

ANDREW GILDEN
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ACADEMIC APPOINTMENTS

Georgetown University Law Center
Visiting Associate Professor of Law, Spring 2021
Courses: Property, Trademark & Unfair Competition

Willamette University College of Law
Associate Professor of Law (with tenure), Spring 2021-present
Assistant Professor of Law, 2016-2021
Courses: Property, Copyright, Trusts & Estates, Internet & Social Media Law

- 2018 Robert Misner Award for Faculty Scholarship

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

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

Patenting Pleasure (in-progress with Prof. Sarah Wasserman Rajec), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3792793

- Reviewed by Prof. Nicholson Price: <https://cyber.jotwell.com/illegal-sex-toy-patents/>

Endorsing After Death, 63 WILLIAM & MARY L. REV. (forthcoming 2022)

- Media coverage:
 - <https://www.foxnews.com/tech/dead-celebrities-elvis-marilyn-monroe-twitter-instagram-endorse>
 - <https://torrentfreak.com/rip-the-uncanny-business-of-dead-celebrity-endorsements-on-social-media/>

AI, IP, and Artistic Legacies, in POSTHUMOUS ART, LAW AND THE ART MARKET (book chapter with Taylor Hurwitz, forthcoming 2022)

The Social Afterlife, 33 HARVARD J.L. & TECH. 329 (2020)

- Reviewed by Prof. Alexander Boni-Saenz: <https://trustest.jotwell.com/legacy-control/>

Copyright's Market Gibberish, 94 WASHINGTON L. REV. 1019 (2019)

Intellectual Property's Queer Turn, OXFORD HANDBOOK OF LAW & HUMANITIES (2019)

Sex, Death, and Intellectual Property, 32 HARVARD J.L. & TECH. 67 (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)

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>

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

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

St. Johns Law School IP Colloquium, April 2021 (online), presented paper, *Endorsing After Death*

Hofstra Law School IP Colloquium, February 2021 (online), presented paper, *Endorsing After Death*

GW Law School IP Colloquium, February 2021 (online), presented paper, *Endorsing After Death*

Works-in-Progress in Intellectual Property, February 2021(online), presented paper, *Copyright and Capacity*

Georgetown University Law Center Faculty Workshop, January 2021 (online), presented paper, *Endorsing After Death*

AALS Annual Conference, January 2021 (online), presented on panel “Communicating Intellectual Property” re: copyright pedagogy

MOSAIC IP Conference, October 2020 (online), presented paper, *Posthumous Endorsements and the Business of #BLM*

University of Virginia Law School Faculty Workshop, October 2020 (online), presented paper, *Endorsing After Death*

Intellectual Property Scholars Conference, July-August 2020 (online), presented papers, *Endorsing After Death* and *Patenting Pleasure*

IP Speaker Series, February 2020 (Loyola Law School, Los Angeles, CA), invited presentation, *Sex, Death, and Intellectual Property*

IP in the Trees, February 2020 (Lewis & Clark College of Law), invited presentation, *The Social Afterlife*

Works-in-Progress in Intellectual Property Conference, February 2020 (Santa Clara Law School), presented paper, *Patenting Pleasure*

BYU IP Colloquium, November. 2019, invited presentation, *The Social Afterlife*

Intellectual Property Scholars Conference, August. 2019 (DePaul College of Law), presented paper, *Legacy Stewards*

Law and Society Association Annual Meeting, May-June 2019 (Washington, DC), presented paper, *The Penumbra of Sex Trafficking*

Family Law Scholars and Teachers Conference, May 2019 (Howard Law School), presented paper, *Legacy Stewards*

Chicago IP Colloquium, April 2019 (Loyola Law School), invited presentation, *Copyright's Market Gibberish*

Internet Law Works-in-Progress Conference, March 2019 (Santa Clara Law School), presented paper, *Legacy Stewards*

Works-in-Progress in Intellectual Property Conference, February 2019 (University of Houston), presented paper, *Legacy Stewards*

Rocky Mountain Junior Scholars Workshop, November 2018 (Univ. of Utah Law School) *Copyright's Market Gibberish*

Intellectual Property Scholars Conference, Aug. 2018 (U.C. Berkeley Law School) *Copyright's Market Gibberish*

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

Family Law Scholars and Teachers Conference, June 2018 (Cardozo Law School) *The Laws of Legacy*

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

PRIOR LEGAL EXPERIENCE

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

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