

JAMES GIBSON
Intellectual Property Institute
University of Richmond School of Law
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EMPLOYMENT

UNIVERSITY OF RICHMOND SCHOOL OF LAW, Richmond, Virginia
Associate Professor of Law, 2007 to present
Assistant Professor of Law, 2004 to 2007
Visiting Assistant Professor of Law, 2002 to 2004
University Distinguished Educator Award, 2007
Founder and Director, Intellectual Property Institute, 2005 to present

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, Virginia
Visiting Associate Professor of Law, 2007 to 2008

WILLIAMS & CONNOLLY, Washington, DC
Associate, 1999 to 2002

U.S. SENTENCING COMMISSION, Washington, DC
Attorney-Adviser, 1996 to 1998

U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT, Cleveland, Ohio
Law Clerk to Honorable Karen Nelson Moore, 1995 to 1996

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW
J.D., 1995, Order of the Coif
Editorial Board, VIRGINIA LAW REVIEW
Dillard Fellowship

YALE UNIVERSITY
B.A. *cum laude* in Political Science (international relations concentration), 1991
James Gordon Bennett Prize for best senior thesis in international relations
William Neely Mallory Prize for best male athlete in graduating class

PUBLICATIONS

Research Articles

Doctrinal Feedback and (Un)Reasonable Care, 94 VA. L. REV. 1641 (2008)

Risk Aversion and Rights Accretion in Intellectual Property Law, 116 YALE L.J. 882 (2007)

Selected by the faculty of the Berkeley Center for Law and Technology at the Boalt Hall School of Law (UC Berkeley) for inclusion in Selected Law and Technology Papers series; reprinted in the INTELLECTUAL PROPERTY L. REV. (West 2008) as one of the best intellectual property publications of 2007

Once and Future Copyright, 81 NOTRE DAME L. REV. 167 (2005)

Reprinted in the INTELLECTUAL PROPERTY L. REV. (West 2006) as one of the best intellectual property publications of 2005

Re-Reifying Data, 80 NOTRE DAME L. REV. 163 (2004)

THE U.S. SENTENCING GUIDELINES: A SURPRISING SUCCESS?, N.Y.U. Law School Ctr. for Research in Crime & Just., Occasn'l Paper in Crime & Just. (1999) (with Michael Goldsmith)

How Much Should Mind Matter? Mens Rea in Fraud and Theft Sentencing, 10 FED. SENT. REP. 136 (1997)

Other Publications

The Feedback Phenomenon, RICHMOND LAW MAGAZINE (Winter 2009)

Google's New Monopoly?, Op-Ed., WASH. POST, Nov. 3, 2008

Accidental Rights, 116 YALE L.J. POCKET PART 348 (2007)

Blackberry Blues, Op-Ed., RICHMOND TIMES-DISPATCH, Feb. 17, 2006 (with Carl Tobias)

Google's (Fair) Use of Copyrighted Work, Letter to the Editor, WASH. POST, Oct. 26, 2005

Brief of *Amici Curiae* Law Professors, Economics Professors, and Treatise Authors in Support of Petitioners, *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster Ltd.*, 545 U.S. 913 (2005)

File-Sharing Delusions, Op-Ed., PROVIDENCE JOURNAL, Dec. 21, 2004

Picked up by Scripps-Howard News Service and eventually published by a dozen papers with a total print circulation of over 1.8 million; featured in Lexis/Nexis's *Practice Area News* for intellectual property on Dec. 27, 2004

Brief by *Amici Curiae* Law Professors in Support of Issuance of Writ of Certiorari, *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster Ltd.*, petition for cert. filed, 73 U.S.L.W. 3247 (Oct. 8, 2004)

A Topic Both Timely and Timeless, 10 RICH. J.L. & TECH. 49 (2004) (introduction to journal's inaugural annual survey of electronic discovery law; written at journal's invitation)

PRESENTATIONS, PANELS, AND TESTIMONY

Featured Speaker, *Copyright, Libraries, and the University Mission*, Annual Spring Program, Virginia Chapter of the Association of College and Research Libraries, May 27, 2009 (invited)

Commentator, *The Boundaries of Copyright and Trademark/Consumer Protection Law*, Symposium on the Boundaries of Intellectual Property, William & Mary School of Law, February 6, 2009

Panelist, *Viacom v. Google: Implications for Copyright Holders and User Generated Content*, West LegalWorks Webcast, Aug. 14, 2008

Presentation, *The Law of the Horse Twelve Years After*, SEALS Conference, July 31, 2008

Moderator, *Breaking News: Hot Topics in Copyright and Trademark Law*, ABA Intellectual Property Law Section, 23rd Annual Intellectual Property Law Conference, Apr. 12, 2008

Conference Fellow, *Patent Failure: How Judges, Bureaucrats, and Lawyers Put Innovators at Risk*, University of Georgia School of Law, Mar. 29, 2008

Panelist, *Keynote Session and Panel Discussion: Campus Rights vs. Copyrights—The Entertainment Industry's Battle With Higher Education*, Chronicle of Higher Education Technology Forum, Feb. 25, 2008

Official Commentator, *The New Servitudes*, University of Chicago Law School Faculty Blog, Feb. 4-10, 2008

Presentation, *Unreasonable Care*, University of Virginia School of Law, Jan. 25, 2008

Panelist, *Panel I: The Problems*, Copyright Alliance Symposium on Copyright and the University, George Washington University, Dec. 10, 2007

Presentation, *Inadvertent Law*, Washington and Lee University School of Law, Oct. 19, 2007

Presentation, *Reasonableness*, Virginia Junior Faculty Forum, University of Richmond School of Law, Oct. 4, 2007

Presentation, *Reasonableness*, Seton Hall School of Law, Oct. 1, 2007

Presentation, *Reasonableness*, SEALS Conference, July 29, 2007

Keynote Address, *Intellectual Property and the University Mission*, ResNet 2007 Conference, University of California at San Diego, June 24, 2007

Presentation, *Copyright, Colleges, and the DMCA*, ResNet 2007 Conference, University of California at San Diego, June 23, 2007

Panelist, Response to *Utopian Visions of Copyright: Tweak, Transform, or Opt Out* (remarks of Harvard Professor Terry Fisher), Seventh Annual Symposium on Intellectual Property: Copyright Utopia—Alternative Visions, Methods and Policies, University of Maryland Center for Intellectual Property, May 22, 2007

Presentation, *What If We Used IP Rights To Impede Evil Industries?*, *What Ifs . . .* and Alternative Stories in Intellectual Property and Cyberspace Law, Michigan State University School of Law, Mar. 30, 2007

Presenter, *Risk Aversion and Rights Accretion in Intellectual Property Law*, Triangle Intellectual Property Law Association (Raleigh-Durham, NC), Feb. 19, 2007

Presentation, *Risk Aversion and Rights Accretion in Intellectual Property Law*, Eighth Annual Intellectual Property Symposium, University of Texas School of Law, Feb. 9, 2007

Presentation, *Privacy, Technology, and Privacy*, Mid-Atlantic People of Color Legal Scholarship Conference, University of Richmond School of Law, Jan. 26, 2007

Panel, *Myth & Ethics: P2P File Sharing Round III*, George Mason University, Oct. 11, 2006

Presentation, *Fair Use in the Digital Age*, Annual Meeting of Intellectual Property Section, Virginia State Bar, Oct. 5, 2006

Presentation, *Risk Aversion and Rights Accretion in Intellectual Property Law*, Stanford/Berkeley Intellectual Property Scholars Conference, Aug. 10, 2006

Panel, *Intellectual Property Protection for Sports Statistics*, Georgetown Law Center, Apr. 12, 2006

Presentation, *The Property Behind the Pictures*, Richmond Law Academic Festival, Mar. 31, 2006

Presentation, *Risk Aversion and Rights Accretion in Intellectual Property Law*, Faculty Workshop, University of Richmond School of Law, Feb. 10, 2006

Panel, *MGM Studios v. Grokster*, Annual Meeting of Intellectual Property Section, Virginia State Bar, Oct. 21, 2005

Written Commentary on the *Family Entertainment and Copyright Act of 2005*, U.S. Sentencing Commission, Aug. 2, 2005

Panel, *Technology and Ethics*, HOBY Conference, Christopher Newport University, May 13, 2005

Presentation, *The Copywrongs and Copyrights of Downloading Music*, 175th Anniversary Weekend,

University of Richmond, Apr. 2, 2005

Panel, *First Reflections on MGM Studios v. Grokster*, George Washington University Law School, Mar. 29, 2005

Moderator, *Creativity in the Information Age*, University of Richmond School of Law, Feb. 24, 2005

Presentation, *Once and Future Copyright*, Faculty Workshop, University of Richmond School of Law, Feb. 16, 2005

Presentation, *Sharing or Stealing?*, Law Over Lunch series, University of Richmond School of Law, Jan. 19, 2005

Panel, *Technology and Ethics*, HOBY Conference, Powhatan, Virginia, Dec. 4, 2004

Panel, *Digital Millennium Copyright Act Forum*, Thomas Hall, University of Richmond, Nov. 16, 2004

Presentation, *Intellectual Property Law*, Oliver Hill-Samuel Tucker Pre-Law Institute, Virginia State Bar, Richmond, Virginia, July 21, 2004

Presentation, *Technology and the Law*, Governor's School, University of Richmond School of Law, July 14, 2004

Panel, *Technology and Ethics*, HOBY Conference, Powhatan, Virginia, Nov. 15, 2003

Panel, *File-Sharing Forum*, President's College Associate Program, University of Richmond, Sept. 17, 2003

SELECTED UNIVERSITY SERVICE

Member of Editorial Board, *Richmond Law Magazine*, 2008 to present

Member of Law School Building Committee, 2008 to present

Member of Search Committee for Law School Major Gift Officer, 2008 to present

Member of University Committee on Faculty Status, 2006 to present

Member of Law School Self-Study Committee, 2006 to 2007

Member of Law School Curriculum Committee, 2004 to present

Faculty Adviser to Student Intellectual Property Law Association, 2005 to present

Faculty Co-Adviser to Law School Honor Court, 2005 to present

Faculty Adviser to Richmond Journal of Law and Technology, 2005 to present (co-adviser 2004 to 2005)

Faculty Adviser to Law School Client Counseling and Negotiation Board, 2004 to present

Faculty Adviser to Annual Survey on Electronic Discovery, Richmond Journal of Law and Technology, 2004 to 2005

Law School Faculty Secretary, Fall 2004

OTHER ACTIVITIES

Member of National CyberEducation Project Advisory Council, The Media Institute, 2008 to present

Member of Executive Committee, Section on Law and Computers, Association of American Law Schools, 2007 to present

Member of Board of Advisers, The Copyright Alliance, 2006 to present

Member of Law Council, Councils of Advisors for Legal, Economic, and Regulatory Affairs, Gerson Lehrman Group, 2005 to present

Member and Manager, James Gibson PLLC, 2003 to present

BAR ADMISSIONS

Virginia and District of Columbia

U.S. Supreme Court; U.S. Courts of Appeals for the Fourth, Sixth, and District of Columbia Circuits; various U.S. District Courts