

Stacey L. Dogan
Northeastern University School of Law
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EMPLOYMENT

Academic Positions

Northeastern University School of Law, Boston, MA 1998-present
Professor (2005-present); Associate Professor (2002-present); Assistant Professor (1999-2002); Visiting Assistant Professor (1998-99)
Courses: Intellectual Property; Trademark Law; Software and Internet Law; Internet Law; Antitrust Law; Patent Law.

Boston University School of Law, Boston, MA 2007-08; Spring 2005
Visiting Associate Professor
Courses: Copyright Law; Unfair Competition and Trademark Law; Internet Law (seminar).

Boston College Law School, Newton, MA 2003-04
Visiting Associate Professor
Courses: Advanced Copyright Theory; Intellectual Property; Trademark Law.

Georgetown University Law Center, Washington, DC Spring 1998
Adjunct Professor of Law
Co-taught Computers, Technology & the Law.

Harvard University Department of Economics, Cambridge, MA 1991-1992
Teaching fellow
Primary instructor for full-year course in macro- and microeconomics.

Other Relevant Professional Experience

Covington & Burling, Washington, DC Jan.-Aug. 1994; 1995-1998
Associate
Specialized in intellectual property and antitrust law.

United States Court of Appeals, D.C. Circuit, Washington, DC 1994-1995
Law Clerk for the Honorable Judith Rogers

Heller, Ehrman, White & McAuliffe, San Francisco, CA 1992-93
Associate

EDUCATION

HARVARD LAW SCHOOL

J.D., *magna cum laude*, June 1992

Managing and Technical Editor, *Harvard Civil Rights-Civil Liberties Law Review*

Executive Board Member and Programs Coordinator, Women's Law Association

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

B.S. in Economics, June 1988

Thesis: *The Occupational Mobility of Women: Whites vs. Nonwhites* (econometric analysis)

PROFESSIONAL ASSOCIATIONS AND COMMUNITY SERVICE

- President-Elect (2008-09), Executive Board Member (2006-present), Intellectual Property Section of the Association of American Law Schools.
- Peer reviewer, Review of Law & Economics.
- Admitted to the Bar in California (1992), U.S. District Court and Court of Appeals for Ninth Circuit (1992), Washington, DC (1994).

PUBLICATIONS

Articles

The Trademark Use Requirement in Dilution Cases (with Mark Lemley), 24 SANTA CLARA HIGH TECHNOLOGY LAW REVIEW 541 (2008)

Grounding Trademark Law Through Trademark Use (with Mark Lemley), 92 IOWA L. REV. 1669 (2007)

Trademarks and Consumer Information, in NOUVELLES APPROCHES EN PROPRIETE INTELLECTUELLE DANDS UN MONDE TRANSSYSTEMIQUE [INTELLECTUAL PROPERTY AT THE EDGE: NEW APPROACHES TO IP IN A TRANSSYSTEMIC WORLD] 321 (2007)

What Is Dilution, Anyway?, 105 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 103, available at <http://students.law.umich.edu/mlr/firstimpressions/vol105/dogan.pdf> (2006)

What The Right of Publicity Can Learn from Trademark Law (with Mark Lemley), 58 STANFORD LAW REVIEW 1161 (2006), *reprinted in* 39 INTELL. PROP. L. REV.

Comment: Sony, Fair Use, and File Sharing, 55 CASE WESTERN RESERVE LAW REVIEW 971 (2005)

The Merchandising Right: Fragile Theory or Fait Accompli? (with Mark Lemley), 54 EMORY LAW JOURNAL 461 (2005)

Copyright Law and Subject Matter Specificity: The Case of Computer Software (with Joseph P. Liu), 61 NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW 203 (2005)

Trademarks and Consumer Search Costs on the Internet (with Mark Lemley), 41 HOUSTON LAW REVIEW 777 (2004)

Code Versus the Common Law, 2 JOURNAL ON TELECOMMUNICATIONS & HIGH TECHNOLOGY LAW 73 (2003)

An Exclusive Right to Evoke, 44 BOSTON COLLEGE LAW REVIEW 291 (2003)

Infringement Once Removed: The Perils of Hyperlinking to Infringing Content, 87 IOWA LAW REVIEW 829 (2002)

Is Napster A VCR? The Implications of Sony for Napster and Other Internet Technologies, 52 HASTINGS LAW JOURNAL 939 (2001)

Book chapters

A Search Costs Theory of Limiting Doctrines in Trademark Law (with Mark Lemley), in GRAEME B. DINWOODIE & MARK D. JANIS (EDS.), TRADEMARK LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH (forthcoming 2008, Edward Elgar Publishers)

Peer-to-Peer Technology and the Copyright Crossroads, chapter in PEER-TO-PEER COMPUTING: THE EVOLUTION OF DISRUPTIVE TECHNOLOGY (Brian Goodman & Ramesh Subramanian, eds., 2005)

Copyright in Cyberspace, in TEACHING CYBERLAW IN CYBERSPACE (online resource for cyberspace courses), *available at* www.cyberspacelaw.org (1999)

Amicus Briefs

Brief of *Amici Curiae* Intellectual Property Law Faculty in Support of Affirmance, *Rescuecom Corp. v. Google, Inc.*, No. 06-4881-CV (2d Cir., filed Feb. 22, 2007) (co-authored with Eric Goldman)

PRESENTATIONS AND PROCEEDINGS

Keynote Speaker: Expansions and Contractions in Turn-of-the-Century Trademark Law, Massachusetts Continuing Legal Education's Intellectual Property Law Annual Conference, June 18, 2008 (scheduled).

Participant, Trademark Scholars Roundtable, University of Iowa, April 10-12, 2008.

Is a Trademark Use Requirement Useless?, Evil Twins Debate, University of Richmond, April 4, 2008.

Intellectual Property Rights and Faculty Authors, Northeastern University Libraries Brown Bag Series, March 28, 2008.

Functionality Reconsidered, Boston University School of Law faculty workshop, February 7, 2008; BU Law & Economics Workshop, November 12, 2007.

Reevaluating the Limits of Restrictive License Terms in the Wake of Leegin and Illinois Tool Works, at conference, "Licensing: Seizing Opportunities and Mitigating Risks," Suffolk Law School, November 9, 2007.

Functionality Reconsidered, Michigan Intellectual Property Workshop, November 7, 2007.

Trademarks as Keywords for Paid Search Results and Advertising: Is it Trademark Use?, PLI Advanced Seminar on Trademark Law 2007, New York, May 15, 2007.

Keyword-Triggered Advertising/Sponsored Links -- Is it Trademark Infringement?, AIPLA Annual Meeting Session, Boston, May 10, 2007.

Keyword Advertising and Trademarks on the Internet, VIII European Intellectual Property Institutes Network Congress, Alicante, Spain, May 4, 2007.

Grounding Trademark Law Through Trademark Use, Faculty Workshop, Thomas Jefferson School of Law, April 16, 2007.

Grounding Trademark Law Through Trademark Use, Northeastern University Institute for Global Innovation Management Thought Leadership Seminar Series, March 22, 2007.

The Morality of Copyright Disobedience (panelist), AALS Annual Meeting, Washington, DC, January 4, 2007.

Legislative Developments in Copyright Law: Orphan Works and Beyond, Boston Bar Association, December 7, 2006.

Discussant on paper, "iTunes for Authors, or Napster for Books? Copyright and Antitrust Implications of the Publishing Industry's Campaign Against Google Book Search," by Hannibal Travis, AALS Mid-Year Meeting, Vancouver, BC, June 15, 2006.

By Any Other Name: Intellectual Property as "Property", Panelist, Federalist Society IP Basics Conference, May 17, 2006.

Trademarks as Information, Faculty Workshop, William and Mary School of Law, April 7, 2006.

Trademarks as Information, Meredith Memorial Lectures 2006, McGill University, Montreal, Canada, March 17, 2006.

Intellectual Property and Systems Competition, Systems Competition Workshop, American Antitrust Institute Workshop, Northeastern University, February 10, 2006.

Recent Developments in Trademark Legislation, Boston Patent Law Association's "Hot Topics in Trademark Law" conference, October 19, 2005.

What the Right of Publicity Can Learn from Trademark Law, Colloquium on Technology, Innovation & Intellectual Property, University of Arizona, October 3, 2005.

An Arsenal of Merchandising Rights – Comparing US and EU Law, Intellectual Property in the New Millennium Seminar Series, St. Peter's College, Oxford, U.K., May 24, 2005.

The Merchandising Right: Fragile Theory or Fait Accompli?, Chicago Intellectual Property Colloquium, April 26, 2005.

The Economics of the Middlemen, panelist, Whither the Middleman: Intermediaries in the Information Age, Michigan State University College of Law, April 9, 2005.

The Merchandising Right: Fragile Theory or Fait Accompli?, Boston University School of Law Faculty Workshop, March 31, 2005.

Panelist, *Cutting Edge Copyright Law*, Massachusetts CLE presentation, March 30, 2005.

Is Copyright Law Technology-Specific?, University of Pittsburgh Intellectual Property/Internet conference, March 18, 2005.

Fair Use since Sony, panelist, Case Western Center for Law, Technology, and the Arts, Symposium on the Twentieth Anniversary of *Sony v. Universal City Studios*, February 25, 2005.

Recent Developments in Trademark Legislation, Boston Patent Law Association's "Hot Topics in Trademark Law" conference, November 3, 2004.

The Merchandising Right: Fragile Theory or Fait Accompli?, St. Louis University School of Law faculty colloquium, October 28, 2004.

Trademarks and Consumer Search Costs on the Internet, at Stanford Law School technology and law seminar, October 14, 2004.

Is Copyright Law Technology-Specific? (co-presented with Joseph P. Liu), Work in Progress Intellectual Property Colloquium, Boston University School of Law, September 10, 2004.

Trademarks and Consumer Search Costs on the Internet (co-presented with Mark A. Lemley), at 2004 Intellectual Property Scholars Conference, DePaul University College of Law Center for Intellectual Property & Information Technology, August 2, 2004.

Trademarks and Consumer Search Costs on the Internet (co-presented with Mark A. Lemley), at Trademarks in Transition: 2004 IPIL/Houston Santa Fe Conference (sponsored by Institute for Intellectual Property and Information Law, University of Houston Law Center), June 4, 2004.

Privacy and Liberty Implications of Suing File Sharers, panelist, 14th Conference on Computers, Freedom, and Privacy, April 22, 2004.

Trademarks and Consumer Search Costs on the Internet:

Boston University Intellectual Property Speaker Series, Feb. 23, 2004.

Thomas Jefferson Law School Intellectual Property Speaker Series, Feb. 16, 2004.

University of San Diego Faculty Workshop, Feb. 13, 2004.

George Washington University IP Workshop Series, Feb. 4, 2004.

Copyright, Deterrence, and Social Norms, Works-in-Progress Colloquium, Tulane University, Oct. 18, 2003.

Participant in joint workshop on global innovation between Northeastern University's Institute for Global Innovation Management and the Institute of International Business, Stockholm School of Economics, Stockholm, Sweden, June 12-13, 2003.

Code Versus the Common Law, faculty colloquium at Rutgers University, Camden campus, April 14, 2003.

International Industrial Organization Conference, Northeastern University, April 5, 2003:

Session chair, *Sharing the Costs of Copyright Infringement: Secondary Copyright Liability in a Digital Age* (interdisciplinary panel of economists and law faculty).

Presented paper: *Legislating Technology in the Era of Digital Copies: Has the Common Law Failed?* in the session listed above.

Discussant on paper: *Intellectual Property Rights and Innovation in Developing Countries*, by Thitima Puttitanun & Yongmin Chen, in session on *Regional Comparisons of Innovative Activity*.

From Rights to Bytes: Authorship and Copyright in a Digital Era, Northeastern University Economic Policy Forum, March 25, 2003.

Code Versus the Common Law, for Silicon Flatirons Telecommunications Symposium at University of Colorado, February 3, 2003.

Code Versus the Common Law, Northeastern University School of Law Faculty Colloquium, January 22, 2003.

Intellectual Property Challenges for the Global Enterprise, Northeastern University Institute for Global Innovation Management Thought Leadership Seminar Series, December 12, 2002.

An Exclusive Right to Evoke, for Boston College Symposium, "Intellectual Property, Ecommerce and the Internet," October 18, 2002.

A Discussion of Bowers v. Baystate, Boston Bar Association Intellectual Property Subcommittee, October 7, 2002.

Beyond the VCR: Implications of Sony v. Universal City Studios for Internet-Related Actors, presented to the Second International Conference of the Association of Internet Researchers, University of Minnesota, October 13, 2001.

Infringement Once Removed: The Perils of Hyperlinking to Infringing Content
Berkman Center, Harvard Law School, May 2001.
Suffolk Law School faculty colloquium, April 2001.
Northeastern Law School faculty colloquium, January 2001.

Patenting and Financing Bioinformatic Inventions and Data Protection Statutes and Bioinformatic Databases, Moderator, Symposium on Bioinformatics and Intellectual Property Law, Boston University, April 2001.

Linking to Infringement: A Comparative and Cross-Border Analysis, BILETA annual conference on IT and the Law, University of Edinburgh, Scotland, April 2001.

Is Napster A VCR? The Implications of Sony for Napster and Other Internet Technologies, Symposium on Consumers in the Digital Age: Perspectives on the Intersection Between Law, Technological Innovation, and Consumer Protection, Hastings Law School, February 2001.

Copyright Law for Artists, combined presentation for Massachusetts CLE and Massachusetts Volunteer Lawyers for the Arts, December 2000.

Infringement Once Removed, Boston University Intellectual Property Colloquium Series, August 2000.

Copyright Law for Artists, combined presentation for Massachusetts CLE and Massachusetts Volunteer Lawyers for the Arts, December 1998.

Intellectual Property in the New Age of Computers, Northwestern University School of Law Corporate Counsel Symposium, October 7, 1998.