



BERKELEY CENTER FOR
LAW & TECHNOLOGY

2017-2018 Annual Bulletin

BerkeleyLaw
UNIVERSITY OF CALIFORNIA

BERKELEY CENTER FOR LAW & TECHNOLOGY

Established in 1995, the Berkeley Center for Law & Technology (BCLT) is the focal point at the University of California, Berkeley, School of Law for teaching, research, convening, and student activities on issues at the intersection of law and technology.

The scholarship of BCLT's faculty directors is shaping the law across a wide range of topics. Equally noteworthy is BCLT's global community of practicing attorneys, in-house counsel, judges, policymakers, and scholars, who come together at BCLT to teach, to learn, and to advance the development of legal principles central to our technological future.

Situated in the San Francisco Bay Area, BCLT capitalizes on its location:

- at the world's foremost public research university;
- surrounded by internet and biotech innovation;
- on the Pacific Rim, enhancing its global outlook.

BCLT was the first center of its kind. Now in its third decade, BCLT is continuing to grow, expanding the law school curriculum to better prepare our students for practice, convening the legal community for dialogue around vital issues, offering programs that link Berkeley Law and Bay Area startups, and broadening the school's international relationships.

A Scope as Wide as the Internet.....	4
Curriculum.....	5
Events.....	6
Faculty.....	10
Students.....	18
Partnerships.....	22
Sponsors.....	25
Staff.....	26

The background of the entire page is a close-up, slightly angled view of a wall. The wall is covered in numerous three-dimensional, metallic-looking letters and numbers. These characters are of various sizes and are attached to the wall with small screws or bolts. The lighting creates strong shadows, giving the characters a sense of depth and texture. The overall color palette is a mix of grays, blues, and metallic tones.

Our Mission

The mission of the Berkeley Center for Law & Technology is to foster the beneficial and ethical advancement of technology by guiding the development of intellectual property law, information privacy law, and related areas of law and public policy as they interact with business, science, and technical innovation.

“Teaching, scholarship, convening, and student activities – these are the core functions of BCLT. Through a uniquely rich catalogue of courses, we train tomorrow’s leaders in technology law. We support our faculty directors’ groundbreaking research and writing. With our ever-expanding community of practitioners and scholars, we convene yearly a series of must-attend conferences. We support a host of student-led activities. In Europe and Asia, we are expanding our international engagement. Our Startup@BerkeleyLaw initiative focuses on legal issues crucial to the start-up ecosystem of the Bay Area. For all these reasons, Berkeley is the place to come for a law and technology education.”

—Jim Dempsey, BCLT Executive Director

A Scope as Wide as the Internet

Starting with a focus on intellectual property, BCLT has expanded over the years to develop an equally deep expertise on privacy. Our activities now encompass the full range of technology law, including cybercrime and cybersecurity, biotech, entertainment law, telecommunications regulation, and many other areas of constitutional, regulatory, and business law related to innovation and the internet.

Intellectual Property

Over the years, BCLT’s pioneering intellectual property program has provided not only an unmatched classroom education for our students but also a multitude of conferences and other events where scholars, practitioners, and policymakers meet to consider the complex and dynamic issues arising in the field of intellectual property.

Privacy and Cybersecurity

The Berkeley Law faculty includes leading privacy experts with concentrations spanning comparative privacy law, consumer privacy, cybercrime, and the law of government surveillance. In addition to teaching, research, and writing, BCLT faculty directors advise corporations and non-profits, testify at legislative hearings, and serve on government commissions and task forces.

Digital Entertainment

BCLT is exploring the challenges raised as sports and entertainment law responds to the digital revolution. Conferences and networking opportunities as well as innovative courses such as seminars on music law and video game law provide students an introduction to this diverse and rapidly changing field.

A Global Perspective

In today’s interconnected world, technology law issues are global in scope. Recognizing this, BCLT collaborates with scholars, lawyers, and public officials around the world to share perspectives and confront emerging issues. BCLT has strong working relationships with Tel Aviv University, Israel; Renmin University, Beijing; Peking University, Beijing; and the Institute for Information Law, University of Amsterdam.

Curriculum

Berkeley Law offers a remarkably rich curriculum on technology issues: over 20 courses a year, ranging from the intellectual property survey class to the intensive learning experience provided by the Samuelson Law, Technology & Public Policy Clinic to advanced courses and seminars on patent prosecution, antitrust, privacy, cybercrime, entrepreneurship, telecoms, the law affecting the entertainment industry — even a course on wine law.

Annually, BCLT faculty directors reassess the curriculum to ensure that it covers emerging topics that our students will encounter in practice. Recent additions to our course catalogue include:

Patent Litigation II

While Patent Litigation I focuses on district courts, this course focuses on proceedings before the Patent Trial and Appeal Board.

Privacy Litigation

Leading practitioners, one from the plaintiff side and one from the defense, co-teach this course, which takes students through the trajectory of a privacy class action lawsuit, from complaint drafting to settlement negotiations.

Technology for Lawyers

A one-credit course explaining foundational technologies that every lawyer should understand.

Negotiating Hollywood Contracts

Linda Lichter, who has negotiated deals for Hollywood's most successful filmmakers, introduces Berkeley students to the legal and business issues surrounding the negotiation of entertainment agreements.

IP and Social Justice

This seminar explores the ramifications of intellectual property law for public health, freedom of expression, income inequality, group identity, and other social justice concerns.



Law & Technology Certificate

The Law & Technology Certificate recognizes a student's sustained commitment to technology law through successful completion of a prescribed number of tech-related courses plus participation in a student-led activity. The curricular requirements emphasize depth and breadth while affording students flexibility in adapting their course of study to a range of career paths.

Events

Through its conferences, symposia, judicial education programs, and other convenings, BCLT provides a forum where academics from throughout UC Berkeley and beyond, law students, policymakers, judges, practitioners, entrepreneurs, and technology experts can exchange ideas and advance their understanding of complex and rapidly changing areas of the law.

The breadth of topics covered by these events reflects the scope of BCLT. Audio, photos, presentations, and other resources from BCLT events are online: law.berkeley.edu/research/bclt/past-events/



Intellectual Property

16th Annual Intellectual Property Scholars Conference (IPSC)

August 11-12, 2016

Stanford University, Palo Alto, CA

BCLT co-sponsored the 2016 IPSC, a full two-day program in which IP scholars from across the country came together to present and discuss a wide range of in-progress works. In 2018, IPSC returns to Berkeley.

ChiPs Women in Tech, Law and Policy Global Summit

September 14-16, 2016

Washington, DC

BCLT co-sponsored the ChiPs 2016 Summit, bringing together hundreds of women from corporations, academia, law firms, the judiciary, government agencies, and public interest organizations to share experiences and ideas and to work together to advance women in IP, technology, and policy.

Patent Damages Workshop

October 11, 2016

Berkeley, CA

This full day workshop convened law professors and academic economists, judges, patent litigators, testifying experts, and in-house counsel to clarify areas of consensus and disagreement regarding one of the most contentious issues in patent law and policy: the determination of damages.

Life Sciences IP Summit

November 3, 2016

Redwood City, CA

BCLT co-sponsored this conference, led by Fish & Richardson, which explored issues of critical importance to the pharmaceutical, biotechnology, and life sciences fields. Topics included patent prosecution and strategic considerations in asserting or challenging patents in the biologics and biosimilars space.

5th Annual US-China IP Conference — Intellectual Property and Economic Transformation

November 14-15, 2016

Shenzhen, China

Co-hosted by Loyola Law School, Los Angeles, Renmin University, Beijing, and BCLT, this conference brought together senior policymakers, academics and practitioners from China and the U.S. In addition to a wide range of intellectual property issues, the 2016 session examined privacy and cybersecurity.

8th Annual Patent Law and Policy Conference

December 1-2, 2016

Washington, DC

BCLT and Georgetown University Law Center collaborate to present this unique program, which focuses on the role of the courts, with experts from law firms, corporations, the academy, government, and, most especially, the judiciary.

17th Annual Berkeley-Stanford Advanced Patent Law Institute: Silicon Valley (APLI:SV)

December 8-9, 2016

Palo Alto, CA

Co-organized by BCLT and Stanford Law School, the APLI presents a roster of judges, academics, litigators, patent prosecutors, and senior IP counsel from major corporations offering a results-oriented, in-depth look at the latest developments in patent law and practice.

Copyright Small Claims Workshop

February 3, 2017

Berkeley, CA

Key scholars convened to discuss issues raised by proposals to create an alternative mechanism for small or independent copyright holders to seek redress for infringement.

Patent Law Reform

March 1, 2017

Palo Alto, CA

BCLT and Simpson Thacher co-sponsored this forum, which explored the likelihood and possible direction of patent litigation reform, including the implications of the FTC study on patent assertion entities.

Patentable Subject Matter Workshop

March 17, 2017

Berkeley, CA

BCLT convened patent scholars, practitioners, in-house counsel, and congressional staffers for a day-long exploration of the patent eligibility dilemma and possible legislative solutions.

21st Annual BCLT/BTLJ Symposium — Platform Law: Public and Private Regulation of Online Platforms

April 20-21, 2017

Berkeley, CA

This two-day symposium brought together scholars in law, computer science, economics, and political science with regulators, practitioners, corporate representatives and public interest advocates to consider what is the right mix of government and corporate policy for online platforms.

Privacy and Cybersecurity

9th Annual BCLT Privacy Lecture: Dean Robert Post, "Google Spain & the Right to be Forgotten"

October 6, 2016

Berkeley, CA

Through a close examination of the decision that established the right to be forgotten under European law, Yale Law School Dean Robert Post explored the different meanings of privacy and highlighted the role of internet search engines in the creation of the contemporary public sphere.

Privacy & IoT

March 1, 2017

San Francisco, CA

BCLT and Paul Hastings co-sponsored this roundtable, which considered the multiple challenges posed by the rapidly expanding Internet of Things.

FTC FinTech Forum

March 9, 2017

Berkeley, CA

BCLT hosted this Federal Trade Commission public forum, which focused on the consumer protection implications of blockchain and artificial intelligence.

6th Annual BCLT Privacy Law Forum: Silicon Valley

March 24, 2017

Palo Alto, CA

Bridging academia and practice, this annual event combines the scholarly research of BCLT faculty directors and the pragmatic insights of leading privacy lawyers to shed light on the latest developments in privacy law.

10th Annual Privacy Law Scholars Conference (PLSC)

June 1-2, 2017

Berkeley, CA

Organized jointly by BCLT and the George Washington University Law School, PLSC has become the privacy event of the year. The 2017 conference, celebrating PLSC's tenth anniversary, assembled a wide array of privacy law scholars and practitioners from around the world to discuss current issues ranging from the Fourth Amendment to algorithmic accountability.



A Global Perspective

Tech Talk: Critical Legal Updates for the Global Tech Company

September 29, 2016

Santa Clara, CA

BCLT co-sponsored this event with Baker & McKenzie, which examined a range of technology law issues from a global perspective. BCLT Executive Director Jim Dempsey gave the keynote, on the development of cybersecurity law in the U.S.

5th Annual US-China IP Conference — Intellectual Property and Economic Transformation

November 14-15, 2016

Shenzhen, China

Co-hosted by Loyola Law School, Los Angeles, Renmin University, Beijing, and BCLT, this conference brought together senior policymakers, academics and practitioners from China and the U.S. In addition to a wide range of intellectual property issues, the 2016 session examined privacy and cybersecurity.

Judicial Education

Federal Judicial Center Conference, Intellectual Property

May 16-19, 2017

Berkeley, CA

Berkeley Law has a long and productive relationship with the Federal Judicial Center (FJC). Since 1998, Professor Peter Menell and BCLT have organized with the FJC an annual intellectual property program for the federal judiciary. More than 700 judges have attended these one-week training sessions, which include lectures by leading scholars and practitioners, panels, and mock hearings.

Professor Menell has also organized for the FJC advanced programs on patent law, copyright law, trademark law, Internet law, and the interplay of IP and bankruptcy law, and he has made numerous presentations on intellectual property for circuit court and district court conferences. Professor Menell has also coordinated production of the Patent Case Management Judicial Guide. Now in its 3rd Edition, with chapters authored by Professor Menell and a team of leading practitioners, the guide is an authoritative resource for both judges and practitioners.

Digital Entertainment

10th Annual Conference on Legal Frontiers in Digital Media

May 18-19, 2017

Mountain View, CA

In partnership with the Media Law Resource Center, BCLT co-hosted the 10th annual iteration of this conference, exploring emerging legal issues surrounding digital content in today's multiplatform world.



Faculty



BCLT is led by fourteen faculty directors. The range and depth of their scholarship and their skill as instructors make Berkeley's the most sophisticated academic program in law and technology in the world.

BCLT faculty directors also play an influential role beyond the academic setting, participating in public policy debates, testifying before legislatures, serving on advisory boards, and submitting amicus briefs in major cases before the Supreme Court.

In 2017, BCLT added two new faculty directors, bringing our total to fourteen, reflecting the centrality of the law and technology curriculum at Berkeley.



Catherine Fisk

labor law, employment law, intellectual property in the employment context, labor issues in entertainment law, the legal profession

Catherine Fisk joined the Berkeley Law faculty in 2017 as the Barbara Nachtrieb Armstrong Professor of Law. She teaches courses on the law of work, and also on the legal profession and freedom of speech and association. She writes in the fields of labor and employment, employee-generated intellectual property, sociolegal history, and the legal profession. Professor Fisk has written several major works on employer-employee disputes over intellectual property, including *Working Knowledge: Employee Innovation and the Rise of Corporate Intellectual Property, 1800-1930* (UNC Press 2009), which won prizes from the American Historical Association and the American Society for Legal History. Her current research projects include

a book on labor protest in the mid-twentieth century, and works on video game writers and on governance of worker centers and labor unions.

Recent Publications

Hollywood Writers and the Gig Economy, University of Chicago Legal Forum (2017, forthcoming)

The Writer's Share (The Donahue Lecture), Suffolk University Law Review (2017, forthcoming)

Intellectual Property History as Labor History, in *Intellectual Property in Context: Toward a Law and Society Perspective* (2017)

Writing for Hire: Unions, Hollywood, and Madison Avenue (Harvard University Press 2016)

Non-Proprietary Autonomy and Contemporary Television Writing, *Television & New Media* (2016) (with Michael Szalay)

Will Work for Screen Credit: Labour and the Law in Hollywood, Chapter 9 in *Hollywood and the Law* (P McDonald, E Carman, E Hoyt, and P Drake, eds.) (BFI/Palgrave, 2015)



Andrea Roth

evidence, criminal law, forensics, science and criminal justice

Andrea Roth is Assistant Professor of Law. She joined the Boalt faculty in 2011 after a tenure as a Thomas Grey Fellow at Stanford Law School. Before Stanford, she worked for over eight years as a trial and appellate attorney at the Public Defender Service for the District of Columbia (PDS). At PDS she was a founding member of a Forensic Practice Group, which studied and litigated forensic DNA typing. She has lectured nationally on forensic science-related issues. She is also a member of the Constitution Project's National Committee on DNA Collection and is an affiliate of the National Institute of Standards and Technology's Organization of Scientific Area Committees (OSAC) for forensic science. Her research focuses on the use of forensic science

in criminal trials, the continuing viability of the lay jury, and the ways in which concepts of criminal procedure and evidentiary law must be re-theorized in an era of science-based prosecutions.

Twitter: @andrealroth

Recent Publications

Machine Testimony, 126 Yale Law Journal 1972 (2017)

Trial by Machine, 104 Georgetown Law Journal 1245 (2016)

The Uneasy Case for Marijuana as Chemical Impairment Under a Science-Based Jurisprudence of Dangerousness, 103 California Law Review 841 (2015)



Kenneth A. Bamberger

**administrative law, technology and governance,
information privacy and security, the first amendment**

Kenneth Bamberger is the Rosalinde and Arthur Gilbert Foundation Professor of Law at Berkeley Law. He is an expert on government regulation and corporate compliance, especially with regard to issues of technology, free expression, and information privacy. In 2016, he and Professor Deirdre Mulligan were awarded the Privacy Leadership Award by the International Association of Privacy Professionals for their comparative study of privacy regimes and corporate privacy practices, *Privacy on the Ground: Driving Corporate Behavior in the United States and Europe*. His current work focuses on the governance of technology design to protect public values, the ways that digital platforms affect markets and consumers, and the meaning of cybersecurity.

Recent Publications

The Coming Design Wars: Rules of Engagement for Governance by Design, 106 *California Law Review* (forthcoming 2018) (with Deirdre K. Mulligan)

Platform Market Power, 32 *Berkeley Technology Law Journal* (forthcoming 2017) (with Orly Lobel)

Public Values, Private Infrastructure and the Internet of Things: The Case of Automobiles, 9 *Journal of Law and Economic Regulation* 7 (2016) (with Deirdre K. Mulligan)

Privacy on the Ground: Driving Corporate Behavior in the United States and Europe (MIT Press 2015) (with Deirdre K. Mulligan)



Catherine Crump

free speech, privacy, technology and law enforcement

Catherine Crump is Director of the Samuelson Law, Technology & Public Policy Clinic and Assistant Clinical Professor of Law. Her work focuses on the application of First and Fourth Amendment principles to government use of new technologies, in particular to government surveillance. She has litigated cases in state and federal court and testified before state legislatures, Congress, and the European Parliament. Recent projects include a focus on street-level policing, including deployment of police body-worn cameras and the use of GPS tracking on youth in the juvenile justice system. Twitter: @CatherineNCrump

Recent Publications

No Tape, No Testimony: How Courts Can Ensure the Responsible Use of Body Cameras (ACLU Fdn. of Mass. and the Samuelson Law, Technology and Public Policy Clinic 2016)

Surveillance Policy Making by Procurement, 90 *Washington University Law Review* 1595 (2016)



Chris Jay Hoofnagle

cybersecurity, privacy, computer crime, consumer protection

Chris Hoofnagle teaches about the regulation of technology. He has written extensively in the fields of information privacy, the law of unfair and deceptive practices, consumer law, and identity theft. Professor Hoofnagle is co-founder of the Privacy Law Scholars Conference.

Twitter: @hoofnagle

Recent Publications

What We Buy When We "Buy Now," 165 *University of Pennsylvania Law Review* 315 (2017) (with Aaron Perzanowski)

EdTech: Promise and Peril, *TLPC: Privacy and Education in a Social Environment* (June 10, 2016)

Federal Trade Commission Privacy Law and Policy (Cambridge University Press 2016)

The Price of "Free:" Accounting for the Cost of the Internet's Most Popular Price, 61 *UCLA Law Review* 606 (2014) (with Jan Whittington)



Sonia Katyal

intellectual property, civil rights, technology

Sonia Katyal is Chancellor's Professor of Law. Her scholarly work focuses on intellectual property, civil rights (including gender, race and sexuality), property theory, and entrepreneurship. Her current projects consider the intersection between technology, internet access and civil/human rights, including the right to information; the intersection between trade secrets and algorithmic discrimination; and the role of platforms in reforming current approaches to trademark law. Professor Katyal is the co-author of *Property Outlaws* (Yale University Press, 2010) (with Eduardo Peñalver), which studies the intersection between civil disobedience and innovation in property and intellectual property frameworks. In 2008, she was awarded a grant from

the Warhol Foundation for her forthcoming book, *Contrabrand*, which examines the relationship between art, advertising, and trademark and copyright law. In March of 2016, Professor Katyal was selected by U.S. Commerce Secretary Penny Pritzker to be part of the inaugural U.S. Commerce Department's Digital Economy Board of Advisors.

Recent Publications

The Numerus Clausus of Sex, *University of Chicago Law Review* (forthcoming)

Technoheritage, *California Law Review* (forthcoming)

Algorithmic Civil Rights, *Iowa Law Review* (forthcoming)

Platform Architecture and Entrepreneurship in a Branded Era, *Berkeley Technology Law Journal* (forthcoming)



Peter Menell

intellectual property, computer law, entertainment law, property law, environmental law

Peter Menell is Koret Professor of Law. Reflecting his training in economics and law, Professor Menell's research focuses principally on the role and design of intellectual property law with particular emphasis on the digital technology and content industries. His current projects explore the scope of patentable subject matter, copyright protection for application program interfaces, and the interplay of intellectual property and social justice. In 2016, he founded Clause 8 Publishing, which seeks to promote the creation and dissemination of educational resources at fair prices.

Recent Publications

Rise of the API Copyright Dead?: An Updated Epitaph for Copyright Protection of Network and Functional Features of Computer Software, *Harvard Journal of Law & Technology Special Issue: Software Interface Copyright* (forthcoming 2017-18)

Intellectual Property in the New Technological Age: Vols. I & II (Clause 8 Publishing, 8th ed. 2017) (with Mark Lemley and Robert Merges)

API Copyrightability Bleak House: Unraveling and Repairing the Oracle v. Google Jurisdictional Mess, 31 *Berkeley Technology Law Journal* (2017)

Tailoring a Public Policy Exception to Trade Secret Protection, 105 *California Law Review* 92 (2017)

Final Report of the BCLT Patent Damages Workshop, *Texas Intellectual Property L. J.* (2017) (with Stuart Graham, Carl Shapiro, and Timothy Simcoe)

Patent Case Management Judicial Guide (FJC, 3rd ed. 2016) (with L. Pasahow, M. Powers, J. Pooley, S. Carlson, J. Homrig, G. Pappas, C. Chang, C. Mayer, and M. Peters)

Property, Intellectual Property, and Social Justice: Mapping the Next Frontier, *Brigham-Kanner Property Rights Conference Journal* 147 (2016)

Adapting Copyright Law for the Mashup Generation, 164 *University of Pennsylvania Law Review* 441 (2016)



Robert P. Merges

patents, intellectual property, economics, technology markets & valuation

Robert Merges is Wilson Sonsini Goodrich & Rosati Professor of Law and chair of the LLM and JSD Program Committee. He is the author of *Justifying Intellectual Property*, published by Harvard University Press in 2011. A comprehensive statement of mature views on the ethical and economic foundations of IP law, the book reviews foundational philosophical theories of property and contemporary theories about distributive justice and applies them to IP; identifies operational high-level principles of IP law; and, with all this as background, works through several pressing problems facing IP law today. Professor Merges is co-author of two leading casebooks, on intellectual property and on patent law.

Recent Publications

Measuring the Costs and Benefits of Patent Pools, 77 *Ohio State Law Journal* (forthcoming 2017) (with Michael Mattioli)

What Kind of Rights Are Intellectual Property Rights, in *Oxford Handbook of IP Law* (R. Dreyfuss and J. Pila, eds.) (forthcoming 2017)

Copyright and Distributive Justice, 92 *Notre Dame Law Review* 513 (2017) (with Justin Hughes)

Against Utilitarian Fundamentalism, 90 *St. John's Law Review* 681 (2017)

Philosophical Foundations of IP Law: The Law and Economics Paradigm, in the *Research Handbook on the Economics of IP Law, Vol. I - Theory* (P. Menell, B. Depoorter, and D. Schwartz, eds.) (forthcoming 2017)

Intellectual Property in the New Technological Age: Vols. I & II (Clause 8 Publishing, 8th ed. 2017) (with Peter Menell and Mark Lemley)

A Few Kind Words for Absolute Liability in Patent Law, 31 *Berkeley Technology Law Journal* 1 (2016)



Deirdre K. Mulligan

privacy, cybersecurity, technology and governance, values in design

Deirdre K. Mulligan is an Associate Professor in the School of Information and the School of Law (by courtesy). Her research explores legal and technical means of protecting values such as privacy, freedom of expression, and fairness in emerging technical systems. With Kenneth Bamberger, she received the 2016 International Association of Privacy Professionals Leadership Award for their book, *Privacy on the Ground: Driving Corporate Behavior in the United States and Europe* (MIT Press 2015), a study of privacy practices in large corporations in five countries. She is Chair of the Board of Directors of the Center for Democracy & Technology; a founding board member of the Partnership for AI; and a founding member of the Global Network Initiative, a multi-stakeholder initiative

to protect and advance freedom of expression and privacy in the ICT sector. She is currently serving a three-year term on the City of Oakland's Privacy Advisory Commission.

Recent Publications

The Coming Design Wars: Rules of Engagement for Governance by Design, *California Law Review* (forthcoming 2018) (with Kenneth A. Bamberger)

Privacy is an essentially contested concept: a multi-dimensional analytic for mapping privacy, *Philosophical Transactions of the Royal Society. A* 374.2083 (2016): 20160118 (with Colin Koopman and Nick Doty)

Designing Commercial Therapeutic Robots for Privacy Preserving Systems and Ethical Research Practices Within the Home, *International Journal of Social Robotics* (2016) (with Elaine Sedenberg and John Chuang)

Public Values, Private Infrastructure and the Internet of Things: The Case of Automobiles, *Journal of Law & Economic Regulation*, Vol. 9. No. 1 (2016) (with Kenneth A. Bamberger)



Tejas N. Narechania

intellectual property, patents, telecommunications regulation, administrative law, federal courts

Tejas N. Narechania is an Assistant Professor of Law. He focuses on matters related to telecommunications regulation and intellectual property. Before joining Berkeley Law, Professor Narechania clerked for Justice Stephen G. Breyer of the Supreme Court of the United States (2015-2016) and for Judge Diane P. Wood of the U.S. Court of Appeals for the Seventh Circuit (2011-2012). He has advised the Federal Communications Commission on network neutrality matters, where he served as Special Counsel (2012-2013). Professor Narechania's research has appeared in the *Georgetown Law Journal*, the *University of Pennsylvania Law Review*, and the *Stanford Law Review Online*, and his work has been cited or discussed in various media outlets, including the *New York*

Times and the *Washington Post*.

Twitter: @tnarecha

Recent Publications

Patent Conflicts, 103 *Georgetown Law Journal* 1483 (2015)

Judicial Priorities, 163 *University of Pennsylvania Law Review* 1719 (2015) (with Bert I. Huang)

Federal and State Authority for Broadband Regulation, 18 *Stanford Technology Law Review* 456 (2015)

Sender Side Transmission Rules for the Internet, 66 *Federal Communications Law Journal* 467 (2014) (with Tim Wu)



Pamela Samuelson

copyright, patent, internet and digital media, cyberlaw

Pamela Samuelson is Richard M. Sherman Distinguished Professor of Law and Information. Much of her recent work has focused on updating and adapting U.S. copyright law to meet challenges of the digital age. She has written amicus curiae briefs as well as law review and other articles on major software IP cases such as Oracle v. Google. Other recent work has focused on improving public access to mass digitized copies of in-copyright works. Professor Samuelson is President and Chair of the Board of Authors Alliance, a nonprofit organization that represents the interests of authors who want their works to be widely available for the public good. She is vice chair of the Board of Directors of the Electronic Frontier Foundation and a member of the ACM Council, as well as a Contributing

Editor to Communications of the ACM, a computing professionals society. Twitter: @PamelaSamuelson

Recent Publications

Functionality and Expression in Computer Programs, 31 Berkeley Technology Law Journal (forthcoming 2017)

Strategies for Discerning the Boundaries of Copyright and Patent Protections, 92 Notre Dame Law Review 1493 (2017)

Reconceptualizing Copyright's Merger Doctrine, 63 Journal of the Copyright Society 417 (2016)

Functional Compilations, 54 Houston Law Review 321 (2016)

Notice Failures Arising from Copyright's Duration Rules, 96 Boston University Law Review 667 (2016)

Freedom to Tinker, 17 Theoretical Inquiries in Law 563 (2016)



Paul M. Schwartz

privacy, data security, international data protection law, cyberlaw, intellectual property

Paul Schwartz is Jefferson E. Peyser Professor of Law. His scholarship focuses on how the law has sought to regulate and shape information technology. His most frequent areas of publication concern information privacy and data security. At present, Professor Schwartz is engaged in research into comparative privacy developments in the U.S. and the European Union, cloud computing, and the interplay between state and federal privacy law. Twitter: @paulmschwartz

Recent Publications

Privacy Law Fundamentals (IAPP 2017) (with Daniel J. Solove)

Structuring Transatlantic Data Privacy Law, 106 Georgetown Law Journal (forthcoming 2017) (with Karl-Nikolaus Peifer)

Systematic Government Access to Private-Sector Data in Germany, in Bulk Collection (Fred H. Cate & James X. Dempsey, eds. Oxford University Press 2017)

Microsoft Ireland and a Level Playing Field for U.S. Cloud Companies, 15 PVLR 1549 (Aug. 1, 2016)

The Value of Privacy Federalism, in Social Dimensions of Privacy: Interdisciplinary Perspectives (Beate Roessler & Dorota Mokorsinska, eds. 2015)

Reconciling Personal Information in the U.S. and EU, 102 California Law Review 877 (2014) (with Daniel J. Solove)



Jennifer M. Urban

intellectual property, privacy, copyright, information law, licensing, artists' rights, patents

Jennifer Urban is Clinical Professor of Law and director of the Samuelson Law, Technology & Public Policy Clinic. Her work considers how the legal, private-ordering, and social systems that govern technology interact with values such as free expression, access to knowledge, freedom to create or innovate, and privacy. With Joe Karaganis, Professor Urban conceived and directs The Takedown Project, a consortium of scholars studying takedown regimes around the world. www.takedownproject.org. Recent research includes a three-part empirical study, with Karaganis and Brianna L. Schofield, of the DMCA notice-and-takedown system. The studies reveal notice-and-takedown's importance to copyright holders, online service providers, and the online ecosystem, along with

some weaknesses. Professor Urban's paper with Mark Lemley shows that judges with more experience handling patent cases are more likely to rule for defendants. Her work with Chris Hoofnagle empirically questions longstanding research used to support the dominant "notice and choice" regime in privacy regulations.

Recent Publications

Takedown and Today's Academic Library, *I/S: A Journal of Law and Policy for the Information Society* (forthcoming) (with Brianna L. Schofield)

Notice and Takedown in Everyday Practice (2016) (with Joe Karaganis and Brianna L. Schofield)

Alan Westin's Privacy Homo Economicus, 49 Wake Forest Law Review 261 (2014) (with Chris Jay Hoofnagle)

Does Familiarity Breed Contempt Among Judges Deciding Patent Cases? 66 Stanford Law Review 1121 (2014) (with Mark A. Lemley)



Molly S. Van Houweling

copyright, digital media, intellectual property, technology law

Molly Van Houweling is Professor of Law and Associate Dean for J.D. Curriculum and Teaching. Her teaching portfolio includes intellectual property, basic property law, and food law and policy (touching on agricultural innovation and patent policy, among other topics). Much of Professor Van Houweling's research focuses on copyright law's implications for new information technologies (and vice versa). She often explores this and other intellectual property issues using theoretical and doctrinal tools borrowed from the law of tangible property. Professor Van Houweling is an Associate Reporter on the American Law Institute's Restatement of the Law, Copyright, and an Adviser to the Restatement of the Law Fourth, Property. She is a member of the Board of

Directors of Authors Alliance and Chair of the Board of Creative Commons.

Recent Publications

Disciplining the Dead Hand of Copyright: Durational Limits on Remote Control Property, 30 Harvard Journal of Law & Technology 53 (2017)

Authors Versus Owners, 54 Houston Law Review 371 (2016)

Exhaustion and the Limits of Remote-Control Property, 93 Denver Law Review 951 (2016)

Students



Berkeley Law attracts the very best students and offers them the most comprehensive instructional program available anywhere in law and technology. BCLT extends beyond the classroom, supporting extra-curricular groups that provide students a wide range of opportunities to enrich their law school experience.

The unmatched experience of Berkeley Law makes its students sought-after hiring prospects by top law firms, judges, government agencies, and other organizations. BCLT works closely with the law school's Career Development Office to present a series of career fairs and informal networking events where students can meet potential employers and learn about areas of practice.

Student Events

For students interested in law and technology, BCLT provides a wealth of information, guidance, and support, from their first days on campus to graduation and beyond.

BCLT/BTLJ Law & Tech Speaker Series

Every Tuesday and Thursday when classes are in session, BCLT and BTLJ bring to the school for a lunchtime talk prominent practitioners who share with students their real-world experience and practical legal knowledge on a wide variety of law and technology-related topics.

Law & Technology Program Orientation

Early in the fall semester, BCLT welcomes incoming students with information on the law and technology program as well as related extracurricular opportunities at the law school.

Fall Reception

BCLT hosts an annual fall networking mixer for law students and lawyers from top law firms in the Bay Area.

Spring Career Fair

BCLT introduces representatives from leading law firms to law students interested in technology law.

Summer Mixer

BCLT brings together Berkeley Law students with summer jobs in the Bay Area and lawyers from top law firms for a summer networking opportunity.

Summer LL.M. Events

Each summer, BCLT presents several events specifically designed for the extraordinary participants in the Berkeley summer LL.M. program.



Student Groups

BCLT provides administrative and financial support to eleven student groups. These groups concentrate on specific legal skills or areas of the law, allowing students to supplement their classroom education. BCLT also provides funding to the Moot Court program at Berkeley for its technology law competitions.

BERC@Boalt

BERC@Boalt is the law school branch of the Berkeley Energy & Resources Collaborative, a student-led organization that aims to connect and educate all those in the UC Berkeley community interested in energy and resources issues. BERC@Boalt helps to inform law students about legal developments and career opportunities in the fields of energy, climate, and clean technologies. It does this through the continuing expansion of an alumni and professional network, the promotion of events, and the publication of a Career Guide for Energy, Climate and CleanTech Law.

Berkeley Information Privacy Law Association

The Berkeley Information Privacy Law Association (BIPLA) serves as a forum for students, faculty and others interested in the various facets of information privacy law. The

Association organizes roundtables, talks, and other events. It aims to develop a strong network of people committed to overcoming privacy challenges posed by the digital world.

Berkeley Technology Law Journal

The Berkeley Technology Law Journal (BTJ) is a student-run publication that covers emerging issues in the areas of intellectual property, privacy and cyberlaw. Since 1986, BTJ has kept judges, policymakers, practitioners, and the academic community abreast of the dynamic field of technology law. The Journal's membership of approximately 150 students publishes three issues of scholarly work each year, plus the Annual Review of Law and Technology. The Annual Review is a distinctive issue of the Journal published in collaboration with BCLT and is comprised entirely of student-written pieces discussing the most important IP and technology law developments of the past year. BTJ



co-hosts the Annual BCLT/BTLJ Symposium and publishes a symposium issue, featuring articles by presenters at the conference. BTLJ also co-sponsors BCLT's twice weekly law and technology speakers series.

boalt.org

boalt.org is Berkeley Law's public interest and technology group. It meets regularly to network, share resources and ideas, build community, and discuss trends in law and technology. It works with the Boalt community and with other campus initiatives to promote wider understanding of the innovations occurring in legal technology.

Boalt Hall Space Law Society

Bolding going where no Berkeley Law student organization has gone before, the Boalt Hall Space Law Society provides a venue for students to explore issues in the law and policy of outer space, including rapidly emerging issues of commercial space flight and exploitation.

Boalt Healthcare and Biotech Law Society

Members of the Boalt Healthcare and Biotech Law Society (BHBS) examine emerging issues at the intersection of law, society, policy, and science. Their mission is to stimulate the intellectual and professional development of Boalt students interested in health/biotech issues. BHBS organizes networking events with practitioners, promotes health and

biotech courses at the law school, and increases interaction between the law school and other healthcare and biotech-related institutions at UC Berkeley and beyond.

Consumer Advocacy and Protection Society

The Consumer Advocacy and Protection Society (CAPS) is dedicated to promoting consumer protection law at Berkeley. Its mission is to connect students interested in consumer protection issues, organize and host consumer-related events, network with the greater consumer law community, and promote the availability of courses and clinical opportunities related to consumer protection law. Its listserv delivers information about consumer protection jobs and major developments in consumer law.

Patent Law Society

The Patent Law Society (PLS) provides a forum for students interested in practicing patent law to discuss and debate the latest developments in this specialty and to interact, network and exchange ideas with others interested in the field. The group invites patent law practitioners to the school to share their experiences with students.

Sports and Entertainment Law Society

The mission of the Sports and Entertainment Law Society (SELS) is to educate the Berkeley Law community about legal opportunities and issues in the entertainment and sports industries. SELS creates opportunities for students to network with each other and with legal professionals in these industries. During the academic year, SELS sponsors guest lectures and social events.

Universities Allied for Essential Medicines

UAEM is a non-profit organization rooted in a global movement of university students seeking to promote access to medicines and medical innovation in low- and middle-income countries by changing norms and practices around academic patenting and licensing, with the goal of ensuring that medical research meets the needs of people worldwide.

Women in Tech Law

Through outreach, mentorship and educational resources, Women in Tech Law (WiTL) strives to recruit, support, and empower women interested in pursuing careers in technology law. WiTL aspires to expand the presence of women in technology law by providing awareness of the opportunities for women from both STEM and non-STEM backgrounds.



Partnerships



Startup@
BerkeleyLaw
UNIVERSITY OF CALIFORNIA

Through valued partnerships, BCLT expands its presence within the Law School and beyond. At the Law School, BCLT works especially closely with the Samuelson Law, Technology & Public Policy Clinic and the Berkeley Center for Law, Business, and the Economy.



With three faculty directors holding appointments at the Berkeley School of Information, and with relationships at other schools and departments at UC Berkeley, BCLT brings a cross-disciplinary perspective to many of its activities. Beyond the campus, BCLT partners with a range of other law schools and organizations to broaden and deepen its programming.

Samuelson Law, Technology & Public Policy Clinic

Founded in 2001, the Samuelson Law, Technology and Public Policy Clinic (SLTPPC) provided the first opportunity in legal academia for students to represent public interest clients in key debates and litigation at the intersection of law and technology. Today, it is the leader in a growing movement of clinics that give law students hands-on advocacy training in the areas of IP, technology, and civil liberties.

Berkeley Center for Law, Business, and the Economy

The Berkeley Center for Law, Business, and the Economy (BCLBE) is Berkeley Law's hub for rigorous, relevant, empirically based research and education on the interrelationships of law, business, and the economy. BCLBE's areas of focus include technology innovation and commercialization and financing in the tech sector. BCLT and BCLBE collaborate on events and programs exploring the continuum of legal issues crucial to innovation and the start-up ecosystem.



BCLT's Asia IP Project

Mark Cohen will be joining Berkeley Law in November 2017 to launch BCLT's new Asia IP Project, after he concludes his service as Senior Counsel and Senior Advisor to the Undersecretary of Commerce and Director of the US Patent and Trademark Office. Cohen is widely recognized as the leading expert in the US on intellectual property law in China. For over 30 years, as a law firm attorney, in-house counsel, government official, and adjunct and visiting professor of law, he has practiced, written about, and taught intellectual property and international trade law, always with a focus on Asia.



Cohen received his JD from Columbia Law School, an MA in Chinese from the University of Wisconsin, Madison, and his BA in Chinese Studies from SUNY, Albany. He has taught intellectual property law and international trade at Fordham since 2011. He is also a guest professor at Renmin University (Beijing) and Jinan University (Guangzhou). He has written and spoken extensively (in English and Mandarin) on IP issues. Cohen's work has often involved bridging differences between the US and China. He has designed and implemented a number of new approaches to engagement on Chinese IP matters, including launching the USPTO's IP Attaché program, creating a commercial rule of law dialogue with China, developing judicial exchanges with the Chinese judiciary,

teaching the first class in North America on Chinese IP law, and establishing an IPR working group between US and Chinese IP officials. These projects brought together academics, government officials, industry and legal practitioners – an approach that Cohen will continue at Berkeley.

As a Director of the BCLT Asia IP Project, Cohen will work with BCLT faculty and the BCLT Executive Director to design the Asia IP Project, enhance existing, and develop new, collaborative relationships with academic institutions and other partners in Asia, teach, research and write on IP issues and organize workshops, conferences, and other events.



Sponsors

BCLT does not receive funding from UC Berkeley or Berkeley Law.

The Center's staff and all its events and activities are supported by donations from law firms, corporations, and individuals as well as grants and cy pres awards. Our generous sponsors include:

Partners

Cooley LLP
Fenwick & West LLP

Hogan Lovells
Orrick

White & Case LLP

Benefactors

Covington & Burling LLP
Fish & Richardson P.C.
Kasowitz Benson Torres
& Friedman LLP
Kirkland & Ellis LLP
Latham & Watkins LLP
McDermott Will & Emery
Morrison & Foerster LLP
Sidley Austin LLP
Weil, Gotshal & Manges
LLP
Wilmer Cutler Pickering
Hale and Dorr LLP
Wilson, Sonsini, Goodrich
& Rosati
Winston & Strawn LLP

Members

Baker & McKenzie LLP
Baker Botts LLP
Desmarais LLP
Durie Tangri LLP
Finnegan, Henderson,
Farabow, Garrett, Dunner,
LLP
GTC Law Group LLP &
Affiliates
Haynes and Boone, LLP
Irell & Manella LLP
Keker, Van Nest & Peters LLP
Kilpatrick Townsend &
Stockton LLP
Knobbe Martens Olson &
Bear LLP
Paul Hastings LLP
Ropes & Gray LLP
Simpson Thacher & Bartlett
LLP
Turner Boyd LLP
Van Pelt, Yi & James LLP
Weaver Austin Villeneuve &
Sampson LLP

Corporate, Government and Foundation Supporters

Bloomberg Law
Finjan Cybersecurity
Future of Privacy Forum
Google Inc.
Hewlett Foundation, through
the Center for Long-Term
Cybersecurity
Inflexion Point
Intel
Litonomics
Microsoft Corporation
Nokia
Palantir
RPX Corporation
The Walt Disney Company

Staff



Jim Dempsey

Executive Director

A leading expert on privacy, Jim Dempsey has experience as a judicial law clerk, a law firm attorney, a Capitol Hill staffer, a non-profit leader, and a Presidential appointee. Before joining BCLT, Jim spent 18 years with the Center for Democracy & Technology, serving as its executive director from 2003 to 2005 before moving to California to open CDT West. Dempsey led CDT's Global Internet Policy Initiative, which worked with government officials, industry, and human rights organizations on internet policy issues in developing and transitional countries, and he founded Digital Due Process, a diverse coalition working to update the Electronic Communications Privacy Act. From 2012 to January 2017, after Senate confirmation and appointment by the President, he served as a part-time member of the Privacy and Civil Liberties Oversight Board, an independent agency charged with advisory and oversight roles regarding the nation's counterterrorism programs.



Jann Dudley

Associate Director

Jann has extensive knowledge of the business of law practice with a special emphasis on marketing, business development, and administration, having worked for more than 20 years at leading San Francisco Bay Area law firms. In 2017, Jann joined the BCLT team. As Associate Director, Jann is responsible for sponsorship relations, short and long range planning, and managing the team of professionals that organize BCLT's ambitious agenda of events for law students, alumni, and the law and technology community.



Claire Trias

**Assistant Director,
Program Development &
Student Engagement**

Claire has over eight years of experience in higher education handling a range of responsibilities from complex administrative matters to organizing and executing major academic programs and events. Prior to joining BCLT in 2013, Claire was a research assistant at Touro University California. At BCLT, she enhances law students' educational experience by managing the Tuesday-Thursday speakers series, coordinating the Law & Technology Certificate, organizing career fairs and networking events, advising law and technology-related student groups, and coordinating the mentor program. Claire holds a BA in English with a minor in Art from Holy Names University.



Richard Fisk

**Assistant Director, Events
& Communications**

Richard joined BCLT in September 2015. Prior to that, he was Special Events Manager for the 2015 San Francisco International Film Festival. From 2011-2015, Richard was Director of Events at Central European University, a graduate institution in Budapest, Hungary. He has an extensive background in corporate project coordination, which is when he first began organizing large events. At BCLT, Richard is responsible for planning and executing the center's extensive schedule of conferences, symposiums, forums, and workshops. Richard holds an MA in Broadcast and Electronic Communication from San Francisco State.



Irys Schenker

Office Administrator

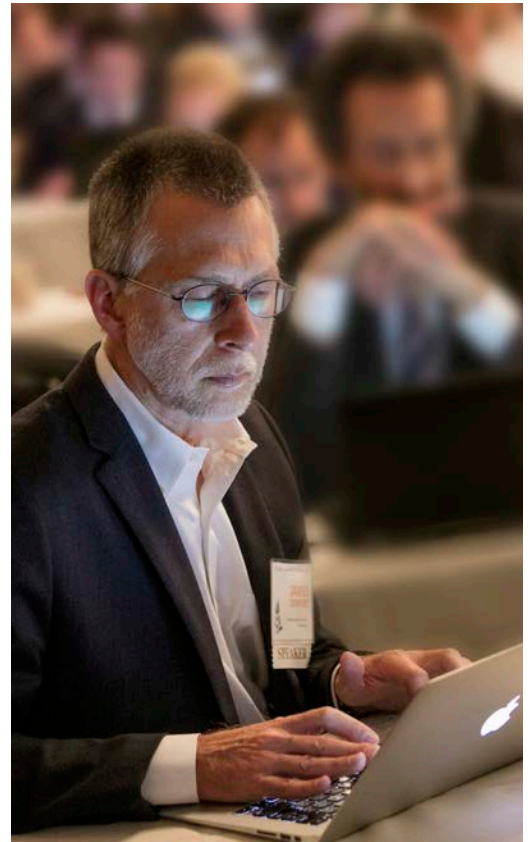
Irys joined BCLT as Office Administrator in July 2016, having worked for the previous 3 years in a similar capacity in the Middle Eastern, South Asian and African Studies Department at Columbia University. Before that, she worked in the business and legal affairs units at Lifetime Television Networks and at IFC/Sundance Channel. As Office Administrator, Irys is responsible for all BCLT reimbursements, payments, and procurements. An accomplished artist, Irys holds a BA from San Francisco State University and an MFA from The School of Visual Arts in New York City.

Fellows

Kathryn Hashimoto is the Copyright Research Fellow. While working in book publishing, she attended the University of San Francisco School of Law and received her JD in 2010. She also interned at the Electronic Frontier Foundation.

Joshua Kroll is a postdoctoral research scholar working with Professor Deirdre Mulligan on legal and ethical issues in algorithmic systems. Josh earned his BA in physics and mathematics from Harvard and his MA and PhD in computer science at Princeton. His dissertation, "Accountable Algorithms," developed into the seminal co-authored article of the same title and was published in the University of Pennsylvania Law Review. His latest article, with Devan Desai, is "Trust But Verify: A Guide to Algorithms and the Law," Harvard Journal of Law and Technology (2017). Before coming to Berkeley, Josh was a systems engineer at Cloudflare.

Graham Ravdin is the Privacy Law Fellow. He received his JD from Columbia in 2012 and his BA, in Political Science, from Macalester College in 2006. Before coming to Berkeley Law, Graham was an associate with Latham & Watkins, LLP, working on technology-related matters, and in-house counsel for a fintech start-up.



Save the dates: 2017-2018 events

US-China IP Conference

*October 13, 2017
Los Angeles, CA*

**ChIPs Women in IP
Global Summit**

*October 17-19, 2017
Washington, DC*

**Fall Reception for
Berkeley Law Students
and BCLT Sponsors**

*November 1, 2017
Berkeley, CA*

**The Role of the Courts in
Patent Law and Policy**

*November 3, 2017
Washington, DC*

**10th Annual BCLT Privacy
Lecture: Prof. Christine
Borgman**

*November 16, 2017
Berkeley, CA*

**BCLT/Patent Law Society
1L Tech Career Fair**

*December 1, 2017
Berkeley, CA*

**18th Annual Advanced
Patent Law Institute:
Silicon Valley**

*December 14-15, 2017
Mountain View, CA*

**7th Annual BCLT Privacy
Law Forum: Silicon Valley**

*March 23, 2018
Palo Alto, CA*

**22nd Annual BCLT/
BTLJ Symposium: The
Administrative Law of IP**

*April 12-13, 2018
Berkeley, CA*

**11th Annual Conference
on Legal Frontiers in
Digital Media**

*May 17-18, 2018
Mountain View, CA*

**11th Annual
Privacy Law Scholars
Conference**

*May 30-31, 2018
Washington, DC*

**18th Annual Intellectual
Property Scholars
Conference**

*August 9-10, 2018
UC Berkeley, CA*



Join the BCLT group on LinkedIn:
law.berkeley.edu/bclt/linkedin



Like the BCLT page on Facebook:
law.berkeley.edu/bclt/facebook



Follow @BerkeleyLawBCLT on Twitter:
law.berkeley.edu/bclt/twitter



Sign up for email updates by
contacting bclt@law.berkeley.edu