

Shubha Ghosh
Crandall Melvin Professor of Law
Director, Syracuse Intellectual Property Law Institute

Forthcoming

Efficient Expressions, 31 HIST. ECON. IDEAS 169 (forthcoming 2024).

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* TYLER T. OCHOA & MARY LAFRANCE)
(5th ed. forthcoming 2024).

Books

ACING TORT LAW: A CHECKLIST APPROACH TO TORT LAW (4th ed. 2022).

ADVANCED INTRODUCTION TO LAW AND ENTREPRENEURSHIP (2021).

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* TYLER T. OCHOA & MARY LAFRANCE)
(4th ed. 2020).

EXHAUSTING INTELLECTUAL PROPERTY RIGHTS: A COMPARATIVE LAW AND POLICY ANALYSIS
(*with* Irene Calboli) (2018).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES: A
SUCCESSOR TO INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND
MATERIALS (*with* RICHARD GRUNER & JAY KESAN) (4th ed. 2018).

ACING TORT LAW (3rd ed. 2017).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF
CREATIVE ACTIVITY (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (3rd ed. 2016).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES: A
SUCCESSOR TO INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND
MATERIALS (*with* RICHARD GRUNER & JAY KESAN) (3rd ed. 2015).

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* DONALD CHISUM, MARY LAFRANCE &
TYLER OCHOA) (3rd ed. 2015).

THE IMPLEMENTATION OF EXHAUSTION POLICIES: LESSONS FROM NATIONAL EXPERIENCES
(2013). Available at [http://www.ictsd.org/themes/innovation-and-ip/research/the-
implementation-of-exhaustion-policies-lessons-from-national](http://www.ictsd.org/themes/innovation-and-ip/research/the-implementation-of-exhaustion-policies-lessons-from-national).

QUESTIONS & ANSWERS: ANTITRUST (2013).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES (*with* RICHARD GRUNER & JAY KESAN) (2nd ed. 2012, *of* INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS, 2006).

IDENTITY, INVENTION, AND THE CULTURE OF PERSONALIZED MEDICINE PATENTING (2012).

ACING TORT LAW (2nd ed. 2012).

GLOBAL ISSUES IN PATENT LAW (*with* MARTIN ADELMAN, AMY LANDERS & TOSHIKI TAKENAKA, 2011).

UNDERSTANDING INTELLECTUAL PROPERTY (*with* DONALD CHISUM, MARY LAFRANCE & TYLER OCHOA) (2nd ed. 2011).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (2nd ed. 2011).

ACING TORT LAW: A CHECKLIST APPROACH TO TORT LAW (2009).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY: CASES AND MATERIALS (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (2007).

INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND MATERIALS, (*with* RICHARD GRUNER & JAY KESAN) (2006).

THEATER LAW: CASES AND MATERIALS (*with* STEVEN E. CHAIKELSON ET AL.) (2004).

Books, Edited

FORGOTTEN INTELLECTUAL PROPERTY LORE: CREATIVITY, ENTREPRENEURSHIP AND INTELLECTUAL PROPERTY (2020).

INTELLECTUAL PROPERTY AND INNOVATION (2017).

CREATIVITY, LAW AND ENTREPRENEURSHIP (*with* Robin Paul Malloy 2011).

Law Review and Other Scholarly Articles

Beyond AI Ownership, or the Continuing Problem of Software Patenting in the AI Landscape, 33 AUSTL. INTEL. PROP. J. 59 (2023).

A Consumer Divided Cannot Stand, 68 ANTITRUST BULL. 307 (2023).

The Continuing Right to Repair, 37 BERKELEY TECH. L.J. 1096 (2022).

A La Recherche De Breyer Perdu, 21 UNIV. ILL. CHI. REV. INTELL. PROP. L. 38 (2022).

Time, Scarcity, and Abundance, 7 FRONTIERS IN RES. METRICS AND ANALYTICS 1 (2022).

Universities as Engines of Development, 14 LAW & DEV. REV. 723 (2021).

Myriad post-Myriad, 47 SCI. & PUB. POL'Y 638 (2021).

Do the Games Never End? 71 FLA. L. REV. F. 76 (2020).

The Elusive Quest for Digital Exhaustion in the US and the EU: The CJEU's Tom Kabinet Ruling a Milestone or Millstone for Legal Evolution?, 8 HUNG. YB INT'L L. & EUR. L. 249 (2020).

A Revolution Ignored?, 65 ANTITRUST BULL. 606 (2020).

The Antitrust Logic of Biologics, 2018 U. ILL. L. REV. ONLINE 46 (2018),
<https://illinoislawreview.org/online/the-antitrust-logic-of-biologics/>.

Jurisdiction Stripping of the Federal Circuit?, 52 AKRON L. REV. 391 (2018).

Free Speech, Free Markets and the Death of Trademark Law, 5 J. NAT'L L. U. DELHI 61 (2018).

Eli Lilly and the International Investment Law Challenge to a Neo-Federal IP Regime (with Jason Yackee), 21 VAND. J. ENT. & TECH. L. 517 (2018).

Introduction, *A Duty to Remember*, 68 SYRACUSE L. REV. 1 (2018).

A Court Divided, 17 CHI.-KENT J. INTELL. PROP. 346 (2018).

Remapping Copyright Functionality: The Quixotic Search for a Unified Test for Severability for PGS Works, 39 EUR. INTELL. PROP. REV. 90 (2017).

Entrepreneurship and Antitrust Enforcement, 61 ANTITRUST BULL. 595 (2016).

Are Universities Special?, 49 AKRON L. REV. 671 (2016).

Asking the Nearest Hippie, 22 MICH. TELECOMM. & TECH. L. REV. 135 (2015).

Beyond Hatch-Waxman, 67 RUTGERS U. L. REV. 779 (2015).

Decentering the Consuming Self: Personalized Medicine, Science, and the Market for Lemons, 5 WAKE FOREST J. L. & POL'Y 299 (2015).

Against Contractual Authoritarianism, 44 SW. L. REV. 239 (2014–2015).

Short-Circuiting Contract Law: The Federal Circuit's Contract Law Jurisprudence and IP Federalism, 96 J. PAT. & TRADEMARK OFF. SOC'Y 536 (2014).

Convergence?, 15 MINN. J. L. SCI. & TECH. 95 (2014).

The Implementation of Exhaustion Policies: Lessons from National Experiences (February 3, 2014). Univ. of Wisconsin Legal Studies Research Paper No. 1248. Available at <https://ssrn.com/abstract=2390232> (2014). <https://dx.doi.org/10.2139/ssrn.2390232>

Introduction, *Legal Education and Legal Reform in South Asia*, 63 J. LEGAL EDUC. 497 (2013–2014).

Reforming Software Claiming, 2013 WIS. L. REV. ONLINE 63 (2013).

Komesar's Razor: Comparative Institutional Analysis in a World of Networks, 2013 WIS. L. REV. 455 (2013).

Duty, Consequences, & Intellectual Property, 10 U. ST. THOMAS L.J. 801 (2012–2013).

Cultivating Intellectual Property, 4 WIPO J. 28 (2012-13).

Managing the Intellectual Property Sprawl, 49 SAN DIEGO L. REV. 979 (2012).

Informing and Reforming the Marketplace of Ideas: The Public-Private Model for Data Production and the First Amendment, 2012 UTAH L. REV. 653 (2012).

Razing the Funhouse? 64 FLA. L. REV. F. 23 (2012).

The Quest for Effective Traditional Knowledge Protection: Some Reflections on WIPO's Recent IGC Discussions, 6 BIORES (18 June 2012). Available at <http://www.ictsd.org/bridges-news/biores/news/the-quest-for-effective-traditional-knowledge-protection-some-reflections>.

Commercializing Data, 3 ELON L. REV. 195 (2011–2012).

Peace Song for the Tiger Mother, 17 UCLA ASIAN PAC. AM. L.J. 45 (2011–2012).

CSI: Aoki, 45 U.C. DAVIS. L. REV. 1889 (2011–2012).

Why Intergenerational Equity, 2011 WIS. L. REV. 103 (2011).

FDA Preemption of Drug and Device Labeling: Who Should Decide What Goes on a Drug Label? (with Tamsen Valoir), 21 HEALTH MATRIX 555 (2011).

The Sale of Patented Methods: Reconciling on-Sale Bar & Patent Exhaustion Doctrines in Light of In Re Kollar & Quanta v. LG (with Lucas Divine), 39 AIPLA Q. J. 295 (2011).

A Roadmap for TRIPS: Copyright and Film in Colonial and Independent India, 1 QUEEN MARY J. INTELL. PROP. 146 (2011).

Open Borders, the US Economic Espionage Act of 1996, and the Global Movement of Knowledge and People, 21 K. L.J. 1 (2010).

Open Borders, Intellectual Property & Federal Criminal Trade Secret Law, 9 J. MARSHALL REV. INTELL. PROP. L. i (2009–2010).

The Transactional Turn in Intellectual Property, 35 U. DAYTON L. REV. 329 (2009–2010).

Carte Blanche, Quanta, and Competition Policy, 34 J. CORP. L. 1209 (2008–2009).

Patenting Games: Baker v. Selden Revisited, 11 VAND. J. ENT. & TECH. L. 871 (2008–2009).

Predatory Conduct and Predatory Legislation: Exclusionary Tactics in Airline Markets (with Darren Bush), 45 HOUS. L. REV. 343 (2008–2009).

Protection and Enforcement of Well-known Mark Rights in China: History, Theory and Future, (with Jing “Brad” Luo), 7 NW. J. TECH. & INTELL. PROP. 119 (2008–2009).

Intellectual Property Rights : The View from Competition Policy, 103 NW. U. L. REV. COLLOQUY 344 (2008–2009).

Decoding and Recoding Natural Monopoly, Deregulation, and Intellectual Property, 2008 U. ILL. L. REV. 1125 (2008).

Intellectual Property: American Exceptionalism or International Harmonization (with F. Scott Kieff, et al.), 3 N.Y.U. J. L. & LIBERTY 448 (2008)

Race-Specific Patents, Commercialization, and Intellectual Property Policy, 56 BUFF. L. REV. 409 (2008).

Dilution and Competition Norms: The Case of Federal Trademark Dilution Claims Against Direct Competitors, 24 SANTA CLARA COMPUTER & HIGH TECH. L.J. 571 (2007–2008).

Who Doesn't Own Culture – Two Books on Law's Role in Shaping Culture, 8 STUD. INT'L FIN. ECON. & TECH. L. 135 (2007).

Belief: An Essay in Understanding, 54 BUFF. L. REV. 807 (2006).

What Is the Legal Standard for Determining When Bidding Is Predatory?, 34 PREVIEW U.S. SUP. CT. CASES 138 (2006).

How Specifically Must an Antitrust Plaintiff Plead a Conspiracy in Order to State a Claim?, 34 PREVIEW U.S. SUP. CT. CASES 134 (2006).

The Fable of the Commons: Exclusivity and the Construction of Intellectual Property Markets, 40 U.C. DAVIS L. REV. 855 (2006–2007).

The Market As Instrument, 59 S.M.U. L. Rev. 1717 (2006).

The Intellectual Property Incentive: Not So Natural as to Warrant Strong Exclusivity, 3 SCRIPTed 96 (2006).

Exclusivity: The Roadblock to Democracy?, 50 ST. LOUIS U. L.J. 799 (2005–2006).

Can a Business Collude with Itself?, 2005–2006 PREVIEW U.S. SUP. CT. CASES 182 (2005–2006).

When Exclusionary Conduct Meets the Exclusive Rights of Intellectual Property: Morris v. PGA Tour and the Limits of Free Riding As An Antitrust Business Justification, 37 LOY. U. CHI. L.J. 723 (2005–2006).

Market Entry and the Proper Scope of Copyright, 12 INT’L J. ECON. OF BUS. 347 (2005).

Law, Technology, and Development: Policy Debates in the New Millennium, 27 LAW & POL’Y 1 (2005).

Patent Law and the Assurance Game: Refitting Intellectual Property in the Box of Regulation, 18 CAN. J. L. & JURIS. 307 (2005).

The Functions of Transaction Costs: Rethinking Transaction Cost Minimization in a World of Friction (with David Driesen), 47 ARIZ. L. REV. 61 (2005).

On Bobbling Heads, Paparazzi, and Justice Hugo Black, 45 SANTA CLARA L. REV. 617 (2004–2005).

Patents and the Regulatory State: Rethinking the Patent Bargain Metaphor After Eldred, 19 BERKELEY TECH. L.J. 1315 (2004).

A Rose Is a Rose Is: The Thorny Case of Morris Communications Corp. v. Professional Golf Association Tour, Inc., 1 ERASMUS L. & ECON. REV. 287 (2004), reprinted in 3 BUFF. INTELL. PROP. L.J. 1 (2005–2006).

Globalization, Patents, and Traditional Knowledge, 17 COLUM. J. ASIAN L. 73 (2003–2004), reprinted as *Traditional Knowledge, Patents and the New Mechanisms*, 85 J. PAT. & TRADEMARK OFF. SOC’Y 828, 885 (2003).

What Do Patents Purchase?: In Search of Optimal Ignorance in the Patent Office (with Jay Kesan), 40 Hous. L. Rev. 1219 (2003–2004).

Copyright as Privatization: The Case of Model Codes, 78 TUL. L. REV. 653 (2003–2004).

Reflections on the Traditional Knowledge Debate, 11 CARDOZO J. INT'L & COMP. L. 497 (2003–2004).

Deprivatizing Copyright, 54 CASE W. RES. L. REV. 387 (2003–2004).

Gandhi & the Life of the Law, 53 SYRACUSE L. REV. 1273 (2003).

Traditional Knowledge, Patents and the New Mercantilism (Part II), 85 J. PAT. & TRADEMARK OFF. SOC'Y 885 (2003).

Traditional Knowledge, Patents and the New Mechanisms (Part I), 85 J. PAT. & TRADEMARK OFF. SOC'Y 828 (2003).

The Traditional Terms of the Traditional Knowledge Debate, 23 NW. J. INT'L L. & BUS. 589 (2002–2003).

Legal Code and the Need for a Broader Functionality Doctrine in Copyright, 50 J. COPYRIGHT SOC'Y U.S.A. 71 (2002–2003).

Pills, Patents, and Power: State Creation of Gray Markets as a Limit on Patent Rights, 53 FLA. L. REV. 789 (2001), *reprinted in* 14 FLA. J. INT'L L. 217 (2001–2002).

The Merits of Ownership; or, How I Learned to Stop Worrying and Love Intellectual Property, 15 HARV. J. L. TECH 453 (2001–2002).

Turning Gray into Green: Some Comments on Napster, 23 HASTINGS COMM. & ENT. L.J. 563 (2000–2001).

Colloquium on Privacy and Security (with Gary M. Schober et al.), 50 BUFF. L. REV. 703 (2002).

Relaxing Antitrust during Economic Downturns: A Real Options Analysis of Appalachian Coals and the Failing Firm Defense, 68 ANTITRUST L.J. 111 (2000–2001).

Panel One, The Road to Napster: Internet Technology & Digital Content, 50 AM. U. L. REV. 363 (2000–2001).

Toward a Theory of Regulatory Takings for Intellectual Property: The Path Left Open after College Savings v. Florida Prepaid, 37 SAN DIEGO L. REV. 637 (2000).

Methods, Conclusions, and the Search for Scientific Validity in Economics and Other Social Sciences, 8 DIGEST: THE NAT'L ITALIAN-AMERICAN B. ASS'N L.J. 1 (2000).

Where's the Sense in Hill v. Gateway 2000?: Reflections on the Visible Hand of Norm Creation, 16 *TOURO L. REV.* 1125 (1999–2000).

Gray Markets in Cyberspace, 7 *J. INTELL. PROP. L.* 1 (1999–2000).

Reconciling Property Rights and States' Rights in the Information Age: Federalism, the Sovereign's Prerogative and Takings after College Savings, 31 *U. TOL. L. REV.* 17 (1999–2000).

Whistling Dixie: The Invalidity and Unconstitutionality of Covenants Against Yankees (with Alfred Brophy), 10 *VILL. ENVTL. L.J.* 57 (1999).

Fragmenting Knowledge, Misconstruing Rule 702: How Lower Courts Have Resolved the Problem of Technical and Other Specialized Knowledge in Daubert v. Merrell Dow Pharmaceuticals, Inc., 1 *CHI.-KENT J. INTELL. PROP.* 1 (1999).

Casting Light on Originalism, 24 *OKLA. CITY U. L. REV.* 431 (1999).

W[h]ither Daubert? What Courts Mean by "Scientific" Evidence, 29 *TRIAL LAW. Q.* 9 (1999).

Federal and State Resolutions of the Problem of Daubert and "Technical or Other Specialized Knowledge," 22 *AM. J. TRIAL ADVOC.* 237 (1998–1999).

The Legal, Economic, and Policy Roles of Immigrant Entrepreneurs in the Immigration Debate, 5 *UCLA ASIAN PAC. AM. L.J.* 15 (1998).

The Morphing of Property Rules and Liability Rules: An Intellectual Property Optimist Examines Article 9 and Bankruptcy, 8 *FORDHAM INTELL. PROP. MEDIA & ENT. L.J.* 99 (1997–1998).

Takings, the Exit Option, and Just Compensation, 17 *INT'L REV. L. & ECON.* 157 (1997).

Property Rules, Liability Rules, and Termination Rights: A Fresh Look at the Employment at Will Debate with Applications to Franchising and Family Law, 75 *OR. L. REV.* 969 (1996).

An Economic Analysis of the Common Control Exception to Gray Market Exclusion, 15 *U. PA. J. INT'L BUS. L.* 373 (1994–1995).

Book Chapters

Crisis, Invention, & Innovation, in INTELLECTUAL PROPERTY RIGHTS IN THE POST-PANDEMIC WORLD, (Tania Pihlajarinne et al. eds., 2023).

Protecting Custom Fit, Aspiring for Social Justice, in CAMBRIDGE HANDBOOK ON INTELLECTUAL PROPERTY AND SOCIAL JUSTICE (Lateef Mtima & Steve Jamar eds., 2023).

Make Without Take, in RELEVANCE OF DUTIES IN THE CONTEMPORARY WORLD (Raman Mittal & Kshitij Kuman Singh eds., 2022).

Ain't It Just Software?, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND ARTIFICIAL INTELLIGENCE (Ryan Abbott ed., 2022).

Consequentialist Thinking and Economic Analysis in Intellectual Property, HANDBOOK OF INTELLECTUAL PROPERTY RESEARCH: LENSES, METHODS, AND PERSPECTIVES (Irene Calboli & Maria Lillà Montagnani eds., 2021).

“If Music Did Not Pay”: The State Court Roots of Justice Holmes’ Intellectual Property Jurisprudence, in FORGOTTEN INTELLECTUAL PROPERTY LORE (2020).

Competition in Digital Markets, Research Handbook on Intellectual Property and Digital Technologies (Tanya Aplin ed., 2020).

Bayh-Dole Beyond Patents, RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER (Jacob H. Rooksby ed., 2020).

Intellectual Property and Economic Development: a Guide for Scholarly and Policy Research, RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (Ben Depoorter & Peter S. Menel eds., 2019).

Contemporary Views on the Economics of Patents, OXFORD RESEARCH ENCYCLOPEDIA OF ECONOMICS AND FINANCE ONLINE (2018).

The Mirror, the Lamp, and Public Performances, OXFORD HANDBOOKS ONLINE (2017).

Injunctive Relief and Compulsory Licensing under Indian Patent Law, in ANNOTATED LEADING PATENT CASES IN MAJOR ASIAN JURISDICTIONS (Kung-Chung Liu ed., 2017).

Patent Exhaustion on Trial in the United States, in GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE (Mark Perry ed., 2016).

Competition, Markets, and Trademark Transactions, in THE LAW AND PRACTICE OF TRADEMARK TRANSACTIONS (Irene Calboli & Jacques de Werra eds., 2016).

Incentives, Contracts, and Intellectual Property Exhaustion, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY EXHAUSTION AND PARALLEL IMPORTS (Irene Calboli & Edward Lee eds., 2016).

FRAND in India (with D. Daniel Sokol), University of Florida Levin College of Law, Legal Studies Research Paper No. 16-46 (2016.)

The Colorblind Marketplace?, in INTELLECTUAL PROPERTY, ENTREPRENEURSHIP AND SOCIAL JUSTICE: FROM SWORDS TO PLOUGHSHARES (Lateef Mtima ed., 2015).

Genetic Identity and Personalized Medicine Patenting: An Update on Myriad's Patents Related to Ashkenazim Jewish Ancestry, in DIVERSITY IN INTELLECTUAL PROPERTY: IDENTITIES, INTERESTS, AND IINTERSECTIONS (Irene Calboli & Srividhya Ragavan eds., 2015).

The Idea of International Intellectual Property, in THE SAGE HANDBOOK OF INTELLECTUAL PROPERTY (Matthew David & Debora J. Halbert eds., 2015).

What the Treatment of Covenants not to Compete Teaches About Intellectual Property and Competition Norms, in INTELLECTUAL PROPERTY IN COMMON LAW AND CIVIL LAW (Toshiko Takenaka ed., 2013).

The Movement of Skilled Labor and Knowledge Across Borders, in THE ASHGATE RESEARCH COMPANION TO MIGRATION LAW, THEORY AND POLICY. (Satvinder Juss ed., 2013).

Propriedade Intelectuel no novo Projeto de Direito e Desenvolvimento, in DIREITO E DESENVOLVIMENTO: UM DIALOGO ENTRE OS BRICS (Mario G. Schapiro & David M. Trubek eds., 2012).

The Strategic Lawyer, in ENTREPRENEURSHIP AND INNOVATION IN EVOLVING ECONOMIES: THE ROLE OF LAW (Megan M. Carpenter ed., 2012).

Vertical Restraints, Competition, and the Rule of Reason, in ANTITRUST LAW AND ECONOMICS (Keith Hylton ed., 2010).

When Property is Something Else: Understanding Intellectual Property Through the Lens of Regulatory Justice, in INTELLECTUAL PROPERTY AND THEORIES OF JUSTICE (Alain Marciano et al. eds., 2008).

Who Doesn't Own Culture? Two Books on Law's Role in Shaping Culture, in LAW, CULTURE, AND ECONOMIC DEVELOPMENT: A LIBER AMERICORUM FOR PROFESSOR ROBERTO MCLEAN (Joseph J. Norton & C. Paul Rogers eds., 2007).

Recognizing Authority in the Marketplace: The Curious and Ubiquitous Problem of Gray Markets, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH, vol. 4: INTERNATIONAL INTELLECTUAL PROPERTY LAW AND POLICY (Peter Yu ed., 2007).

How to Build a Commons: Is Intellectual Property Constrictive, Facilitating, or Irrelevant? in UNDERSTANDING KNOWLEDGE AS A COMMONS: FROM THEORY TO PRACTICE (Elinor Ostrom & Charlotte Hess eds., 2007).

The Importance of Patents, Trade-marks and Copyright for Innovation and Economic Performance: Developing a Research Agenda for Canadian Policy, (with Dr. Mohammed

Rafiquzzaman) in *INTELLECTUAL PROPERTY AND INNOVATION IN THE KNOWLEDGE-BASED ECONOMY* (Jonathan D. Putnam ed., 2006).

Competitive Baselines for Intellectual Property Systems, in *INTERNATIONAL PUBLIC GOODS AND TECHNOLOGY TRANSFER* (Keith Maskus & Jerome Reichmann eds., 2005).

Copyright Act of 1790, MAJOR ACTS OF CONGRESS, vol. 1, at 181 (Brian K. Landsberg ed., 2004).

Copyright Act of 1976, MAJOR ACTS OF CONGRESS, vol. 1, at 185 (Brian K. Landsberg ed., 2004).

Patent Acts, MAJOR ACTS OF CONGRESS, vol. 3, at 116 (Brian K. Landsberg ed., 2004).

Understanding Immigrant Entrepreneurs: Theoretical and Empirical Issues, in *THE STATE OF ASIAN PACIFIC AMERICA: REFRAMING THE IMMIGRATION DEBATE: A PUBLIC POLICY REPORT* (Bill Hing & Ronald Lee eds., 1996).

Reports to Governmental Bodies and Professional Associations

Brief of Amici Curiae US Inventor, Inc. et al., *Retractable Technologies, Inc. and Thomas J. Shaw v. Becton, Dickinson & Co.*, No. 16-953 (5th Cir. 2017).

Reports, News, and Commentary

Fuck the Draft ®: *Notes on the First Amendment and Trademark Law* (February 24, 2016), <https://ssrn.com/abstract=2737220>

Patent Exhaustion and Self-Replicating Technologies: Amicus Brief in Support of Bowman by the American Antitrust Institute (with Peter C. Carstensen & Randy Stutz) UNIV. WIS. LEGAL STUDIES RES. PAPER NO. 1213 (Dec. 12, 2012), <https://ssrn.com/abstract=2188618>

RAND Patents and Exclusion Orders: Submission of 19 Economics and Law Professors to the International Trade Commission (with Colleen V. Chien et al.) SANTA CLARA U. LEGAL STUD. RES. PAPER NO. 07-12; UC BERKELEY PUB. L. RES. PAPER NO. 2102865 (July 9, 2012). <https://ssrn.com/abstract=2102865>

Transparent and Commercialized?: Managing the Public-Private Model for Data Production and Use, UNIV. WIS. LEGAL STUD. RES. PAPER NO. 1155 (Mar. 7, 2011), <https://ssrn.com/abstract=1780486>

Life in the Anticommons, criticism of CURB YOUR ENTHUSIASM, published on the PICTURING JUSTICE website, www.usfca.edu/pj (2005).

Myriad Troubles Facing Gene Patents, 2 PRECLINICA 300 (2004) (discussion of cancellation of patent on breast cancer gene sequence in Europe).

Intellectual Property in Bankruptcy, 2 PRECLINICA 239 (2004) (presentation to general audience on bankruptcy and intellectual property).

The Bayh-Dole Act Under Fire, 2 PRECLINICA 13 (2004) (commentary on Bayh-Dole Act and recent claims of conflict of interest at the National Institute of Health).

Shooting Gus van Sant's Elephant, film criticism of ELEPHANT, published on the PICTURING JUSTICE web site, www.usfca.edu/pj (2004).

A Social Insurance Perspective on Security and Privacy (with Vikram Mangalmurti) (July 26, 2004), <https://ssrn.com/abstract=569643>

Leaving the Friedmans Alone, film criticism of CAPTURING THE FRIEDMANS, published on the PICTURING JUSTICE web site, www.usfca.edu/pj (2003).

The Relationship Between Antitrust and Intellectual Property Laws, published at www.gigalaw.com (December 2000).

The Legal Importance of Defining Markets on the Internet, published at www.gigalaw.com (November 2000).

Antitrust Scrutiny of Business to Business Websites, published at www.gigalaw.com (October 2000).

The Antitrust Implications of B2B Electronic Marketplaces, published at www.gigalaw.com (September 2000).

MP3 v. the Law: How the Internet Could (But Won't) Become Your Personal Jukebox, published at www.gigalaw.com (July 2000).

Unscrambling Free Speech Law for Cable...and the Internet?, published at www.gigalaw.com (June 2000).

Deciphering Free Speech and the Encryption Debate, published at www.gigalaw.com (May 2000).

Source Code as Free Speech in Encryption Cases, published at www.gigalaw.com (April 2000).

Analyzing Fair Use and the First Amendment on the Internet, published at www.gigalaw.com (March 2000).

Limiting Speech: The Consequences of Quashing Cybersquatting, published at www.gigalaw.com (February 2000).

Revealing the Microsoft Windows Source Code, published at www.gigalaw.com (January 2000).

Book Reviews

A Tribute That Turns One Inside-Out, JOTWELL (Feb. 15, 2022) (reviewing FEI-HSIEN WANG, *PIRATES AND PUBLISHERS: A SOCIAL HISTORY OF COPYRIGHT IN MODERN CHINA* (2019)).

Book Review, 10 IP L. Book Rev. 11 (2020) (reviewing CHRIS SAGERS, *UNITED STATES V. APPLE: COMPETITION IN AMERICA* (2019)).

Recognizing and Correcting a Discrepancy, JOTWELL (September 21, 2020) (reviewing MARKETA TRIMBLE, *THE TERRITORIAL DISCREPANCY BETWEEN INTELLECTUAL PROPERTY RIGHTS INFRINGEMENT CLAIMS AND REMEDIES*, 23 LEWIS & CLARK L. REV. 501 (2019)).

Layering Property, Disseminating Knowledge, JOTWELL (July 19, 2019) (reviewing RUTH L. OKEDIJI, *A TIERED APPROACH TO TRADITIONAL KNOWLEDGE*, 58 WASHBURN L.J. 271 (2019)).

All's Well That Ends Well, Sort of, JOTWELL (October 1, 2018) (reviewing OONA A. HATHAWAY & SCOTT J. SHAPIRO, *THE INTERNATIONALISTS: HOW A RADICAL PLAN TO OUTLAW WAR REMADE THE WORLD* (2018)).

A Blueprint for the Global Microbial Commons, JOTWELL (September 29, 2017) (reviewing JEROME REICHMAN, PAUL F. UHLIR, AND TOM DEDEURWAERDERE, *GOVERNING DIGITALLY INTEGRATED GENETIC RESOURCES, DATA, AND LITERATURE: GLOBAL INTELLECTUAL PROPERTY STRATEGIES FOR A REDESIGNED MICROBIAL RESEARCH COMMONS* (2016)).

Sheltering the Public from Intellectual Property, JOTWELL (October 19, 2016) (reviewing Sam Halabi, *International Intellectual Property Shelters*, 90 TUL. L. REV. 903 (2016)).

Reviving the Original Scope of Intellectual Property, Internationally, JOTWELL (Jan. 12, 2016) (reviewing Rochelle Dreyfuss & Susy Frankel, *FROM INCENTIVE TO COMMODITY TO ASSET: HOW INTERNATIONAL LAW IS RECONCEPTUALIZING INTELLECTUAL PROPERTY*, 36 MICH. J. INTL. L. 4 (2015)).

Marks on Markets and Competition, JOTWELL (March 22, 2013) (reviewing Mark A. Lemley & Mark P. McKenna, *Is Pepsi Really a Substitute for Coke? Market Definition in Antitrust and IP*, 100 GEO. L.J. 2055 (2012)).

Rationalizing Heuristics, JOTWELL (May 18, 2012) (reviewing MARK KELMAN, *THE HEURISTICS DEBATE* (2011)).

Book review, IP L. BOOK REV., June 2010, at 8 (reviewing DAN L. BURK & MARK A. LEMLEY, *THE PATENT CRISIS AND HOW THE COURTS CAN SOLVE IT* (2009)), available at http://gguipcl.com/the_ip_law_book_review/archive_-_vol_1_no_1_june_2010.

Modeling Globalization from the Bottom Up: A Review Essay of John Braithwaite and Peter Drahos, GLOBAL BUSINESS REGULATION, 39 L. & SOC'Y REV. 965 (2005).

Belling the Cat, Virtually, Review of Stuart Biegel's, BEYOND OUR CONTROL?, 1 BUFF. INTELL. PROP. L.J. 240 (2002).

Enlightening Identity and Copyright, (reviewing Emma Rothschild, ECONOMIC SENTIMENTS, 49 BUFF. L. REV. 1315 (2001)).

Book Review 23 LEGAL STUD. F. 599 (reviewing 1999 LAW AND ECONOMICS ANTHOLOGY (Kenneth G. Dau-Schmidt & Thomas S. Ulen eds.), and FOUNDATIONS OF THE ECONOMICS APPROACH TO LAW (Avery Katz ed.)).

Book Review: 13 STAN. ENVTL. L.J. 251 (1994) (reviewing Jamie Cassels, THE UNCERTAIN PROMISE OF LAW: LESSONS FROM BHOPAL (Univ. of Toronto Press, 1993)).