

ANDREW GILDEN

ACADEMIC APPOINTMENTS

Southwestern Law School

Professor of Law, Spring 2025-present

- Courses: Property, Copyright

Willamette University College of Law

Associate Professor of Law (with tenure), Spring 2021-present

Assistant Professor of Law, 2016-2021

- Courses: Property, Copyright, Trademark, IP Law & Practice, Trusts & Estates, Internet & Social Media Law
- Chair of Appointments Committee AY 2023-23: successfully recruited four full-time faculty members
- Other Notable Service: Facilities Committee (chair); University Council Faculty Representative; College of Law Board of Trustees Faculty Representative; Willamette Law Review Faculty Advisor
- Oregon AG's Cyber-Exploitation Workgroup: drafted revisions to Oregon's online harassment laws
- 2018 Robert Misner Award for Faculty Scholarship

UC Law San Francisco

Visiting Professor of Law, Spring 2024

Course: Wills & Trusts

Columbia Law School, Center for Gender & Sexuality Law

Visiting Sabbatical Scholar, Fall 2023

Georgetown University Law Center

Visiting Associate Professor of Law, Spring 2021

Courses: Property, Trademark & Unfair Competition

Stanford Law School

Thomas C. Grey Fellow and Lecturer in Law, 2011-2016

Courses: Social Media Law, IP Counseling, Federal Litigation, Legal Research & Writing

EDUCATION

Georgetown University Law Center

J.D., *magna cum laude*, Order of the Coif, May 2007

Brown University

A.B., *magna cum laude*, in Economics and Anthropology, with Honors, May 2004

SCHOLARLY WORKS

Pleasure and Pain in Intellectual Property, 67 WILLIAM & MARY L. REV. (forthcoming 2025).

Patenting the Taboo: Sex, Drugs, and Abortion, 27 YALE J.L. & TECH. (forthcoming 2025)
(with Sarah Wasserman Rajec)

Psychedelics Through a Patent Lens, in LAW & POLICY OF PSYCHEDELIC MEDICINE
(forthcoming 2025) (with Sarah Wasserman Rajec)

Reimagining the Sex Toy Cases, in QUEER JUDGMENTS PROJECT (2024)

Copyright's Capacity Gap, 57 UC DAVIS L. REV. 899 (2023) (with Eva Subotnik)

- Reviewed by Prof. Jessica Silbey: <https://ip.jotwell.com/copyright-fiduciaries-problems-and-solutions/>

The Queer Limits of Revenge Porn Laws, 64 B.C. L. REV. 801 (2023)

- Related Op-Ed: <https://www.wired.com/story/revenge-porn-platforms-grindr-queerness/>
- Review by Prof. Doron Dorfman: <https://equality.jotwell.com/revenge-porn-laws-and-gay-sex-exceptionalism/>

Pleasure Patents, 63 B.C. L. REV. 571 (2022) (with Sarah Wasserman Rajec)

- Reviewed by Prof. Nicholson Price: <https://cyber.jotwell.com/illegal-sex-toy-patents/>

Endorsing After Death, 63 WILLIAM & MARY L. REV. 1531 (2022)

- Media coverage:
 - <https://www.foxnews.com/tech/dead-celebrities-elvis-marilyn-monroe-twitter-instagram-endorse>
 - <https://torrentfreak.com/rip-the-uncanny-business-of-dead-celebrity-endorsements-on-social-media/>

AI, IP, and Artistic Legacies, in POSTHUMOUS ART, LAW AND THE ART MARKET (2022) (with Taylor Hurwitz)

The Social Afterlife, 33 HARVARD J.L. & TECH. 329 (2020)

- Reviewed by Prof. Alexander Boni-Saenz: <https://trustest.jotwell.com/legacy-control/>

Copyright's Market Gibberish, 94 WASHINGTON L. REV. 1019 (2019)

Intellectual Property's Queer Turn, OXFORD HANDBOOK OF LAW & HUMANITIES (2019)

Sex, Death, and Intellectual Property, 32 HARVARD J.L. & TECH. 67 (2018)

IP, R.I.P., 95 WASHINGTON UNIVERSITY L. REV. 639 (2017)

Reading the Readers, 102 IOWA L. REV. ONLINE 174 (2017) (invited response essay)

Raw Materials and the Creative Process, 104 GEORGETOWN L.J. 355 (2016)

- Reviewed by Prof. Christopher Buccafusco: <http://ip.jotwell.com/unevenly-cooked-raw-materials-and-fair-use/>
- Reviewed by Prof. Brian Frye: <http://prawfsblawg.com/2015/11/gilden-on-raw-materials-and-the-creative-process.html>

Punishing Sexual Fantasy, 58 WILLIAM & MARY L. REV. 419 (2016)

Common Sense and the “Cannibal Cop,” 11 STANFORD J. C.R.-C.L. 313 (2015) (invited symposium essay with Thea Johnson)

Life, Death, Public Domain, 22 GEORGE MASON L. REV. 13 (2014)

Cyberbullying and the Innocence Narrative, 48 HARVARD C.R.-C.L. L. REV. 357 (2013)

- Reviewed by Prof. Janet Halley: <http://jotwell.com/a-pro-gay-teen-argument-for-pushing-the-pause-button-on-anti-bullying/>

Copyright Essentialism and the Performativity of Remedies, 54 WILLIAM & MARY L. REV. 1123 (2013)

Fair Use for the Rich and Fabulous?, 80 U. CHICAGO L. REV. DIALOGUE 88 (2013) (with Tim Greene)

No Trolls Barred: Trademark Injunctions After eBay, 99 TRADEMARK REP. 1037 (2009) (with David Bernstein) (Cited by *Ferring Pharm., Inc. v. Watson Pharm., Inc.*, 765 F.3d 302 (3d Cir. 2014))

Toward a More Transformative Approach: The Limits of Transgender Formal Equality, 23 BERKELEY J. GENDER L. & JUST. 83 (2008)

Preserving the Seeds of Gender Fluidity: Tribal Courts and the Berdache Tradition, 13 MICHIGAN J. GENDER & L. 237 (2007)

Sexual (Re)consideration: Adult Entertainment Contracts and the Problem of Enforceability, 95 GEORGETOWN L. J. 541 (2007)

SELECTED PRESENTATIONS AND MEDIA APPEARANCES

Intellectual Property Scholars Conference, August 2025 (DePaul College of Law), presentef paper, *Digital Replica Rights and Postmortem Policy Levers*

Law & Society Association Global Meeting, May 2025, Chicago, IL, roundtable participant on *Queer Judgments Project*.

Rutgers University Law School, February 2025, Camden, NJ, invited speaker, “IP, Popular Culture, and Pleasure.”

Intellectual Property Scholars Conference, August 2024, UC Berkeley, invited plenary session speaker, *Love & Hate in Intellectual Property*

Law & Society Association Global Meeting, June 2024, Denver, CO, presented paper, *Love & Hate in Intellectual Property*

Law & Policy of Psychedelic Medicine Conference, June 2024, Harvard Law School, presented paper, *Psychedelics Through a Patent Lens*

West Coast Sexuality, Gender, and the Law Conference, March 2024, Loyola Law School, Los Angeles, presented book proposal, *Without Pleasure: Sex, Drugs, & Rock n' Roll in the Legal Imagination*

UC Law San Francisco Faculty Workshop, March 2024, presented paper, *Patents & Taboo Technologies*

FIU Law Faculty Colloquium, March 2024, presented paper, *Patents & Taboo Technologies*

Works-in-Progress in Intellectual Property, February 2024, Santa Clara University, presented paper, *Taking Pleasure in Intellectual Property*

Columbia Law School Visiting Scholars Forum, October 2023, presented paper, *Innovations in Pleasure*

Queering Private Law Workshop, September 2023, UCL Faculty of Laws, London, presented paper, *Innovations in Pleasure*

Law & Society Association Global Meeting, June 2023, San Juan, Puerto Rico, presented paper, *Reimagining the Sex Toy Cases*

Workshop on Digital Intimacy, March 2023, Emory University, presented paper, *Queer Limits of Revenge Porn*

Works-in-Progress in Intellectual Property, February 2023, Suffolk University, presented paper, *Innovations in Pleasure*

AALS Annual Meeting, January 23, San Diego, CA, panel on *Warhol* and the derivative works right

Law & Society Association Global Meeting, July 2022, Lisbon, Portugal, presented paper, *The Queer Limits of Revenge Porn*

Critical Estates & Trusts Conference, April 2022 (online), presented paper, *Copyright's Capacity Gap*

Works-in-Progress in Intellectual Property, February 2022, St. Louis University, presented paper, *Copyright's Capacity Gap*

Third Annual Symposium on Contextual Integrity, September 2021, University of Chicago, presented paper, *Contextual Integrity for the Dead*

St. Johns Law School IP Colloquium, April 2021 (online), presented paper, *Endorsing After Death*

Hofstra Law School IP Colloquium, February 2021 (online), presented paper, *Endorsing After Death*

GW Law School IP Colloquium, February 2021 (online), presented paper, *Endorsing After Death*

Works-in-Progress in Intellectual Property, February 2021(online), presented paper, *Copyright and Capacity*

Georgetown University Law Center Faculty Workshop, January 2021 (online), presented paper, *Endorsing After Death*

AALS Annual Conference, January 2021 (online), presented on panel “Communicating Intellectual Property” re: copyright pedagogy

MOSAIC IP Conference, October 2020 (online), presented paper, *Posthumous Endorsements and the Business of #BLM*

University of Virginia Law School Faculty Workshop, October 2020 (online), presented paper, *Endorsing After Death*

Intellectual Property Scholars Conference, July-August 2020 (online), presented papers, *Endorsing After Death* and *Patenting Pleasure*

IP Speaker Series, February 2020 (Loyola Law School, Los Angeles, CA), invited presentation, *Sex, Death, and Intellectual Property*

IP in the Trees, February 2020 (Lewis & Clark College of Law), invited presentation, *The Social Afterlife*

Works-in-Progress in Intellectual Property Conference, February 2020 (Santa Clara Law School), presented paper, *Patenting Pleasure*

BYU IP Colloquium, November. 2019, invited presentation, *The Social Afterlife*

Intellectual Property Scholars Conference, August. 2019 (DePaul College of Law), presented paper, *Legacy Stewards*

Law and Society Association Annual Meeting, May-June 2019 (Washington, DC), presented paper, *The Penumbra of Sex Trafficking*

Family Law Scholars and Teachers Conference, May 2019 (Howard Law School), presented paper, *Legacy Stewards*

Chicago IP Colloquium, April 2019 (Loyola Law School), invited presentation, *Copyright's Market Gibberish*

Internet Law Works-in-Progress Conference, March 2019 (Santa Clara Law School), presented paper, *Legacy Stewards*

Works-in-Progress in Intellectual Property Conference, February 2019 (University of Houston), presented paper, *Legacy Stewards*

Rocky Mountain Junior Scholars Workshop, November 2018 (Univ. of Utah Law School) *Copyright's Market Gibberish*

Intellectual Property Scholars Conference, Aug. 2018 (U.C. Berkeley Law School) *Copyright's Market Gibberish*

Oxford Handbook on Law & Humanities Conference, May 2018 (Stanford Law School) *Queering IP Theory*

Family Law Scholars and Teachers Conference, June 2018 (Cardozo Law School) *The Laws of Legacy*

Internet Law Works-in-Progress, March 2018 (New York Law School) *The Beyoncé Defense*

Works-in-Progress in Intellectual Property, February 2018 (Case Western Reserve) *Sex, Death, and Intellectual Property*

Rocky Mountain Junior Scholars Workshop, November 2017 (BYU Law School) *Sex, Death, and Intellectual Property*

Pacific NW IP Scholars Conference, September 2017 (Seattle University) *Sex, Death, and Intellectual Property*

Intellectual Property Scholars Conference, Aug. 2017 (Cardozo Law School) *Death, Sex, and Intellectual Property*

Law and Society Association Annual Meeting, June 2017 (Mexico City)

- *Revenge Porn and the Surveillance of Intimacy*
- Invited discussant of Joseph Fischel's book, *Sex and Harm in the Age of Consent*

Vanderbilt IP Scholars Roundtable, Apr. 2017 (Nashville, TN) *IP, R.I.P.*

The Art and Science of the IP Deal, Apr. 2017 (University of Washington School of Law) *Panel: Deals and the Problem of Change over Time and Context*

Symposium, Berkeley Journal of Gender, Law, and Justice, March 2017 (Berkeley, CA)
Revenge Porn and the Surveillance of Intimacy

Intellectual Property Scholars Conference, Aug. 2016 (Stanford Law School)
Leveraging Death: IP Estates and Shared Mourning

Law and Society Association Annual Meeting, June 2016 (New Orleans, LA)
Punishing Sexual Fantasy

Guest blogger, Prawfsblawg.com, Dec. 2016

Invited Speaker, Whittier Law School Center for Intellectual Property, Sept. 2015
Raw Materials and the Creative Process

Intellectual Property Scholars Conference, Aug. 2015 (Chicago, IL)
Rethinking Constraint

Law and Society Association Annual Meeting, May 2015 (Seattle, WA)
Punishing Sexual Fantasy

Internet Law Works-in-Progress, March 2015 (Santa Clara University)
Punishing Sexual Fantasy

This Week in Law, March 2015
Guest for episode 297, *Copyright or Sticky Tape?*

Marketplace, Sept. 2014
Interviewed for radio segment, *Artistic Inspiration or Piracy?*

Intellectual Property Scholars Conference, Aug. 2014 (U.C. Berkeley Law School)
Raw Materials, Creative Works, and Cultural Hierarchy

Works-in-Progress in Intellectual Property, Feb. 2014 (Santa Clara Law School)
Raw Materials in Intellectual Property

Junior Scholars in Intellectual Property Workshop, Oct. 2013 (Michigan State Law School)
Life, Death, Public Domain

Intellectual Property Scholars Conference, Aug. 2013 (Cardozo Law School)
Life, Death, Public Domain

Design Patents in the Modern World Conference, Apr. 2013 (Stanford Law School)
Commentator on Dennis Crouch's *Developing a Taxonomy of Overlapping Rights*

Law, Culture and the Humanities Annual Conference, Mar. 2013 (London)
Cyberbullying and the Innocence Narrative

Intellectual Property Scholars Conference, Aug. 2012 (Stanford Law School)

Copyright Essentialism and the Performativity of Remedies

Junior Scholars in Intellectual Property Workshop, May 2012 (Michigan State Law School)
Copyright Essentialism and the Performativity of Remedies

PRIOR LEGAL EXPERIENCE

Hon. Marilyn Hall Patel, U.S. District Court for the Northern District of California
Law Clerk, 2010-2011

Hon. Cynthia Holcomb Hall, U.S. Court of Appeals for the Ninth Circuit
Law Clerk, 2009-2010

Debevoise & Plimpton LLP (New York)
Associate, IP/media litigation, 2007-2009; *Summer Associate*, 2006

Hon. Henry H. Kennedy, Jr., U.S. District Court for the District of Columbia
Judicial Intern, Spring 2006

Munger, Tolles & Olson LLP (Los Angeles)
Summer Associate, 2005

Lambda Legal Defense Fund (Los Angeles)
Legal Intern, Summer 2005

BAR ADMISSIONS

New York, 2008

U.S. District Court for the Southern District of New York, 2008