

**ANDREW GILDEN**  
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## **ACADEMIC APPOINTMENTS**

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

Willamette University College of Law  
*Assistant Professor of Law*, 2016-present  
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**

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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**

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- 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**

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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**

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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**

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