

Professor of Law
Cornell Tech and Cornell Law School
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JAMES GRIMMELMANN

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ACADEMIC POSITIONS

Cornell Tech and Cornell Law School
Professor of Law (2016–)

University of Maryland Francis King Carey School of Law
Professor of Law (2013–16)
Visiting Professor of Law (fall 2012)

University of Maryland Institute for Advanced Computer Studies
Visiting Professor (2013–16)

Georgetown University Law Center
Visiting Professor of Law (spring 2013)

New York Law School
Professor of Law (2012–13)
Associate Professor of Law (2007–12)
Adjunct Professor of Law (2006–07)

Information Society Project, Yale Law School
Affiliated Fellow (2007–)
Resident Fellow (2006–07)



COURSES

Fundamentals of Modern Software
Internet Law
Intellectual Property
Intellectual Property Drafting
Intellectual Property Homeroom
Copyright
Digital Copyright seminar
Google Books seminar
Property
Conflict of Laws



EDUCATION

Yale Law School, J.D., 2005
Yale Law Journal

Harvard College, A.B., *summa cum laude* in Computer Science, 1999
Phi Beta Kappa
Senior thesis: *Quantum Computation: An Introduction*



OTHER EMPLOYMENT

Publishers Weekly
Contributing Editor for Legal Affairs (2012–14)
Hon. Maryanne Trump Barry
United States Court of Appeals for the Third Circuit
Law Clerk (2005–06)
Creative Commons
Legal Intern (2004)
Electronic Frontier Foundation
Legal Intern (2003)
Harvard College
Special Assistant to the Dean (2001–02)
Microsoft Corporation
Software Design Engineer (1999–2001)



SCHOLARLY INTERESTS

I study how laws regulating software affect freedom, wealth, and power.
I try to help lawyers and technologists understand each other.



BOOKS

INTERNET LAW: CASES AND PROBLEMS (Semaphore Press) (8th ed. 2018)
(annual editions 2011–)
OPEN SOURCE PROPERTY (free and freely licensed casebook) (2016)
PATTERNS OF INFORMATION LAW: INTELLECTUAL PROPERTY DONE RIGHT (free
and freely licensed casebook) (2016)
CYBERCRIME: DIGITAL COPS IN A NETWORKED ENVIRONMENT (Jack M.
Balkin, James Grimmelman, Eddan Katz, Nimrod Kozlovski, Shlomit
Wagman, & Tal Zarsky eds., N.Y.U. Press 2007)



CHAPTERS

Speech In, Speech Out, in RONALD COLLINS & DAVID SKOVER, *ROBOTICA: SPEECH RIGHTS & ARTIFICIAL INTELLIGENCE* 85 (Cambridge University Press 2018)
Big Data's Other Privacy Problem, in *BIG DATA, BIG CHALLENGES IN EVIDENCE-BASED POLICY MAKING* 211 (Kumar Jayasuriya & Kathryn A. Ritcheske eds., West Academic 2015)

Some Skepticism About Search Neutrality, in *THE NEXT DIGITAL DECADE: ESSAYS ON THE FUTURE OF THE INTERNET* 435 (Berin Szoka & Adam Marcus eds., TechFreedom 2010)

The Privacy Virus, in *FACEBOOK AND PHILOSOPHY* 3 (Dylan Wittkower ed., Open Court 2010)

Virtual World Law, in *BUSINESS AND LEGAL PRIMER FOR GAME DEVELOPMENT* (S. Gregory Boyd & Brian Green eds., Charles River Media 2006)

Virtual Power Politics, in *THE STATE OF PLAY: LAW, GAMES, AND VIRTUAL WORLDS* (Jack M. Balkin & Beth S. Noveck eds., N.Y.U. Press 2006)



ARTICLES

The Virtues of Moderation, 17 *YALE J.L. & TECH* 42 (2015)

Speech Engines, 98 *MINN. L. REV.* 868 (2014)

Future Conduct and the Limits of Class-Action Settlements, 91 *N.C. L. REV.* 387 (2013)

Sealand, HavenCo, and the Rule of Law, 2012 *U. ILL. L. REV.* 405

Saving Facebook, 94 *IOWA L. REV.* 1137 (2009)

The Structure of Search Engine Law, 93 *IOWA L. REV.* 1 (2007)

Note, *Regulation by Software*, 114 *YALE L.J.* 1719 (2005)



ESSAYS

Real + Imaginary = Complex: Toward a Better Property Course, 66 *J. LEGAL EDUC.* 930 (2017)

Incomprehensible Discrimination, 7 *CALIF. L. REV. ONLINE* 164 (2017) (responding to Solon Barocas and Andrew Selbst, *Big Data's Disparate Impact*, 104 *CALIF. L. REV.* 101 (2016)) (with Daniel Westreich)

Copyright for Literate Robots, 101 *IOWA L. REV.* 657 (2016)

The Illegal Process: Basic Problems and the Making and Application of Censorship, 79 *U. CHI. L. REV. DIALOGUE* 58 (2013) (responding to Derek E. Bambauer, *Orwell's Armchair*, 79 *U. CHI. L. REV.* 863 (2012))

The Elephantine Google Books Settlement, 58 *J. COPYRIGHT SOC'Y U.S.A.* 497 (2011)

Book Review, *Dr. Generative or: How I Learned to Stop Worrying and Love the iPhone*, 69 *MD. L. REV.* 910 (2010) (reviewing JONATHAN ZITTRAIN, *THE FUTURE OF THE INTERNET—AND HOW TO STOP IT* (2008)) (with Paul Ohm)

How to Fix the Google Book Search Settlement, *J. INTERNET L.*, April 2009, at 1

Accidental Privacy Spills, *J. INTERNET L.* July 2008, at 3



SYMPOSIUM ESSAYS

Listeners' Choices, *U. COLO. L. REV.* (forthcoming)

The Platform Is the Message, 2 *Geo. L. Tech. Rev.* 217 (2018)

Consenting to Computer Use, 84 *GEO. WASH. L. REV.* 1500 (2016)

There's No Such Thing as a Computer-Authoring Work—And It's a Good Thing, Too, 39 *COLUM. J. L. & ARTS* 403 (2016)

The Law and Ethics of Experiments on Social Media Users, 13 *COLO. TECH. L.J.* 219 (2015)

Anarchy, Status Updates, and Utopia, 35 *PACE L. REV.* 135 (2015)

The Merchants of MOOCs, 44 *SETON HALL L. REV.* 1035 (2014)

Indistinguishable from Magic: A Wizard's Guide to Copyright and 3D Printing, 71 *WASH. & LEE L. REV.* 683 (2014)

Three Theories of Copyright in Ratings, 14 *VAND. J. ENT. & TECH. L.* 851 (2012)

First-Class Objects, 9 *J. TELECOMM. & HIGH-TECH. L.* 421 (2011)

Known and Unknown, Property and Contract: Comments on Hoofnagle and Moringiello, 5 *BROOK. J. CORP., FIN. & COMM. L.* 85 (2011)

D is for Digitize: An Introduction, 55 *N.Y. L. SCH. L. REV.* 11 (2010)

Privacy as Product Safety, 26 *WIDENER L.J.* 793 (2010)

The Internet Is a Semicommons, 78 *FORDHAM L. REV.* 2799 (2010)

The Google Dilemma, 53 *N.Y. L. SCH. L. REV.* 939 (2009)

The Ethical Visions of Copyright Law, 77 *FORDHAM L. REV.* 2005 (2009)

Virtual World Feudalism, 118 *YALE L.J. POCKET PART* 126 (2009)

Information Policy for the Library of Babel, 3 *J. BUS. & TECH. L.* 29 (2008)

Don't Censor Search, 117 *YALE L.J. POCKET PART* 48 (2007)

Virtual Borders: The Interdependence of Real and Virtual Worlds, *FIRST MONDAY* (Feb. 2006)

Modeling Facts, Culture, and Cognition in the Gun Debate, 18 *SOC. JUST. RES.* 283 (2005) (with Donald Braman and Dan M. Kahan)

Virtual Worlds as Comparative Law, 49 *N.Y. L. SCH. L. REV.* 147 (2005)



BRIEF ESSAYS

To Err is Platform (Knight First Amendment Institute Emerging Threats, Apr. 6, 2018) (responding to Olivier Sylvain, *Discriminatory Designs on User Data* (Knight First Amendment Institute Emerging Threats, Apr. 6, 2018))

No ESC, *THE RECORDER* (Nov. 10, 2017)

When Tenure Standards Are Wrong, *GREEN BAG 2D* (2017)

Make America Troll Again, JOTWELL: CYBERLAW (Apr. 2017) (reviewing WHITNEY PHILLIPS, *THIS IS WHY WE CAN'T HAVE NICE THINGS: MAPPING THE RELATIONSHIP BETWEEN ONLINE TROLLING AND MAINSTREAM CULTURE* (2016))

Police Force, JOTWELL: CYBERLAW (July 2016) (reviewing multiple articles)

An Offer You Can't Understand, JOTWELL: CYBERLAW (May 2015) (reviewing Lauren E. Willis, *Performance-Based Consumer Law* 82 U. CHI. L. REV. (draft 2015))

Discrimination by Database, JOTWELL: CYBERLAW (Nov. 2014) (reviewing Solon Barocas and Andrew Selbst, *Big Data's Disparate Impact* (draft 2014))

The Cancer of the Internet, JOTWELL: CYBERLAW (Nov. 2013) (reviewing FINN BRUNTON, *SPAM: A SHADOW HISTORY OF THE INTERNET* (2013))

If Code Is Law, Then Coders Are Lawyers, JOTWELL: CYBERLAW (Dec. 2012) (reviewing E. GABRIELLA COLEMAN, *CODING FREEDOM: THE ETHICS AND AESTHETICS OF HACKING* (2012))

Undiplomatic Immunity, JOTWELL: CYBERLAW (Nov. 2011) (reviewing Felix T. Wu., *Collateral Censorship and the Limits of Intermediary Immunity*, 87 NOTRE DAME. L. REV. 101 (2011))

Good Faith Scholarship, JOTWELL: CYBERLAW (Oct. 2010) (reviewing JOSEPH MICHAEL REAGLE JR., *GOOD FAITH COLLABORATION: THE CULTURE OF WIKIPEDIA* (2010))

The Amended Google Books Settlement Is Still Exclusive, CPI ANTITRUST CHRON. (Jan. 2010)

The Unmasking Option, 87 DENV. U. L. REV. ONLINE 29 (2010) (symposium)

Third Parties to the Rescue, JOTWELL: CYBERLAW (Nov. 2009) (reviewing Michael Risch, *Virtual Third Parties*, 25 SANTA CLARA COMPUTER & HIGH TECH. LJ. 416 (2009))

Saving Facebook: A Response to Professor Freiwald, 95 IOWA L. REV. BULL. 13 (2009)

Koans of Equity, 58 J. LEG. EDUC. 472 (2008)

Seven Ways in Which Code Equals Law, in *CODE: THE LANGUAGE OF OUR TIME* (Christine Schöpf et al. eds., Hatje Cantz 2003) (with Cindy Cohn)



WHITE PAPERS

Objections to the Google Books Settlement and Responses in the Amended Settlement: A Report (New York Law School) (with seven NYLS students) (ver. 2.0 2010) (ver. 1.0 2009)

The Google Book Search Settlement: Ends, Means, and the Future of Books (American Constitution Society 2009)

Copyright, Technology, and Access to the Law: An Opinionated Primer (New York Law School 2008)



AMICUS BRIEFS

Berry v. LexisNexis Risk & Information Analytics Group, Inc. (4th Cir. 2014)

ABC v. Aereo, Inc. (U.S. 2014) (with David Post)

OpenMind Solutions, Inc. v. Does 1–2925 (S.D. Ill 2011) (with Julie Samuels)

Authors Guild v. Google Inc. (S.D.N.Y. 2009) (and [supplemental letter](#) 2010)



TESTIMONY

“New Technologies and Innovations in the Mobile and Online Space, and the Implications for Public Policy,” House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet (June 19, 2012) ([written testimony](#))

LETTERS

On Facebook and OkCupid experiments (2014) (with Leslie Meltzer Henry)

To Douglas F. Gansler, Attorney General of Maryland

To OkCupid

To Facebooksw

To the Proceedings of the National Academy of Sciences

To the Office for Human Research Protections

To the Federal Trade Commission



NON-ACADEMIC ESSAYS

Why Porn on the Blockchain Won't Doom the Technology, WIRED (Mar. 29, 2018) (with Arvind Narayanan and Kevin Werbach)

What Happened to Elizabeth Warren Has Roots in Racism, N.Y. TIMES (Feb. 10, 2017) (with Jan Ellen Lewis)

Computers and Robots Don't Count, SLATE (Aug. 23, 2016)

The Blockchain Gang, SLATE (Feb. 16, 2016) (with Arvind Narayanan)

Introduction: Books and Culture, in AARON SWARTZ, *THE BOY WHO COULD CHANGE THE WORLD: THE WRITINGS OF AARON SWARTZ* 251 (New Press 2016)

Harry Potter and the Mysterious Defeat Device, SLATE (Sept. 22, 2015)

Do You Consent?, SLATE (May 27, 2015)

In Its Antitrust Debacle, Was Google's Real Victim You?, WIRED (Apr. 20, 2015)

Illegal, Immoral, and Mood-Altering, MEDIUM (Sept. 23, 2014)

This Restaurant Fable Explains Everything Wrong with San Francisco Right Now, WASH POST. WONKBLOG (Feb. 7, 2014)

MOOCs: Over Already?, BALTIMORE SUN, Dec. 26, 2013

Two Fair Use Rulings, One Clear Message, PUBLISHERS WKLY. PWXYZ BLOG (Dec. 6, 2013)

If Our Top Patent Court Screws up Slipper Patents, How Can It Rule Sensibly on Smartphones?, WASH. POST. SWITCH BLOG (Sept. 24, 2013)

Eight Years Later, the Google Books Fight Lumbers On, PUBLISHERS WKLY. (Sept. 5, 2013)

What to Do About Google?, COMM. ASSOC. COMPUTING MACHINERY, Sept. 2013, at 28

ReDigi, Digital First Sale ... and Star Trek, PUBLISHERS WKLY. (Apr. 12, 2013)

The Google Case Grinds On, PUBLISHERS WKLY. (July 2, 2013)

In re Books, PUBLISHERS WKLY. PWXYZ BLOG (Dec. 10, 2012)

The Google Appeal: Is There a Class?, PUBLISHERS WKLY. PWXYZ BLOG (Nov. 23, 2012)

Imaginary Bruce Willis, PUBLISHERS WKLY. (Oct. 10, 2012)

Why Johnny Can't Stream: How Video Copyright Went Insane, ARS TECHNICA (August 30, 2012)

Death of a Data Haven: Cypherpunks, WikiLeaks, and the World's Smallest Nation, ARS TECHNICA (Mar. 27, 2012)

Owning the Stack: The Legal War to Control the Smartphone Platform, ARS TECHNICA (Sept. 11, 2011)

The Orphan Wars, EDUCAUSE REV. (Jan./Feb. 2011)

The Google Settlement: Why It Matters, PUBLISHERS WKLY. (Nov. 23, 2009)

Total Information Awareness, THE NEW REPUBLIC (online ed.) (Dec. 11, 2008)

Bunnies, Ducks, and One Great Dane, KILLING THE BUDDHA (Jan. 2002)

Peer-to-Peer Terrorism, SALON (Sept. 26, 2001)

From Each According to His IPO, SALON (Apr. 25, 2001)



BLOGGING

The Laboratorium (individual blog) (2000–)

PrawfsBlawg (guest blogger)

Concurring Opinions (guest blogger)

The Volokh Conspiracy (guest blogger)

LawMeme (Yale ISP blog) (editor-in-chief 2003–05)



SELECTED PRESENTATIONS

Faculty workshops:
 Duke (Feb. 26, 2018)s
 Penn State Dickinson (Mar. 3, 2016)

University of Maryland (Sept. 17, 2015; Nov. 29, 2012)
Georgetown University (Mar. 26, 2013)
George Washington University (Nov. 13, 2012)
University of Michigan (Oct. 24, 2012)
New York Law School (Mar. 6, 2012; Feb. 1, 2011; Mar. 24, 2009;
Apr. 1, 2008)
Florida State University (Oct. 26, 2011)
Elon University (Oct. 24, 2011)
Fordham University (Apr. 14, 2011)

Colloquia:

Intellectual Property Colloquium, University of Michigan (Mar. 22, 2012)
Information Society Project, Yale Law School (Oct. 19, 2012; Oct. 8, 2010; Mar. 5, 2010; Apr. 15, 2009)
Information Law Institute, New York University (Sept. 20, 2010)
Center for Information Technology Policy, Princeton University (Oct. 1, 2008)
Berkman Center, Harvard University (May 7, 2008)
Evil Twin Debate, University of Richmond School of Law (Nov. 5, 2010) (with Jonathan Band)

Internet, Law, & Politics Congress, Open University of Catalonia (July 6–7, 2009) (keynote)

Scholarly Communications Symposium, Georgetown University Library (Feb. 27, 2009) (with Siva Vaidhyanathan)

Over 100 conference and CLE panels



CONFERENCES

In re Books, New York Law School (Oct. 26–27, 2012)

D is for Digitize, New York Law School (October 8–10, 2009)

Regulating Search?, Yale Law School (Dec. 3, 2005) (with Jack M. Balkin & Eddan Katz)



MEDIA

Regularly quoted by *The New York Times*, *Wall Street Journal*, *Washington Post*, *Los Angeles Times*, *Financial Times*, Associated Press, Reuters, *All Things Considered* (NPR), *On the Media* (NPR), *The Chronicle of Higher Education*, *Inside Higher Ed*, and *Publishers Weekly*, among others.



FUNDED PROJECTS

Values-in-Design Council for Future Internet Architectures Next Phase (NSF)

Member (2014–16)

Values from Law and Policy in the Named Data Networking Architecture (NSF)

Contractor (2012–13)

Values-in-Design Council for Future Internet Architectures (NSF)

Member (2010–13)

The Public Index (clearinghouse for study and discussion of Google Books settlement)

Principal Investigator (2009–13)

Supported by grants from Microsoft totaling \$100,000



SELECTED SERVICE

Jotwell (The Journal of Things We Like Lots)

Co-editor, Cyberlaw Section (2009–)

University of Maryland Francis King Carey School of Law

Director of the Intellectual Property Program (2013–16)

Curriculum Committee (2013–14, chair 2015–16)

Appointments Committee (chair 2014–15)

New York Law School

Self-Assessment Committee (co-chair 2010–11, chair 2011–12)

Curriculum Committee (2010–11)

Grade Curve Committee (2008–10)



SELECTED HONORS

Otto L. Walter Distinguished Writing Award (2011), for *The Internet Is a Semicommons*

Michael Egger Prize (2005), for *Regulation by Software*

Barry M. Goldwater Scholar (1998)

Presidential Scholar (1995)

Bronze Medal, International Chemistry Olympiad (1994)