

ANDREW GILDEN

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Salem, OR 97301
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503-370-6599 (office)

ACADEMIC EMPLOYMENT AND CLERKSHIPS

Willamette University College of Law
Assistant Professor of Law, 2016-present
Courses: Property, Copyright, Trusts & Estates, Internet & Social Media Law

Stanford Law School
Thomas C. Grey Fellow and Lecturer in Law, 2011-2016
Courses: Social Media Law, IP Counseling, Federal Litigation, Legal Research & Writing

Hon. Marilyn Hall Patel, U.S. District Court for the Northern District of California
Law Clerk, 2010-2011

Hon. Cynthia Holcomb Hall, U.S. Court of Appeals for the Ninth Circuit
Law Clerk, 2009-2010

EDUCATION

Georgetown University Law Center
J.D., *magna cum laude*, Order of the Coif, May 2007

Brown University
A.B., *magna cum laude*, in Economics and Anthropology, with Honors, May 2004

PUBLICATIONS

Intellectual Property, OXFORD HANDBOOK OF LAW & HUMANITIES (forthcoming 2019)

Sex, Death, and Intellectual Property, 32 HARVARD J.L. & TECH. (forthcoming 2018)

IP, R.I.P., 95 WASHINGTON UNIVERSITY L. REV. 639 (2017)

Reading the Readers, 102 IOWA L. REV. ONLINE 174 (2017) (invited response essay)

Punishing Sexual Fantasy, 58 WILLIAM & MARY L. REV. 419 (2016)

Raw Materials and the Creative Process, 104 GEORGETOWN L.J. 355 (2016)

- Reviewed by Prof. Christopher Buccafusco: <http://ip.jotwell.com/unevenly-cooked-raw-materials-and-fair-use/>

- Reviewed by Prof. Brian Frye: <http://prawfsblawg.com/2015/11/gilden-on-raw-materials-and-the-creative-process.html>

Common Sense and the “Cannibal Cop,” 11 STANFORD J. C.R.-C.L. 313 (2015) (invited symposium essay with Thea Johnson)

Life, Death, Public Domain, 22 GEORGE MASON L. REV. 13 (2014)

Cyberbullying and the Innocence Narrative, 48 HARVARD C.R.-C.L. L. REV. 357 (2013) (reviewed by Prof. Janet Halley: <http://jotwell.com/a-pro-gay-teen-argument-for-pushing-the-pause-button-on-anti-bullying/>)

Copyright Essentialism and the Performativity of Remedies, 54 WILLIAM & MARY L. REV. 1123 (2013)

Fair Use for the Rich and Fabulous?, 80 U. CHICAGO L. REV. DIALOGUE 88 (2013) (with Tim Greene)

No Trolls Barred: Trademark Injunctions After eBay, 99 TRADEMARK REP. 1037 (2009) (with David Bernstein) (Cited by *Ferring Pharm., Inc. v. Watson Pharm., Inc.*, 765 F.3d 302 (3d Cir. 2014))

Toward a More Transformative Approach: The Limits of Transgender Formal Equality, 23 BERKELEY J. GENDER L. & JUST. 83 (2008)

Preserving the Seeds of Gender Fluidity: Tribal Courts and the Berdache Tradition, 13 MICHIGAN J. GENDER & L. 237 (2007)

Sexual (Re)consideration: Adult Entertainment Contracts and the Problem of Enforceability, 95 GEORGETOWN L. J. 541 (2007)

SELECTED PRESENTATIONS AND MEDIA APPEARANCES

Oxford Handbook on Law & Humanities Conference, May 2018 (Stanford Law School)
Queering IP Theory

Internet Law Works-in-Progress, March 2018 (New York Law School)
The Beyoncé Defense

Works-in-Progress in Intellectual Property, February 2018 (Case Western Reserve)
Sex, Death, and Intellectual Property

Rocky Mountain Junior Scholars Workshop, November 2017 (BYU Law School)
Sex, Death, and Intellectual Property

Pacific NW IP Scholars Conference, September 2017 (Seattle University)
Sex, Death, and Intellectual Property

Intellectual Property Scholars Conference, Aug. 2017 (Cardozo Law School)
Death, Sex, and Intellectual Property

Law and Society Association Annual Meeting, June 2017 (Mexico City)

- *Revenge Porn and the Surveillance of Intimacy*
- Invited discussant of Joseph Fischel's book, *Sex and Harm in the Age of Consent*

Vanderbilt IP Scholars Roundtable, Apr. 2017 (Nashville, TN)
IP, R.I.P.

The Art and Science of the IP Deal, Apr. 2017 (University of Washington School of Law)
Panel: Deals and the Problem of Change over Time and Context

Symposium, Berkeley Journal of Gender, Law, and Justice, March 2017 (Berkeley, CA)
Revenge Porn and the Surveillance of Intimacy

Intellectual Property Scholars Conference, Aug. 2016 (Stanford Law School)
Leveraging Death: IP Estates and Shared Mourning

Law and Society Association Annual Meeting, June 2016 (New Orleans, LA)
Punishing Sexual Fantasy

Guest blogger, Prawfsblawg.com, Dec. 2016

Invited Speaker, Whittier Law School Center for Intellectual Property, Sept. 2015
Raw Materials and the Creative Process

Intellectual Property Scholars Conference, Aug. 2015 (Chicago, IL)
Rethinking Constraint

Law and Society Association Annual Meeting, May 2015 (Seattle, WA)
Punishing Sexual Fantasy

Internet Law Works-in-Progress, March 2015 (Santa Clara University)
Punishing Sexual Fantasy

This Week in Law, March 2015
Guest for episode 297, *Copyright or Sticky Tape?*

Marketplace, Sept. 2014
Interviewed for radio segment, *Artistic Inspiration or Piracy?*

Intellectual Property Scholars Conference, Aug. 2014 (U.C. Berkeley Law School)
Raw Materials, Creative Works, and Cultural Hierarchy

Works-in-Progress in Intellectual Property, Feb. 2014 (Santa Clara Law School)
Raw Materials in Intellectual Property

Junior Scholars in Intellectual Property Workshop, Oct. 2013 (Michigan State Law School)
Life, Death, Public Domain

Intellectual Property Scholars Conference, Aug. 2013 (Cardozo Law School)
Life, Death, Public Domain

Design Patents in the Modern World Conference, Apr. 2013 (Stanford Law School)
Commentator on Dennis Crouch's *Developing a Taxonomy of Overlapping Rights*

Law, Culture and the Humanities Annual Conference, Mar. 2013 (London)
Cyberbullying and the Innocence Narrative

Intellectual Property Scholars Conference, Aug. 2012 (Stanford Law School)
Copyright Essentialism and the Performativity of Remedies

Junior Scholars in Intellectual Property Workshop, May 2012 (Michigan State Law School)
Copyright Essentialism and the Performativity of Remedies

OTHER EXPERIENCE

Debevoise & Plimpton LLP (New York)
Associate, IP/media litigation, 2007-2009; Summer Associate, 2006

Hon. Henry H. Kennedy, Jr., U.S. District Court for the District of Columbia
Judicial Intern, Spring 2006

Munger, Tolles & Olson LLP (Los Angeles)
Summer Associate, 2005

Lambda Legal Defense Fund (Los Angeles)
Legal Intern, Summer 2005

BAR ADMISSIONS

New York, 2008
U.S. District Court for the Southern District of New York, 2008