

SLTPPC Alumni Newsletter



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**Director's Note**

By Jennifer Urban

This year brought many exciting changes to the Samuelson Clinic. Highlights included welcoming Catherine Crump as our new associate director

(see page 3) and moving to a newly renovated office suite (see page 3). And, of course, we've been busy working with students to support the public interest in technology law and policy.

Students worked on a variety of exciting projects. For the new non-profit [Authors Alliance](#), they created two user-friendly guides to help authors harness today's technologies and keep their works widely available to readers. The first explains steps that authors can take to reclaim their copyright from publishers through rights reversion (see page 4). A second guide explaining how authors can make their writings openly accessible will be released this fall.

The clinic devoted a substantial part of our docket to examining civil liberties issues arising from local law enforcement use of today's increasingly powerful surveillance and analytic technologies. Police departments now have access to unprecedented surveillance technologies that allow them to acquire and share vast quantities of data about each and every one of us.

Working on behalf of the ACLU of Northern California with clinic alumna Nicole Ozer '03, Clinic students researched the types of surveillance technology available in all 58 California counties and 60 selected cities, including automated license plate readers, body cameras, drones, facial recognition, "Stingrays," and video surveillance. They contributed to an ACLU of California white paper presented to the California attorney general, highlighting that there is little oversight of the acquisition of these technologies.

BerkeleyLaw
UNIVERSITY OF CALIFORNIA

Samuelson Law, Technology
& Public Policy Clinic

On behalf of client the Human Rights Data Analysis Group, clinic students examined how police departments use predictive policing software that purports to predict where and when crime will occur in the future, or who will commit it. The students found that not only is there no independent, empirical evidence that any of this software is effective, but also that biases in the crime statistics on which these software products often depend may lead police to do no more than replicate previous patterns of policing.

Clinic students also filed briefs and worked on federal level surveillance policy issues, analyzing strategies to bring greater transparency to the operation of the Foreign Intelligence Surveillance Court.



Kelly Vargas '16, Madeline Mai '15,
& Jonathan Francis '15

Consumer Defense: Clinic Urges Better Data Protection

By Andrew Cohen

Continually pushing companies to safeguard their customer information, the Samuelson Law, Technology & Public Policy Clinic has filed an [amicus brief](#) in a high-profile case before the U.S. Third Circuit Court of Appeals.

Brought by the Federal Trade Commission (FTC) against global hospitality company Wyndham Worldwide Corp., the case focuses on data protection failures that led to three security breaches at Wyndham hotels in less than two years. The complaint says Wyndham's privacy policy misrepresented the measures the company took—resulting in hundreds of thousands of credit card numbers being stolen and millions of dollars in fraudulent charges, among other harms.

"Everyone today who uses a credit card or the Internet understands that data security is of increasing concern," said Catherine Crump, the Samuelson Clinic's associate director. "If you buy something from a website, you don't have a real way to know if that company is treating your credit card information with the security it deserves."

Berkeley Law students Jonathan Francis '15, Madeline Mai '15, and Kelly Vargas '16 collaborated to draft the brief. Representing the Electronic Frontier Foundation (EFF) and the Center for Democracy & Technology—both leading digital rights organizations—the Clinic argued that Wyndham's security practices were unfair and deceptive in violation of the FTC Act. The case probes the scope of FTC authority, with Wyndham questioning whether the agency can regulate data security at all.

"If the court accepts Wyndham's argument that due process is violated if the FTC regulates based on the authority to prevent unfair trade

practices, then a broad range of other federal consumer protection statutes will also be susceptible to constitutional challenges," Crump said.

"Wyndham provides no principled reason why the FTC's authority to bring enforcement actions against unfair practices should contain a 'carve-out' for data security practices," Mai said. "It's an important case to work on because data security breaches are increasing at a rapid clip. Those entities holding consumer financial data should treat that information sensitively, and be held accountable when they don't."

Vargas became so interested in the FTC's mission that she subsequently secured an externship with the agency. "Its power to bring enforcement actions in the data security context is being threatened," she said. "In light of the growing number of data security breaches, the need for the FTC's regulation of these practices is paramount."

The students immersed themselves in aspects of administrative law, consumer law, and due process while gaining valuable legal research and writing experience. They also hailed the benefits of collaboration and frequent client interaction.

"Working directly for public-interest clients was a valuable experience and a great opportunity," Francis said. "The FTC's flexible authority is essential to effectively protect consumers in an increasingly networked world. Congress and states have recognized this fact in broad areas of consumer protection, and disrupting this regulatory scheme would be harmful to consumers."

SLTPPC Welcomes Catherine Crump

By Andrew Cohen



“The clinic has a stellar reputation among those who work on law and technology issues. When the opportunity arose to work there, it was too good to pass up.”

- Catherine Crump

Much like her chosen field, technology law expert Catherine Crump’s career has raced forward at eye-popping speed over the past decade. A 2004 Stanford Law School graduate, Crump recently became the new associate director of Berkeley Law’s Samuelson Law, Technology & Public Policy Clinic.

Crump has focused largely on privacy and free speech in her career, and looks forward to guiding clinic students through the ever-expanding legal issues flowing from those and other tech-law areas.

“I’m eager to help Berkeley Law students develop concrete advocacy skills that will serve them well once they begin their practices,” Crump said. “At the same time, I hope to expose them to the exciting range of complex legal issues arising as a result of fast-paced technological development. Technology is having a huge impact on the law, unsettling legal principles that were in

place for a long time. This makes it a particularly fascinating area in which to work.”

In Crump’s view, the explosion of government surveillance—from the mass collection of Americans’ telephone records to the proliferation of license plate readers and surveillance cameras—calls for monitoring the monitors. She has litigated challenges to surveillance programs, such as the National Security Agency’s mass collection of domestic call records, as well as the Department of Homeland Security’s assertion that it can—absent suspicion—search individuals’ laptops and cell phones at the international border.

“People carry vast quantities of sensitive, personal information on their electronic devices, from personal photographs to medical records to financial information” Crump explained. “The government should not be permitted to search through all of that data without at least some reason to believe that the devices carry evidence of wrongdoing.”

After graduating from law school, Crump clerked for Judge M. Margaret McKeown on the U.S. Ninth Circuit Court of Appeals. She then worked for nine years in New York as a staff attorney at the ACLU and was also a non-resident fellow at the Stanford Center for Internet and Society. Crump also gained teaching experience at NYU School of Law, spending two semesters as an adjunct professor at its Technology Law & Policy Clinic.

“What’s exciting about the Samuelson Clinic is that it lets students develop expertise on the forefront of national debates,” Crump said. “The American public has really woken up to the fact that our cell phones, for example, can be used to track us. There’s a high level of attention and concern about how technology is being used in ways that impact our civil liberties.”



New Home For Clinics

Thanks to a generous gift from the Bernard E. and Alba Witkin Charitable Foundation, the Clinical Program at Berkeley Law created a beautiful, professional office suite with two large workrooms, several smaller offices where clinic participants can address confidential client matters, and offices for fellows working with clinical students. Previously, each of the in-house clinics operated in separate, overcrowded spaces.

Alba Witkin, Bernard’s widow, attended a [ribbon-cutting ceremony](#) on Aug. 27. “It was my pleasure to provide the funding to unite the various clinical law offices at Berkeley Law into one, new, space to gain the benefits and efficiencies of such a move,” she said, noting that the gift was made “in honor of Bernie’s viewpoint as to the merit of clinical law training for law students.”

The new facility is like a law firm within the school, offering quiet meeting areas and shared open space that encourages interaction among clinical students, fellows, and faculty.

“It’s what we always hoped for and dreamt about, and now it’s here,” said Amy Utstein, the Clinical Program’s director of administration. “We finally have the kind of space we need to run a clinical program at a world-class law school. We could not be more pleased or more grateful.”



Jordyn Ostroff '16, Brianna Schofield '12, & Nicole Cabrera '16

Preserving Intellectual Legacies in the Digital Age

Clinic Students Co-author Guide to Help Authors Get Rights Back from Publishers

By Susan Gluss

The iconic image of a writer pecking away at an old typewriter is as quaint as the rotary phone. The digital age enables writers to write when and where they choose, and it has revolutionized publishing. There are more ways to publish a book than ever before: e-books with enhanced interactivity, print on demand, video adaptations, and so on.

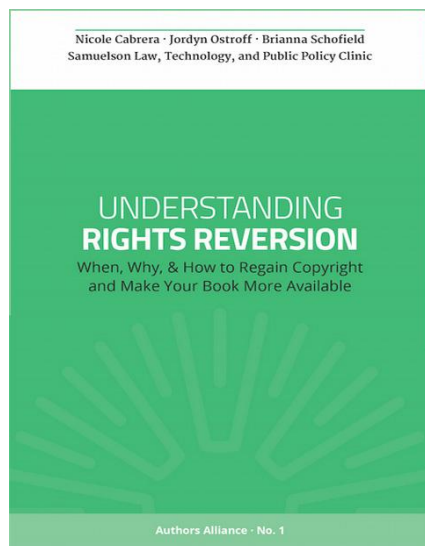
But many authors can't take advantage of these new technologies—their hands are tied because they've handed over their copyrights to publishers. Writers can feel trapped by contracts signed before electronic publishing was so ubiquitous.

Writers with literary agents may find it less daunting to negotiate with publishers to get their rights back, but it can be intimidating to do alone. So, with the help of the Samuelson Clinic, [Authors Alliance](#), a nonprofit that helps authors who "write to be read," produced a new self-help guide for writers. It arms them with information and suggested strategies on how to approach publishers to get their rights back and revive their books.

"[Understanding Rights Reversion](#)," co-authored by clinic students Nicole Cabrera '16 and Jordyn Ostroff '16, was released in April. It's the first guide of its kind, according to Brianna

Schofield '12, a research and policy fellow who supervised the project.

Cabrera and Ostroff interviewed over twenty publishers and literary agents, ranging from a CEO of a major publishing house to contract managers at trade and academic presses, as well as novelists and academic authors.



"We were very touched by authors' experiences trying to get their books back in print, or otherwise available to the public," Cabrera said. "So often, authors don't know whether their contracts include reversion

clauses, let alone how to exercise them. Helping authors understand their legal rights was very motivating."

Both students said the most surprising finding was the publishers' positive responses—across the board.

"Publishers told us that they want to work with their authors as a team and that they are willing to negotiate reversion of rights if it's in the books' best interests," according to Ostroff, who once worked at a literary agency. She said she was partly driven to come to law school after watching "authors and publishers struggle with how to deal with the changing technologies."

Many authors signed away copyrights to their books years ago. "Most often those books are commercially available for the first few years after they're published, but then linger on publisher backlists," said Authors Alliance Co-founder Pamela Samuelson. "In later years, when neither the publisher nor the author is making money from these books, the works are no longer promoted, and the public can't access them. Getting rights back from the publisher is not only feasible, but also necessary to bring the books to a new audience."

TED Talk: Catherine Crump Notes Perils of Movement Surveillance

By Andrew Cohen

The advent of small-town police departments obtaining sophisticated military weapons and equipment has become a hot-button national issue. In a new [TED Talk](#) now available online, Assistant Clinical Professor Catherine Crump describes the lesser-known yet also perilous advances in law enforcement surveillance equipment.

“Most people don’t realize that NSA-style mass surveillance is enabling the police in our hometowns to collect large quantities of sensitive data that could never previously have been gathered at this scale,” said Crump. “Records of people’s movements can be very sensitive. Where you’ve gone can reveal if you have visited a therapist, Alcoholics Anonymous meetings, or casinos...This information used to be private.”

Crump’s TED talk describes how automatic license plate readers have become a dominant mass location tracking technology. Positioned near roads or on police cars, the readers snap photos of passing license plates.

“If license plate readers were just used to locate the bad guys, no one would object,” Crump said. “But, increasingly, police are collecting such information in dragnet fashion from every car that passes by a plate reader and storing it indefinitely—leading to truly massive databases tracking the location of broad swaths of the American public.”

License plate readers constitute just one tracking technology used by modern-day law enforcement. Data dumps from cell towers enable agents to identify revealing location information about thousands of people. In addition, devices called stingrays let police transmit signals through the walls of homes to determine if any cell phones are inside.

“Technology has allowed the state to learn far too much about what happens behind closed doors,” Crump said. “And police officers make decisions about who they think you are based on this information.”

Police departments can maintain this information at a low cost, and gather data points into massive databases. The Drug Enforcement Agency is reportedly constructing a National License Plate Reader System with a database fed by devices from many jurisdictions across the country.

Crump’s talk cited examples of how such surveillance can raise concerns. In New York, unmarked police cars with license plate readers have driven around local mosques to record each visitor. In Great Britain, an 80-year-old retiree had his license plate number put on a watch list after he attended political demonstrations—to sketch those protesting. Closer to home in San Leandro, Mike Katz-Lacabe reviewed his own license plate records from the police and saw scores of photos,



Catherine Crump

some of which showed he and his two daughters getting out of his car in their driveway.

“Mr. Katz-Lacabe hasn’t been accused of any crime,” Crump said. “Yet the government is storing hundreds of photos of his vehicles. Why is that okay?”

In giving such broad surveillance power to law enforcement, Crump warned of the vast potential for abuse. She urged more checks and balances to curtail the impact of tracking technologies.

“Past experience would suggest that the question is not whether, but when, such data will be misused: for political advantage, blackmail, or simple voyeurism,” Crump said. “The right of privacy isn’t just about individuals and how they control their personal information. It’s about an increasingly skewed balance of power between civil society and the state—and it’s time to correct that balance.”

Our Robot Future: The Moral, Ethical, and Legal Challenges of Ubiquitous Robotic Systems

The Samuelson Clinic kicked off this past year last July, with an event that brought together world-renowned experts to identify and debate the key ethical, moral, and legal issues society faces in our “Robot Future.”

Robots are quickly moving out of controlled environments into public spaces and homes, and researchers are developing artificial intelligence

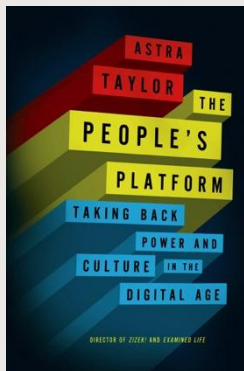
systems that will allow robots to make decisions autonomously. Clinic director Jennifer Urban introduced a roundtable discussion among stellar experts Ken Goldberg, Ronald C. Arkin, Ryan Calo, Kate Darling, Illah Nourbakhsh, and Noel Sharkey on how society should plan for this transition.

Listen to the audio from the event [here](#).



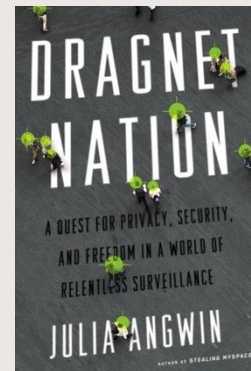
SLTPPC Hosts Discussions on Important Tech Policy Issues

This year, the Samuelson Clinic hosted talks by Julia Angwin and Astra Taylor who discussed their work on the effects of new technologies.



Taylor is a documentary filmmaker, activist, and member of Neutral Milk Hotel. Taylor's book, *The People's Platform: Taking Back Power and Culture in the Digital Age*, raises important questions about the new media landscape. In her talk at Berkeley Law, Taylor challenged the assertion that the Internet is a democratizing force and detailed the countercultural rhetoric and posturing of the technology world, contrasting it with the challenges facing artists today.

Angwin is an award winning investigative journalist at ProPublica. Her book, *Dragnet Nation: A Quest for Privacy, Security and Freedom in a World of Relentless Surveillance*, discusses how the government, private companies, and even criminals are using technology to indiscriminately sweep up vast amounts of personal data. In her talk at Berkeley Law, *Is Privacy Becoming A Luxury Good?*, Angwin shared the steps she has taken, and how much she has spent, trying to protect her privacy. She raised the question of whether we want to live in a society where only the rich can buy their way out of ubiquitous surveillance.



Former SLTPPC Faculty and Fellows Updates

Lila Bailey '05

(Clinic alumna and former Teaching Fellow)



Lila recently started her own solo Internet law practice where she regularly counsels tech companies, cultural institutions, and individual creators and entrepreneurs on digital copyright and

privacy matters. Lila is excited to begin teaching Fundamentals of Internet Law at Berkeley in the fall.

Jack Lerner

(former Teaching Fellow)



After seven years teaching and directing a clinic at the University of Southern California, in 2014 Jack joined the University of California, Irvine to start the UCI Intellectual Property, Arts, and Technology

Clinic. In the Clinic, students work to support innovation and creative expression in the digital age. The Clinic does a lot of work with the documentary and independent filmmaking community, but also counsels and represents a wide range of artists, entrepreneurs, nonprofits, and policymakers.

Jennifer Lynch

(former Teaching Fellow)



Jennifer is a Senior Staff Attorney with the Electronic Frontier Foundation and works on open government, transparency and privacy issues in new technologies as part of EFF's Transparency Project. In addition to

government transparency, Jennifer writes and speaks frequently on government surveillance programs, domestic drones, location data, and biometrics.

Deirdre Mulligan

(former SLTPPC Director)

Deirdre is an Associate Professor in the School of Information at UC Berkeley, a co-Director of the Berkeley Center for Law & Technology, and Chair of the Board of Directors of the Center for Democracy and Technology. Her current research is focused on privacy by design, cybersecurity, and organizational behavior surrounding the conceptualization and institutionalization of privacy. Her book, co-authored with Kenneth Bamberger, "[Privacy on the Ground: Driving Corporate Behavior in the United States and Europe](#)" will be published by MIT Press in Fall 2015.

Laura Quilter '03

(Clinic alumna and former Teaching Fellow)

Laura works as policy counsel for the University of Massachusetts, Amherst. Laura's research interests include copyright, tensions within teaching and scholarly communication, and more broadly, human rights concerns within information law and policy, including privacy, access to knowledge, and intellectual freedom.

Jason Schultz '01

(former SLTPPC Co-Director)



Jason is a Professor of Clinical Law at NYU Law and Director of its Technology, Law & Policy Clinic. He is also a Co-Director of NYU Law's Engelberg Center on Innovation Law & Policy. Jason's current projects

include developing an [open-source approach to patent licensing](#) with Jennifer Urban and Brianna Schofield and a book with Aaron Perzanowski titled "The End of Ownership: Personal Property in the Digital Age" for MIT Press.

Alumni Updates

Class of 2004

Michelle Watts Gallick

(formerly Michelle Watts)

Michelle is a member of the People Operations/HR Department at Google Inc. After graduating Berkeley Law, she worked for several years as a practicing attorney before joining the legal recruiting team at Google Inc. She recently transitioned to the executive search/leadership recruiting team at Google, and focuses on Director- and VP-level hiring across multiple departments.

Class of 2005

Elizabeth Miles



Elizabeth is in her fifth year of working for iTunes at Apple, acting as business affairs counsel for music, movie, and TV distribution on iTunes worldwide. Along the way she's enjoyed the opportunity to teach

IP at Santa Clara University School of Law, tutor a middle schooler through the local public library, and observe the many interesting phenomena arising from boom time in Silicon Valley.

Olga V. Mack

(formerly Olga V. Kotlyarevskaya)



Olga is a startup lawyer who enjoys helping technology companies grow and thrive. She is an Assistant General Counsel at Zoosk, which is an online dating company available in 25

languages and in more than 80 countries. Olga married Kevin J. Mack (2007) whom she met at Berkeley Law. Their active daughters, Katie and Natalie, are 4 and 6 years old.

Aaron Perzanowski

Aaron is currently a professor at Case Western Reserve University School of Law, where he teaches courses on IP and telecommunications. He is recently tenured and has two book projects nearing completion—The End of Ownership (with Jason Schultz, forthcoming MIT Press) and Creativity Without Law (edited with Kate Darling, forthcoming NYU Press).

David Yang

David married Yungsohn Park (class of 2005, and decided non-techie) in 2010. They have two wild animals (kids). David is currently working in WilmerHale's Los Angeles office.

Class of 2007

Susheel M. Daswani



Susheel lives in Orinda and works in San Francisco at Lookout Mobile Security. He and his wife had a wonderful son 2 years ago and are having another in August. Susheel enjoys hanging with his

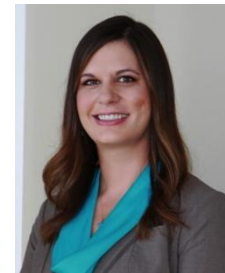
family and when he is not with them he is usually playing golf or in Vegas.

Dov Greenbaum

After stints in both patent litigation and prosecution, Dov recently returned to academia to direct a new institute in Israel. (He is concurrently an Assistant Professor of Molecular Biophysics and Biochemistry (adj) at Yale Medical School.) The Zvi Meitar Institute for Legal Implications of Emerging Technologies is part of the Radzyner Law School at the Interdisciplinary Center, Herzliya. Its mandate includes the ethical legal and social analyses of new and emerging technologies, focusing particularly on disruptive technologies.

Sarah Spires

(formerly Sarah Simmons)



After spending many years at large firms, Sarah is now Senior Counsel at Skiermont Puckett LLP, an IP litigation boutique in Dallas, Texas, that specializes in alternative fee arrangements. She

splits her practice between litigation of patent infringement and related claims, and IPR practice before the Patent Trial and Appeal Board. Sarah represents both plaintiffs and defendants in all areas of technology, and particularly in the life science and biotechnology arenas.

Class of 2008

Joseph Lorenzo Hall

(PhD, iSchool)



Joseph went on to do a joint postdoc (based at Princeton) with Deirdre Mulligan and Computer Science professor Ed Felten from 2008-2011 focusing on technical voting system transparency, and

then a postdoc with NYU Professor Helen Nissenbaum from 2011-2012 focused on privacy and security of health information technologies. In the Fall of 2012, Joseph joined the Center for Democracy & Technology in Washington, DC as a Senior Staff Technologist and is currently CDT's Chief Technologist.

Alumni Updates

David Thaw



David is an Assistant Professor of Law and Information Sciences at the University of Pittsburgh and an Affiliated Fellow of the Information Society Project at Yale Law School. His research examines legal and

technological issues in cybersecurity, cybercrime, and cyberwarfare. David remains a loyal Golden Bear and regularly snarks at those South Bay Unmentionables. He still has yet to get his own dog and continues to bug his colleagues for time with their dogs.

Class of 2009

Jens Grossklags (PhD, iSchool)

Jens is the Haile Family Early Career Professor at the College of Information Sciences and Technology at the Pennsylvania State University. His research focuses on information privacy, security, technology policy and networked interactions from a theoretical and practical perspective. Jens is motivated to contribute to a better understanding of the current and future marketplace for personal and corporate information, and improved designs of the underlying evolving security infrastructure.

Class of 2010

Justin Haan



After practicing in New York for almost four years, Justin and his wife moved back to Berkeley just over a year ago. He is enjoying his practice as an associate in the Technology Transactions Group of

Morrison & Foerster LLP in San Francisco. His first child, a boy, was born in April of this year—it has been an amazing experience!

Shane Witnov

After spending 2014 traveling the world with his wife, Shane has returned to the Bay Area and joined Facebook's Privacy & Public Policy team.

Class of 2011

Krista Correa

After spending several years as a research attorney at the Los Angeles Superior Court, Krista transitioned into private practice at Tucker Ellis LLP where she specialized in product liability and asbestos cases. Krista subsequently left the firm and is currently working as a solo practitioner/freelance writer based in Long Beach, California.

Shahrzad Radbod



Shahrzad is currently working out of Deloitte's San Francisco office on a variety of technology transaction matters and supporting the company's cloud-based initiatives. She resides in Palo Alto,

where it is much warmer.

Class of 2012

Keyna Chow



Keyna has worked at Ropes & Gray LLP since graduation. Her practice focuses on patent litigation involving a variety of technologies, including semiconductors, computer software, and optical

communications. She has also joined the board of directors at Women's IP Lawyers Association. On a personal note, she is a new homeowner and enjoys doing DIY projects!

Aaron Mackey

This fall Aaron will be working as a Stanton Legal Fellow at the Electronic Frontier Foundation, focusing on free speech and privacy. He is excited to be moving back to the bay area after spending the past three years in Washington, D.C.

Class of 2013

Jarad Brown



After graduating from Berkeley Law, Jarad became a staff attorney in the Federal Trade Commission Bureau of Consumer Protection's Division of Privacy and Identity Protection. In that role, Jarad has

had the opportunity to investigate and settle data security matters; to speak on a conference panel about online behavioral advertising; and to be a part of the team to litigate the division's first administrative case against a company for unreasonable data security.

Chris Civil



After graduating law school, Chris completed a fellowship position at the Electronic Frontier Foundation, before moving on to an associate attorney position at the law firm of Raj Abhyanker

P.C. Chris currently works on trademark prosecution and trademark litigation matters out of the firm's Mountain View, CA office. Chris is happy to be able to continue to live in Berkeley.

Alumni Updates

Ana Enriquez

Ana is concluding two years as a fellow at the Berkman Center for Internet & Society at Harvard, where she has been supporting and helping to teach CopyrightX, an online course on copyright law. She will be moving to Chicago this summer.

Tim Hwang



By day, Tim is Director of Strategic Partnerships at Imgur, an online image sharing community. By night, he is one part of Wolfe & Hwang, a Bay Area law firm representing technology companies

in a range of matters. He recently co-authored "The Container Guide"—a field guide to identifying shipping and integrated logistics companies, and plans to travel this summer on a project to explore the global industry in selfie stick manufacturing and distribution.

Jane Levich



Jane is currently a second year associate at Harvey Siskind LLP, a boutique intellectual property firm in San Francisco, California. Since joining Harvey Siskind, Jane has counseled clients on a wide range of matters from domain name disputes to licensing agreements and has been involved in multiple litigation projects. She is currently part of the trial team in a federal trademark infringement trial in the Northern District of California.

Paula Vargas

Paula is a consultant for Facebook Public Policy Team in Argentina. She worked as a consultant for Google Argentina Public Policy Team from 2013 to 2015 and still does some consultancy work for them on occasion. Paula teaches a "Technology Businesses" course at University of Buenos Aires School of Law, coordinates the Program on Internet Law and Communications Technology at University of San Andrés (Buenos Aires), and is a researcher for the Centre of Studies for Freedom of Expression (CELE) at University of Palermo School of Law. Her research is currently focused on anonymity and hate speech online.

Class of 2014

Aida Ashouri

Aida is currently a judicial law clerk for the Executive Office of Immigration Review in the Department of Justice Honors Program in Los Angeles.

Brady Blasco

Brady works in the General Counsel's Office at the United States Postal Service in Washington, DC where he advises on real property, government contracts, and intellectual property matters.

Gavin Liu

Gavin is currently an associate at the Silicon Valley office of Latham & Watkins LLP. His practice area is general corporate with an emphasis on technology transactions and emerging companies.

Congratulations, SLTPPC Graduates!



MAKING THE WORLD SAFE FOR—
AND SOMETIMES FROM—
TECHNOLOGY

Jonathan Francis
(Fall '14, Spring '15)

Mark Gray
(Fall '13, Spring '14, Fall '14)

Libby Hadzima
(Fall '12, Spring '13)

Madeline Mai
(Fall '14, Spring '15)

Lexi Rubow
(Spring '15)

Thomas Umberg
(Fall '13)

Jonathan Unikowski
(Spring '15)

SLTPPC Faculty Updates

Led by Jennifer Urban and Joe Karaganis at The American Assembly, the [Takedown Project](#) is an effort to explore how notice and takedown operates in practice and how it resolves conflicts between copyright enforcement and freedom of expression. The project has built a customized database and coding engine to shed light on how the takedown process is used as well as the validity of takedown requests. By complementing this quantitative data with detailed interviews with online service providers and rightsholders, the project aims to develop a detailed picture of stakeholders' experience with the notice and takedown system and about the evolution of copyright enforcement online. Combining quantitative and qualitative methods, the resulting paper (forthcoming) will add to the understanding of how well notice and takedown works to enforce copyright, allocate responsibilities to online service providers and notice senders, and account for user rights.

Catherine Crump's eventful first year at Berkeley included traveling to Rio to give a TED talk about automatic license plate readers and receiving an award from her alma mater Stanford Law School for her contributions to public service. In addition, she traveled to Beijing to speak at Peking University about the U.S. Supreme Court's recent rulings on Fourth Amendment privacy issues, at the Privacy Identity and Information conference about the impact of emerging surveillance technologies on civil liberties, and at the National Association of Criminal Defense Lawyer's symposium on surveillance in the digital age about the kinds of technologies the government is likely to have used in the course of more routine law enforcement investigations.



Chris Hoofnagle will publish [Federal Trade Commission Privacy Law and Policy](#) (Cambridge Univ. Press) later this year. The book is an in-depth analysis of the FTC law of privacy. It begins with a 100-year history of the agency's consumer protection mission, and explains how the FTC's genesis in antitrust and false advertising has shaped its privacy law doctrine and its procedure in privacy cases. It concludes with several structural recommendations for agency approaches to privacy, but also discusses the dominant public choice theory and rational choice theory approaches to agency and consumer behavior.

This past year Jennifer Urban, together with Patricia Aufderheide, David Hansen, Meredith Jacob, and Peter Jaszi, co-facilitated and released the [Statement of Best Practices in Fair Use of Collections Containing Orphan Works for Libraries, Archives, and Other Memory Institutions](#) which considers the role of fair use in helping to resolve the copyright dilemmas that digitizing and providing digital access to collections that contain numerous orphan works can present.

The law looks to individual and societal notions of privacy to determine whether the Fourth Amendment's warrant requirement is applicable to government activity. More broadly, courts look to individuals' privacy expectations in the civil context, and legislatures look to these values in enacting privacy laws. In light of this, the Clinic started a survey research project in 2007. This past year, Jennifer Urban and Chris Hoofnagle wrote a summation of the project as [Alan Westin's Privacy Homo Economicus](#). In the paper, Urban and Hoofnagle explained that the popularly-held assumption that consumers carefully weigh privacy costs and benefits did not describe consumer behavior. Instead, consumers have strong, latent privacy attitudes, but that consumers often think that consumer protection law already safeguards privacy rights. Thus, marketplace decisions are often in misalignment with consumer expectations. In a [technical paper](#) accepted for the selective Symposium on Usable Privacy and Security (SOUPS), Urban and Hoofnagle argued that consumers could be segmented into two privacy groups: the privacy resilient and the privacy vulnerable.

Jennifer Urban, along with former SLTPPC Co-Director Jason Schultz, launched [The Defensive Patent License](#) (DPL) in December of last year, [releasing 23 patents](#) under DPL v1.1. The DPL is a new legal mechanism to protect innovators by networking patents into powerful, mutually-beneficial legal shields that are 100% committed to defending innovation. It also helps prevent non-practicing entities from patenting open technologies and pulling them out of public use.

Innovators who opt into the DPL network pledge to forgo any patent litigation against any other DPL user, except when asserting patents defensively. In return, they are eligible to receive royalty-free licenses from every other user's portfolio. With a broad strong network of reliably defensive patents at their disposal, DPL users gain freedom to innovate. The DPL is also designed to help limit lawsuit risks from patent trolls, as trolls are unlikely to pursue acquisition and enforcement of patents that have been legally obligated to defensive use and licensed to DPL users on a royalty-free basis. It's a way for patents to be used for good, and support innovators instead of threatening them.



Over the past year, Brianna Schofield conducted extensive research analyzing how notice and takedown procedures operate around the world, including supervising the manual coding of over 4,000 individual takedown requests through her work with the [Takedown Project](#). As part of the [Berkeley Digital Library Project](#), she and Jennifer Urban conducted a study on notice and takedown as experienced by academic libraries that will be public soon. Brianna has also shared her knowledge of copyright law with creative communities, training documentary filmmakers on takedown and teaching art students about fair use.