July 2024

JANE C. GINSBURG
Columbia University School of Law
435 West 116th Street
New York, New York 10027
212-854-3325
212-854-7946 (fax)
ginsburg@law.columbia.edu

EDUCATION

University of Paris II, Doctor of Laws, with highest honors, 1995;
Diplôme d'études approfondies (DEA) in intellectual property law, mention bien (magna cum laude), 1985

Fulbright Scholarship received for study in France 1984-85

Harvard Law School, J.D., cum laude, 1980
Editor and Note Editor, Harvard Law Review, vols. 92, 93

University of Chicago, M.A. 1977, B.A. 1976
General and Special Honors, Phi Beta Kappa

EMPLOYMENT

Current, since December 1992	Morton L. Janklow Professor of Literary and Artistic Property Law, Columbia University School of Law
Academic Year 2004-05	University of Cambridge, Arthur L. Goodhart Visiting Chair of Legal Science; Professorial Fellow, Emmanuel College
May 2002 – April 2008	Co-Reporter, American Law Institute: Intellectual Property - Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes (with Prof. Rochelle Dreyfuss and Prof. François Dessemontet)
July 1998	Hague Academy of International Law, teaching course on "The Private International law of Copyright in an Era of Technological Change"
January 1991-November 1992	Professor of Law, Columbia University School of Law
January 1987-December 1990	Associate Professor of Law, Columbia University School of Law
Fall 1983	Adjunct Assistant Professor, Benjamin N. Cardozo School of Law, taught basic copyright course
November 1981-August 1984	Associate, Cowan, Liebowitz & Latman, P.C., New York City
August 1980-August 1981	Law Clerk, Hon. John J. Gibbons, United States Court of Appeals for the Third Circuit

ONGOING FELLOWSHIPS

From April 2015	American Academy of Arts and Sciences, Member

From May 2013	American Philosophical Society, Member; Class 3 selection committee (2018-23)
From July 2011	British Academy, Corresponding Fellow
From 2007	Emmanuel College, University of Cambridge, Honorary Fellow

OTHER FELLOWSHIPS, AWARDS AND VISITING TEACHING POSITIONS

September 2023	Inaugural Sir Percy Spender Visiting Fellowship, University of Sydney
February 2023	Kwa Geok Choo Distinguished Visitor, National University of Singapore
June 2022	*Ambasciatrice*, Università del Salento, Italy
October 2020	Doctor *honoris causa*, University of Neuchatel, Switzerland
May 2020	Visiting Professor, Bocconi University Faculty of Law, Milan (online)
Mar 2019, Jan 2020, Jan 2022, Jan 2023	Visiting Professor, École de droit, Sciences-Po, Paris
October 2017, December 2005	Senior Fellow, University of Melbourne Law School
Fall 2016	Alliance Visiting Professor, Université de Paris I (Panthéon-Sorbonne)
October 2018, January 2016, May 1998	University of Lyon III (teaching U.S. and international copyright law)
September 2019, November 2018, September 2017, November 2016	Hanken Business School, Helsinki Finland (teaching U.S. and international copyright law)
October 2015	ChIPs Women in IP Hall of Fame Honoree
October 2015	University of Cambridge Center for Intellectual Property and Information Law [CIPIL] Fellow, teaching international copyright
May 2015	American Bar Association Section on Intellectual Property, Mark T. Banner Award
March-May 2015	Resident, American Academy in Rome Michael Sovern Affiliated Fellow (March-May 2009); Visiting Scholar (April-May; December 2010; December 2011; September 2012; December 2013; May 2016; May 2017)
October-November 2014	New Zealand Law Foundation Distinguished Visiting Fellowship (lecturing at six universities)
November 2012	Visiting Professor, University of Technology, Sydney

May 2012	Hebrew University in Jerusalem, Martin and Susan Adelman Visiting Professorship in Intellectual Property Law (first holder)
Jan. 2012, Jan. 2016, March 2018	Visiting Professor, University of Paris I (Panthéon-Sorbonne) (comparative copyright law and new technologies)
2010-11	Phi Beta Kappa Visiting Scholar (5 colleges)
2009	Order of the Coif Distinguished Visitor (Texas Tech; de Paul)
October 2009	Legal Research Foundation Visiting Fellow, University of Auckland law faculty
Fall 2008	Herbert Smith Fellow, University of Cambridge Faculty of Law
2008	IP Hall of Fame inductee
1994-2020 (various months)	University of Paris XI -- Sceaux (teaching copyright protection of new technologies)
1998-2012; 2014; 2016 (various months)	University of Toulouse I (teaching U.S. legal methods, and copyright protection of new technologies)
June 1991, May 1997; April 2005	University of Nantes (teaching U.S. and French intellectual property law)
November 1993-June 1994	Universities of Paris I -- Sorbonne, and II -- Panthéon (teaching U.S. contracts law and legal methods)
July 1994, 1992, 1990, 1988	Columbia-Leiden-Amsterdam program in American Law (teaching U.S. copyright law)
December 1991	French University of the Pacific, Papeete, French Polynesia (teaching U.S. contracts law)

LANGUAGES

French, Italian, Spanish

EDITORIAL AND ADVISORY BOARDS

Cambridge University Press, Intellectual Property and Information Law Series, Advisory Board

International Advisory Board, UK Arts and Humanities Research Council "Primary Sources on Copyright" History Project

Center for Technology, Robotics, Artificial Intelligence and Law, National University of Singapore Faculty of Law, Advisory Board

Board of Advisors, *Columbia-VLA Journal of Law & the Arts*

Editorial Board, *Journal of the Copyright Society of the USA*

Editorial Board, *Entertainment Law Review*, London, U.K.

International Editorial Board, *Cahiers de la propriété intellectuelle* (Canada)

MEMBERSHIPS AND OTHER ADVISORY POSITIONS

Vice President, Association Littéraire et Artistique Internationale (ALAI); President, ALAI-USA

Board of Advisers, Cambridge Centre for Intellectual Property and Information Law (CIPIL) (UK)

American Law Institute, Life Member (since 1990)
Co-Reporter, Intellectual Property - Principles Governing Jurisdiction, Choice of Law and Judgments in Transnational Disputes
Adviser, Restatement of Copyright
Adviser, Principles of the Law of Software Contracts

International Law Association, Committee on Private International Law and Intellectual Property

American Association of Universities, Copyright Working Group

Digital Public Library of America, Copyright Working Group

Council on Foreign Relations, Member

Board of Guarantors, Italian Academy in America (2007-10)

Columbia University, Co-Chair, University-wide committee to create and oversee University copyright ownership policy (2000-01)

Library of Congress, Advisory Committee on Copyright Registration and Deposit (ACCORD) 1993-95

Chair, ABA Patent, Copyright, Trademark Section, Committee on Pictorial, Graphic, Sculptural and Choreographic Works (1990-91)

Chair, American Association of Law Schools, Section on Intellectual Property (1990-91)

PUBLICATIONS
ssrn author abstract url: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=222890#reg
NELLCO Legal Scholarship Repository author url: http://lsr.nellco.org/columbia_pllt/0591

Books

COPYRIGHT: CONCEPTS & INSIGHTS (Foundation Press, 2d ed. 2024)

COPYRIGHT: CASES AND MATERIALS, with Prof. R.A. Gorman and Prof. R.A. Reese (Foundation Press, 10th edition 2024) with 2024 Letter Update

INTERNATIONAL COPYRIGHT AND NEIGHBORING RIGHTS: THE BERNE CONVENTION AND BEYOND, with Prof. Sam Ricketson (3d ed. Oxford University Press 2022)

TRADEMARK AND UNFAIR COMPETITION LAW, with Prof. Jessica Litman and Mary L. Kevlin, Esq (Carolina Academic Press, 7th edition 2021) with 2024 Letter Update

LEGISLATION: STATUTORY INTERPRETATION IN THEORY AND IN PRACTICE, with David Louk (with Teacher's Manual) (Foundation Press 2021) with 2024 Letter Update

CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW, Editor with Prof. Irene Calboli (Cambridge University Press 2020)

DEEP DIVE: BURROW-GILES LITHOGRAPHING V. SARONY (US 1884) COPYRIGHT PROTECTION FOR PHOTOGRAPHS AND CONCEPTS OF AUTHORSHIP IN AN AGE OF MACHINES (Twelve Tables Press 2020)

CASES AND MATERIALS ON LEGAL METHODS, with David Louk (with Teacher's Manual) (Foundation Press, 5th edition 2020) with 2024 Letter Update

INTERNATIONAL COPYRIGHT LAW - US AND EU PERSPECTIVES: TEXT AND CASES, with Prof. Edouard Treppoz (Edward Elgar, 2015)

INTELLECTUAL PROPERTY AT THE EDGE: THE CONTESTED CONTOURS OF IP, Editor, with Prof. Rochelle Dreyfuss (Cambridge University Press 2014)

COPYRIGHT LAW: CONCEPTS AND INSIGHTS, with Prof. Robert A. Gorman (Foundation Press 2012)

COPYRIGHT AND PIRACY: AN INTERDISCIPLINARY CRITIQUE, Editor, with Prof. Lionel Bently and Dr. Jennifer Davis (Cambridge University Press 2010)

TRADE MARKS AND BRANDS: AN INTERDISCIPLINARY CRITIQUE, Editor, with Prof. Lionel Bently and Dr. Jennifer Davis (Cambridge University Press 2008)

INTELLECTUAL PROPERTY STORIES, Editor, with Prof. Rochelle Dreyfuss (Foundation Press, 2005)

FOUNDATIONS OF INTELLECTUAL PROPERTY LAW, Editor, with Prof. R.P. Merges (Foundation Press, 2004)

ADJUNCTS AND ALTERNATIVES TO COPYRIGHT: PROCEEDINGS OF THE 2001 CONGRESS OF THE ASSOCIATION LITTÉRAIRE ET ARTISTIQUE INTERNATIONALE, Editor, with June Besek, Esq. (Kernochan Center for Law, Media and the Arts, 2002)

THE PRIVATE INTERNATIONAL LAW OF COPYRIGHT IN AN ERA OF TECHNOLOGICAL CHANGE, 1998 *Recueil des cours* of the Hague Academy of International Law, part 273, 239-405 (1999)

Book Chapters

AI Outputs "in the style of . . ." (2024, FESTSCHRIFT FOR MARIS-CHRISTINE JANSSENS)

The Concept of the Creator in Copyright Law (*forthcoming* 2024, ENCYCLOPEDIA OF INTELLECTUAL PROPERTY)

Authors' Copyright (?), in Susy Frankel, Margaret Chon, Graeme Dinwoodie, Barbara Lauriat and Jens Schovsbo, IMPROVING INTELLECTUAL PROPERTY 191-203 (Edward Elgar 2023)

Where does the act of "making available" occur?, with Antonia von Appen, in Andrej Savin and Jan Trzaskowski eds., RESEARCH HANDBOOK ON EU INTERNET LAW 194-214 (2d ed. Edward Elgar 2023)

Twenty Years of U.S. Digital Copyright: Adapting from Analog, in Eleonora Rosati and Hayleigh Bosher, 20 YEARS OF IPKAT (Oxford University Press 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4150749

Authors' Remuneration: Reforms to be Wished-For, in Valeria Falce and Gustavo Ghidini, eds., THE FUTURE OF IP—REFORM PROPOSALS (Edward Elgar 2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4150857

Conundra of the Berne Convention Concept of Country of Origin, in Morten Rosenmeier et al. eds, Festschrift for Jorgen Blomqvist 253 (2021), http://ssrn.com/abstract=3773236

Floors and Ceilings in International Copyright Treaties (Berne/TRIPS/WCT minima and maxima), in Axel Metzger and Henning Grosse Ruse-Khan, editors, INTELLECTUAL PROPERTY ORDERING BEYOND BORDERS (Cambridge University Press 2022) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3640668

A United States Perspective on Digital Single Market Directive, art. 17, in Irini Stamatoudi and Paul Torremans, Eds., EUROPEAN UNION COPYRIGHT LAW: A COMMENTARY (2d ed. Edward Elgar 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3579076

Liability for Hyperlinking, with Prof. Alain Strowel, in Tanya Aplin, ed., RESEARCH HANDBOOK ON IP AND DIGITAL TECHNOLOGIES (*forthcoming*, Edward Elgar 2021)

Territoriality and Supranationality: Judicial and Legislative Competence in International Trademark Disputes, with Prof. Edouard Treppoz, in Irene Calboli and Jane C. Ginsburg, Eds., CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW (Cambridge U. Press 2020)

Overlapping Copyright and Trademark Protection in the United States: More Protection and More Fair Use?, with Prof. Irene Calboli, in Irene Calboli and Jane C. Ginsburg, Eds., CAMBRIDGE HANDBOOK ON INTERNATIONAL AND COMPARATIVE TRADEMARK LAW (Cambridge U. Press 2020)

People Not Machines: Who Is an Author Under the Berne Convention?, in Graeme Austin, et al. eds., INTERCONNECTED INTELLECTUAL PROPERTY: ESSAYS IN HONOUR OF SAM RICKETSON (Cambridge U. Press 2020)

Proto-proprietà intellettuale, letteraria ed artistica: i privilegi di stampa papali nel XVI secolo (trans. Andrea Ottone) in PRIVILEGI LIBRARI NELL'ITALIA DEL RINASCIMENTO 103-287 (Andrea Ottone and Erica Squassino, eds.) (Franco Angeli, Milan, 2020)

U.S. (Non)Compliance with Its International Copyright Obligations under Berne, TRIPS and the 1996 WIPO Copyright Treaties, in Tatiana-Eleni Synodinou, ed., PLURALISM OR UNIVERSALISM IN INTERNATIONAL COPYRIGHT LAW 115 (WoutersKluwer 2019) (revised chapter for 2d ed. *forthcoming* 2024)

The 1593 Antonio Tempesta Map of Rome, in Dan Hunter and Claudy Op Den Kamp, eds., A HISTORY OF IP IN 50 OBJECTS (Cambridge University Press 2019), http://ssrn.com/abstract=3090507

"Courts have twisted themselves into knots" (and the tangled knots remain): US Copyright Protection for Applied Art after *Star Athletica*, in Estelle Derclaye, ed. THE COPYRIGHT/DESIGN INTERFACE (Cambridge U. Press 2018)

OXFORD HANDBOOK OF INTELLECTUAL PROPERTY, chapter on Copyright (Oxford U. Press 2018) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2811179

Intellectual Property in News? Why not?, with Prof. Sam Ricketson, in Sam Ricketson and Megan Richardson, eds., RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY IN MEDIA AND ENTERTAINMENT (Edward Elgar 2017) http://ssrn.com/abstract=2773797

The Author's Place in the Future of Copyright, in Ruth Okediji, ed., COPYRIGHT IN AN AGE OF LIMITATIONS AND EXCEPTIONS 63 (Cambridge Univ. Press 2017) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2574496

Asking the right questions in copyright cases: Lessons from Aereo and its international brethren, with Rebecca Giblin, Proceedings of the 2014 ATRIP Congress (Edward Elgar 2019) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2539142

Licensing Commercial Value: From Copyright to Trademarks and Back, in Irene Calboli and Jacques de Werra, eds., THE LAW AND PRACTICE OF TRADEMARK TRANSACTIONS: A GLOBAL AND LOCAL OUTLOOK 53 (Edward Elgar 2016) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2613195

The Divulgation Right: From Publication to Privacy and Back Again, in MORAL RIGHTS IN THE 21ST CENTURY: PROCEEDINGS OF THE 2014 ALAI CONGRESS 244 (2015)

The Berne Convention – historical and institutional aspects, with Prof. Sam Ricketson, in INTERNATIONAL INTELLECTUAL PROPERTY: A HANDBOOK OF CONTEMPORARY RESEARCH, Daniel Gervais, ed. (Edward Elgar, 2015)

Exceptional Authorship: the Role of Copyright Exceptions in Promoting Creativity, in Susy Frankel and Daniel Gervais, eds., EVOLUTION AND EQUILIBRIUM: COPYRIGHT THIS CENTURY 15 (Cambridge University Press, 2014) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2221458

Authors' Contracts and the US Copyright Law, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY LICENSING, Jacques de Werra, ed. (Edward Elgar 2013), 2d ed. in preparation

User-Generated Content Sites and Section 512 of the US Copyright Act, in Irini Stamatoudi, ed., COPYRIGHT ENFORCEMENT IN CYBERSPACE (Kluwer 2011) http://lsr.nellco.org/columbia_pllt/9192

A Common Lawyer's Perspective on *Contrefaçon*, in COPYRIGHT AND PIRACY: AN INTERDISCIPLINARY CRITIQUE, Lionel Bently, Jennifer Davis and Jane C. Ginsburg, eds., Cambridge University Press (2010)

Envisioning Intellectual Property Rights for a Global Market : Out-takes from the American Law Institute's Project on Intellectual Property : *Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes*, with Prof. Rochelle Dreyfuss, in LIBER AMICORUM FRANÇOIS DESSEMONTET 127 (2009)

Contracts, Orphan Works, and Copyright Norms: What Role for Berne and TRIPs?, in WORKING WITHIN THE BOUNDARIES OF INTELLECTUAL PROPERTY 471 Rochelle Cooper Dreyfuss, Harry First, Diane Leenheer Zimmerman, eds., Oxford University Press (2010), available at http://lsr.nellco.org/columbia/pllt/papers/09162

"See Me, Feel Me, Touch Me, Hea[r] Me," I am a Trademark – A U.S. Perspective, in TRADE MARKS AND BRANDS: AN INTERDISCIPLINARY CRITIQUE 92 (Lionel Bently, Jennifer Davis and Jane C. Ginsburg, eds., Cambridge University Press 2008)

Of Mutant Copyrights, Mangled Trademarks, and Barbie's Beneficence: The Influence of Copyright on Trademark Law, TRADEMARK LAW AND THEORY: A HANDBOOK OF CONTEMPORARY RESEARCH 481 (Graeme B. Dinwoodie & Mark D. Janis eds., 2008), available at, http://lsr.nellco.org/columbia/pllt/papers/07138

Copyright, eCommerce and Conflicting National Norms: Judicial and Legislative Competence, in LEGAL ASPECTS OF AN E-COMMERCE TRANSACTION 33 (Andrea Schultz, Ed., Hague Conference on Private International Law 2006)

Authors and Publishers: Adversaries or Collaborators in Copyright Law?, with Prof. R.A. Gorman, in AN UNHURRIED VIEW OF COPYRIGHT REPUBLISHED (AND WITH CONTRIBUTIONS FROM FRIENDS) (2005)

The (New?) Right of "Making Available", in INTELLECTUAL PROPERTY IN THE NEW MILLENNIUM: ESSAYS IN HONOUR OF WILLIAM R. CORNISH 234 (Cambridge U. Press, 2004), available at http://lsr.nellco.org/columbia/pllt/papers/0478

Copyright, Contracts, and the U.S. Professorate, in URHEBERRECHT IM INFORMATIONSZEITALTER: FESTSCHRIFT FUR WILHELM NORDEMANN 711 (2004)

U.S. Initiatives to Protect Works of "Low Authorship", in ROCHELLE DREYFUSS, ET AL., EDS., EXPANDING THE BOUNDS OF INTELLECTUAL PROPERTY: INNOVATION POLICY FOR THE KNOWLEDGE SOCIETY 55 (Oxford University Press, 2001)

The Role of National Copyright Law in an Era of International Norms in A. Dietz, ed., PROCEEDINGS OF THE ALAI 1999 BERLIN CONGRESS 211 (2000)

Private Copying in the Digital Environment, with Yves Gaubiac, LIBER AMICORUM HERMAN COHEN JEHORAM 149 (1998)

ARTICLES (in English; see *infra* for articles in French)

AI Input data and fair use: A view from the U.S., (*forthcoming*, AUTEURS ET MÉDIAS 2024)

Fair Use in the US Redux: Reformed or Still Deformed? (based on the Kwa Geok Choo Distinguished Visitors Lecture, National University of Singapore) 2024 Singapore Journal of Legal Studies 1, https://law.nus.edu.sg/sjls/wp-content/uploads/sites/14/2024/05/firstview-march24-JaneGinsburg.pdf ; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4883378

Copyright and Neighboring Rights Duration in Historical and Comparative Perspective, with Prof. Laura Moscati, 278 Revue Internationale du Droit d'Auteur 133 (2023)

Commentary on Andy Warhol Foundation v. Goldsmith *(U.S. 2023)*, AUTEURS ET MEDIA [Belgium] 8-17 (December 2023) (expanded version of commentary published in WIPO MAGAZINE *In the Courts: The US Supreme Court's* Warhol *decision revisits the boundaries of fair use* (Nov. 2023) https://www.wipo.int/wipo_magazine/en/2023/04/article_0006.html

The author as revenue sharer: lecture in memory of William R. Cornish, Journal of Intellectual Property Law & Practice, Volume 18, Issue 11, November 2023, Pages 787–795, https://doi.org/10.1093/jiplp/jpad087

Fifty Years of U.S. Copyright: Toward a Law of Authors' Rights?, 50 AIPLA QJ vol. 4 (March 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4230363

Letter from the US, Part II: Supreme Court Copyright Decisions and Legislative Enactments (with Ian J. Berkelaar), Revue Internationale du Droit d'Auteur (Apr. 2022)

Letter from the US, Part I: The Fair Use Pendulum Oscillates, Revue Internationale du Droit d'Auteur (Oct. 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3964178

US Second Circuit Court of Appeals tames 'transformative' fair use; rejects 'celebrity-plagiarist privilege'; clarifies protectable expression in photographs, Journal of Intellectual Property Law & Practice (Oxford U. Press), Volume 16, Issue 7, July 2021, Pages 638–646, https://doi.org/10.1093/jiplp/jpab094 ; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3839836

Minimum and Maximum Protection Under International Copyright Treaties, 44 Columbia Journal of Law & The Arts 1 (2020), https://journals.library.columbia.edu/index.php/lawandarts/article/view/7308

Comment: Foreign Contracts and U.S. Copyright Termination Rights: What Law Applies?, with Lord Justice Richard Arnold, 43 Columbia Journal of Law & the Arts 437 (2020) https://journals.library.columbia.edu/index.php/lawandarts/article/view/6125

Essay – Fair Use Factor Four Revisited: Valuing the "Value of the Copyrighted Work," 67 J Copyr. Soc. USA 19 (2020), http://ssrn.com/abstract=3537703

Fair Use in the United States: Transformed, Deformed, Reformed? 2020 Singapore Journal of Legal Studies 265 https://law1.nus.edu.sg/sjls/articles/SJLS-Mar-20-265.pdf

Embedding Content or Interring Copyright: Does The Internet Need The "Server Rule"?, with Luke Ali Budiardjo, 42 Columbia Journal of Law & the Arts 417 (2019), https://journals.library.columbia.edu/index.php/lawandarts/article/view/1984

Authors and Machines, with Luke Ali Budiardjo, 34 Berkeley Technology Law Journal 343 (2019), https://btlj.org/data/articles2019/34_2/01_Ginsburg_Web.pdf

Intellectual Property as Seen by Barbie and Mickey: The Reciprocal Relationship of Copyright and Trademark Law (13th annual Christopher Meyer lecture) 65 Journal of the Copyright Society of the USA 245 (2018) http://ssrn.com/abstract=3078944

Liability for Providing Hyperlinks to Copyright-Infringing Content: International and Comparative Law Perspectives, with Luke A. Budiardjo (CLS '18), 41 Columbia Journal of Law & the Arts 153 (2018), https://lawandarts.org/article/liability-providing-hyperlinks-copyright-infringing-content/

Extended Collective Licenses in International Treaty Perspective: Issues and Statutory Implementation, 2/2019 Nordic Intellectual Property Review 215 (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3068997

Essay: The Sum is More Public Domain Than Its Parts? Copyright Protection for Applied Art After Star Athletica, 166 U. PA. L. REV. ONLINE 83 (2017), https://www.pennlawreview.com/2017/10/25/the-sum-is-more-public-domain-than-its-parts-us-copyright-protection-for-works-of-applied-art-under-star-athleticas-imagination-test/

The Court of Justice of the European Union Creates an EU Law of Liability for Facilitation of Copyright Infringement: Observations on Brein v. Filmspeler [C-527/15] (2017) and Brein v. Ziggo [C-610/15] (2017) (English translation of article in French in 2016/5-6 AUTEURS ET MÉDIAS 401 (2017), see "articles in French") https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3024302

Euro-Yearnings? Moving Toward a "Substantive" Registration-Based Trademark Regime [Response to Rebecca Tushnet, *Registering Disagreement: Registration in Modern American Trademark Law*, 130 HARV. L. REV. 867 (2017)], 130 Harv. L. Rev. F. 95 (2017) http://harvardlawreview.org/2017/01/euro-yearnings-moving-toward-a-substantive-registration-based-trademark-regime/

"Courts have twisted themselves into knots": US Copyright Protection for Applied Art, 40 Columbia J. Law & the Arts 1 (2016); http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2837728

The Most Moral of Rights: The Right to be Recognized as the Author of One's Work, 8 Geo. Mason J. of Int'l. Commercial L. 44 (2016)
http://www.georgemasonjicl.org/wp-content/uploads/2016/08/Summer-Issue-2016.pdf
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2806316

Berne-Forbidden Formalities and Mass Digitization, 96 Boston U. L. Rev. 745 (2016)
http://ssrn.com/abstract=2772176

Private International Law Aspects of Authors' Contracts: the Dutch and French Examples, with Prof. Pierre Sirinelli, 39 Colum. J.L. & the Arts 171 (2016)
http://ssrn.com/abstract=2704017

We (still) need to talk about Aereo: New controversies and unresolved questions after the Supreme Court's decision, with Rebecca Giblin 38 Colum. J. Law & the Arts (2015) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2514648

Letter from the US: Exclusive Rights, Exceptions, and Uncertain Compliance with International Norms, 241 and 242 Revue Internationale du Droit d'Auteur
(Part I, July 2014) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2539685
(Part II, October 2014) http://ssrn.com/abstract=2539178

Fair Use: For Free or "Permitted But Paid"?, 29 Berkeley Tech. L. J. 1383 (2014), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2444500

We Need to Talk About Aereo: Copyright-Avoiding Business Models, Cloud Storage and a Principled Reading of the "Transmit" Clause, with Rebecca Giblin, (*posted* 29 May 2014) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2443595; http://lsr.nellco.org/columbia_pllt/9207/

"With untired spirits and formal constancy": Berne-Compatibility of Formal Declaratory Measures to Enhance Copyright Title-Searching, 28 Berkeley Tech. L. J. 1583 (2014), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2262924

From Hypatia to Victor Hugo to Larry & Sergey: All the World's Knowledge and Universal Authors' Rights, 2012 British Academy Law Lecture, *Journal of the British Academy,* 1, 71-94. (July 2013), http://www.britac.ac.uk/journal/1/ginsburg.cfm

Proto-property in Literary and Artistic Works: Sixteenth-Century Papal Printing Privileges, 36 Colum. J. L. & the Arts 345 (2013), http://www.lawandarts.org/articles/proto-property-in-literary-and-artistic-works-sixteenth-century-papal-printing-privileges/

Copyright 1992-2012: The Most Significant Development?, 23 Fordham IPLJ 465 (2013), http://ssrn.com/abstract=2218764

Moral Rights in the US: Still in Need of a Guardian *Ad Litem*, 30 Cardozo Arts & Ent. L.J. 73 (2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2006548

Duration of Copyright in Audiovisual Works under U.S. Copyright Law, IRIS *plus* (Journal of the European Audiovisual Observatory) 2012-2

"European Copyright Code" – Back to first principles (with some additional detail), 58 Journal of the Copyright Society of the USA 265 (2011), and in Auteurs et Médias (Belgium) (2011), http://ssrn.com/abstract=1747148

"The sole right shall return to the Author": Anglo-American Authors' Reversion Rights from the Statute of Anne to Contemporary U.S. Copyright, with Prof. Lionel Bently, 25 Berkeley Technology Law Journal 1475 (2011), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1663906

The US Experience with Mandatory Copyright Formalities: A Love/Hate Relationship, 33 Columbia Journal of Law & the Arts 311 (2010), https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=2625&context=faculty_scholarship

The Author's Place in the Future of Copyright, 153 Proceedings of the American Philosophical Society 147 (2009); also published at 45 Willamette Law Rev. 381(2009)

Recent Developments in US Copyright – Part II, Caselaw: Exclusive Rights on the Ebb?, 218 Revue Internationale du Droit d'Auteur 167 (October 2008), available at http://lsr.nellco.org/columbia/pllt/papers/08158 ; Italian version (with Paolo Marzano) Diritto d'Autore, 2009.3

Recent Developments in US Copyright – Part I, Legislative Developments: Orphan Works, 217 Revue Internationale du Droit d'Auteur 99 (July 2008), available at http://lsr.nellco.org/columbia/pllt/papers/08152

Separating the *Sony* Sheep from the *Grokster* Goats: Reckoning the Future Business Plans of Copyright-Dependent Technology Entrepreneurs, 50 Ariz. L. Rev. 577 (2008); also published in a revised version with Prof. Sam Ricketson, as Separating the *Sony* Sheep from the *Grokster* (and *Kazaa*) Goats: Reckoning the Future Business Plans of Copyright-Dependent Technology Entrepreneurs, Media & Arts L. Rev. (Australia) (2008), available at http://lsr.nellco.org/columbia/pllt/papers/08143

The Pros and Cons of Strengthening Intellectual Property Protection: Technological Protection Measures and Section 1201 of the US Copyright Act, 16 Information & Communications Technology Law 191 (2007), and in Japanese in a collection of articles published 2008 by Waseda University, Japan), available at https://scholarship.law.columbia.edu/faculty_scholarship/1457

A Marriage of Convenience? A Comment on "The Protection of Databases," 82 Chicago-Kent L. Rev. 1171 (2007)

Une Chose Publique?: The Author's Domain and the Public Domain in Early British, French and US Copyright Law, 65 Cambridge Law Journal 636 (2006) (based on inaugural Emmanuel College lecture in international intellectual property law, University of Cambridge, May 2006), , available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=928648 , shorter version published in COPYRIGHT LAW: A HANDBOOK OF CONTEMPORARY RESEARCH 133 (Paul Torremans, ed, 2007)

Inducers and Authorisers: A Comparison of the US Supreme Court's Grokster decision and the Australian Federal Court's KaZaa Ruling, with Prof. Sam Ricketson, 11 Media & Arts Law Review 1 (2006), available at http://lsr.nellco.org/columbia/pllt/papers/0698

"An Idea Whose Time Has Come" – But Where Will it Go?, Reply to Arthur R. Miller, *Common Law Protection for Products of the Mind: An "Idea" Whose Time Has Come*, 119 HARV. L. REV. F. 65 (2006), http://www.harvardlawreview.org/forum/issues/119/jan06/ginsburg.pdf

Legal Protection of Technological Measures Protecting Works of Authorship: International Obligations and the US Experience, 29 Columbia J. L. & Arts 11 (2005), available at http://lsr.nellco.org/columbia/pllt/papers/0593

The Author's Name as a Trademark: A Perverse Perspective on the Moral Right of "Paternity"?, 23 Cardozo Arts & Entertainment L. Rev. 379 (2005), available at http://lsr.nellco.org/columbia/pllt/papers/0591

The Right to Claim Authorship in US Trademarks and Copyright Law, 41 HOUS. L. REV. 263 (2004), awarded the Stephen Ladas Memorial Prize, 2005 (based on inaugural Baker Botts lecture in intellectual property law, University of Houston, March 2004), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=515882

From Having Copies to Experiencing Works: The Development of an Access Right in U.S. Copyright Law, 50 J. COPYR. SOC. 113 (2003), *reprinted in* US INTELLECTUAL PROPERTY LAW AND POLICY (Hugh Hansen, ed., Edward Elgar 2006), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=222493

News from the US: Developments in US Copyright Since the Digital Millennium Copyright Act, Part I, 196 REVUE INTERNATIONALE DU DROIT D'AUTEUR [RIDA] 127 (2003); Part II, 197 RIDA 77 (2003)

Achieving Balance in International Copyright Law: Review of Jorg Reinbothe and Silke von Lewinski *The WIPO Treaties 1996: Commentary and Legal Analysis*, 26 COLUM. J. L. & THE ARTS 201 (2003)

The Concept of Authorship in Comparative Copyright Law, 2002 Niro Lecture, 52 DEPAUL L. REV.1063 (2003), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=368481

How Copyright Got a Bad Name for Itself, 26 COLUMBIA J. LAW & ARTS 61 (2002), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=342182

Draft Convention on Jurisdiction and Recognition of Judgments in Intellectual Property Matters, text and commentary, with Prof. Rochelle Dreyfuss, presented at WIPO Symposium on INTELLECTUAL PROPERTY AND INTERNATIONAL PRIVATE LAW (January 2001), revised version at Chicago-Kent Law School Symposium, CONSTRUCTING INTERNATIONAL INTELLECTUAL PROPERTY LAW: THE ROLE OF NATIONAL COURTS (October 2001), *77* CHI-KENT L. REV. 1065 (2002); condensed version in COMPUTER LAW REVIEW INTERNATIONAL 33 (2003)

Berne Without Borders: Geographic Indiscretion and Digital Communications, Stephen Stewart Memorial Lecture, Intellectual Property Institute, London (2001), 2002 INTELLECTUAL PROPERTY QUARTERLY 111, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=292010

Can Copyright Become User-Friendly? Review of Jessica Litman, DIGITAL COPYRIGHT, 25 COLUM. J. L. & THE ARTS 71 (2002), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=288240

Copyright and Control over New Technologies of Dissemination, 101 COLUMBIA LAW REVIEW 1613 (2001)

Viewpoint: What to Know Before Reissuing Old Titles as E-Books, 44 COMMUNICATIONS OF THE ACM 25 (September 2001)

"The Exclusive Right to Their Writings": Copyright Versus Control in the Digital Age, 7 NEW ZEALAND BUSINESS LAW QUARTERLY 136 (May 2001); also in 54 Maine L. Rev.196 (2002)

Toward Supranational Copyright Law? The WTO Panel Decision and the Three Step Test for Copyright Exceptions, 187 REVUE INTERNATIONALE DU DROIT D=AUTEUR 3 (January 2001), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=253867

Stolen Content: Avoiding Trouble on the Web, 87 ACADEME 48 (Jan.-Feb. 2001)

Have Moral Rights Come of (Digital) Age in the U.S.?, in Symposium The Art and Cultural Property Wars, 19 CARDOZO ARTS & ENT. L. J. 9 (2001)

Copyright Use and Excuse on the Internet, 24 COLUM.-VLA J. L. & THE ARTS 1 (2000), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=239747

International Copyright: From a "Bundle" of National Copyright Laws to a Supranational Code?, 47 J. Copyr. Soc. ["Millennium Volume"] 265 (2000), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=222508

The Cyberian Captivity of Copyright: Territoriality and Authors' Rights in a Networked World, 15 SANTA CLARA COMP. & TECH. L. J. 347 (1999)

Copyright Legislation for the "Digital Millennium", 23 Colum.-VLA J. L. & Arts 137 (1999); prior version in English, French and Spanish in 179 REVUE INTERNATIONALE DU DROIT D'AUTEUR 143 (1999); shorter version published as Access to Copyrighted Works in the "Digital Millennium Copyright Act," in SEVERINE DUSOLLIER, ED. COPYRIGHT: A RIGHT TO CONTROL ACCESS TO WORKS? 53 (2000).

News from the U.S. (Caselaw), 180 REVUE INTERNATIONALE DU DROIT D'AUTEUR 127 (1999)

Copyright and Intermediate Users' Rights, in FESTSCHRIFT TILL GUNNAR KARNELL 227 (1999), also published in 23 COLUMBIA-VLA J. L. & THE ARTS 67 (1999)

Authors as Licensors of "Intellectual Property Rights" Under Proposed Article 2B of the Uniform Commercial Code, 13 BERKELEY TECHNOLOGY LAW JOURNAL 945 (1998)

An Analysis of H.R. 2652, the Collections of Information Antipiracy Act, 27 COMPUTER LAW REPORTER (April 1998)

Symposium, Electronic Rights in International Perspective, general editor, and author of a comment on decisions from Belgium and France, and a comment on Electronic Rights and the Private International Law of Copyright, 22 COLUMBIA-VLA J. L. & THE ARTS 127 (1998)

Authors and Users in Copyright, the 1997 Brace Lecture, 45 J. COPYR. SOC. 1 (1998)

Copyright, Contract and Sui Generis Protection for Databases in the US and Abroad, 66 U.CINN. L. REV. 151 (1997)

The Celestial Jukebox and Earthbound Courts: Judicial Competence in the European Union and the United States Over Copyrignt Infringements in Cyberspace, 173 REVUE INTERNATIONALE DU DROIT D'AUTEUR 3 (July 1997), with Myriam Gauthier, LLM

Extraterritoriality and Multi-territoriality in Copyright Infringement, 37 U. VA. J. INT'L. L. 601 (1997)

Copyright Without Borders? Choice of Forum and Choice of Law for Copyright Infringement in Cyberspace, based on the 1996 Tenzer Lecture, 15 CARDOZO ARTS & ENTERTAINMENT L.J. 153 (1997)

U.S. Federalism and Intellectual Property, 2 COLUMBIA JOURNAL OF EUROPEAN LAW 463 (1996)

Digital Libraries and Some of the Copyright Issues they Raise, 169 REVUE INTERNATIONALE DU DROIT D'AUTEUR 5 (July 1996)

Putting Cars on the Information Superhighway: Authors, Exploiters and Copyright in Cyberspace, 95 COLUM. L. REV. 1466 (1995).

Global Use/Territorial Rights: Private International Law Questions of the Global Information Infrastructure, 42 J. COPYR. SOC. 318 (1995)

Domestic and International Copyright Issues Implicated in the Compilation of a Multimedia Product, 25 SETON HALL L. REV. 1397 (1995) (Symposium issue on "Traveling the Information Superhigway"), and in Spanish translation in

DERECHO DE LA ALTA TECNOLOGÍA (Argentina), No. 86, pp 12-20 (1995)

Exploiting the Artist's Commercial Identity: The Merchandizing of Art Images, 19 COLUM.-VLA J. L. & THE ARTS 1 (1995), shorter version published at 163 REVUE INTERNATIONALE DU DROIT D'AUTEUR (Jan. 1995) 3

Four Reasons and a Paradox: The Manifest Superiority of Copyright over Sui Generis Protection for Computer Software, 94 COLUM. L. REV. 2559 (1994)

Surveying the Borders of Copyright, 41 J. COPYR. SOC. 322 (1994)

Conflicts of Copyright Ownership Between Authors and Owners of Original Artworks: An Essay in Comparative and International Private Law, 17 COLUM.-VLA J. L. & THE ARTS 387 (1993)

Copyright Without Walls? Speculations on Literary Property in the "Library of the Future" 42 REPRESENTATIONS 53 (1993)

No Sweat? Copyright and Other Protection for Works of Information After Feist v. Rural Telephone, 92 COLUM. L. REV. 338 (1992)

Computer Programs in Europe: A Comparative Analysis of the EC Software Directive, with Professor Jérôme Huet, 30 COLUM. J. TRANSNAT. L. 328 (1992)

Reproductions of Protected Works for University Research and Teaching, 39 J. COPYR. SOC. 181 (1992)

Authors and Exploitations in International Private Law: The French Supreme Court and the Huston Film Colorization Controversy, with Professor Pierre Sirinelli, 15 COLUM.-VLA J. LAW & THE ARTS 135 (1991)

Creation and Commercial Value: Copyright Protection of Works of Information, 90 COLUM. L. REV. 1865 (November 1990); condensed versions in COPYRIGHT IN INFORMATION 41 (E. Dommering & P.B. Hugenholtz, ed., Institute for Information Law, University of Amsterdam, 1991) and in 1991/2 DROIT DE L'INFORMATIQUE ET DES TÉLÉCOMS 6

Copyright in the 101st Congress: Commentary on the Visual Artists Rights Act and the Architectural Works Copyright Protection Act of 1990, 14 COLUM.-VLA J. LAW & THE ARTS 477 (1990); and in 152 RIDA 97 (April 1992)

Moral Rights in a Common Law System, 1 ENT. L. REV. 121 (U.K.) (1990), also published in MORAL RIGHTS PROTECTION IN A COPYRIGHT SYSTEM, (P. Anderson and D. Saunders, eds., Griffith University, Brisbane, Australia (1992), and in German in GEWERBLICHER RECHTSSCHUTZ UND URHEBERRECHT (GRUR) (publication of the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law, Munich, Federal Republic of Germany) (1991)

A Tale of Two Copyrights: Literary Property in Revolutionary France and America, 64 TUL. L. REV. 991 (1990); also published in 147 REVUE INTERNATIONALE DU DROIT D'AUTEUR 125 (Jan. 1991); revised version published in OF AUTHORS AND ORIGINS (an internationally-authored collection of essays on copyright theory) (B. Sherman and A. Strowel, eds., Oxford U. Press 1994)

French Copyright Law: A Comparative Overview, 36 J. COPYR. SOC. 269 (1989)

One Hundred And Two Years Later: The U.S. Joins the Berne Convention, with Prof. John M. Kernochan, 13 COLUM.-V.L.A. J. LAW & THE ARTS 1 (1988); 141 RIDA (July 1989) 57; in French in 2 CAHIERS DE LA PROPRIÉTÉ INTELLECTUELLE 209 (1990); abridged in Italian in LX DIRITTO DI AUTORE 394 (1989)

Colors in Conflicts: Moral Rights and the Foreign Exploitation of Colorized U.S. Motion Pictures, 36 J. COPYR. SOC.

81 (1988). This article received the Copyright Society of the U.S.A.'s Charles B. Seton Award for 1988

The Right of Integrity in United States Audiovisual Works, in MELANGES OFFERTS A JOSEPH VOYAME 119 (festschrift) (Lausanne, 1989) (expanded version of Colors in Conflicts)

Federalism and Intellectual Property, published in French translation in L'ETAT EN AMERIQUE (Presses de la Fondation Nationale des Sciences Politiques 1989), and in 138 REVUE INTERNATIONALE DU DROIT D'AUTEUR (Jan. 1989) 19

Reforms and Innovations Regarding Authors' and Performers' Rights in France: Commentary on the Law of July 3, 1985, 10 COLUM.-VLA J. LAW & ARTS 83 (1985)

Authors' Rights in France: The Moral Right of the Creator of a Commissioned Work to Compel the Commissioning Party to Complete the Work, with Prof. André Françon, 9 COLUM.-VLA J. ART & THE LAW 381 (1985)

A Proposal for Evaluating Genericism After "Anti-Monopoly," with Arthur J. Greenbaum and Steven M. Weinberg, 73 TRADEMARK REPTR. 101 (1983)

Sabotaging and Reconstructing History: A Comment on the Scope of Copyright Protection in Works of History After Hoehling v. Universal City Studios, 29 J. COPYR. SOC. 647 (1982)

The Teaching of Copyright Law in the United States of America, UNESCO COPYRIGHT BULLETIN, vol. XX, No. 2/3, p. 52 (1986) (French, Spanish and Russian translations of this article appeared in 1986 and 1987 UNESCO publications)

Judicial Developments in United States Copyright Law (1983-84), with David Goldberg, Esq., 123 REVUE INTERNATIONALE DU DROIT D'AUTEUR (January 1985) p. 3; revised in 1984 ANNUAL SURVEY OF AMERICAN LAW 515; abridged in LVI DIRITTO DI AUTORE 345 (1985)

Note [unsigned], An Author's Artistic Reputation Under the Copyright Act of 1976, 92 HARV. L. REV. 1490 (1979)

Reports and Congressional Testimony

International Law Association's Guidelines on Intellectual Property and Private International Law ("Kyoto Guidelines") 12 JIPITEC [Journal of Intellectual Property Information Technology and Electronic Commerce] 1, 48-52, 55-56 (2021) (applicable law: contracts)

How Does the DMCA Contemplate Limitations and Exceptions Like Fair Use?, Hearing Before the United States Senate Committee on the Judiciary Subcommittee on Intellectual Property 116th Congress, July 28, 2020, https://www.judiciary.senate.gov/imo/media/doc/Ginsburg%20Testimony.pdf

"Determination of the Country of Origin When a Work is First Publicly Disclosed over the Internet," Committee Chair and principal author for the Country of Origin Study Group of the International Literary and Artistic Association, REVUE INTERNATIONALE DU DROIT D'AUTEUR (April 2012)

"Restoration of Copyright Under Berne Conv. Art. 18.1: The 'His Girl Friday' Case and the French Cour de cassation," report to the 2010 Association Littéraire et Artistique Internationale (ALAI) Study Days, Vienna, Austria, September 2010

"The US Experience with Copyright Formalities: A Love/Hate Relationship," General Report to the 2009 ALAI Congress, London UK, June 2009, http://www.alai2009.org/programme.aspx

INTELLECTUAL PROPERTY - PRINCIPLES GOVERNING JURISDICTION, CHOICE OF LAW AND JUDGMENTS IN TRANSNATIONAL DISPUTES, with Prof. Rochelle Dreyfuss and Prof. François Dessemontet, American Law Institute 2008

"The Author's Place in XXI Century Copyright as Updated by the TRIPs and WIPO Treaties," General Report to the 2007 Congress of the Association Littéraire et Artistique Internationale (ALAI), Punta del Este, Uruguay, November 2007. Excerpts appeared as an invited Editorial in the January 2008 issue of INTERNATIONAL INTELLECTUAL PROPERTY AND COPYRIGHT (IIC), published by the Max Planck Institute (Munich, Germany)

Study on Transfer of the Rights of Performers to Producers of Audiovisual Fixations (comparative and private international law), with Prof. André Lucas document AVP/IM/03/4 http://www.wipo.int/documents/en/meetings/2003/avp_im/doc/avp_im_03_4.doc (Part I, 2003), document AVP/IM/- - - (Part II 2004)

Private International Law Aspects of the Protection of Works and Objects of Related Rights Transmitted Through Digital Networks, 2000 Update (WIPO 2001)

La loi applicable à la circulation des oeuvres de l'esprit sur les réseaux numériques: le point de vue d'un juriste américain (report submitted to the Ministry of Culture and Communication of France, 2000)

Private International Law Aspects of the Protection of Works and Objects of Related Rights Transmitted Through Digital Networks (WIPO 1998)

Columns

'Book Review: Copyright, Creativity, Big Media and Cultural Value: Incorporating the Author by Kathy Bowrey' (2022) 44(3) Sydney Law Review 491.

Editorial, *Does 'transformative' fair use eviscerate the author's exclusive right to 'transform' her work?*, Journal of Intellectual Property Law and Practice, 23 July 2022 https://academic.oup.com/jiplp/advance-article/doi/10.1093/jiplp/jpac069/6649086

Editorial, *People Not Machines: Authorship and What It Means in the Berne Convention*, IIC - International Review of Intellectual Property and Competition Law volume 49, pages 131–135 (2018)

Book review of Peter Baldwin, *The Copyright Wars: Three Centuries of Trans-Atlantic Battle*, TIMES LITERARY SUPPLEMENT, June 5, 2015, p. 28

Opinion: Hyperlinking and 'Making Available' 36 EIPR 147 (2014)

"Copyright in academic writings: yours to have and to hold (and from which a publishing contract need not make you part)," in *Scripta Manent*, NOTICES OF THE AMERICAN MATHEMATICAL SOCIETY (August 2012)

MEDIA INSTITUTE INTELLECTUAL PROPERTY ISSUES; bimonthly contributor (2009-16)

'Courts Have Twisted Themselves Into Knots': U.S. Copyright Protection for Applied Art (June 29, 2016) https://www.mediainstitute.org/category/intellectual-property-issues/

Losing Credit: Legal Reponses to Social Media Platforms' Stripping of Copyright Management Metadata from

Photographs (May 30, 2016)
https://www.mediainstitute.org/2016/05/30/losing-credit-legal-reponses-to-social-media-platforms-stripping-of-copyright-management-metadata-from-photographs/

Security Failure Fair Use Analysis (January 25, 2016)
https://www.mediainstitute.org/2016/01/25/security-failure-fair-use-analysis/

Copyright: No Longer a Property Right? (November 24, 2015)
https://www.mediainstitute.org/2015/11/24/copyright-no-longer-a-property-right/

Google Books and Fair Use: From Implausible to Inevitable? (October 19, 2015)
https://www.mediainstitute.org/2015/10/19/google-books-and-fair-use-from-implausible-to-inevitable/

Making Art and Making a Living (August 24, 2015)
https://www.mediainstitute.org/2015/08/24/making-art-and-making-a-living/

Author-Protective Laws in International Dimension (June 15, 2015)
https://www.mediainstitute.org/2015/06/15/author-protective-laws-in-international-dimension/

The Next Great Copyright Act: Remember the Authors! (II) (April 6, 2015)
https://www.mediainstitute.org/2015/04/06/the-next-great-copyright-act-remember-the-authors-ii/

Authors' Rights Under "The Next Great Copyright Act" (Feb. 17, 2015)
https://www.mediainstitute.org/2015/02/17/authors-rights-under-the-next-great-copyright-act/

Actors as Authors? (Dec. 1, 2014)
https://www.mediainstitute.org/2014/12/01/actors-as-authors/

Electronic course reserves: From false clarity to true obscurity? (October 31, 2014)
https://www.mediainstitute.org/2014/10/31/electronic-course-reserves-from-false-clarity-to-true-obscurity/

U.S. Compliance With the International Right of Communication to the Public After *Aereo*: Who Is "the Public"? (August 21, 2014)
https://www.mediainstitute.org/2014/08/21/u-s-compliance-with-the-international-right-of-communication-to-the-public-after-aereo-who-is-the-public/

Fair Use for Free, or "Permitted but Paid"? (May 12, 2014)
https://www.mediainstitute.org/2014/05/12/fair-use-for-free-or-permitted-but-paid/

Hyperlinking and Infringement: The CJEU Decides (sort of) (March 17, 2014)
https://www.mediainstitute.org/2014/03/17/hyperlinking-and-infringement-the-cjeu-decides-sort-of/

Aereo in International Perspective: Individualized Access and U.S. Treaty Obligations (February 18, 2014)
https://www.mediainstitute.org/2014/02/18/aereo-in-international-perspective-individualized-access-and-u-s-treaty-obligations/

Copyright Enforcement in the EU: The Return of Website Blocking (December 30, 2013)
http://www.mediainstitute.org/IPI/2013/123013.php

Still Needed: A Functioning Digital Market (October 16, 2013)
http://www.mediainstitute.org/IPI/2013/101613.php

Opera and Copyright (August 13, 2013)
http://www.mediainstitute.org/IPI/2013/081313.php

Where does the Act of "making available" occur? Part II (June 18, 2013)
http://www.mediainstitute.org/IPI/2013/061813.php

WNET v Aereo: The Second Circuit Persists in Poor (Cable)Vision (April 23, 2013)
http://www.mediainstitute.org/IPI/2013/042313.php

A "Potato" Firmly Planted: Moral Rights and Site-Specific Art (Feb. 25, 2013)
http://www.mediainstitute.org/IPI/2013/022613.php

News From the EU: Where Does the Act of 'Making Available' Occur? (Oct. 29, 2012)
http://www.mediainstitute.org/IPI/2012/102912.php

Take Down/Stay Down: RIP in France? But little solace for Google . . . (August 6, 2012)
http://www.mediainstitute.org/IPI/2012/080612.php

Host Service Provider Liability for User-Posted Content: A View from the EU (June 18, 2012)
http://www.mediainstitute.org/IPI/2012/061812.php

Copyright 1992-2012: The Most Significant Development? (April 18, 2012)
http://www.mediainstitute.org/IPI/2012/041912.php

Do Treaties Imposing Mandatory Exceptions to Copyright Violate International Copyright Norms? (Feb. 28, 2012)
http://www.mediainstitute.org/IPI/2012/022712.php

When a Work Debuts on the Internet, What Is its Country of Origin? (Aug. 29, 2011)
http://www.mediainstitute.org/new_site/IPI/2011/082911.php

Internet publication and U.S. copyright imperialism
http://www.mediainstitute.org/new_site/IPI/2011/062811.php (June 27, 2011)

Authors' Contracts and the U.S. Copyright Law: Part II (April 20, 2011)
http://www.mediainstitute.org/IPI/2011/042011.php

Authors' Contracts and the U.S. Copyright Law: Part I (March 15, 2011)
http://www.mediainstitute.org/IPI/2011/031511.php

News Aggregation: Discord Among Common Law Jurisdictions (January 11, 2011)
http://www.mediainstitute.org/IPI/2011/011211.php

Collapsing Copyright Categories - When is a Download Also a Public Performance? (October 28, 2010)
http://www.mediainstitute.org/new_site/IPI/2010/102810.php

Restoration of Copyright: An International Perspective (August 18, 2010),
http://www.mediainstitute.org/IPI/2010/081810.php

Conflict of Laws in the Google Book Search: A View From Abroad (June 2, 2010),
http://www.mediainstitute.org/new_site/IPI/2010/060210_ConflictofLaws.php

"The sole right ... shall return to the Authors": Part III: Transitional Issues (April 14, 2010),

http://www.mediainstitute.org/new_site/IPI/2010/041510_TheSoleRightPartIII.php

"The sole right ... shall return to the Authors": Part II: Implementing Authors' Recapture Rights Under the 1976 Copyright Act (February 26, 2010)
http://www.mediainstitute.org/new_site/IPI/2010/022610_TheSoleRight.php

"The sole right ... shall return to the Authors": Part I: Recapturing Authors' Alienated Copyrights (December 9, 2009),
http://www.mediainstitute.org/new_site/IPI/2009/120809_TheSoleRight.php

Borderless Publications, the Berne Convention, and U.S. Copyright Formalities (October 20, 2009),
http://www.mediainstitute.org/new_site/IPI/2009/102009_BorderlessPublications.php

A Re-Moveable Feast? (August 14, 2009),
http://www.mediainstitute.org/new_site/IPI/2009/081309_ARemoveableFeast.php

Public Licenses: The Gift That Keeps On Giving (June 11, 2009),
http://www.mediainstitute.org/new_site/IPI/2009/061109_PublicLicenses.php

Authors' Contracts: Don't Give Away the Store! (February 19, 2009),
http://www.mediainstitute.org/new_site/IPI/2009/021909_AuthorsContracts.php

Miscellaneous

Brief of Professors Peter S. Menell, Shyamkrishna Balganesh, and Jane C. Ginsburg as Amici Curiae in *Andy Warhol Foundation for the Visual Arts v. Lynn Goldsmith*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4266167 (posted Nov. 8, 2022)

International Law Association's Guidelines on Intellectual Property and Private International Law ("Kyoto Guidelines"): Applicable Law [co-author, Guidelines 21, 22, 24 and commentary], Marie-Elodie Ancel, Nicolas Binctin, Josef Drexl et al., Kyoto Guidelines: Applicable Law, 12 (2021), JIPITEC 44 para 1
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3878860

PUBLICATIONS IN FRENCH

« Qu'est-ce qu'un auteur » . . . face à l'ordinateur: réflexions sur l'auteur en droit d'auteur, in MELANGES PIERRE SIRINELLI (2022)

La Confusion initiale (« initial interest confusion ») de marques sur Internet, with Quentin J. Ullrich, PROPRIETE INTELLECTUELLE, No. 2, Feb. 2022 pp 16-30

La Cour de justice de l'Union européenne crée un droit européen de la responsabilité dérivée en matière de contrefaçon du droit d'auteur ; Observations sous *Brein c. Filmspeler* [C-527/15] (2017) et *Brein c. Ziggo* [C-610/15], 2016/5-6AUTEURS ET MEDIAS 401 (September 2017)

La proto-propriété littéraire et artistique: Privilèges en imprimerie du Vatican au XVIe siècle, in PRIVILEGES D'IMPRIMES EN FRANCE ET EN EUROPE OCCIDENTALE AUX XVIE ET XVIIE SIECLES (Garnier 2017)

Droit d'auteur, liberté d'expression et libre accès à l'information (étude comparée de droit américain et européen), with Prof. André Lucas, 249 RIDA (Revue Internationale du Droit d'Auteur) 5 (July 2016)

« . . . les princes affectent toutes les formalités de la justice, lorsqu'ils sont le plus déterminés à la violer » : Formalités et justice en droit d'auteur selon la Convention de Berne, 28 Cahiers de la Propriété Intellectuelle 1109 (2015)

Regards croisés (Etats-Unis – France) sur le statut d'auteur d'un acteur d'une œuvre audiovisuelle, with Prof. Pierre Sirinelli, in Dalloz Actualité juridique Propriété Intellectuelle et Industrielle et Droit du Numérique (2015)

La localisation de l'acte de « mise à disposition » in MELANGES EN L' HONNEUR DU PROFESSEUR ANDRE LUCAS, Carine Bernault et al., eds. 401 (2014)

'Une Chose Publique'? Le domaine de l'auteur et le domaine public aux premiers siècles du droit d'auteur britannique, français et américain, in Laurent Pfister and Yves Mausen, eds., LA CONSTRUCTION DU DROIT D'AUTEUR. ENTRE AUTARCIE ET DIALOGUE 101 (2014)

Durée de la protection des enregistrements sonores : Comparaison des régimes EU et UE, 1 JURIS ART ET CULTURE (Dalloz) 27 (inaugural issue, 2012)

« Google book search » : Les enjeux internationaux pour le droit d'auteur, with Prof. Pierre Sirinelli, LA SEMAINE JURIDIQUE édition générale (April 26, 2010 p. 894)

L'avenir du droit d'auteur : Un droit sans auteur ?, COMMUNICATIONS COMMERCE ELECTRONIQUE 7 (May 2009)

Note sous TGI Paris 20 mai 2008, SAIF c Google, REVUE DU DROIT DES TECHNOLOGIES DE L'INFORMATION, No. 33 pp 508-20 (2008)

Propriété littéraire et artistique et propriété tout court : une relation ambiguë, 65 Droit + Ville 7 (2008)

Peer to Peer : Les Conséquences de l'affaire *Grokster*, 25 PROPRIETES INTELLECTUELLES 408 (oct. 2007)

Contrefaçon, fourniture de moyens et faute: Perspectives dans les systèmes de *common law* et civilistes à la suite des arrêts *Grokster* et *Kazaa*, with Yves Gaubiac, 203 REVUE INTERNATIONALE DU DROIT D'AUTEUR 3 (Jan. 2006)

Nouvelles des Etats Unis: Responsabilité pour complicité de contrefaçon – La décision de la Cour suprême du 27 juin 2005 dans l'affaire *MGM v Grokster*, 2005 AUTEURS & MEDIA (Belgium) 290 ; also published in Canada in 17 CAHIERS DE LA PROPRIETE INTELLECTUELLE 705 (2005)

Le nom de l'auteur en tant que signe distinctif: Une perspective perverse sur le droit à la "paternité" de l'œuvre?, MELANGES VICTOR NABHAN 147 (2004)

L'avenir de la copie privée en Europe, with Yves Gaubiac, 1 COMMUNICATION, COMMERCE ELECTRONIQUE [Editions du Juris-Classeur] 9 (2000)

A propos du Livre Blanc Américain sur "Intellectual Property and the National Information Infrastructure", 95/3 DROIT DE L'INFORMATIQUE ET DES TELECOMS 73

Le GATT/OMC et la propriété intellectuelle, 95/1 DROIT DE L'INFORMATIQUE ET DES TELECOMS 5

Droit d'auteur et support matériel en droit international privé, in MELANGES OFFERTS A ANDRE FRANÇON 245 (1995)

Determination de la loi applicable à la titularité du droit d'auteur entre l'auteur d'une oeuvre d'art et le propriétaire de son support, REVUE CRITIQUE DE DROIT INTERNATIONAL PRIVE 1994.603

Droit d'auteur et propriété de l'exemplaire d'une oeuvre d'art: étude de droit comparé, REVUE INTERNATIONALE DE DROIT COMPARE 1994.811

L'Exploitation Internationale de l'oeuvre audiovisuelle: France/Etats-Unis, 1994 JCP I 3634

Chronique des Etats Unis: l'Evolution du droit d'auteur depuis 1990, 158 REVUE INTERNATIONALE DU DROIT D'AUTEUR 133 (Oct. 1993)

L'affaire américaine Feist et la notion d'originalité: à propos des banques de données et des compilations, 4 CAHIERS DE LA PROPRIETE INTELLECTUELLE 233 (1992)

Le titulaire du droit d'auteur en droit international privé français, Note on Paris, 14 mars 1991, 1992 JCP II 21780 (Cofrad et La Rosa c/ Almax)

Auteur, création et adaptation en droit interne et en droit international privé français: Reflections à partir de l'arrêt Huston, with Professor Pierre Sirinelli, 150 RIDA 3 (oct. 1991)

La protection aux Etats-Unis des oeuvres d'art, 37 REVUE DU DROIT DE LA PROPRIETE INTELLECTUELLE 19 (oct. 1991)

Note on Civ. 1re, 28 mai 1991 (Huston), with Prof. Pierre Sirinelli, 1991 JCP, éd. E. II 220

Les nouvelles lois des Etats-Unis sur le droit moral des artistes d'art plastique, sur la protection des oeuvres d'architecture, et sur la location des logiciels, 147 RIDA 363 (Jan. 1991)

"Reverse engineering" et protection du logiciel par le droit d'auteur aux Etats-Unis, REV. DR. DE L'INFORMATIQUE ET DES TELECOMS 1990-1, p. 84

Conflits de lois et droit moral, 22 CAHIERS DU DROIT D'AUTEUR 13 (Dec. 1989)

Conflits de lois et titulaire initial du droit d'auteur, 18 CAHIERS DU DROIT D'AUTEUR 1 (July-Aug. 1989) (republished from 5 REVUE DU DROIT DE LA PROPRIETE INDUSTRIELLE 26 (1986))

Le droit au respect des oeuvres audiovisuelles aux Etats Unis, 135 RIDA (Jan. 1988); updated in Japanese in April 1989 issue of COPYRIGHT, monthly publication of Copyright Research Institute, Tokyo

Evolution récente du droit d'auteur aux Etats Unis, 133 RIDA (July 1987) 111

Banques de données et droit d'auteur aux Etats Unis, in BANQUES DE DONNEES ET DROIT D=AUTEUR 99-107 (1987); reprinted in DROIT DE L'INFORMATIQUE ET DES TELECOMS, January 1988

Nouvelles des Etats Unis: Protection par le droit d'auteur de la structure des logiciels, REVUE DU DROIT DE L'INFORMATIQUE, January 1987