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**Matthew Sag**  
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### **Academic Appointments**

EMORY UNIVERSITY SCHOOL OF LAW

Professor of Law in Artificial Intelligence, Machine Learning, and Data Science,  
July, 2022 – present

LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

Associate Dean for Research and Faculty Development, July 2019 – June 2022

Georgia Reithal Professor of Law, March 20, 2018 – June 2022

Professor, July 2013 – June 2022

Associate Professor, July 2011 – June 2013

INSTITUTE FOR CONSUMER ANTITRUST STUDIES

Interim Co-Director, January 2022 – June 2022

Associate Director for Intellectual Property, January 2012 – June 2022

DEPAUL UNIVERSITY COLLEGE OF LAW

Associate Professor, July 2009 – June 2011

Assistant Professor, July 2006 – June 2009

### **Visiting Appointments**

MELBOURNE UNIVERSITY LAW SCHOOL, Spring 2013

LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW, Fall 2010 and Spring 2011

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Spring 2008

NORTHWESTERN UNIVERSITY SCHOOL OF LAW, Fall 2004 through Spring 2006

### **Other Appointments**

CENTER FOR AI LEARNING, Advisory Board Member 2023-present

AMERICAN LAW INSTITUTE, Elected to membership in December 2018

COLLEGE ART ASSOCIATION, CODE OF BEST PRACTICES IN FAIR USE OF COPYRIGHTED MATERIALS  
FOR THE VISUAL ARTS, Legal Advisory Committee 2014-15

HATHI TRUST RESEARCH CENTER ADVISORY BOARD MEMBER, Since 2016

CODE OF BEST PRACTICES IN FAIR USE SOFTWARE PRESERVATION, Legal Advisory Committee  
2018-2019

## **Grants and Grant Applications**

BUILDING LEGAL LITERACIES FOR TEXT DATA MINING SUMMER INSTITUTE, as \$165,000 grant from the National Endowment for the Humanities (Project Team Member) (2019-2020)

## **Education**

THE AUSTRALIAN NATIONAL UNIVERSITY

Bachelor of Arts 1997

Bachelor of Laws (with honors) 1997

## **Judicial Clerkship**

FEDERAL COURT OF AUSTRALIA

Associate to the honorable Justice Paul Finn, August 1997 – July 1998

## **By the Numbers (as of May 2023)**

Years tenured or tenure track:	18
H-Index:	22 (17 since 2018)
Traditional publications:	29
Google Scholar citation count:	2116 (1041 since 2018)
SSRN downloads:	31,018

## **Conferences Organized**

Legal Scholars Roundtable on Artificial Intelligence (Annual since 2022)

Copyright Scholars Roundtable (Annual since 2015)

Zoom Intellectual Property Occasional Workshop (2020)

The Society for Economic Research on Copyright Issues Annual Meeting (2016)  
- with Prof. Paul Heald, University of Illinois

## Senate Testimony

Testimony before the U.S. Senate Judiciary Subcommittee on Intellectual Property in relation to Artificial Intelligence and Copyright, July 12, 2023

## Traditional Publications

*Fairness and Fair Use in Generative AI*, Fordham Law Review (forthcoming)

*Copyright Safety for Generative AI*, 61 Houston Law Review 295–347 (2023)

*Forward Looking Academic Impact Rankings for U.S. Law Schools*, Florida State University Law Review (forthcoming)

*Supreme Court Interruptions and Interventions: The Changing Role of the Chief Justice*, Boston University Law Review (with Tonja Jacobi) (forthcoming)

*SCOTUS in the Time of COVID: The Evolution of Justice Dynamics during Oral Arguments*, LAW & POLICY, 1–15 (2023) (with Eve M. Ringsmuth, Timothy R. Johnson, & Tonja Jacobi)

*Discovering eBay's Impact on Copyright Injunctions Through Empirical Evidence*, 64 WILLIAM & MARY LAW REVIEW 1447-1512 (2023) (with Pamela Samuelson)

Sean M. Flynn, Matthew Sag, et al., and Jorge L. Contreras, *Legal reform to enhance global text and data mining research*, 378 SCIENCE 6623 (1 Dec 2022), 951-953 (<https://www.science.org/doi/10.1126/science.add6124>)

*Oral Argument in the Time of COVID: The Chief Plays Calvinball*, Southern California Interdisciplinary Law Journal, 30 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 399–459 (2021) (with Tonja Jacobi, Timothy R. Johnson, and Eve Ringsmuth)

*Implementing User Rights for Research in the Field of Artificial Intelligence: A Call for International Action*, EUROPEAN INTELLECTUAL PROPERTY REVIEW (2020) (with Sean Flynn, Chistohpe Geiger, João Quintais, Thomas Margoni, Lucie Guibault, Michael W. Carroll)

*The New Legal Landscape for Text Mining and Machine Learning*, 66 JOURNAL OF THE COPYRIGHT SOCIETY OF THE U.S.A. 291–367 (2019)

*Taking Laughter Seriously at the Supreme Court*, 72 VANDERBILT LAW REVIEW 1423–1496 (2019) (with Tonja Jacobi)

*The New Oral Argument: Justices as Advocates*, 94 NOTRE DAME LAW REVIEW 1161–1254 (2019) (with Tonja Jacobi)

*Empirical Studies of Copyright Litigation*, *Research Handbook on the Economics of Intellectual Property Law (Vol. II -- Analytical Methods)* (Edward Elgar Publishing) (2019)

*Defense Against the Dark Arts of Copyright Trolling*, 103 IOWA LAW REVIEW 571–661 (2018) (with Jake Haskell)

*Internet Safe Harbors and the Transformation of Copyright Law*, 93 NOTRE DAME LAW REVIEW 499–564 (2017)

*IP Litigation in US District Courts: 1994 to 2014*, 101 IOWA LAW REVIEW 1065–1112 (2016)

*Promoting Innovation*, 100 IOWA LAW REVIEW 2223–2247 (2015) (with Spencer Weber Waller)

*Copyright Trolling, An Empirical Study*, 100 IOWA LAW REVIEW 1105–1146 (2015)

*League Structure & Stadium Rent Seeking – the Antitrust Role Reconsidered*, 65 FLORIDA LAW REVIEW 1–72 (2013) (with David Haddock and Tonja Jacobi)

*Digital Archives: Don’t Let Copyright Block Data Mining*, 490 NATURE 29–30 (October 4, 2012) (with Matthew Jockers and Jason Schultz)

*Orphan Works as Grist for the Data Mill*, 27 BERKELEY TECHNOLOGY LAW JOURNAL 1503–1550 (2012)

*An Information-Gathering Approach to Copyright Policy*, 34 CARDOZO LAW REVIEW 173 – 247 (2012) (with Peter DiCola)

*Predicting Fair Use*, 73 OHIO STATE LAW JOURNAL 47– 91 (2012)<sup>1</sup>

*The Pre-History of Fair Use*, 76 BROOKLYN LAW REVIEW 1371–1412 (2011)

*The Google Book Settlement and the Fair Use Counterfactual*, 55 NEW YORK LAW SCHOOL LAW REVIEW 19 – 76 (2010)

*Copyright and Copy-Reliant Technology*, 103 NORTHWESTERN UNIVERSITY LAW REVIEW 1607–1682 (2009)<sup>2</sup>

*Taking the Measure of Ideology: Empirically Measuring Supreme Court Cases*, 98 THE GEORGETOWN LAW JOURNAL 1–75 (2009) (with Tonja Jacobi)<sup>3</sup>

*Ideology and Exceptionalism in Intellectual Property – An Empirical Study* 97 CALIFORNIA LAW REVIEW 801 – 856 (2009) (with Tonja Jacobi & Maxim Sytch)<sup>4</sup>

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<sup>1</sup> Featured in the COPYRIGHT EVIDENCE WIKI, a digital resource developed by the CREATE Centre at the University of Glasgow, see [https://www.copyrightevidence.org/wiki/index.php/Sag\\_\(2012\)](https://www.copyrightevidence.org/wiki/index.php/Sag_(2012))

<sup>2</sup> Cited in Brief Amicus Curiae of the Computer & Communications Industry Association in *Fox News Network v. TVEyes, Inc.*, 2016 WL 1170280, 2nd Cir. (Appellate Brief)

<sup>3</sup> Reviewed in Adam N. Steinman, *No Laughing Matter*, JOTWELL (August 11, 2020) (<https://courtslaw.jotwell.com/no-laughing-matter/>)

<sup>4</sup> Featured in the COPYRIGHT EVIDENCE WIKI, a digital resource developed by the CREATE Centre at the University of Glasgow, see [https://www.copyrightevidence.org/wiki/index.php/Sag\\_Jacobi\\_and\\_Sytch\\_\(2007\)](https://www.copyrightevidence.org/wiki/index.php/Sag_Jacobi_and_Sytch_(2007))

*Patent Reform and Differential Impact*, 8 MINNESOTA JOURNAL OF LAW, SCIENCE & TECHNOLOGY 1 – 96 (2007) (with Kurt Rohde)<sup>5</sup>

*Beyond Abstraction, The Law And Economics Of Copyright Scope And Doctrinal Efficiency*, 81 TULANE LAW REVIEW 187 – 250 (2006)

*Twelve Year-Olds, Grandmothers, and Other Good Targets for File Sharing Litigation*, 4 NORTHWESTERN JOURNAL OF TECHNOLOGY & INTELLECTUAL PROPERTY 133 – 155 (2006)

*God in the Machine: A New Structural Analysis of the Fair Use Doctrine in Copyright Law*, 11 MICHIGAN TELECOMMUNICATIONS & TECHNOLOGY LAW REVIEW 381 – 435 (2005)

*Source Code Versus Object Code: Patent Implications for the Open Source Community*, 18 SANTA CLARA COMPUTER & HIGH TECH. L.J. 235 (2002) (with Daniel Lin)

## Textbooks

### EXTENDED READINGS ON COPYRIGHT

This sole-authored, 1000-page textbook on U.S. Copyright Law was first published in 2019 and updated in 2020, 2021, 2022, and 2023. *Extended Readings on Copyright* is distributed under a creative commons license at no cost and is used in Copyright Law courses in the U.S. and overseas. The current version of *Extended Readings on Copyright* is available at [www.matthewsag.com/eroc](http://www.matthewsag.com/eroc).

## Less traditional publications

*Building Legal Literacies for Text Data Mining* (Pressbooks 2021)<sup>6</sup>

*DSC #7: The DSC and Mean Copyright Law*, The Data-Sitters Club, September 22, 2020 (with Quinn Dombrowski)<sup>7</sup> (with Quinn Dombrowski)

## Published Remarks

*Copyright Law's Impact on Machine Intelligence in the United States and The European Union*, 14 FIU LAW REVIEW 293 (2020)

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<sup>5</sup> Cited in three separate amicus briefs in *Microsoft Corp. v. I4I*, 2010 U.S. Briefs 290 (U.S. Feb. 2, 2011); *Therasense, Inc. v. Becton, Dickinson & Co.*, 2008 U.S. Fed. Cir. Briefs 1511 (Fed. Cir. Oct. 15, 2010); *Microsoft Corp. v. Z4 Techs.*, 2007 U.S. Briefs 1243 (U.S. Mar. 31, 2008).

<sup>6</sup> This book explores the legal literacies covered during the virtual Building Legal Literacies for Text Data Mining Institute, including copyright (both U.S. and international law), technological protection measures, privacy, and ethical considerations. It describes in detail how we developed and delivered the 4-day institute, and also provides ideas for hosting shorter literacy teaching sessions. Finally, we offer reflections and take-aways on the Institute. The book is coauthored with Scott Althaus, David Bamman, Sara Benson, Brandon Butler, Beth Cate, Kyle K. Courtney, Sean Flynn, Maria Gould, Cody Hennesy, Eleanor Dickson Koehl, Thomas Padilla, Stacy Reardon, Matthew Sag, Rachael Samberg, Brianna L. Schofield, Megan Senseney, Timothy Vollmer, and Glen Worthey

<sup>7</sup> A short book about copyright law and the practical issues of text data mining research narrated in the style of the Baby Sitters Club books. (<https://datasittersclub.github.io/site/dsc7>)

## Working Papers

*A New Measure of Supreme Court Case Importance for Empirical Legal Studies*

## Short Unpublished Papers

*The Uncertain Scope of the Public Performance Right After Aereo* (2014)

*Empirical Studies of Copyright Litigation: Nature of Suit Coding* (2013)

## Significant Amicus Briefs & Submissions

*Comments In Response To The Copyright Office's Notice Of Inquiry On Artificial Intelligence And Copyright*, (October 30, 2023)(co-authored with Pamela Samuelson and Christopher Jon Sprigman)(<https://www.regulations.gov/comment/COLC-2023-0006-10299>)

*Reply Comments In Response To The Copyright Office's Notice Of Inquiry On Artificial Intelligence And Copyright* (December 6, 2023)(co-authored with Pamela Samuelson and Christopher Jon Sprigman)(<https://www.regulations.gov/comment/COLC-2023-0006-8854>)

*Brief of Digital Humanities and Law Scholars in Support of Defendants-Appellees and Affirmance in Authors Guild v. Google* (13-4829) (July 10, 2014)

*Brief of Digital Humanities and Law Scholars in Support of Defendants-Appellees and Affirmance in Authors Guild v. HathiTrust* (12-4547) (June 4, 2013)<sup>8</sup>

*The Fair Use Doctrine in the United States — A Response to the Kernochan Report*, a submission dated July 26, 2013 to Australian Law Reform Commission in connection with its study of Copyright and the Digital Economy (co-authored with Gwen Hinze & Peter A. Jaszi)<sup>9</sup>

*Brief of Digital Humanities and Law Scholars in Support of Defendants' Motion For Summary Judgment in Authors Guild v. HathiTrust* (11-CV-06351-HB)<sup>10</sup>

*Brief of Digital Humanities and Law Scholars in Support of Defendants' Motion For Summary Judgment in Authors Guild v. Google*<sup>11</sup>

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<sup>8</sup> Australian Law Reform Commission, Copyright and the Digital Economy, ALRC Final Report 122, November 2013.

<sup>9</sup> Cited in Australian Law Reform Commission, Copyright and the Digital Economy, ALRC Final Report 122, November 2013.

<sup>10</sup> Cited in the judgment of Hon. Harold Baer, Jr., District Judge in Authors Guild, Inc. v. HathiTrust, 902 F. Supp. 2d 445, 460, 464 & fn 22 (S.D.N.Y. 2012)

<sup>11</sup> Cited in the judgment of Hon. Denny Chin, District Judge in Authors Guild, Inc. v. Google Inc., 954 F. Supp. 2d 282, 287 (S.D.N.Y. 2013)

## **Social Media**

Occasional blog posts at [www.matthewsag.com](http://www.matthewsag.com)

Twitter feed – @matthewsag

## **Courses**

Primary courses: Copyright Law; Artificial Intelligence and the Law; Property Law; IP Survey

Additional courses:

Antitrust & IP; Election Law; International IP; Internet Law; Trademark Law;

## **Peer review and related service**

Cambridge University Press, Law

Israel Science Foundation, Social Sciences & Humanities

Review of Law & Economics

Stanford Law Review

Judge for ASA Datafest at Emory

Peer review for Emory's Racial Justice grants

Review for the Journal of Law, Technology and Policy

Numerous confidential tenure and promotion letters

## **Peer review and related service in 2023-24 Academic Year**

Information & Culture

## **Legal Practice**

Skadden, Arps, Slate, Meagher & Flom LLP, Palo Alto, California, 2001 – 2004 • Arnold & Porter LLP, London, England, 2000 • Corrs Chambers Westgarth, Lawyers, Canberra, Australia, 1998 – 1999

## **Bar Admission**

California Bar 2001 (presently inactive)

## **INVITED SPEECHES & PRESENTATIONS**

See Appendix A

## **EDITORIALS & MEDIA INTERVIEWS**

See Appendix B

## APPENDIX A: CONFERENCES, SPEECHES, & PRESENTATIONS

### FUTURE

Keynote address: *Artificial intelligence and Copyright Reform*, Copyright Forum at the National Library of Australia, Canberra, Australia, March 22, 2024

\_\_\_, Joint Inn Program between the Emory and GSU Inns of Court on February 26, 2024

\_\_\_, Emory Thrower Symposium, Law in the Age of Artificial Intelligence, February 8, 2024

*Copyright Safety for Generative AI, Intellectual Property & Artificial Intelligence*, American Association of Law Schools Annual Meeting, Washington, DC, January 3-6, 2024

### PAST

Comment on *How Generative AI Turns Copyright Law on its Head* at Accountability and Liability in Generative AI, Columbia Law School Symposium, November 17, 2023 (invited commentator)

*Copyright Safety for Generative AI*, Guest lecture at Berkeley Law AI and IP Seminar hosted by Prof. Rob Merges and Dr. Yuan Hao, (online) November 14, 2023.

Keynote Lecture on *Copyright and Generative AI*, Berry College in Rome, Georgia, November 9, 2023

*Fairness and Fair Use in Generative AI*, Fordham Law Review Symposium, November 2, 2023

*Policy Efforts to Balance Copyright Protection and Industry Development Amid the Emergence of AI Technologies*, Copyright Technology Conference 2023, Korea Copyright Commission (affiliated with the Ministry of Culture, Sport, and Tourism of the Republic of Korea), online, November 1, 2023 (invited lecture)(<https://youtu.be/sn4TuPhmyAs?si=YnyHfQyguRiUYLcP>)

*Excepciones y limitaciones en favor de la investigación y la ciencia*, Conversaciones Sobre Derechos De Autor En La Agenda Internacional, Organizado por la Dirección Nacional del Derecho de Autor de la República Argentina (online), October 19, 2023 (invited panelist)

*Copyright and Generative AI: Best practices for LLM training and recent developments in U.S. litigation*, Artificial Intelligence & Intellectual Property Forum, Chilli IQ, Sydney, Australia, October 13, 2023

*Artificial intelligence and creativity: the role of Copyright*, Keynote address and moderated Q&A with Australian lawyers and technology industry representatives, International Institute of Communications Australia, Clayton Utz, Sydney, October 12, 2023 ([https://www.youtube.com/watch?v=24lJ9zzewU8&ab\\_channel=IICAustralianChapter](https://www.youtube.com/watch?v=24lJ9zzewU8&ab_channel=IICAustralianChapter))

Keynote presentation at invite only copyright policy discussion with Australian government officials, hosted by Google Australia, Sydney, October 12, 2023

*Copyright Safety for Generative AI*, University of Sydney, October 12, 2023



*Copyright and Generative AI*, AI.Humanity Seminar Series, Emory University, October 4, 2023

*Mapping Copyright's Application to Generative AI*, American University Washington College of Law, Washington DC, September 29, 2023 (invited panelist)

*Keynote Speech: Fairness and Fair Use in Generative AI*, 12th Annual Peter A. Jaszi Distinguished Lecture on Intellectual Property, American University Washington College of Law, Washington DC, September 28, 2023 ([https://www.youtube.com/watch?v=805O3kGj4\\_Y&ab\\_channel=pjijpvideo](https://www.youtube.com/watch?v=805O3kGj4_Y&ab_channel=pjijpvideo))

*Copyright Safety for Generative AI*, George Washington University Law School, Faculty Presentation, September 27, 2023

*Disruptive Technologies in Historical Context*, Generative AI as a Creativity Tool? A Program to Explore Implications, Berkeley Law, September 22, 2023 (invited panelist)

*Copyright and Generative AI*, Copyright + Technology Conference 2023 - The Copyright Society of New York, Fordham Law School, September 14, 2023 (invited panelist)

*Copyright Safety for Generative AI*, IPSC, Cardozo, August 3-4, 2023 (selected for plenary presentation)

*International and Cross-border Copyright Issues for AI*, Webinar on International Copyright and Artificial Intelligence, U.S. Copyright Office, July 26, 2023 (invited presentation)<sup>12</sup>

*Copyright and Generative AI*, Testimony before the U.S. Senate Committee on the Judiciary Subcommittee on Intellectual Property Hearing on “Artificial Intelligence and Intellectual Property – Part II: Copyright and Artificial Intelligence,” U.S. Senate, Washington D.C., July 12, 2023

Open AI Workshop on Generative AI, Berkeley Law School, June 6, 2023 (invited participant)

*Copyright Safety for Generative AI*, 19<sup>th</sup> Annual Houston Institute for Intellectual Property & Information Law Conference, June 3, 2023 (invited presentation)

*Copyright Safety for Generative AI*, Cardozo Workshop on Copyright and Industry Regulation, Cardozo Law School, April 20, 2023 (Invited Presentation)

Copyright Scholars Roundtable, Pennsylvania University Law School, May 8-9, 2023 (Co-convenor)

Legal Scholars Roundtable in AI, Emory Law, March 18, 2023 (Convenor)

*Interruptions and Interventions at Supreme Court Oral Arguments*, Ohio State University College of Law, March 20, 2023 (Faculty Presentation)

*ChatGPT, Is now the time to Panic?* Emory Law School, February 20, 2023 (Faculty Meeting Presentation)

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<sup>12</sup> Online at <https://www.copyright.gov/events/international-ai-copyright-webinar/> and <https://www.youtube.com/watch?v=QaUzkerRSdM>.

*Artificial Intelligence and the Future of Higher Education*, Emory University (Center for Faculty Development and Excellence), March 24, 2023 (Panelist) (<https://youtu.be/-6bIMnF-aA8>)

*AI, Ambassadors Program*, Emory University (online), April 27, 2023 (invited presentation)

*AI Listening Session focused on literary works*, U.S. Copyright Office (online), April 19, 2023, (invited presentation)

*LLTDM-X or Legal Literacies for Text Data Mining – Cross Border*, funded by the National Endowment for the Humanities, co-led by Internet Archive and UC Berkeley Library (online), March 9-10, 2023 (invited expert participant)<sup>13</sup>

*Non-Expressive Use*. American University, Right to Research in International Copyright Seminar 6.1, December 1, 2022 (Presentation) (<https://www.youtube.com/watch?v=Yd12nkA1nKQ&list=PLuk2SmOxN5RLpFEXCjM1K61lt5rkAiEWx&index=14>)

*Automatic Takedowns: How ContentID Has Changed Copyright Enforcement*, Benjamin Cardozo School of Law(online), November 10, 2022 (Panelist)

*Lessons for Empirical Studies of Copyright Litigation ... A Case Study of Copyright Injunctions*, CREATE@10 – Copyright Evidence: Synthesis and Futures, University of Glasgow (online) October 17, 2022 (Presentation)

*Copyright, Text Data Mining and Machine Learning*, Copyright and the Right to Research Seminar, American University Washington College of Law (online), September 30, 2022 (invited presentation)

Copyright Scholars Roundtable, Columbia University Law School, June 21-22, 2022 (co-convenor, discussant)

Legal Scholars Roundtable in AI, Loyola Law Chicago (online), March 18, 2022 (co-convenor)

*An Empirical Study of Copyright Injunctions After eBay*, IP Scholars Conference, Cardozo Law School (online), August 2021 (selected presentation)

*Building Legal Literacies For Text Data Mining Summer Institute (Follow Up)*, UC Berkeley (virtual) (Participant), February 2021

*Building Legal Literacies For Text Data Mining Summer Institute*, UC Berkeley (online), June 2020 (Presenter and moderator)

*Artificial Intelligence: Promises & Perils*, UIC John Marshall Law School 63rd Annual IP Conference, November 1, 2019 (Plenary Panel)

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<sup>13</sup> LLTDM-X is a project supporting research and analysis to address law and policy issues faced by U.S. digital humanities practitioners whose text data mining research and practice intersects with foreign-held or -licensed content, or involves international research collaborations.

*Artificial Intelligence: Fault Lines, Key Issues, and the Road Ahead*, UIC John Marshall Law School, October 29, 2019 (Panelist)

*Tools for Fighting Voter Suppression*, Loyola University Chicago School of Law, October 28, 2019 (Introduction and overview)

*The Supreme Court IP Review (SCIPR)*, Chicago-Kent College of Law, September 20, 2019 (Panelist)

*The New Legal Landscape for Text Mining and Machine Learning*, Copyright Scholars Roundtable, University of Pennsylvania Law School, June 21-22, 2019 (Co-organizer and presenter)

*Legal Issues in Text Data Mining*, Works in Progress IP, University of Houston Law School, February 8, 2019 (presentation)

*The New Oral Argument*, Conference on Empirical Legal Studies, University of Michigan School of Law, November 9, 2018) (selected presentation)

*Current Developments In Copyright Law*, Current Developments in Intellectual Property, Information Technology & Privacy Law, John Marshall Law School, November 2, 2018 (invited speaker)

*Predicting Supreme Court Cases with Oral Argument Data Analytics*, Chicago Legal Innovation & Technology at Northwestern Pritzker School of Law, November 1, 2018 (invited speaker)

*Comments on Hacking Democracy*, Northwestern/Penn/Stanford Young Faculty Forum for Law and STEM at Northwestern Law School, September 29, 2018.

*Text Data Mining and Copyright, Fair use and Beyond*, Global Congress on Intellectual Property and the Public Interest, Washington D.C., September 27-28, 2018 (selected presentation and participating expert)

*The Legal Infrastructure for Text Data Mining*, Intellectual Property Scholars Conference, UC Berkeley Law School, August 12, 2018 (presentation)

Roundtable on Empirical Methods in Intellectual Property, Northwestern University School of Law, May 4-5, 2018 (commentator)

*Minnesota Voters Alliance v. Mansky* American Constitution Society, Supreme Court Roundup, Loyola Law Chicago, April 9, 2018 (invited presentation)

National Forum on Intellectual Property and Text Data Mining, funded by the Institute for Museum and Library Services, Chicago, April 5-6, 2018 (invited speaker)

*Internet Safe Harbors and the Transformation of Copyright Law*, University of Colorado Law School, Copyright Law Symposium. February 22, 2018 (invited presentation)

*Internet Safe Harbors and the Transformation of Copyright Law*— Society for Economic Research on Copyright Issues (SERCI) Annual Congress in Turin, Italy, July 10, 2017 (selected presentation)

*Copyright Trolling* – Iowa Bar Association Webinar, March 15, 2017 (invited presentation)

*Monetizing Litigation – Is it Always Bad? Is it Ever Ethical? And Do the Rules and the Statutes Answer Those Questions Clearly Enough*, ABA Webinar, February 28, 2017 (invited presentation)

*Copyright Law*, Presentation for undergraduate business ethics class at Harold Washington College (Chicago), October 20, 2016. (invited presentation)

*The Impact of Kirtsaeng v. John Wiley & Sons, Inc., on Attorney Fees*, Supreme Court IP Review, Chicago Kent Law School, September 22, 2016. (invited panelist)

*Empirical Studies of Copyright Litigation*, Intellectual Property Scholars Conference, Stanford University Law School, Palo Alto, August 11-12, 2016. (selected presentation)

*Empirical Studies of Copyright Litigation*, Society for Economic Research on Copyright Issues Annual Congress, Loyola University Chicago School of Law, Chicago, July 8, 2016. (selected presentation)

*Comments*, Junior Scholars in Intellectual Property Workshop at Michigan State University, May 2016. (invited commentator)

*IP Litigation in the United States*, Faculty of Law and Political Sciences of the Pázmány Péter Catholic University, Budapest, May 11, 2016. (invited faculty presentation)

*US IP and Competition Law*, Faculty of Law and Political Sciences of the Pázmány Péter Catholic University, Budapest, May 11, 2016. (invited class presentation)

*Comments on Maurice Stucke & Allen Grunes “Big Data and Competition Policy — Data-opoly”*, 16th Annual Loyola Antitrust Colloquium, Loyola University of Chicago, April 15, 2016. (Commentator)

*Judicial Decision-Making Process in Intellectual Property Cases*, Loyola University Chicago Law Journal Conference, “Exploring Factors that Affect the Judicial Decision-Making Process”, Loyola University of Chicago, April 8, 2016. (Moderator)

“*Copyright Trolls*” – Columbia University School of Law, The Kernochan Center for Law, Media and the Arts, Spring IP Speaker Series, March 8, 2016. (invited presentation)

*Copyright v. the DMCA* – Internet Law Works-in-Progress Conference at New York Law School, Saturday March 5, 2016 (selected presentation)

“*Reconciling Competing Values in Copyright Trolling*” – University of Iowa School of Law, February 26, 2016 (presentation)

*Comment on Ben Depoorter’s, Enforcing Against Norms*, Copyright Scholars Roundtable, University of Pennsylvania Law School, November 6, 2015 (Co-organizer and commentator)

*Comments on Kristelia Garcia’s, Facilitating Competition by Remedial Regulation*, Copyright Scholars Roundtable, University of Pennsylvania Law School, November 7, 2015 (Co-organizer and commentator)

*The Marginalization of Copyright by the DMCA*, Intellectual Property Scholars Conference, DePaul University, August 6-7, 2015 (presentation)

*Fair use, Transformative Use and Non-Expressive Use, Or, Campbell v. Acuff-Rose and the Future of Digital Technologies*, Fair Use In The Digital Age: The Ongoing Influence of *Campbell v. Acuff-Rose's* “Transformative Use Test”, University of Washington School of Law, April 17 & 18, 2015 (presentation)

*The Uncertain Scope of the Public Performance Right After Aereo*. ABA IP Section of Litigation Roundtable, Chicago Illinois, December 18, 2014 (co-moderator of a discussion based on my issues paper)

*Workshop on The State of Fair Use in U.S. Copyright Law As It Affects Libraries and Educational Institutions*, University of California, Berkeley, December 8, 2014 (selected participant)

*IP Litigation Trends in United States District Courts – 1994 to 2014*, UCLA Entertainment, Media, and Intellectual Property Colloquium Workshop, UCLA School of Law, November 16, 2014

*IP Litigation Trends in United States District Courts – 1994 to 2014*, Roundtable on Empirical Methods in Intellectual Property September 19-20, 2014 (presentation)

*Copyright Trolling, An Empirical Study*, Intellectual Property Scholars Conference, University of California, Berkeley, August 8-10, 2014 (presentation)

*Copyright Trolling, An Empirical Study*, 2014 SERCI (Society for Economic Research on Copyright Issues) Annual Congress, Barcelona, Spain, July 10-11, 2014 (presentation)

*Copyright Trolling, An Empirical Study*, Law & Society, Minneapolis, May 29, 2014 (presentation)

*Patent Trolls and Chicago's Tech Community*, Chicago Tech Roundtable, April 18, 2014 (invited speaker)

*Copyright Trolling, An Empirical Study*, Internet Law Scholarship, 4<sup>th</sup> Annual Work-in-Progress Symposium, New York Law School, March 8, 2014 (presentation)

*American Broadcasting Companies, Inc. v. Aereo, Inc.*, Northwestern Journal of Technology and Intellectual Property's Annual Symposium, Northwestern University School of Law, February 28, 2014 (panel presentation)

*Copyright, Mass Digitization and the Digital Humanities*, University of Iowa Law School, November 8, 2013 (faculty presentation)

*Copyright and Mass-Digitization and the Strategic Importance of Data-mining* –CREATe/Wellcome Trust Symposium “Archives and Copyright: Developing an Agenda for Reform” September 27, 2013, Wellcome Trust, London. (invited presentation)

*An Economic Analysis of Design Patents* – Intellectual Property Scholars Conference, Cardozo Law School, August 8, 2013 (comment)

Compulsory Licenses and Copyright Collectives – Intellectual Property Scholars Conference, Cardozo Law School, August 8, 2013 (presentation)

*Webcasting Through the Lens of Kristelia Garcia's Penalty Default Licenses*– Searle Center Research Roundtable on the Law and Economics of Digital Markets, July 29-Tuesday 2013 (comment)

*Predicting Fair Use* – Melbourne Law School Faculty Research Seminar Series, March 11, 2013 (presentation)

Copyright Reform in the Digital Age: Is Fair Use Too Uncertain? – The Australian Digital Alliance 2013 Annual Copyright Forum, March 1, 2013 (keynote address)

Second Annual Global Congress on Intellectual Property and the Public Interest, Rio De Janeiro December 14-17, 2012 (participating expert)

Standards of Proof in Patent Litigation – CELS 2012 (Conference on Empirical Legal Studies), Stanford University School of Law, November 9, 2012 (comment)

Copyright Policy and Information – Intellectual Property Law Speaker Series, University of San Diego School of Law, November 8, 2012 (invited presentation)

Orphan Works and Mass Digitization – In Re Books, a conference on law and the future of books, New York Law School, October 26-27, 2012 (presentation/panelist)

Global Research Network on Copyright Flexibilities in National Legal Reform – Experts Meeting, Program on Information Justice and Intellectual Property at American University Washington College of Law, September 14-15, 2012 (participating expert)

Orphan Works as Grist for the Data Mill – Intellectual Property Scholars Conference, Stanford University School of Law, August 12, 2012 (presentation)

Orphan Works as Grist for the Data Mill – UC Berkeley School of Law, Orphan Works & Mass Digitization Conference, April 12-13, 2012 (presentation)

League Structure and Stadium Rent Seeking – The Role of Antitrust Revisited – Cardozo Benjamin N. Cardozo School of Law IP Speaker Series, March 5, 2012 (presentation)

Copyright and the Future of the Entertainment Industry – Northwestern Journal of Technology & Intellectual Property Annual Symposium, February 24, 2012 (panelist)

Sports, Economics and Politics — League Structure and Rent Seeking Through Stadiums – Marquette University School of Law Intellectual Property Colloquium, January 25, 2012 (presentation)

Predicting Fair Use – University of Washington, IP Colloquium, December 5, 2011 (presentation)

Predicting Fair Use – CELS 2011 (Conference on Empirical Legal Studies), Northwestern University School of Law, November 5, 2011 (presentation)

Predicting Fair Use – the 39<sup>th</sup> Research Conference on Communication, Information and Internet Policy (Telecommunications Policy Research Conference), George Mason University Law School, Arlington, Virginia September 23-25, 2011 (presentation)

Predicting Fair Use – Intellectual Property Scholars Conference, DePaul University College of Law, August 11, 2011 (plenary presentation)

Predicting Fair Use – the International Max Planck Research School for Competition and Innovation's Second Workshop for Junior Researchers on the Law & Economics of Intellectual Property and Competition Law, Munich, Germany, June 5, 2011 (presentation)

Fairly Useful: An Empirical Study Of Copyright's Fair Use Doctrine – Internet Law Scholars Conference, Santa Clara University, March 5, 2011 (presentation)

Objective Factors in Fair Use Litigation – Research Design and Causal Inference Workshop, Northwestern University School of Law, August 16, 2010 (workshop presentation)

Objective Factors in Fair Use Litigation – Intellectual Property Scholars Conference, University of California, Berkeley, August 12-13, 2010 (presentation)

Research Symposium on Economics and Law of Internet Search, Northwestern University School of Law, June 10–11, 2010 (invited participant)

The Pre-History of Fair Use – Copyright @300, Looking Back on the Statute of Anne, University of California, Berkeley, April 9-10, 2010 (presentation)

Trademark and Copyright in the Days of Internet: The Google Influence, Northwestern University Journal of Technology & Intellectual Property Annual Symposium, March 5, 2010 (presentation)

Patenting Social Interactions: *Bilski* Before the Supreme Court, Northwestern University Journal of Technology & Intellectual Property Annual Symposium, March 5, 2010 (presentation)

Google Book, Northwestern University School of Law, IP Week, January 11, 2010 (guest speaker)

Searle Center, Roundtable on Empirical Studies of Patent Litigation, November 12–13, 2009, Northwestern University School of Law (invited participant)

Taking the Measure of Ideology: Empirically Measuring Supreme Court Cases – European Association of Law and Economics, Rome, September 17-19, 2009 (presentation)

Taking the Measure of Ideology: Empirically Measuring Supreme Court Cases – American Political Science Association Annual National Conference, Toronto, September 2009 (presentation)

Taking the Measure of Ideology: Empirically Measuring Supreme Court Cases – Intellectual Property Scholars Conference, Cardozo Law School, August 6-7, 2009 (presentation)

The Welfare Effects of the Google Book Settlement – Northwestern University School of Law, Maturing Internet Studies Conference, May 20, 2009 (presentation)

Taking the Measure of Ideology: Empirically Measuring Supreme Court Cases – Midwest Political Science Association Annual National Conference, Chicago, April 3, 2009 (presentation)

Taking the Measure of Ideology: Empirically Measuring Supreme Court Cases – Junior Scholars in Intellectual Property Conference, Michigan State University, March 27–28, 2009 (presentation)

Searle Center, Research Symposium on Property Rights Economics and Innovation, November 14–15, 2008, Northwestern University School of Law (invited participant)

Copyright and Copy-reliant Technology – Midwest Law and Economics Association, Annual Meeting, Northwestern University, Chicago, October 3, 2008 (presentation)

Copyright and Copy-reliant Technology – Intellectual Property Scholars Conference, Stanford University, August 9-10, 2008 (presentation)

The Economics and Law of the Entrepreneur – Searle Center Research Symposium, Northwestern University School of Law, June 18–19, 2008 (invited participant)

Mapping The Frontiers of New Institutional Economics, University of Colorado Law School, Wednesday, June 11, 2008 (invited participant)

The Effect of Ideology in Intellectual Property Cases – American Law & Economics Association Annual Meeting, Columbia University School of Law, May 15, 2008 (invited presentation)

Copyright and Copy-reliant Technology – Faculty Workshop at the University of Virginia School of Law, March 28, 2008 (presentation)

Law & Economics of Innovation – Searle Center Research Roundtable, Northwestern University School of Law, December 6–7, 2007 (invited participant)

The Effect of Ideology in Intellectual Property Cases – Second Annual Conference on Empirical Legal Studies, NYU Law School, November 9–10, 2007 (invited presentation)

The Effect of Ideology in Intellectual Property Cases – Berkeley Program in Law & Economics, Law and Economics Workshop, October 29, 2007 (invited presentation)

A Proposal for Volunteer Judges to Hear Patent Cases, A Conversation with the Judiciary, Featuring Hon. James F. Holderman, Hon. Robert W. Gettleman, and Hon. Elaine E. Bucklo October 24, 2007 (moderator).

The Effect of Ideology in Intellectual Property Cases – University of Virginia, John M. Olin Program in Law and Economics, Law and Economics Workshop, October 22, 2007 (invited presentation)



Fair Use in the Internet Age– American Intellectual Property Law Association, Annual Meeting, Washington, D.C., October 18–20, 2007 (invited presentation)

The Significance of Opt-Out Mechanisms in Fair Use Analysis – Works In Progress IP, American University, September 28, 2007 (presentation)

Intellectual Property and Access to Medicines in the Developing World – A Roundtable Discussion co-sponsored by DePaul University College of Law and Doctors Without Borders/Médecins Sans Frontières, September 20, 2007 (Chair, moderator)

The Effect of Ideology in Intellectual Property Cases – Intellectual Property Scholars Conference, DePaul University College of Law, August 10-11, 2007 (presentation)

Patent Litigation Reform in the Courts and Congress – Seventh Circuit Bar Association & Judicial Conference, May 8, 2007 (Panelist)

Copyright – Michigan State University Intellectual Property Symposium, March 30-31, 2007 (Moderator)

DePaul University College of Law 10th Annual Symposium: Patents and Progress, DePaul University College of Law, March 15, 16, 2007 (Co-Chair, Moderator & Commentator)

A Conversation with the Judiciary, Featuring Hon. Alex Kozinski, United States Court of Appeals for the 9th Circuit; Hon. Richard Posner, United States Court of Appeals for the 7th Circuit; and Hon. Diane Wood, United States Court of Appeals for the 7th Circuit. DePaul University College of Law, November 2, 2006 (Moderator)

Patent Reform and Differential Impact – Intellectual Property Scholars Conference, U.C. Berkeley, August 11, 2006. (Presentation)

A Comment on Strategic Behaviors and Competition – American Association of Law Schools Workshop on Intellectual Property, Vancouver, June 15, 2006 (Comment)

Piracy: The Recording Industry's Optimal Litigation Strategy – 1st Annual Northwestern Journal of Technology and Intellectual Property Symposium IP Litigation in the 21st Century, Chicago, February 24, 2006 (Presentation)

IP Issues for Bloggers – Columbia College School of Journalism, Chicago, February 21, 2006 (Presentation)

Google Book: Fair Use or Free Lunch – Northwestern University School of Law Intellectual Property Law Society, Chicago, January 12, 2005 (panel)

The Law and Economics of Copyright Scope and Fair Use – Midwest Law and Economics Association, Annual Meeting, Chicago, October 14, 2005 (Presentation)

The IP in iPod – a presentation to the Northwestern University School of Law Intellectual Property Law Society, Chicago, September 28, 2005 (Presentation)

Applying Law and Economics to Copyright's Fair Use Doctrine – Canadian Law and Economics Association, Annual Meeting, Toronto, September 25, 2005 (Presentation)

Copyright Scope and the Law and Economics of Fair Use – Intellectual Property Scholars Conference, New York, August 11, 2005 (Presentation)

Intellectual Property, Antitrust and the Public Domain – Loyola Antitrust Colloquium, Chicago, April 8, 2005 (Comment)

Patent Litigation and Its Effect on Technology Commercialization – a presentation to the Northwestern University School of Law Intellectual Property Law Society, Chicago, January 12, 2005 (moderator)

The Future of Intellectual Property – a presentation to the Northwestern University School of Law Intellectual Property Law Society, Chicago, September 28, 2004 (presentation)

## Appendix B:

### Selected Media Mentions 2023

Overview: My pioneering research on the relationship between copyright and copy-reliant technology has placed me in high demand to address issues related to Generative AI. In July, I testified to before the U.S. Senate Committee on the Judiciary Subcommittee on Intellectual Property about Copyright and AI. I speak to reporters several times a week about the broader social impacts of AI, the copyrightability of AI outputs, and the legality of training AI models on copyrighted works. In October 2023 I spoke to a series of government, industry, and academic audiences in Australia on copyright and AI.

*Now AI can write, sing and act, is it still possible to be a star?*, THE ECONOMIST, Nov 9, 2023, (<https://www.economist.com/briefing/2023/11/09/now-ai-can-write-sing-and-act-is-it-still-possible-to-be-a-star>)

*The tech firms argue that “training” an ai model on copyrighted work amounts to fair use. In the words of Matthew Sag of Emory University, AI does not copy a book “like a scribe in a monastery” so much as learn from it like a student.*

Mathew Ingram, *An AI engine scans a book. Is that copyright infringement or fair use?*, COLUMBIA JOURNALISM REVIEW, October 26, 2023 ([https://www.cjr.org/the\\_media\\_today/an-ai-engine-scans-a-book-is-that-copyright-infringement-or-fair-use.php](https://www.cjr.org/the_media_today/an-ai-engine-scans-a-book-is-that-copyright-infringement-or-fair-use.php))

TFL, *With the Rise of GenAI, a Federal Right of Publicity is Taking Center Stage*, THE FASHION LAW, October 16, 2023 (<https://www.thefashionlaw.com/as-generative-ai-takes-off-a-federal-right-of-publicity-is-in-the-works/>)

Joe Pompeo, *Inside the Legal Tussle Between Authors and AI: “We’ve Got to Attack This From All Directions”*, VANITY FAIR, October 18, 2023 (<https://www.vanityfair.com/news/2023/10/legal-tussle-between-authors-ai>)

Will Bedingfield, *Hollywood Writers Reached an AI Deal That Will Rewrite History*, WIRED, Sep. 27, 2023 (<https://www.wired.co.uk/article/us-writers-strike-ai-provisions-precedents>).

*“I think the key issue here is ‘AI-generated material can’t be used to undermine a writer’s credit or separated rights,’” says Matthew Sag, a professor of law and artificial intelligence at Emory University. “I had always understood the major concern of the writers was that studios would use AI to dilute the credit/compensation due to writers working on their shows. This agreement appears to address that concern and acknowledges the reality that many writers will choose to use AI tools to accelerate their workflow. Leaving the writers with a genuine choice in this regard is an important victory for the WGA.”*

Robert Silverman, *How Barstool Built an Empire by Swiping Sports Highlights*, THE DAILY BEAST Sep. 11, 2023 (<https://www.thedailybeast.com/how-dave-portnoys-barstool-built-an-empire-by-swiping-sports-highlights>).

Isabel Gottlieb & Kyle Jahner, Microsoft Sees Low Risk for Customers in AI Copyright, Lawsuits, BLOOMBERG LAW, Sept. 11, 2023 (<https://news.bloomberglaw.com/us-law-week/how-risky-is-microsofts-pledge-to-defend-ai-copyright-lawsuits>)

Quoted in relation to Microsoft's promise to defend customers from copyright infringement lawsuits stemming from its Copilot artificial intelligence tools.

Kate Knibbs, Why This Award-Winning Piece of AI Art Can't Be Copyrighted, WIRED, (<https://www.wired.com/story/ai-art-copyright-matthew-allen/>) Sept. 6, 2023

Will Bedingfield, *The Inventor Behind a Rush of AI Copyright Suits Is Trying to Show His Bot Is Sentient*, WIRED, August 31, 2023 (<https://www.wired.com/story/the-inventor-behind-a-rush-of-ai-copyright-suits-is-trying-to-show-his-bot-is-sentient/>)

Quoted in relation to the copyrightability of works made with Generative AI, including:

*“The least interesting question [about copyright and AI] is, if there is no human involvement, should there be copyright?” says Sag. “The answer is just so blindingly, obviously, no, there shouldn't. That, you know, it's a pity that it's taking up our time from the really interesting and important question, which is: How much human involvement is enough?”*

Kate Knibbs *Why the Great AI Backlash Came for a Tiny Startup You've Probably Never Heard Of*, WIRED, August 14, 2023 6:00 AM (<https://www.wired.com/story/prosecraft-backlash-writers-ai/>)

Quoted in relation to the demise of Prosecraft, a website that offered linguistic analysis on novels for free, but was accused of copyright infringement.

Will Bedingfield, *The Generative AI Battle Has a Fundamental Flaw*, WIRED, July 27, 2023 (<https://www.wired.com/story/artificial-intelligence-copyright-law/>)

Quoted in relation to Generative AI litigation and my US Senate subcommittee.

Will Bedingfield, *Why Hollywood Really Fears Generative AI*, WIRED, June 2, 2023 (<https://www.wired.com/story/hollywood-actors-artificial-intelligence-performance/>)

Quoted in relation to the Hollywood writers strike.

Shubham Agarwal, *Audiobook Narrators Fear Apple Used Their Voices to Train AI*, WIRED, February 14, 2023 (<https://www.wired.com/story/apple-spotify-audiobook-narrators-ai-contract/>)

## Podcast & Radio Interviews

Professional Profiles Podcast, Feature Interview with host Charlie Hubbard, June 1, 2023.

Emory 2036 Podcast, Episode 5, “A Future of Thinking Differently About Data,” Feature Interview with host, Emory Alumni Board President Munir Meghiani, October 21, 2022 (<https://2036.emory.edu/the-podcast>)

## Editorials

[The Supreme Court needs 15 Justices](#), Bloomberg, May 4, 2021 (co-authored with Tonja Jacobi)

[The Supreme Court Is the Final Hurdle for Voters' Rights](#), Bloomberg, Mar. 31, 2021 (co-authored with Tonja Jacobi)

[“Supreme Court justices are speaking up more because they’re not afraid to be partisan”](#) Washington Post, April 6, 2018 (April 8 in the print edition) (co-authored with Tonja Jacobi)

[Lessons From South Africa: Protecting Non-Expressive Uses In Copyright Reform](#), Intellectual Property Watch June 11, 2017 (co-authored with Sean Flynn)

### **Television Interviews**

[CBSN with anchor Reena Ninan](#), October 9, 2018 (Discussing Justice Kavanaugh's first day on the bench and the future of the Supreme Court)