proceedings of Internet Law Symposium at Boston University School of Law)

The Quest for Enabling Metaphors for Law and Lawyering in the Information Age, 94 Mich. L. Rev. 2029 (1996) (book review),
republished in INTELLECTUAL PROPERTY AND DIGITAL CONTENT (Richard S. Gruner, ed. forthcoming 2013)

Brief Amicus Curiae of Copyright Law Professors in *Lotus Development Corp. v. Borland Int'l, Inc.* (brief to U.S. Supreme Court), 3 J. Intell. Prop. L. 103 (1995)

A Manifesto Concerning the Legal Protection of Computer Programs, 94 Colum. L. Rev. 2308 (1994) (co-authored with Randall Davis, Mitchell Kapor, and J.H. Reichman) (in symposium issue “Toward a Third Intellectual Property Paradigm”),

portions republished in FUNDAMENTALS OF INTELLECTUAL PROPERTY LAW (Jane C. Ginsburg & Robert P. Merges, eds. 2004); JULIE E. COHEN ET AL., COPYRIGHT IN A GLOBAL INFORMATION SOCIETY (2002), (2nd Ed. 2006); GRAEME DINWOODIE ET AL., INTERNATIONAL INTELLECTUAL PROPERTY LAW AND POLICY (2001); MARK A. LEMLEY ET AL., SOFTWARE AND INTERNET LAW (2000); FREDERICK ABBOTT ET AL., THE INTERNATIONAL INTELLECTUAL PROPERTY SYSTEM (1999); and ROBERT P. MERGES ET AL., INTELLECTUAL PROPERTY IN A NEW TECHNOLOGICAL AGE (1997)

Will the Copyright Office Be Obsolete in the Twenty-First Century?, 13 Cardozo Arts & Ent. L. J. 55 (1994) (in symposium issue on the future of copyright law)

republished in A CORNUCOPIA OF INTELLECTUAL PROPERTY: TWENTY YEARS OF THE CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL (Peter Yu, ed. 2002)

The Nature of Copyright Analysis for Computer Programs: Copyright Law Professors' Brief Amicus Curiae in *Lotus v. Borland* (brief to First Circuit Court of Appeals), 16 Hastings COMM/ENT L. J. 657 (1994)

The Originality Standard For Literary Works Under U.S. Copyright Law, 42 Am. J. Compar. Law 393 (1994)

Comparing U.S. and E.C. Copyright Protection For Computer Programs: Are They More Different Than They Seem?, 13 J. Law & Comm. 279 (1994) (in symposium issue on European intellectual property law)

Fair Use For Computer Programs and Other Copyrightable Works in Digital Form: The Implications of *Sony*, *Galoob* and *Sega*, 1 J. Intell. Prop. L. 49 (1993),

portions republished in A COPYRIGHT ANTHOLOGY: THE TECHNOLOGY FRONTIER (Richard H. Chused, ed. 1998)

Intellectual Property Rights For Digital Library And Hypertext Publishing Systems, 6 Harv. J. Law & Tech. 237 (1993) (co-authored with Robert J. Glushko),

earlier in PROCEEDINGS OF ACM CONFERENCE ON HYPERTEXT 39 (1991)

Some New Kinds of Authorship Made Possible by Computers and Some Intellectual Property Questions They Raise, 53 U. Pitt. L. Rev. 685 (1992)

Computer Programs, User Interfaces, and Section 102(b) of the Copyright Act of 1976: A Critique of *Lotus v. Paperback*, 55 Law & Contemp. Prob. 311 (1992),

republished in revised form, 6 Berkeley Tech. L. J. 209 (1992)

Benson Revisited: The Case Against Patent Protection for Algorithms and Other Computer Program-Related Inventions, 39 Emory L. J. 1025 (1990), portions republished in FUNDAMENTALS OF INTELLECTUAL PROPERTY LAW (Jane C. Ginsburg & Robert P. Merges, eds., 2004 & 2012); ROBERT P. MERGES, PATENT LAW AND POLICY: CASES AND MATERIALS (1992)

Digital Media and the Changing Face of Intellectual Property Law, 16 Rutg. Comp. & Tech. L. J. 323 (1990) (in symposium issue),

revised version published as Digital Media and the Law, 34 Comm. ACM 23 (Oct. 1991)

Comparing the Views of Lawyers and User Interface Designers on the Software Copyright “Look and Feel” Lawsuits, 30 Jurim. J. 121 (1989) (co-authored with Robert J. Glushko) (in symposium issue on software copyright law),

condensed version published as Survey on the Look and Feel Lawsuits, 33 Comm. ACM 483 (May 1990); latter version republished in SIGCHI Bulletin (Oct. 1990)

Survey on the Patent/Copyright Interface for Computer Programs, 17 AIPLA Q.J. 256 (1989) (in symposium issue on the patent/copyright interface for computer programs)

Information As Property: Do *Ruckelshaus* and *Carpenter* Signal a Changing Direction in the Law?, 38 Cath. U. L. Rev. 365 (1989),
excerpts republished in ELIZABETH ROWE & SHARON SANDEEN,
TRADE SECRECY LAW: CASES & MATERIALS (forthcoming 2012)

Reflections on the State of American Software Copyright Law and the Perils of Teaching It, 13 Colum.-VLA J. Law & Arts 61 (1988)

Modifying Copyrighted Software: Adjusting Copyright Doctrine to Accommodate a Technology, 28 Jurim. J. 179 (1988)

Understanding the Implications of Selling Rights in Software to the Defense Department: A Journey Through the Regulatory Maze, 13 Rutg. Comp. & Tech. L. J. 33 (1987),
first published as a Technical Memorandum of the Software Engineering Institute (1986); republished in the SEI Technical Review for 1985 and in the Yearbook of Procurement Articles (1988)

Allocating Ownership Rights in Computer-Generated Works, 47 U. Pitt. L. Rev. 1185 (1986) (in symposium issue on software protection),
republished in COMPUTERS, ETHICS, AND SOCIETY (1989) and in SOFTWARE LAW COMPENDIUM (D.C. Toedt, ed. 1989)

The Need For Reform of the Defense Department's Software Licensing Policy, 27 Jurim. J. 9 (1986)

Creating a New Kind of Intellectual Property Law: Applying the Lessons of the Chip Law to Computer Programs, 70 Minn. L. Rev. 471 (1985)

CONTU Revisited: The Case Against Copyright Protection for Computer Programs in Machine-Readable Form, 1984 Duke L. J. 663 (1984)

Good Legal Writing: Of Orwell and Window Panes, 46 U. Pitt. L. Rev. 149 (1984),

republished in INTRODUCTION TO LEGAL STUDIES (Brettel Dawson & Neil Sargent, eds. 1995)

Reviving *Zacchini*: Analyzing First Amendment Defenses in Right of Publicity and Copyright Cases, 57 Tul. L. Rev. 836 (1983)

Sentence Review and Sentence Disparity: A Connecticut Case Study, 10 Conn. L. Rev. 5 (1977)

PUBLICATIONS IN COMPUTING AND SCIENTIFIC JOURNALS

Software Patents Are Falling Down, 58 Comm. ACM (forthcoming Nov. 2015)

Anti-Circumvention Rules Limit Reverse Engineering, 58 Comm. ACM 24 (July 2015),
republished http://radar.oreilly.com/2015/07/anti-circumvention-rules-limit-reverse-engineering.html?cmp=tw-na-na-article-na_20150709_radar_pamela_samuelsonguest_post_triennial_review_of_the_digital_millennium_copyright_act

Copyrightability of Java APIs Revisited, 58 Comm. ACM 22 (March 2015),
prepublished <http://radar.oreilly.com/2014/11/copyrightability-of-java-apis-revisited.html> (Nov. 2014)

Updates on the Intellectual Property Front, 57 Comm. ACM 28 (Nov. 2014)

Watching Television on Internet-Connected Devices, 57 Comm. ACM 22 (July 2014)

Mass Digitization as Fair Use, 57 Comm. ACM 20 (March 2014)

Is Software Patentable?, 56 Comm. ACM 23 (Nov. 2013)

Statutory Damages as a Threat to Innovation, 56 Comm. ACM 24 (July 2013)

A Copyright Challenge to Resales of Digital Music, 56 Comm. ACM 24 (March 2013)

Oracle v. Google: Are APIs Copyrightable?, 55 Comm. ACM (Nov. 2012)

Can Online Piracy Be Stopped by Law?, 55 Comm. ACM 25 (July 2012)

Is Open Source the Answer? A Review of *The Comingled Code: Open Source and Economic Development*, Issues in Science and Technology 92 (Spring 2012)

Do Software Copyrights Protect What Programs Do?, 55 Comm. ACM 27 (March 2012)

Why the Google Book Settlement Failed—And What Comes Next?, 54 Comm. ACM 29 (Nov. 2011)

Too Many Copyrights? , 54 Comm. ACM 29 (July 2011)

Do You Own the Software You Buy?, 54 Comm. ACM 26 (March 2011)

Why Do Software Startups Patent (or Not)?, 53 Comm. ACM 30 (Nov. 2010),

prepublished on radar.oreilly.com, July 21, 2010, available at <http://radar.oreilly.com/2010/07/why-software-startups-decide-t.html>

Should the Google Book Settlement Be Approved?, 53 Comm. ACM 32 (July 2010)

Only Technological Processes are Patentable, 53 Comm. ACM 25 (March 2010)

Are Business Methods Patentable?, 52 Comm. ACM 28 (Nov. 2009)

Exasperated by Copyright: A Review of *Moral Panics and the Copyright Wars*, 326 Science 525 (Oct. 23, 2009)

The Dead Souls of the Google Book Search Settlement, 52 Comm. ACM 28 (July 2009), republished at <http://radar.oreilly.com/2009/04/legally-speaking-the-dead-soul.html>

When Is a “License” Really a Sale?, 52 Comm. ACM 27 (March 2009)

Quantafying the Value of Patent Exhaustion Rules, 51 Comm. ACM 27 (Nov. 2008)

Revisiting Patentable Subject Matter, 51 Comm. ACM 20 (July 2008)

How to Achieve (Some) Balance in Anti-Circumvention Laws, 51 Comm. ACM 21 (Feb. 2008)

Hacking Intellectual Property Law, 51 Comm. ACM 65 (Jan. 2008)

Does Copyright Law Need to Be Reformed?, 50 Comm. ACM 19 (Oct. 2007)

Software Patents and the Metaphysics of 271(f), 50 Comm. ACM 15 (June 2007)

Patent Reform Through the Courts, 50 Comm. ACM 17 (Feb. 2007)

IBM’s Pragmatic Embrace of Open Source, 49 Comm. ACM 15 (Oct. 2006)

Copyrighting Standards, 49 Comm. ACM 27 (June 2006)

Regulating Technical Design, 49 Comm. ACM 25 (Feb. 2006)

Did MGM Really Win the *Grokster* Case?, 48 Comm. ACM 19 (Oct. 2005), republished in Japanese in 11 Intell. Prop. L. & Policy J. 53 (2006)

The Supreme Court Revisits the *Sony* Safe Harbor, 48 Comm. ACM 21 (June 2005)

Legislative Challenges to the *Sony* Safe Harbor Rule, 48 Comm. ACM 27 (March 2005)

Why Reform the U.S. Patent System?, 47 Comm. ACM 19 (June 2004)

What's At Stake in *MGM v. Grokster*?, 47 Comm. ACM 15 (Feb. 2004)

Unsolicited Communications as Trespass?, 46 Comm. ACM 15 (Oct. 2003)

Preserving the Positive Functions of the Public Domain for Science, 2 Data Science J. 192 (2003)

Trade Secrets vs. Free Speech, 46 Comm. ACM 19 (June 2003)

The Congressional Corral, 40 IEEE Spectrum 33 (May 2003) (special issue on digital rights management technologies)

Digital Rights Management {and, or, vs.} the Law, 46 Comm. ACM 41 (April 2003) (special section on digital rights management technologies),
republished in DIGITAL RIGHTS MANAGEMENT TECHNOLOGIES (2005)

Reverse Engineering Under Siege, 45 Comm. ACM 15 (Nov. 2002)

Anti-Circumvention Rules: Threat to Science, 293 Science 2028 (Sept. 2001),
republished in INTELLECTUAL PROPERTY RIGHTS: CRITICAL CONCEPTS IN LAW (David Vaver, ed. 2005)

Toward a New Politics of Intellectual Property, 44 Comm. ACM 98 (March 2001) (special issue on the future of computing),
republished (in Russian) in Open Systems Journal (2001); revised version published in the online Proceedings of the World Wide Web 2002 Conference; republished in ICFAI Journal of Intellectual Property Rights (2003)

Intellectual Property for an Information Age, 44 Comm. ACM 66 (Feb. 2001) (introduction to special section on intellectual property issues)

Towards More Sensible Anti-Circumvention Regulations, PROCEEDINGS OF FINANCIAL CRYPTOGRAPHY 2000,
republished in 5 Cyberspace Lawyer 2 (July-Aug. 2000)

Why the Anti-Circumvention Regulations Need to Be Revised, 42 Comm. ACM 17 (Sept. 1999),
republished in INTELLECTUAL PROPERTY IN THE AGE OF UNIVERSAL ACCESS (ACM Press 1999)

Good News and Bad News On the Intellectual Property Front, 42 Comm. ACM 19 (March 1999),
republished in INTELLECTUAL PROPERTY IN THE AGE OF UNIVERSAL ACCESS (ACM Press 1999)

Does Information Really Have to Be Licensed?, 41 Comm. ACM 15 (Sept. 1998),
republished in Journal of Electronic Publishing,
<<http://www.press.umich.edu/jep/04-03/samuelsan.html>> (March 1999); in INTELLECTUAL PROPERTY IN THE AGE OF UNIVERSAL ACCESS (ACM Press 1999); and in INTERNET AND E-COMMERCE LAW: CASES AND MATERIALS (Anne Fitzgerald & Brian Fitzgerald, eds., Prospect Media, 2001)

Encoding Law Into Digital Libraries, 41 Comm. ACM 13 (April 1998),
republished in INTELLECTUAL PROPERTY IN THE AGE OF UNIVERSAL ACCESS (ACM Press 1999)

Embedding Technical Self-Help in Licensed Software, 40 Comm. ACM 13 (Oct. 1997),
republished in INTELLECTUAL PROPERTY IN THE AGE OF UNIVERSAL ACCESS (ACM Press 1999)

The Never Ending Struggle For Balance, 40 Comm. ACM 17 (May 1997)

Legal Protection For the Contents of Databases, 39 Comm. ACM 17 (Dec. 1996),
revised version published in 27 The Bridge 17 (Spring 1997)

Regulating Technologies For Protecting Copyrighted Works, 39 Comm. ACM 17 (July 1996)

A New View of Intellectual Property and Software, 39 Comm. ACM 21 (March 1996) (co-authored with Randall Davis, Mitchell D. Kapor, and Jerome Reichman),

portions republished in FIGHTING CRIME IN CYBERSPACE (Donn B. Parker, ed.1998)

Intellectual Property Rights and the Global Information Economy, 39 Comm. ACM 23 (Jan. 1996)

Software Compatibility and the Law, 38 Comm. ACM 15 (Aug. 1995)

Copyright and Digital Libraries, 38 Comm. ACM 15 (April 1995)

The NII Intellectual Property Report, 37 Comm. ACM 21 (Dec. 1994)

Self-Plagiarism or Fair Use?, 37 Comm. ACM 21 (Aug. 1994)

Copyright's Fair Use Doctrine and Digital Data, 37 Comm. ACM 21 (Jan. 1994),

republished in 11 Pub'g Research Quarterly 27 (Spring 1995) & in INSIGHTS: READINGS IN MANAGEMENT INFORMATION SYSTEMS (1996)

Computer Programs and Copyright's Fair Use Doctrine, 36 Comm. ACM 19 (Sept. 1993)

The Ups and Downs of Look and Feel, 36 Comm. ACM 29 (April 1993)

Liability for Defective Electronic Information, 36 Comm. ACM 21 (Jan. 1993),

republished in COMPUTER STUDIES: COMPUTERS IN SOCIETY (1994) and in COMPUTER ETHICS (H. Nissenbaum & D. Johnson, eds., 1995)

Updating the Look & Feel Lawsuits, 35 Comm. ACM 25 (Sept. 1992)

Developments on the Intellectual Property Front, 35 Comm. ACM 33 (June 1992) (co-authored with Robert J. Glushko and Michel Denber), portions republished in ETHICS IN THE INFORMATION AGE (1993)

Copyright Law and Electronic Compilations of Data, 35 Comm. ACM 27 (Feb. 1992)

First Amendment Rights For Information Service Providers?, 34 Comm. ACM 19 (June 1991)

Is Information Property?, 34 Comm. ACM 15 (March 1991)

How To Interpret The Lotus Decision (And How Not To), 33 Comm. ACM 27 (Nov. 1990),
republished in COMPUTER ETHICS (H. Nissenbaum & D. Johnson, eds. 1995)

Should Program Algorithms Be Patented?, 33 Comm. ACM 23 (Aug. 1990)

Interface Specifications, Compatibility, and Intellectual Property Law, 33 Comm. ACM 111 (Feb. 1990)

Reverse Engineering Someone Else's Software: Is It Legal?, 7 IEEE Software 90 (Jan. 1990)

Can Hackers Be Sued for Damages Caused by Computer Viruses?, 32 Comm. ACM 666 (June 1989),
republished in COMPUTERS UNDER ATTACK: INTRUDERS, WORMS, & VIRUSES (Peter J. Denning, ed., 1990); in ETHICS IN COMPUTING (Kevin Bowyer, ed., 1995); and in CRIME, DEVIANCE, AND THE COMPUTER (Richard Hollinger, ed. 1996)

Why the Look and Feel of Software User Interfaces Should Not Be Protected by Copyright Law, 32 Comm. ACM 563 (May 1989)

Protecting User Interfaces Through Copyright: The Debate, in PROCEEDINGS OF THE ACM CONFERENCE ON HUMAN FACTORS IN COMPUTING SYSTEMS 97 (May 1989)

Is Copyright Law Steering the Right Course?, 5 IEEE Software 78 (Sept. 1988)

OTHER PUBLICATIONS

Are APIs Patent or Copyright Subject Matter?, May 13, 2014, Patently-O blog, available at <http://patentlyo.com/patent/2014/05/copyright-subject-matter.html>

Limitless Knowledge Should Have Few Limits, S. F. Chronicle, Insight, p. E5, Jan. 27, 2013, available at <http://www.sfgate.com/opinion/article/Aaron-Swartz-Opening-access-to-knowledge-4224697.php>

Copyright Reform Is Possible, Chronicle of Higher Educ. (July 9, 2012), <http://chronicle.com/article/article-content/132751/>

A Universal Library Is Within Reach, LA Times, Op-ed, May 2, 2012, available at <http://www.latimes.com/news/opinion/commentary/la-oe-samuelson-google-books-and-copyright-20120501,0,2442760.story>

An American Perspective on the SAS v. WPL Case, <http://kluwercopyrightblog.com/2011/07/12/an-american-perspective-on-the-sas-v-wpl-case/>

Overcoming Copyright Obstacles in a Post-Google Book Settlement World, Center for Democracy and Technology, CDT Fellows Focus, June 15, 2011, *available at* <http://cdt.org/blogs/overcoming-copyright-obstacles-post-google-book-settlement-world>

Op-Ed, Upgrade Copyright Law for Digital Age, S.F. Chronicle, Sept. 26, 2010, M5.

Patenting By Entrepreneurs: The Berkeley Patent Survey, Parts I, II and III, Patently-O Blog, July 19-21, 2010, available at <http://www.patentlyo.com/patent/2010/07/patenting-by-entrepreneurs-the-berkeley-patent-survey> (with Robert P. Merges & Ted Sichelman)

Academic Author Perspectives on the Google Book Settlement, 22:3 Against the Grain 24 (June 2010)

Last Chance to Opt Out of the Google Book Settlement, Huff. Post, Jan. 25, 2010, available at http://www.huffingtonpost.com/pamela-samuelson/last-chance-to-opt-out-of_b_434315.html

New Google Book Settlement Aims Only to Placate Governments, Huff. Post, Nov. 17, 2009, available at http://www.huffingtonpost.com/pamela-samuelson/new-google-book-settlemen_b_358544.html

The Google Book Settlement: Real Magic or a Trick?, 6:10 The Economists' Voice, Art. 4 (Nov. 2009), available at <http://www.bepress.com/ev/vol6/iss10/art4>
republished in THE ECONOMISTS' VOICE ON THE FINANCIAL CRISIS, HEALTH CARE REFORM AND MORE (Aaron S. Edlin and Joseph E. Stiglitz, eds. 2012)

Is the Google Book Settlement an Abuse of Class Actions?, The Nation (Nov. 23, 2009)

Google Books is Not a Library, Huff. Post, Oct. 13, 2009, available at http://www.huffingtonpost.com/pamela-samuelson/google-books-is-not-a-lib_b_317518.html

Google Book Settlement 1.0 is History, Huff. Post, Sept. 24, 2009, available at http://www.huffingtonpost.com/pamela-samuelson/google-book-settlement-10_b_296343.html

DOJ Says No to the Google Book Settlement, Huff. Post, Sept. 20, 2009, available at http://www.huffingtonpost.com/pamela-samuelson/doj-says-no-to-google-boo_b_292796.html

Why is the Antitrust Division Investigating the Google Book Search Settlement?, Huff. Post, Aug. 19, 2009, available at http://www.huffingtonpost.com/pamela-samuelson/why-is-the-antitrust-divi_b_258997.html

The Audacity of the Google Book Search Settlement, Huff. Post, Aug. 10, 2009, available at http://www.huffingtonpost.com/pamela-samuelson/the-audacity-of-the-googl_b_255490.html

HBR Case Commentary on “A Blogger In Their Midst,” 81 Harv. Bus. Rev. 36 (Sept. 2003)

Internet Law and Policy: A U.S. Perspective, 1999 Amerika Ho 155
(publication of Japanese American Society for Legal Studies)

Digitization: Comments for Panel Session, PROCEEDINGS OF ALAI
STUDY DAYS ON THE BOUNDARIES OF COPYRIGHT: ITS PROPER
LIMITATIONS AND EXCEPTIONS 76 (1999)

Implications of the Agreement On Trade-Related Aspects of Intellectual
Property Rights For Cultural Dimensions of National Copyright Laws, 23 J.
Cultural Econ. 95 (1999)

Facing a Pay-per-Use Future, Op-Ed, Wash. Post, November 1, 1998, p. C3

The Digital Rights War, 22 Wilson Quarterly 48 (Autumn 1998),
republished in THE PRESENCE OF OTHERS (Andrea A. Lundsford
& John J. Ruszkiewicz, eds. 2000)

In Defiance of the Public Interest, Washington Post, July 13, 1998, p. A21
(with Lawrence Lessig)

Fair Use or Fair License?, 6.05 WIRED 100 (May 1998)

Copyright to the Max, 6.03 WIRED 102 (March 1998)

Database Debacle, 6.02 WIRED 84 (Feb. 1998)

Technology In and Beyond the Classroom,
<http://bmrc.berkeley.edu/articles/9707samuelson.html>

Big Media Beaten Back, 5.03 WIRED 64 (March 1997)

Authors' Rights in Cyberspace: Are New International Rules Needed?, First
Monday (Oct. 1996),

<http://www.firstmonday.dk/issues/issue4/samuelson/index.html>,
earlier version published in PROCEEDINGS OF UNESCO
SYMPOSIUM ON THE EFFECTS OF NEW TECHNOLOGY ON CULTURAL

INFORMATION (1996); republished in CONSTRUCTING THE CYBERSPACE (Birgit Viohl, ed., UNITAR CD-ROM, 2003)

The Copyright Grab, 4.01 WIRED 134 (Jan. 1996), republished (in Japanese) in 2.06 WIRED JAPAN 84 (June 1996); RAYMOND S. R. KU & JACQUELINE LIPTON, CYBERSPACE LAW (2010); RAYMOND S. R. KU, MICHELE A. FARBER, & ARTHUR COCKFIELD, CYBERSPACE LAW: CASES & MATERIALS (2002); CONSTRUCTING THE CYBERSPACE (Birgit Viohl, ed., UNITAR CD-ROM, 2003); CYBERLAW (Brian Fitzgerald, ed., 2005)

A Framework for a New Legal Regime for the Protection of Software Innovation, 25 Patents & Licensing 23 (Oct. 1995)

A Manifesto Concerning the Legal Protection of Computer Programs: Why Existing Laws Fail to Protect Software Adequately, PROCEEDINGS OF KNOWRIGHT '95 (Klaus Brunnstein & Peter Paul Sint, eds. 1995)

Existing Laws Fail to Protect Software Adequately, National Law Journal, Feb. 20, 1995, p. C3 (co-authored with Randall Davis, Mitchell D. Kapor, & J.H. Reichman)

COUNTERPOINT: An Entirely New Legal Regime Is Needed, 12 Computer L. 11 (Feb. 1995) (responding to article on software intellectual property law)

Liability Issues Affecting Electronic Document Delivery, PROCEEDINGS OF BELLCORE/BCC CONFERENCE ON ELECTRONIC DOCUMENT DELIVERY-EDD '92 147 (1992)

Developments in the Law of the United States: Applying Copyright Law to Computer Programs, in PROCEEDINGS OF THE THIRD INTERNATIONAL SYMPOSIUM ON THE LEGAL PROTECTION OF COMPUTER SOFTWARE 357 (Dec. 1991)

Some Challenges New Information Technologies Pose for Existing Intellectual Property Systems, in PROCEEDINGS OF THE THIRD INTERNATIONAL SYMPOSIUM ON THE LEGAL PROTECTION OF COMPUTER SOFTWARE 453 (Dec. 1991)

Proposal for a New “Rights in Software” Clause for Software Acquisitions by the Department of Defense, 4 Computer L. 32 (Jan. 1987) (co-authored with Kevin Deasy and Anne Martin),

first published as a Technical Report #1 of the Software Engineering Institute (1986); republished as an appendix to THE REPORT OF THE DEFENSE SCIENCE BOARD TASK FORCE ON MILITARY SOFTWARE (1987)

Comments on the Proposed Defense and Federal Acquisition Regulations, 3 Computer L. 6 (Dec. 1986)

BOOKS AND BOOK CHAPTERS

Justifications for Copyright Limitations and Exceptions, in COPYRIGHT LAW IN AN AGE OF LIMITATIONS AND EXCEPTIONS (Ruth Okediji, ed., forthcoming 2015)

Freedom to Tinker, in REVOLUTIONIZING INNOVATION: USERS, COMMUNITIES AND OPEN INNOVATION (Dietmar Harhoff & Karim Lakhani, eds. forthcoming 2015)

Protecting Privacy Through Copyright?, in VISIONS OF PRIVACY IN THE MODERN AGE (Marc Rotenberg, ed., 2015)

A Square Peg in a Round Hole? Copyright Protection for Computer Programs in COPYRIGHT AND THE CHALLENGE OF THE NEW (Brad Sherman & Leanne Weisman, eds. 2012).

SOFTWARE & INTERNET LAW (Aspen Pub. Co. 2000; 2nd edition 2003; 3d Ed. 2006; 4th Ed. 2010) (co-authored with Mark A. Lemley, Peter S. Menell, and Robert P. Merges), translated into Chinese (2014)

First Amendment Defenses in Trade Secrecy Cases, in THE LAW AND THEORY OF TRADE SECRECY: A HANDBOOK OF CONTEMPORARY RESEARCH (Rochelle C. Dreyfuss & Katherine J. Strandburg, eds. 2011)

The Strange Odyssey of Software Interfaces and Intellectual Property Law, in MAKING AND UNMAKING OF INTELLECTUAL PROPERTY (Mario Biagioli, et al., eds. 2011)

What Effects Do Legal Rules Have on Service Innovation?, in HANDBOOK OF SERVICE SCIENCE (Paul Maglio, C.A. Kieliszewski, & Jim Spohrer, eds., 2010)

Challenges in Mapping the Public Domain, in THE PUBLIC DOMAIN OF INFORMATION (P. Bernt Hugenholtz & Lucie Guibault, eds., 2006)

Baker v. Selden: Sharpening the Distinction Between Authorship and Invention, in INTELLECTUAL PROPERTY STORIES (Rochelle C. Dreyfuss & Jane C. Ginsburg, eds. 2005)

Il Dilemma Digitale, Una Prospettiva sulla Proprieta Intellettuale, in I DIRITTI NELL'ERA DIGITALE: LIBERTA DI ESPRESSIONE E PROPRIETA INTELLETTUALE (Vittorio Columba ed., 2004) (with Randall Davis)

Information Technology, in ECONOMIC POLICY IN THE 1990s (Jeffrey Frankel & Peter Orszag, eds., 2002) (co-authored with Hal R. Varian)

Five Challenges for Regulating the Information Society, in REGULATING THE INFORMATION SOCIETY (Chris Marsden, ed., Routledge Press 2000)

THE FUTURE OF THE INFORMATION SOCIETY AND THE ROLE OF COPYRIGHT IN IT (Japanese Intellectual Property Institute, 1998)

The Tensions Between Intellectual Property and Contracts in the Information Age: An American Perspective, in MOLENGRAFICA, EUROPEES PRIVAATRECHT 1998 (F.W. Grosheide & K. Boele-Woelki, eds.)

Copyright, Digital Data, and Fair Use In Digital Networked Environments, in THE ELECTRONIC SUPERHIGHWAY: THE SHAPE OF TECHNOLOGY AND LAW TO COME (Daniel Poulin, ed., Kluwer Int'l, 1995)

republished in INTERNET AND E-COMMERCE LAW: CASES AND MATERIALS (Anne Fitzgerald & Brian Fitzgerald, eds. 2001)

A Case Study On Computer Programs, in GLOBAL DIMENSIONS OF INTELLECTUAL PROPERTY RIGHTS IN SCIENCE AND TECHNOLOGY (Mitchell B. Wallerstein, Mary E. Moguee, & Robin Schoen, eds. National Academy Press 1993)

Computer Software Copyright Law in the United States: 1992 and Beyond, in THE LAW OF INFORMATION TECHNOLOGY IN EUROPE 1992 (A. P. Meijboom & C. Prins, eds., Kluwer Int'l, 1991)

Computer Viruses and Worms: Wrong, A Crime, or Both?, in COMPUTERS UNDER ATTACK: INTRUDERS, WORMS, & VIRUSES (Peter J. Denning, ed., ACM Press, 1990); earlier version published in Atlanta Journal-Constitution, p. B-1 (11/20/88)

Innovation and Competition: Conflicts Over Intellectual Property Rights in New Technologies, in OWNING SCIENTIFIC AND TECHNICAL INFORMATION: VALUE AND ETHICAL ISSUES (Vivian Weil & John W. Snapper, eds., Rutgers U. Press, 1989); previously published in 12 Sci., Techn. & Human Values 6 (Winter 1987)

SELECTED ACTIVITIES AND HONORS

Martin Meyerson Faculty Research Lecturer, UC Berkeley 2016

Earl Warren Civil Liberties Award, ACLU of Northern California, Dec. 2014

Co-Founder and Chair of Board of Directors, Authors Alliance, May 2014

Citation Award for Lifetime Faculty Achievement, Berkeley Law School Alumni Association, March 2014

LinkedIn Influencer, since February 2014

Member, American Academy of Arts & Sciences, since April 2013

Vanguard Award for Academic or Public Policy Achievements, California Bar Association, Intellectual Property Section, 2012

IP3 Award for Internet Policy, Public Knowledge, October 2010

Fellow, Center for Democracy & Technology, since 2009

Distinguished Teaching Award, School of Information, UC Berkeley, May 2008

Member, California Council of Science & Technology 2006-2007; Member, CCST Intellectual Property Study Committee, 2005-06

Anita Borg Institute Women of Vision Award for Social Impact, October 2005

World Technology Network Award for Law, October 2004

Honorary Professor, University of Amsterdam, since June 2002

Fellow of the John D. and Catherine T. MacArthur Foundation, 1997-2002

Distinguished Alumni Award, University of Hawaii, May 2000

Member, Board of Directors, Open Source Application Foundation, 2002-2007

Member, Board of Directors, Electronic Frontier Foundation, since July 2000; Vice Chair of Board, since 2009; Public Policy Fellow 1997-2000

Member, Board of Directors, Public Knowledge, 2002-2004

Member, National Research Council Study Committee on Intellectual Property Rights in the Knowledge-Based Economy, 2000-04

Berkeley Technology Law Journal Pioneer Award, 1999

Fellow of the Association of Computing Machinery, since 1998

Member, American Law Institute, since 1998

Member, National Research Council Study Committee on Intellectual Property Rights and the Information Infrastructure, 1998-2000

Director, Berkeley Center for Law and Technology, University of California at Berkeley, since 1997

Contributing Editor, Communications of the ACM, since 1990