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4-22-2021

## **Piracy Paradox in an Era of Disruption**

Cardozo Arts & Entertainment Law Journal

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# The Piracy Paradox

*in an era of disruption*

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THURSDAY, APRIL 22  
6PM - 8PM EST

*The Piracy Paradox* by Kal Raustiala and Christopher Sprigman, has upended the traditional justification of intellectual property as a necessary incentive to innovation by convincingly demonstrating that innovation, paradoxically, thrives in the fashion industry even without strong protection.

This symposium will reflect on the piracy paradox after a period of change and a tumultuous year where industry, production, and consumer behavior have been severely disrupted.

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2.0 New York State CLE credits  
"Areas of Professional Practice"

register: [piracyparadox.eventbrite.com](http://piracyparadox.eventbrite.com)

This event is co-sponsored by the FAME Center,  
Fashion Law Society & Intellectual Property Law Society

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**Kal Raustiala** - Promise Institute Chair in Comparative and International Law & Director at the Ronald W. Burkle Center for International Relations, University of California Los Angeles School of Law

**Christopher Jon Sprigman** - Murray and Kathleen Bring Professor of Law, New York University School of Law

**Christopher Buccafusco** (Moderator) – Director, Intellectual Property & Information Law Program; Associate Dean for Faculty Development; Professor of Law, Yeshiva University Cardozo School of Law

**Felicia Caponigri** - Program Director, Program on Intellectual Property & Technology Law; Acting Director, International & Graduate Programs; Term Teaching Professor of Law, University of Notre Dame Law School

**Aman Gebru** - Assistant Professor of Law, Duquesne School of Law

**Amy Landers** - Director of the Intellectual Property Law Program & Professor of Law, Drexel University Kline School of Law

**Andres Sawicki** - Professor of Law, University of Miami School of Law

**Jessica Silbey** - Professor of Law, Boston University School of Law

**Francesca Witzburg '14** - Partner, Loza & Loza LLP

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## Kal Raustiala

Kal Raustiala holds the Promise Institute Chair in Comparative and International Law at UCLA School of Law and Professor at the UCLA International Institute, where he teaches in the undergraduate Program on Global Studies. Since 2007 he has served as Director of the UCLA Ronald W. Burkle Center for International Relations. From 2012-2015 he was also UCLA's Associate Vice Provost for International Studies and Faculty Director of UCLA's International Education Office. A graduate of Duke University, Professor Raustiala holds a J.D. from Harvard Law School and Ph.D. in political science from the University of California, San Diego.

Professor Raustiala's research focuses on international law, international relations, and intellectual property. His recent publications include "The Second Digital Disruption: Streaming and the Dawn of Data-Driven Creativity," *NYU Law Review* (2019, with Chris Sprigman of NYU Law School); "An Internet Whole and Free: Why Obama Was Right to Give Up Control," *Foreign Affairs* (2017); "The Council and the Court: Law and Politics at the International Criminal Court," *Texas Law Review* (2016, with David Kaye of UC Irvine Law School); and "Governing the Internet," *American Journal of International Law* (2016). His books include *Does the Constitution Follow the Flag? The Evolution of Territoriality in American Law* (Oxford, 2009) and *The Knockoff Economy: How Imitation Sparks Innovation* (Oxford, 2012), written with Chris Sprigman, which has been translated into Chinese, Korean, and Japanese.

In 2016 Professor Raustiala was elected Vice President of the American Society of International Law. He has been a visiting professor at Harvard Law School, Columbia Law School, Princeton University, the University of Chicago Law School, Melbourne University in Australia, and Hebrew University in Jerusalem. In 2016, he was the Yong Shook Lin Visiting Professor of Intellectual Property at the National University of Singapore.

Prior to coming to UCLA, Professor Raustiala was a research fellow in the Foreign Policy Studies Program at the Brookings Institution, a Pececi Scholar at the International Institute for Applied Systems, and an assistant professor of politics at Brandeis University. A life member of the Council on Foreign Relations, Professor Raustiala has served on the editorial boards of *International Organization* and the *American Journal of International Law* and is a frequent media contributor whose writing has been featured in the *New York Times*, the *Wall Street Journal*, the *Financial Times*, the *New Republic*, the *New Yorker*, *Wired*, *Slate*, the *International Herald Tribune* and *Le Monde*. Along with Catherine Amirfar of Debevoise & Plimpton, he is co-host of the *International Law Behind the Headlines* podcast.

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## Christopher Jon Sprigman

Christopher Jon Sprigman came to NYU School of Law in 2013 from the University of Virginia School of Law. Sprigman teaches intellectual property law, antitrust law, torts, and comparative constitutional law. His research focuses on how legal rules affect innovation and the deployment of new technologies. He is the co-author of a free copyright textbook, *Copyright Law: Cases and Materials* (2019, with Jeanne Fromer), and *The Knockoff Economy: How Imitation Sparks Innovation* (2012, with Kal Raustiala). He has also authored and co-authored numerous articles in law reviews and other scholarly publications.

Sprigman's widely cited works have had an influence on important aspects of copyright and trademark law, and often belie the conventional wisdom about intellectual property rights. He was an appellate counsel from 1999 to 2001 in the Antitrust Division of the US Department of Justice, where *US v. Microsoft* was among his cases, and later was elected partner in the Washington, DC, office of King & Spalding before becoming a residential fellow at Stanford Law School's Center for Internet and Society.

Sprigman received his BA in history magna cum laude from the University of Pennsylvania in 1988, and a JD with honors from the University of Chicago Law School in 1993. He subsequently clerked for Judge Stephen Reinhardt of the US Court of Appeals for the Ninth Circuit and Justice Lourens H. W. Ackermann of the Constitutional Court of South Africa. In 2015, the American Law Institute named him Reporter for the Restatement of Copyright.

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**Felicia Caponigri**

Felicia Caponigri joined the law school in 2019. Caponigri received her Ph.D. in Cultural Heritage from IMT School for Advanced Studies Lucca, Italy; her J.D., *magna cum laude*, from Notre Dame Law School; and her B.A., *cum laude*, in Art History from Notre Dame. An Art Law scholar, Caponigri's research and work exists at the intersection of real property and intellectual property. Her recent work has explored, through a comparative law methodology, how fashion design objects present links between Italian cultural property law and U.S. copyright law. A member of the Indiana bar, Caponigri previously worked as Of Counsel for an Italian lifestyle company in South Bend, Indiana.

Caponigri's work has been published in AEDON, The Case Western Reserve Journal of International Law, The Notre Dame Journal of International and Comparative Law and the Rivista Trimestrale di Diritto Pubblico. She has guest lectured at the Newberry Library in Chicago, at Brooklyn Law School and the Graduate Center of the City University of New York, and at the Università degli Studi della Campania "Luigi Vanvitelli" and the Università degli Studi di Firenze in Italy. She has spoken at conferences in the United States, Ireland, Denmark, Hong Kong, Chile and Italy.

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Aman Gebru

Aman Gebru is an assistant professor of law at Duquesne University School of Law teaching courses in the areas of property law and intellectual property law. His research focuses on issues at the intersection of intellectual property law, incentives for innovations, collectively developed innovations, indigenous (traditional) knowledge, economic development, trade, and inequality. He has presented and published several papers on these topics including articles that appear in the Denver Law Review, North Carolina Journal of Law & Technology, John Marshall Review of Intellectual Property Law, Haramaya Law Review, and the Asper Review of International Business & Trade Law.

Before joining Duquesne, Gebru was a visiting assistant professor at the Benjamin N. Cardozo School of Law, Yeshiva University, and a Global Postdoctoral Fellow at New York University School of Law. Gebru has also taught at University of Toronto Faculty of Law, University of Ontario Institute of Technology and Haramaya University. He received his Doctor of Juridical Sciences (SJD) from the University of Toronto, a Master of Laws in Intellectual Property Law and Policy from the University of Washington, and a Bachelor of Laws in Law from Haramaya University.

Aman's top three areas of expertise are: Intellectual Property Law, Property Law, Contract Law.

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## Amy Landers

Amy Landers is an accomplished legal scholar and practitioner. An expert on patents and intellectual property law, she is the author of "Understanding Patent Law," now in its third edition, co-editor of "Intellectual Property and the Public Domain" and co-author of "Global Issues in Intellectual Property Law" and "Global Issues in Patent Law."

Professor Landers' scholarship has appeared in myriad publications, including *Utah Law Review*, *Houston Law Review*, *Chapman Law Review*, *Texas Law Review*: See Also, *George Mason Law Review* and the *Fordham Intellectual Property, Media and Entertainment Law Journal*.

A frequent presenter, she has presented her work at Stanford University, University of California-Berkeley School of Law and the University of Texas School of Law, among other venues. More recent appearances include the Boston University School of Law's 2019 Journal of Science & Technology Law and International Law Journal Symposium, the American Intellectual Property Law Association Spring Meeting in 2019 and the 12th International Workshop on Design Theory in Paris.

Before joining the Kline School of Law faculty in 2014, she was a distinguished professor of law and director of the Intellectual Property Law Concentration at the University of the Pacific's McGeorge School of Law.

Previously, Professor Landers was a partner at Orrick, Herrington & Sutcliffe, in Silicon Valley, Calif. where she specialized in IP litigation, antitrust, fraud, trade secret and trademark cases.

She is a former judicial law clerk for Judge Oliver W. Wanger of the U.S. District Court for the Eastern District of California, where she worked after receiving her JD *magna cum laude* from the University of California Hastings College of Law.

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Andres Sawicki

Professor Sawicki researches and teaches in the area of intellectual property. His primary research projects explore the extent to which IP can help solve problems in the production of inventions and expressive works. He is particularly interested in the complex psychology of creativity, and in the difficulty of coordinating multiple creative collaborators. Professor Sawicki's research also examines the interaction among distinct patent doctrines. His work has been published by leading journals, including Cornell Law Review, William & Mary Law Review, and The University of Chicago Law Review, among others.

Professor Sawicki graduated from Massachusetts Institute of Technology with S.B. degrees in Brain & Cognitive Sciences and Science, Technology, & Society. He then earned his J.D. from the University of Chicago Law School in 2006, where he was an Articles Editor for the Law Review and a member of the Order of the Coif.

After graduation, he clerked for the Honorable Robert D. Sack of the United States Court of Appeals for the Second Circuit. From 2007 through 2010, he worked as an associate in the New York office of Kirkland & Ellis LLP. His practice focused on intellectual property litigation, especially Hatch-Waxman Act pharmaceutical patent cases. Prior to his appointment at Miami Law, Professor Sawicki was a Bigelow Teaching Fellow and Lecturer in Law at the University of Chicago Law School.

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## Jessica Sibley

Jessica Sibley teaches and writes in the areas of intellectual property, constitutional law, and law and the humanities. In addition to a law degree, she has a PhD in comparative literature and draws on her studies of literature and film to better account for law's force, both its effectiveness and failing as socio-political regulation. In 2018, she was a Guggenheim Fellow and has recently completed a book supported by that fellowship called *Against Progress: Intellectual Property and Fundamental Values in the Internet Age* (Stanford University Press, forthcoming 2021). In *Against Progress*, Professor Sibley considers intellectual property debates in law and culture as a bellwether of changing social justice needs in the 21st century. The book argues that intellectual property law is becoming a central framework through which to discuss essential socio-political issues, extending ancient debates over our most cherished constitutional values, refiguring the substance of "progress" in terms that demonstrate the urgency of art and science to social justice today.

Professor Sibley's last book, *The Eureka Myth: Creators, Innovators and Everyday Intellectual Property* (Stanford University Press, 2015), altered the national conversation about creativity and invention. Based on a qualitative empirical analysis of interviews with authors, artists, inventors and lawyers, the book challenges the traditional notion of intellectual property as merely creating financial incentives necessary to spur innovation. Professor Sibley continues her qualitative empirical study of intellectual property in on-going research on practices of digital photography and design.

In addition to her research on intellectual property and constitutional law, Professor Sibley writes and speaks about the use of film as a legal tool (body cams, surveillance video, medical imaging) and the representations of law in popular culture (courtroom dramas, reality television). She is the co-editor of several books, including *Law and Popular Culture: A Course Book* (Vandeplas 2020) (with Michael Asimow), *Trial Films on Trial* (University of Alabama Press, 2019) (with Austin Sarat and Martha Umphrey) and *Law and Justice on the Small Screen* (Bloomsbury, 2012) (with Peter Robson). She is an affiliate fellow at Yale's Information Society Project and was a faculty associate at the Berkman Klein Center for Internet and Society at Harvard University. She was previously chair of the Association of American Law School's (AALS) national Section on Intellectual Property and served on the AALS Presidential Conference Film Committee from 2012-2020. She was co-chair of the New England Chapter for the Copyright Society of the United States from 2015 through 2018. She has been a distinguished lecturer and visiting fellow at the Willson Center for the Humanities and the Arts at the University of Georgia and was honored to give the 56th Robert D. Klein Lecture at Northeastern University in 2020. Before joining Boston University School of Law, Professor Sibley was a faculty member at Northeastern University School of Law where she was the faculty director of the Center for Law, Innovation, and Creativity, an affiliate professor in English, and Core Faculty at Northeastern's NuLab for Maps, Texts, and Networks.

Professor Sibley was honored to clerk for Judge Robert E. Keeton on the United States District Court for the District of Massachusetts and Judge Levin Campbell on the United States Court of Appeals for the First Circuit. Before becoming a law professor, she practiced law in the disputes department of the Boston office of Foley Hoag LLP focusing on intellectual property, bankruptcy, and reproductive rights.

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## Francesca Witzburg

Francesca's practice concentrates on all aspects of trademark, copyright, and brand protection matters, as well as commercial transactions. Francesca helps businesses and individuals protect, enforce, and monetize their intellectual property assets. She represents clients in various industries, including entertainment, fashion, beauty, luxury, technology, and consumer products. Francesca has both law firm and in-house experience, allowing her to advise clients holistically and practically.

Prior to joining Loza & Loza, Francesca worked at one of the world's largest law firms. She also has in-house experience at several global luxury companies. Francesca has counseled top businesses, celebrities, artists, athletes, and influencers. She advises an array of clients, from Fortune 500 companies to startups and individuals. Francesca received her law degree from the Benjamin N. Cardozo School of Law in Manhattan, where she was the Editor-in-Chief of the top ranked *Cardozo Arts & Entertainment Law Journal*. She double majored in History and the Spanish Language at Villanova University.

Francesca is passionate about intellectual property and frequently writes, speaks, and teaches on the subject. In her spare time, she loves to read, write, run, and Peloton.

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## Christopher Buccafusco

Professor Buccafusco's research covers a wide range of topics and methods related to creativity, innovation, and intellectual property law. He uses novel social science experiments to explore the nature of innovation markets, and he writes about evolving issues in copyright, patent, and trademark law, including music copyright litigation, pharmaceutical patents, and protection for industrial design. Professor Buccafusco co-hosts an annual workshop on empirical methods in intellectual property law with the U.S. Patent & Trademark Office and Northwestern University Law School.

Professor Buccafusco is also a co-author of *Happiness and the Law* and a series of articles that apply recent social science research on well-being to legal issues, including criminal, administrative, tort, and intellectual property laws.

Professor Buccafusco has been widely quoted in media, including in the **New York Times**, **Wall Street Journal**, and **Rolling Stone**. His article on **the economics of airplane seat reclining** for Slate.com has been covered by dozens of media outlets around the world.

Prior to coming to Cardozo, Professor Buccafusco taught at Chicago-Kent College of Law. He won the SBA teaching award in his first year on the faculty, and he later won the university-wide teaching award. At Chicago-Kent, Professor Buccafusco co-founded the Center for Empirical Study of Intellectual Property.

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