

**Brett M. Frischmann**  
Cardozo Law School  
frischma@yu.edu  
www.brettfrischmann.com

**PROFESSIONAL:**

**Princeton University**, *Microsoft Visiting Professor of Information and Technology Policy*, Center for Information and Technology Policy, 7/2016-7/2017.

**Cardozo Law School**, *Professor of Law*, 7/2010 – present. *Director of IP and Information Law Program*, 8/2011 – 7/2016. *Courses*: Antitrust and IP, Advanced Copyright, Copyright, Cyberlaw, Intellectual Property Colloquium, and Technology Policy Seminar.

**Center for Internet and Society, Stanford Law School**, *Affiliate Scholar*, 9/2011 - present.

**Columbia Law School**, *Visiting (Adjunct) Professor*, Fall 2016. *Course*: Copyright Law.

**The Vincent and Elinor Ostrom Workshop in Political Theory and Policy Analysis, Indiana University in Bloomington**, *Affiliated Faculty Member*, 11/2012– 6/2015.

**Duke Law School**, *Visiting Professor*, Fall 2013. *Course*: Internet Law.

**Loyola University Chicago, School of Law**, *Associate Professor of Law*, 6/2007 – 7/2010, *Assistant Professor*, 6/2002-6/2007. *Courses*: Advanced Copyright, Antitrust & Intellectual Property, Cyberlaw, Intellectual Property, Torts, and Chicago Intellectual Property Colloquium.

**Cornell University, School of Law**, *Visiting Professor*, 2008 - 2009. *Courses*: Advanced Intellectual Property Seminar, Copyright, and Cyberlaw.

**Fordham University, School of Law**, *Visiting Professor*, Fall 2007. *Course*: Advanced Copyright Law.

**Syracuse University, College of Law**, *Visiting Professor*, Spring 2006. *Courses*: International Intellectual Property, Internet Law.

**United States Court of Appeals, Second Circuit**, *Clerk* for Judge Fred I. Parker, 8/2001 – 8/2002.

**Wilmer, Cutler & Pickering**, Washington, DC, *Associate*, 9/2000 – 7/2001. *Practice Areas*: Communications, E-commerce, Intellectual Property, International Environmental Law.

**EDUCATION:**

**Georgetown University Law Center**, Washington, DC  
Juris Doctor, *magna cum laude*, 2000.

**Columbia University, School of Engineering and Applied Science**, New York, NY  
Masters of Science in Earth Resources Engineering, May 1997.

**Columbia University, Columbia College**, New York, NY  
Bachelors of Arts in Astrophysics with Mathematics minor, May 1995.

## SCHOLARSHIP:

### Books

BEING HUMAN IN THE 21<sup>ST</sup> CENTURY: HOW SOCIAL AND TECHNOLOGICAL TOOLS ARE RESHAPING HUMANITY, Cambridge University Press, forthcoming Spring 2017 (with Evan Selinger.)

GOVERNING MEDICAL RESEARCH COMMONS (eds. Brett Frischmann, Michael Madison & Katherine Strandburg, Cambridge University Press, forthcoming Winter 2016).

- First book in our new series, Cambridge Studies on Governing Knowledge Commons.

GOVERNING KNOWLEDGE COMMONS (eds. Brett Frischmann, Michael Madison & Katherine Strandburg, Oxford University Press, 2014).

INFRASTRUCTURE: THE SOCIAL VALUE OF SHARED RESOURCES (Oxford University Press, 2012).

- For links to various reviews, see <http://www.brettfrischmann.com/Media>.
- Received the 2012 PROSE Book Award for the best book in law / legal studies.

CYBERLAW: PROBLEMS OF POLICY AND JURISPRUDENCE IN THE INFORMATION AGE (4th ed., 2010; 5<sup>th</sup> edition, forthcoming 2017) (with Patricia Bellia, Paul Berman, and David Post).

### Articles in Peer Reviewed Journals

*Thoughts on Techno-Social Engineering of Humans and the Freedom to be Off*, **Theoretical Inquiries in Law** (forthcoming 2016).

*Revisiting the Marginal Cost Controversy*, **Journal of Economic Perspectives** (Spring 2015) (with Christiaan Hogendorn, Wesleyan University, Economics).

*Understanding the Problem of Social Cost*, **Journal of Institutional Economics** (with Alain Marciano, Université de Montpellier, Economics) (Winter 2014).

*Two Enduring Lessons from Elinor Ostrom*, 9 **Journal of Institutional Economics** (2013).

*Compliance Institutions in Treaties*, 7 **Review of Law and Economics** (2011) (with Jim Hartigan, University of Oklahoma, Economics).

*Revitalizing Essential Facilities*, 75 **Antitrust Law Journal** 1 (2008) (with Spencer Weber Waller, Loyola University Chicago).

*Network Neutrality and The Economics of an Information Superhighway*, 47 **Jurimetrics** 383 (2007) (with Barbara van Schewick, Stanford).

*Evaluating the Demsetzian Trend in Copyright Law*, 3 **Review of Law and Economics** (2007).

- Harold Demsetz, *Frischmann's View of "Toward a Theory of Property Rights,"* 4 **Review of Law and Economics** (2008) (responding to my article);
- *Spillovers Theory and Its Conceptual Boundaries*, 51 **William & Mary Law Review** 801 (2009) (responding in part to Demsetz's essay).

### Articles in Law Reviews

*Constructing Commons in the Cultural Environment*, **Cornell Law Review** (2010) (with Michael Madison, University of Pittsburgh, and Katherine Strandburg, NYU).

- Special issue of Cornell Law Review dedicated to our article with commentary from Professors Thrainn Eggertsson, Wendy Gordon, Gregg Macey, Robert Merges, Elinor Ostrom, and Larry Solum.

*Environmental Infrastructure*, 35 **Ecology Law Quarterly** 151 (2008).

- Special issue focused on applications of my infrastructure commons theory. Featured articles written by Professors David Driesen, Gregory Mandel, Marc Poirier, and myself.

*Cultural Environmentalism and The Wealth of Networks*, 74 **University of Chicago Law Review** 1083 (2007) (reviewing Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom* (2006)).

*Spillovers*, 107 **Columbia Law Review** 257 (2007) (with Mark A. Lemley, Stanford).

- According to Shapiro and Pearce, *The Most-Cited Articles of All Time*, 110 Mich. L. Rev. 1483, 1497 (2012), *Spillovers* is the most cited article published in 2007.

*An Economic Theory of Infrastructure and Commons Management*, 89 **Minnesota Law Review** 917 (2005).

- Lawrence Lessig, *Reply: Re-Marking the Progress in Frischmann*, 89 **Minnesota Law Review** 1031 (2005) (responding to my article).

*A Dynamic Institutional Theory of International Law*, 51 **Buffalo Law Review** 679 (2003).

*Privatization and Commercialization of the Internet Infrastructure: Rethinking Market Intervention into Government and Government Intervention into the Market*, 2 **Columbia Science and Technology Law Review** 1 (2001).

*Using the Multi-Layered Nature of International Emissions Trading and of International-Domestic Legal Systems to Escape a Multi-State Compliance Dilemma*, 13 **Georgetown International Environmental Law Review** 463 (2001).

*The Evolving Common Law Doctrine of Copyright Misuse: A Unified Theory and its Application to Software*, 15 **Berkeley Technology Law Journal** 865 (2000) (with Daniel Moylan) (cited in *In re Napster Litigation*, 191 F.Supp.2d 1087 (N.D. Cal., Feb 22, 2002)).

*Innovation and Institutions: Rethinking the Economics of U.S. Science and Technology Policy*, 24 **Vermont Law Review** 347 (2000).

### Symposium Articles

*Intergenerational Progress*, **Wisconsin Law Review** (2011) (with Mark McKenna, Notre Dame Law School).

*Spillovers Theory and Its Conceptual Boundaries*, 51 **William & Mary Law Review** 801 (2009).

*The University as Constructed Cultural Commons*, **Washington University Journal of Law & Policy** (2009) (with Michael Madison, University of Pittsburgh, and Katherine Strandburg, NYU).

*The Pull of Patents*, 77 **Fordham Law Review** 2143 (2009).

*Speech, Spillovers, and the First Amendment*, 2008 **University of Chicago Legal Forum** (2008).

*Some Thoughts on Shortsightedness and Intergenerational Equity*, 36 **Loyola University Chicago Law Journal** 457 (2005) (essay for Faculty issue on the topic of Justice).

*Infrastructure Commons*, 2005 **Michigan State Law Review** 1 (2004).

*The Prospect of Reconciling Internet and Cyberspace*, 35 **Loyola University Chicago Law Journal** 205 (2003).

### **Book Chapters, Essays, Reviews, and Other Works**

Chapter, *Capabilities, Spillovers, and Intellectual Progress: Toward a Human Flourishing Theory for Intellectual Property*, in **VALUE PLURALISM AND IP LAW** (Shyam Balganesch & Haochen Sun eds., forthcoming 2017).

Reply, *Systems of Human and Intellectual Capital*, 93 **Texas Law Review** (2015) (with Mark McKenna, Notre Dame Law School) (reply to Orly Lobel's *The New Cognitive Property: Human Capital Law and the Reach of Intellectual Property*).

Online Essay, *Doctrinal Precedence Among the Hatch-Waxman Act, the Patent Act, and the Sherman Act*, Patently-O, Mar. 13, 2013, at <http://www.patentlyo.com/patent/2013/03/brett-frischmann-ftc-watson.html>.

Chapter, *Access to Infrastructure in Economic Perspective*, in **Cyber Policy and Economics in an Internet Age**, 2d. ed. (Lorenzo Pupillo & William Lehr eds., 2009) (college/university textbook).

Book Review, **Alabama Law Review** (2009), reviewing Michael A. Carrier, **INNOVATION FOR THE 21ST CENTURY: HARNESSING THE POWER OF INTELLECTUAL PROPERTY AND ANTITRUST LAW**.

Book Review, *Avoiding a Cliff Dive*, reviewing Jonathan Zittrain's *The Future of the Internet and How to Stop It*, 321 **Science** 491 (July, 25 2008) (peer reviewed).

Online Essay, *Infrastructure Commons in Economic Perspective*, **First Monday**, vol. 12, num. 6 (June 2007) (peer reviewed), at [http://firstmonday.org/issues/issue12\\_6/frischmann/index.html](http://firstmonday.org/issues/issue12_6/frischmann/index.html)

Chapter, *The Evolving Doctrine of Copyright Misuse*, **Intellectual Property and Information Wealth** (Ed. Peter Yu, Praeger, 2007) (with Daniel Moylan).

*Peer-to-Peer Technology as Infrastructure: An Economic Argument For Retaining Sony's Safe Harbor For Technologies Capable of Substantial Noninfringing Uses*, 52 **Journal of the Copyright Society** 329 (2005) (peer reviewed).

Commissioned chapter, *Commercializing University Research Systems in Economic Perspective: A View from the Demand Side*, in **University Entrepreneurship and Technology Transfer: Process, Design,**

**and Intellectual Property**, volume 16, Elsevier Science/JAI Press Series: Advances in the Study of Entrepreneurship, Innovation, and Economic Growth series (2005).

Chapter, *A Comparative Analysis of Compliance Institutions in International Trade Law and International Environmental Law*, in **Handbook of International Trade: Economic and Legal Analysis of Laws and Institutions** (Jim Hartigan ed., 2004).

Book Note, 11 **Georgetown International Environmental Law Review** 235 (1998) (reviewing Law and Economics of the Environment (Erling Eide & Roger van den Bergh eds., 1996)).

Chapter, *The role of universities in the generation of ESTs*, in **ATAS XII-The Role of Publicly Funded Research and Publicly Owned Technologies in the Transfer and Diffusion of Environmentally Sound Technologies** 371 (United Nations 2000) (with Daehyun Kim and Kunsoo Kim), available at <http://www.unctad.org/en/docs/psiteiipd9.en.pdf>.

### **Works-in-Progress**

*Understanding the role of the BBC as a provider of public infrastructure, paper commissioned by the BBC, currently under review.*

*Comparative Analysis of (Innovation) Failures and Institutions in Context* (with Mark McKenna, Notre Dame, Law).

*The relevance of irrelevant externalities*, (with Alain Marciano, Université de Montpellier, Economics, and Giovanni B. Ramello, Università del Piemonte Orientale, Economics).

*Where Micro Meets Macro in Technology Space* (with Christiaan Hogendorn, Wesleyan University, Economics).

*The Shortcomings of Pursuing Optimality.*

*Rethinking the Economics of Two-sided / Multi-sided Markets Through a Series of Sequentially More Complicated Yet More Realistic Models* (with Christiaan Hogendorn, Wesleyan University, Economics).

### **PROFESSIONAL ACTIVITIES:**

Lecturer, *Topics in Internet & Society Interdisciplinary Studies*, doctoral course organized by the **Nexa Center at Politecnico di Torino**, June 23, 2016 (lecture on *Techno-Social Engineering of Humans* to over 120 Ph.D students in various technical disciplines, ranging from architecture to engineering, online at <https://www.youtube.com/watch?v=vDAqcUkfwEk>).

Privacy Law Scholars Conference, Washington, DC, June 1-2, 2016 (*Engineering Humans with Contracts*. Commenter: Lauren Henry Scholz).

Expert Panel, *Impact Assessment for the Review of the Framework for the Electronic Communications*, May 30, 2016, Brussels, European Commission and consortium of WIK, Ecorys and VVA.

Values, Questions, and Methods in Intellectual Property, **St. John's School of Law**, Apr. 22, 2016 (*Comparative Analysis of (Innovation) Failures and Institutions in Context*).

*Imagining the Legal Landscape: Technology and the Law in 2030*, **UCLA School of Law**, Apr. 15, 2016 (*UTOPIA?: A Technologically Determined World of Frictionless Transactions, Optimized Production, and Maximal Happiness*).

IP Workshop, **University of Michigan Law School**, Mar. 23, 2016 (*Comparative Analysis of (Innovation) Failures and Institutions in Context*).

Commentator, *Private Law and Intellectual Property*, **Harvard Law School**, Mar. 11-12, 2016.

Panelist, *Technology, Privacy, and the Future of Education Symposium*, **NYU Steinhart School of Culture, Education, and Human Development**, Mar. 4, 2016 (*Hidden risks of techno-social engineering in schools*).

Faculty Workshop, **New York Law School**, Feb 9, 2016 (presenting chapters from *Being Human in the 21<sup>st</sup> Century: How Social and Technological Tools are Reshaping Humanity*).

Cyberlaw Colloquium, **University of Pittsburgh**, Feb. 5-6, 2016 (presenting chapters from *Being Human in the 21<sup>st</sup> Century: How Social and Technological Tools are Reshaping Humanity*).

Panelist, *Catalyzing Privacy by Design*, Computing Community Consortium, **Georgetown University Law Center**, Jan. 6-7 2016.

Lecturer, *Topics in Internet & Society Interdisciplinary Studies*, doctoral course organized by the **Nexa Center at Politecnico di Torino**, June 11, 2015 (lectures on *Infrastructure and Knowledge Commons* and *Being Human in the 21st Century* to over 120 Ph.D students in various technical disciplines, ranging from architecture to engineering).

Lecturer, International Ph.D. Programme in *Comparative Analysis of Institutions, Economics and Law*, Torino, Italy, June 10, 2015.

Privacy Law Scholars Conference, Berkeley, CA, May 4, 2015 (*Human-focused Turing tests: A framework for judging nudging and techno-social engineering of human beings*. Commenter: Deven Desai).

Presentation, Conference: *The Constitution of Information: From Gutenberg to Snowden*, **University of Toronto**, May 28-29, 2015 (*We Frogs*).

Presentation, Conference: Governance of Emerging Technologies: Law, Policy and Ethics, Arizona State University, May 27, 2015 (*Humans [and vs. as] Machines, or Can Humans Not-Think?, or just We Frogs*).

Keynote, Conference: *Engaging the Research Community towards an Open Science Commons*, **European Grid Initiative**, ISCTE - Instituto Universitário de Lisboa, Lisbon, Portugal, May 19, 2015 (*Governing Infrastructure and Knowledge Commons*).

Presentation, Conference: *Privacy in a Data Collection Society*, **Loyola University Chicago School of Law**, April 10, 2015 (*Humans [and vs. as] Machines, or Can Humans Not-Think?, or just We Frogs*).

Presentation, *Rethinking Privacy in an the Era of Big Data, IoT, and Nudge*, **Harvard Law School**, April 6, 2015 (*Humans [and vs. as] Machines, or Can Humans Not-Think?, or just We Frogs*).

Panel Presentation, *Network Neutrality*, **AALS Annual Meeting**, Washington, DC, Jan. 5, 2015.

Faculty Workshop, **Vanderbilt Law School**, Nov. 14, 2014 (*Can Humans Not-Think? A Series of Reverse Turing Tests*).

Symposium, **St John Law School**, Nov. 7, 2014 (*Can Humans Not-Think? A Series of Reverse Turing Tests*).

OECD meeting, *Data-driven Innovation*, Tokyo, Japan, Oct. 2014 (presentation on open data as infrastructure commons).

IASC meeting, **NYU** Sept. 2014 (co-organizer and presenter).

Presentation, *Conference: Philosophy of the Internet of Things*, York, UK, July 2, 2014 (*Can Humans Not-Think?*).

Lecture, **OECD** (*Governing Knowledge Commons and Infrastructure: The Social Value of Shared Resources*).

Public lecture, **Nexa Center for Internet & Society** (*Governing Knowledge Commons*).

Presentation, *Workshop on the Workshop 5*, **Indiana University**, Bloomington, IN (*Governing Knowledge Commons*).

Plenary Panelist, *Workshop on the Workshop 5*, **Indiana University**, Bloomington, IN.

Presentation, Conference: *Pluralism and IP*, **Hong Kong University**, so-sponsored with Univ. of Pennsylvania Law School (presented *Capabilities, Spillovers, and Progress*).

Conference, Paper Presentation and Plenary Discussion, Medical User Innovation & Medical Knowledge Commons, **NYU Law**, May 15-17, 2014 (*Opening remarks and The Angelman, Rett & Prader-Willi Syndromes Consortium: A Comparative Study of Two Rare Disease Clinical Research Consortia*).

Invited Commenter, LAMB Distinguished Lecture: IP in a World Without Scarcity, **Notre Dame Law School**, Apr. 11, 2014.

Faculty Workshop, **Seton Hall, School of Law**, Apr. 1, 2014 (*A Reverse Turing Test and the Internet of Things*).

Presentation, Innovation Law Beyond IP Conference, **Yale ISP, Yale Law School**, Mar. 30, 2014 (*Comparative Analysis of (Innovation) Failures and Institutions in Context*).

Faculty and Graduate Student Workshop, **Ph.D. in Public Policy Program, UNC Charlotte**, Mar. 13, 2014 (*Governing Knowledge Commons*).

PPOL 2014 Spring Speaker, **Ph.D. in Public Policy Program, UNC Charlotte**, Mar. 12, 2014 (*Infrastructure: The Social Value of Shared Resources*).

Faculty Workshop, **UC Davis, School of Law**, Mar. 3, 2014 (*Capabilities, Spillovers, and Intellectual Progress*).

*Wharton Cyberlaw Colloquium*, **The Wharton School, University of Pennsylvania**, Philadelphia, PA, Feb. 28, 2014 (*A Reverse Turing Test and the Internet of Things*).

Faculty Workshop, **Temple University, School of Law**, Feb. 12, 2014 (*Governing Knowledge Commons*).

Presentation, The Disruptive Rise of the Mobile Internet, Annual Meeting of the Association of American Law Schools, Jan. 3, 2014 (*The Path to the Internet of Things*).

Book Talk, **Federal Communications Commission**, Nov. 21, 2013 (*Infrastructure: The Social Value of Shared Resources*).

Faculty Workshop, **University of North Carolina, School of Law**, Oct. 24, 2013 (*Governing Knowledge Commons*).

Presentation, **17th Annual Conference of The International Society for New Institutional Economics**, Florence, Italy, June 20 – 22, 2013 (*Two Enduring Lessons from Elinor Ostrom*).

Author Meets Reader Panel Session on *Infrastructure: The Social Value of Shared Resources*, **Law and Society Annual Conference**, Boston, MA, May 2013 (Panel discussion of book).

Book Talk, Information Society Project, **Yale Law School**, Apr. 11, 2013.

Book Talk, **University of Chicago Law School**, Apr. 1, 2013.

Faculty Workshop, **Emory Law School**, Mar. 20, 2013 (*Capabilities, Spillovers, and Intellectual Progress*).

Stanford Law and Economics Lunch Workshop, **Stanford Law School**, Feb. 28, 2013 (*Law and Economics of Network Neutrality*).

Evening Lecture / Book Talk, **Stanford Center for Internet & Society, Stanford Law School**, Feb. 27, 2013.

Panelist, **The American Law Institute Young Scholars Conference on Copyright and Patent Law**, Feb. 21, 2013.

Center for Technology, Innovation and Competition Workshop, **University of Pennsylvania Law School**, Feb. 14, 2013 (*Capabilities, Spillovers, and Intellectual Progress*).

IP Speaker Series, **University of San Diego, School of Law**, Feb. 7, 2013 (*Capabilities, Spillovers, and Intellectual Progress*).

Invited Commentator, *Tri-State Works-In-Progress Colloquium*, **NYU Law School**, Jan 11, 2013.

Lecture, **Mejan Arc, Royal Institute of Art**, In Search of Common Ground / Research.Lab, Stockholm, Sweden. December, 13, 2012. (*Infrastructure as Commons*; with commentary by Professor Giovanni Alegetti, University of Coimbra).

Distinguished Lecture, Law and Markey Behavior Distinguished Speaker Series, **University of Notre Dame Law School**, John J. Reilly Center on Science, Technology, and Values, and The Program on Law & Human Development, South Bend, IN. November 9, 2012.



Book Talk, The Centre for Intellectual Property Policy, **McGill University**, Montreal, Quebec. November 2, 2012.

Book Talk, **The Wharton School**, University of Pennsylvania, Philadelphia, PA. October 18, 2012.

Book Talk, **The Vincent and Elinor Ostrom Workshop in Political Theory and Policy Analysis**, Indiana University in Bloomington. October 2, 2012.

Workshop, **The Vincent and Elinor Ostrom Workshop in Political Theory and Policy Analysis**, Indiana University in Bloomington. October 1, 2012.

Book Talk, **Berkman Center for Internet & Society**, Harvard Law School. September 25, 2012

Panel, **Telecommunications Policy Research Conference**, Arlington, VA (Panel of interdisciplinary experts in communications, information, and Internet policy will critically discuss the book). September 21, 2012

**Intellectual Property Scholars Conference**, August 9-11, 2012 (presented *The Rare Disease Research Network as a Nested Commons*).

**Google**, Mountain View, CA, August 8, 2012 (book talk).

Lecture, **Nexa Center for Internet & Society, Politecnico di Torino**, Torino, Italy, July 4, 2012 (book talk).

Lecturer, International Ph.D. *Programme in Comparative Analysis of Institutions, Economics and Law*, **Collegio Carlo Alberto, Torino, Italy July 2-6, 2012**. Course: Law and Economics of Infrastructure.

Plenary Panel, *Workshop on When Technology Disrupts Law: How Can Intellectual Property, Internet, and Biolaw Adapt?*, **AALS Mid-Year meeting**, Berkeley, CA June 10-12, 2012 (presentation on book).

Senior Commenter, 5th Annual Junior Scholars in Intellectual Property (JSIP) Workshop, **MSU College of Law**, May 30-31, 2012 (served as peer reviewer and commented on two junior scholars' papers).

Panel on Search, Duties to Deal, and Essential Facilities, *Second Annual Conference on Competition, Search, and Social Media*, **George Mason University School of Law**, May 16, 2012 (presentation on book and relevance of essential facilities doctrine to search).

Keynote, 15th International Conference on Economics of Infrastructures, *From Liberalization to a Societal Responsible Regulation of Infrastructures*, **Delft University of Technology, the Netherlands**, May 10-11, 2012 (delivered keynote lecture on book).

Intellectual Property Discussion Group, *Infrastructure: The Social Value of Shared Resources*, **University of Oxford**, Intellectual Property Faculty, May 8, 2012 (book talk).

*Symposium on Brett Frischmann's Infrastructure, Concurring Opinions*, April 24-26, 2012 (three day blog symposium on my book).

2nd Internet Law Work in Progress Symposium, **New York Law School**, Mar. 24, 2012.

Faculty workshop, **University of Georgia, School of Law**, March 5, 2012 (presented *Infrastructure and Commons: From Roads and Telecommunications Networks to Ideas and Ecosystems*).

*Tri-State Works-In-Progress Colloquium, Fordham Law School*, Jan 13, 2012.

Co-organizer and presenter, *Convening Cultural Commons*, **NYU School of Law**, Sept. 23-24, 2011 (major interdisciplinary conference organized around research framework for studying cultural commons developed in *Constructing Commons in the Cultural Environment* (2010) (organized with Katherine Strandburg and Michael Madison)).

Intellectual Property Scholars Conference, August 10-12, 2011 (presented *The Shortcomings of Pursuing Optimality*).

Lecturer, International Ph.D. *Programme in Comparative Analysis of Institutions, Economics and Law*, **Collegio Carlo Alberto, Torino, Italy July 10-14, 2011**. Course: Law and Economics of Intellectual Property.

*Workshop in the Economics of Copyright and the Internet*, **Google**, Mountain View, CA, June 28, 2011.

*Research Roundtable on the Law and Economics of Digital Markets*, **Searle Center, Northwestern University School of Law**, June 23-24, 2011] (presenting chapters from INFRASTRUCTURE: THE SOCIAL VALUE OF SHARED RESOURCES).

*Roundtable on Platforms and Power*, **NYU School of Law**, May 6, 2011.

*The US and China: Great Nations, Evolving Technology, and Challenging Policy*, **Center for Information Technology Policy, Princeton University, School of Engineering and Applied Science – Woodrow Wilson School**, April 5, 2011.

*Tri-State Works-In-Progress Colloquium, Fordham Law School* (Jan 15, 2011).

**Wharton Colloquium**, Dec. 10 2010 (Presented chapters from INFRASTRUCTURE: THE SOCIAL VALUE OF SHARED RESOURCES).

*Intergenerational Equity and Intellectual Property Conference*, **Wisconsin Law School**, Nov. 10-12, 2010 (Presenting *Intergenerational Progress*).

Panel on Brand Theory and Innovation, **Law and Society Annual Conference**, May 30, 2010.

Invited Lecture, **Center for Information Technology Policy, Princeton University, School of Engineering and Applied Science – Woodrow Wilson School**, Apr. 15, 2010 (Presented chapters from INFRASTRUCTURE: THE SOCIAL VALUE OF SHARED RESOURCES).

Innovation Law & Policy Workshop, **The Centre for Innovation Law and Policy, University of Toronto**, Mar. 17, 2010 (Presented chapters from INFRASTRUCTURE: THE SOCIAL VALUE OF SHARED RESOURCES).

Faculty Workshop, **Arizona State University College of Law**, Feb. 22, 2010 (Presented *Constructing Commons in the Cultural Environment*).

Faculty Workshop, **Cardozo Law School**, Feb. 10, 2010 (Presented *Constructing Commons in the Cultural Environment*).

DePaul University College of Law: Hosier Scholar Lecture, Chicago, IL, Oct. 20, 2009 (Presented *Constructing Commons in the Cultural Environment*).

Conference, *Maturing Internet Studies*, **Northwestern University**, Chicago, IL, May 20, 2009 (Presented *Why Internet Studies?*).

Workshop, *The Intersection between Distributed, Open Innovation and IP*, sponsored by the **Berkman Center for Internet and Society at Harvard, and the MIT Sloan School of Management**, Boston, MA, May 18-19, 2009 (Presented *Constructing Commons in the Cultural Environment*).

Conference, *New Economics: Implications of Post-neoclassical Economics for the ICT Sector*, **Columbia Institute of Tele-Information, Columbia University**, New York, NY, Mar. 20, 2009 (Presentation on infrastructure theory).

Workshop on the Economics of Security of the Information Infrastructure, **University of California at Berkeley**, Berkeley, CA, Mar. 5, 2009 (invitation only, interdisciplinary workshop) (Presentation on network neutrality).

Conference: *The Boundaries of Intellectual Property Law*, **William & Mary, School of Law**, William & Mary Law Review Symposium, Williamsburg, VA, Feb. 6-7, 2009 (Presented *Spillovers Theory and Its Conceptual Boundaries*).

Fourth Wharton Colloquium on Media and Communications Law, **The Wharton School, University of Pennsylvania**, Philadelphia, PA, Dec. 5-6, 2008.

Faculty Workshop, **Cornell University, School of Law**, Nov. 5, 2008 (Presented *Constructing Commons in the Cultural Environment*).

Organizer and Speaker, Conference: *When Worlds Collide: Intellectual Property Law at the Interface Between Systems of Knowledge Creation*, **Fordham Law Review, Fordham Law School**, Oct. 30-Nov. 1 (2008) (Organized with Katherine Strandburg, DePaul, and Jay Kesan, Illinois; presented *The Pull of Patents*).

Faculty Workshop, **Washington & Lee University, School of Law**, Oct. 20, 2008. (Presented *Constructing Commons in the Cultural Environment*).

Speaker, *Open Societies vs Intellectual Property: Innovation, Imitation and Economic Growth*, **Università del Piemonte**, Alessandria, Italy, October 3-4, 2008 (economics conference) (Presented *Understanding Spillovers as Social Investments in the Capabilities of Others (with implications for IP)*).

*Eighth Annual Intellectual Property Scholars Conference*, **Stanford University**, Aug. 9-10, 2008. (Presented *Understanding Spillovers as Social Investments in the Capabilities of Others (with implications for IP)*).

*Governing Shared Resources: Connecting Local Experience to Global Challenges*, **12th Biennial Conference of the International Association for the Study of Commons**, Cheltenham, England, July 14-18, 2008 (Presented (i) *IP, Pooling Arrangements, and Constructed Environments* and (ii) *Where Micro meets Macro in Technology Space*).

*Science & Technology Studies (STS) and IP Law*, co-sponsored by the **Stanford Program in Law, Science and Technology, Stanford Law School and the Berkeley Center for Law and Technology at**

**the University of California at Berkeley School of Law**, St. Helena, CA, May 9-10, 2008 (Presented *Intellectual Infrastructure and STS*).

*Information and the Information Economy*, co-sponsored by the **Intellectual Property and Communication Law Program at the Michigan State University School of Law, the Donald McGannon Communication Research Center at Fordham University, and the Quello Center for Telecommunication Management and Law at Michigan State University**, May 2-3, 2008. (Presented *Locating the Missing Value(s)*).

*Open-Source and Proprietary Models of Innovation*, **Center for Research on Innovation and Entrepreneurship, Washington University in St. Louis, School of Law**, Apr. 4-5, 2008. (Presented *IP, Pooling Arrangements, and Constructed Environments*).

*Faculty Workshop*, **Seton Hall University, School of Law**, Mar. 10, 2008. (Presented chapter from infrastructure book project).

*Law in a Networked World*, **University of Chicago Legal Forum, University of Chicago, School of Law**, Oct. 26-27, 2007. (Presented *A Note on the Economics of the First Amendment: Sustaining a Spillover Rich Networked Environment*).

*Faculty Workshop*, **Cornell University, School of Law**, Aug. 31, 2007 (Presented *Revitalizing Essential Facilities*).

*Seventh Annual Intellectual Property Scholars Conference*, **DePaul University**, Aug. 9-10, 2007. (Presented *Constructing Common Pools in the Cultural Environment*).

*Panel on Common Infrastructure*, **Law and Society Conference, Humboldt University**, Berlin, Germany, Jul. 25-28, 2007 (Panel devoted to exploration of my infrastructure theory; presented *Environmental Infrastructure*).

*Workshop on Commons Theory for Young Scholars*, Sponsored by the **Max Planck Institute for Research on Collective Goods and the Center for Internet and Society, Stanford Law School**, Bonn, Germany, May 7-9, 2007 (Presented *IP, Pooling Arrangements, and Constructed Environments*).

*Law and Economics Seminar*, **Boston University Law School**, Apr. 9, 2007. (Presented *Essential Facilities, Infrastructure, and Open Access*).

*Justifying the Commons*, **Law, Culture, and Humanities Conference, Georgetown University Law Center**, Mar. 23-24, 2007 (Presenting *Intellectual Infrastructure and Cultural Environmentalism*) (panel devoted to exploration of infrastructure theory across disciplines).

*Designing Cyberinfrastructure for Collaboration and Innovation: Emerging Frameworks and Strategies for Enabling and Controlling Knowledge*, Sponsored by the **National Science Foundation, the Council on Competitiveness, Science Commons, and the University of Michigan School of Information**, January 29-30, 2007 (Presenting *Infrastructure, IP, and Pooling Arrangements*).

*Economics of the Commons II: The Status, Functions and Utility of Infrastructure*, **Columbia Institute for Tele-Information, Columbia Business School**, Nov. 3, 2006 (Presented *Managing Infrastructure as Commons: Essential Facilities & Network Neutrality*).

*Property Rights and Liberty: Is Intellectual Property Different From Physical Property?*, **Liberty Fund Colloquium**, San Diego, CA, Oct. 26-29, 2006.

*Works-in-Progress Intellectual Property Colloquium 2006*, hosted by **University of Pittsburgh School of Law**, Sept. 29-30, 2006 (Presented *IP, Pooling Arrangements, and Constructed Environments*).

*34th Research Conference on Communication, Information and Internet Policy, Panel: Economic and Technical Aspects of Networks*, **The National Center for Technology & Law, George Mason University School of Law**, Oct. 1, 2006. (Presented *IP, Pooling Arrangements, and Constructed Environments*.)

**American Law and Economics Association, Annual Meeting**, Berkeley, CA, May 5-6, 2006 (Presented *Spillovers*).

*Advanced Concepts in Patent Law Seminar*, **DePaul University College of Law**, Mar. 6, 2006 (Presented *The Pull of Patents*).

*Intellectual Property Litigation in the 21st Century, Symposium*, sponsored by the Northwestern Journal of Technology and Intellectual Property, **Northwestern University School of Law**, Feb. 24, 2006.

*Commons and Law*, co-sponsored by the **Tomales Bay Institute and the Science and Environmental Health Network**, Jan. 19-22, 2006.

*Conference on Patent Law and Innovation in the Life Sciences*, **Berkman Center for Internet and Society at Harvard Law School**, Dec. 16, 2005.

*Colloquium on Intellectual Property & Technology Law*, **Georgetown University Law School**, Nov. 17, 2005. (Presented *Evaluating the Demsetzian Trend in Copyright Law*).

**Working Group on Property, Citizenship, and Social Entrepreneurism**, Washington, DC, Nov. 4-5, 2005. (Presented *Evaluating the Demsetzian Trend in Copyright Law*).

*Works-in-Progress Intellectual Property Colloquium 2005*, co-hosted by **Washington University and Saint Louis University**, Oct. 7-8, 2005 (Presented *Evaluating the Demsetzian Trend in Copyright Law*).

*5th Annual Intellectual Property Scholars Conference*, **Cardozo School of Law**, Aug. 11, 2005. (Presented *Intellectual Infrastructure and Intellectual Property*).

*St. Helena Cybercamp*, Aug. 1-6, 2005, co-sponsored by the **Berkman Center for Internet and Society at Harvard Law School and the Berkeley Center for Law and Technology at the University of California at Berkeley School of Law**. (Presented *Intellectual Infrastructure and Intellectual Property*).

*Sixth Annual CIPLIT Symposium: Intellectual Property Licensing by Dominant Firm: Issues and Problems*, **DePaul University College of Law**, April 15, 2005. (Commentator).

*Conference: W(h)ither the Middleman: The Role and Future of Intermediaries in the Information Age*, **Michigan State University-DCL College of Law**, Apr. 7-9, 2005. (Presented *The Role of Patents in Commercializing University Research Systems*).

*Conference on University Technology Transfer and Entrepreneurship*, **The Karl Eller Center at the University of Arizona and the Kauffman Foundation**, Jan. 20-23; commissioned paper published in the Elsevier Science/JAI Press Series: *Advances in the Study of Entrepreneurship, Innovation, and Economic Growth*. (Presented *Commercializing University Research Systems in Economic Perspective: A View from the Demand Side*).

**Working Group on Property, Citizenship, and Social Entrepreneurism**, Washington, DC, Nov. 13, 2004. (Presented *Defending Open Access: The Need for Sustainable Infrastructure Commons*).

*32nd Research Conference on Communication, Information and Internet Policy, Panel: Economic and Technical Aspects of Networks*, **The National Center for Technology & Law, George Mason University School of Law**, Oct. 2, 2004. (Presented *An Economic Theory of Infrastructure and Sustainable Infrastructure Commons*.)

*Works-in-Progress Intellectual Property Colloquium*, **Boston University School of Law**, Sept. 10-11, 2004. (Presented *An Economic Theory of Infrastructure*).

*Fourth Annual Intellectual Property Scholars Conference*, **Depaul University**, Aug. 2-3, 2004. (Presented *Infrastructure Commons*).

*Panel: Intellectual Property Rights and Wrongs*, **2004 Annual Meeting of Law and Society Association**, Chicago, May 30, 2004. (Presented *What to Do With IP Law When Information Is Infrastructure*).

*Conference: Intellectual Property, Sustainable Development, and Endangered Species: Understanding the Dynamics of the Information Ecosystems*, **Michigan State University-DCL College of Law**, Mar. 26-27, 2004. (Presented *Internet Infrastructure and The End-to-End Architectural Subsidy*).

*Stanford Law School Center for Internet & Society Speakers Series*, **Stanford Law School**, Mar. 8, 2004. (Presented *An Economic Theory of Infrastructure (and a Normative Argument for Promoting Sustainable Infrastructure Commons)*).

See [http://cyberlaw.stanford.edu/events/archives/brett\\_m\\_frischmann.shtml](http://cyberlaw.stanford.edu/events/archives/brett_m_frischmann.shtml)

*Faculty workshop*, **University at Buffalo School of Law in conjunction with the Baldy Center for Law and Social Policy**, Mar. 1, 2004. (Presented *Promoting Sustainable Infrastructure Commons: A Comparative Analysis of Environmental, Information and Internet Resource Problems and Institutional Solutions*).

*Conference: Of Fish and Forests, Notions and Potions: Managing Access to Natural Resources and Research in the Twenty-First Century*, **The University of Maine School of Law's Marine Law Institute and Technology Law Center**, Nov. 7, 2003. (Presented *A Theory of Infrastructure*).

*International Public Goods and Transfer of Technology under a Globalized Intellectual Property Regime*, **Duke Law School**, Apr. 4-6, 2003. (Invited Conference Fellow).

*Conference: Technology and Governance: How the Internet has Changed our Conceptions of Governance and Institutions*, **Loyola University Chicago**, Mar. 22, 2003. (Presented *The Prospect of Reconciling Internet and Cyberspace*).

### **Professional Affiliations, Memberships and Service:**

Admitted to the Maryland Bar.

Member of the American Bar Association, the American Intellectual Property Law Association, the Association of American Law Schools, the Law and Society Association, American Law and Economics Association.

Advisory Board for the Institute for Consumer Antitrust Studies, Loyola University Chicago.

Member of the Board of Trustees of the Nexa Center for Internet & Society, Torino, Italy.

Member of the Advisory Board for the Indie Film Clinic, Cardozo Law School.

Editorial Board of *I/S: A Journal of Law and Policy for the Information Society*.

Program Committee for the Telecommunications Policy Research Conference, 2006-2008.

Served as Expert Reviewer for 2015 OECD Report on *Data-driven Innovation*.

Served as Expert Reviewer for 2016 European Commission *Impact Assessment for the Review of the Framework for the Electronic Communications*.

Served as PhD Committee member, International Ph.D. *Programme in Institutions, Economics and Law*, Torino, Italy.

Occasional Peer Reviewer for various law journals and interdisciplinary journals.