

H. TOMÁS GÓMEZ-AROSTEGUI

CURRICULUM VITAE

Associate Professor of Law
Lewis & Clark Law School
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(last updated 7 May 2012)

ACADEMIC POSITIONS

- 2006–Present Lewis & Clark Law School, Portland, OR
Associate Professor of Law with Tenure (2011–Present)
Associate Professor of Law (2009–2011)
Assistant Professor of Law (2006–2009)
- Regular Courses: History of Anglo-American Copyright Law; History of the Common Law; International Intellectual Property Law; Torts; Trademark and Unfair Competition Law
- Irregular Courses: Copyright Law (Spring '07, Spring '13); Cyberspace Law (Fall '06); Information Privacy Law (Fall '07, '08, Spring '11)
- 2011–2012 The George Washington University Law School, Washington, DC
Visiting Associate Professor of Law
- 2004–2010 University of Oslo, Faculty of Law, Oslo, Norway
Department of Private Law / Norwegian Research Center for Computers and Law
Supervisor of Examiners (2007–2010)
Visiting Researcher and Lecturer (Fall 2004, 2005–2006)
- 1995–1997 University of Southern California Law School, Los Angeles, CA
Legal Writing Instructor

EDUCATION

- 2003–2004 University of Oslo, Faculty of Law, LL.M. 2004, Oslo, Norway
Norwegian Research Center for Computers and Law
- 1994–1997 University of Southern California Law School, J.D. 1997, Los Angeles, CA

Order of the Coif
Southern California Law Review
Notes Editor and Executive Committee Member 1996-1997
Staff Member 1995-1996
Legal Writing Instructor 1995-1997
Latino Law Students Association (formerly La Raza)
USC Latino Honor Society

1989-1993 University of Southern California, B.A. History 1993, Los Angeles, CA
Dean's List (four semesters)

OTHER PROFESSIONAL EXPERIENCE

2002-2003 Hogan & Hartson LLP, Denver, CO
Litigation Associate

1999-2001 O'Melveny & Myers LLP, Century City, CA
Litigation Associate

1998-1999 Judge John C. Porfilio, U.S. Court of Appeals for the Tenth Circuit, Denver, CO
Law Clerk

1997-1998 Judge Edward Rafeedie, U.S. District Court for the C.D. of Cal., Los Angeles, CA
Law Clerk

1996 O'Melveny & Myers LLP, Century City, CA
Summer Associate

1995/96 Gibson, Dunn & Crutcher LLP, Los Angeles and Century City, CA
Summer Associate

1994 Dove Tree Canyon Software, San Diego, CA
Computer Programmer

1992 Pop Mix Records, Los Angeles & Berkeley, CA
Music Remixer

PUBLICATIONS & PROJECTS

Articles

Copyright at Common Law Before 1710 and its Modern Implications (in progress)

Since 1761, legal historians of copyright law have assumed that no cases were filed in a court of equity asserting a copyright at common law before 1710. The conventional view has been that suits seeking recognition of a common-law copyright arose only after the statutory terms of the newly enacted copyright statute of 1710 began to expire in the 1730s. This paper disproves the assumption by discussing twenty unreported lawsuits the records of which are stored in the National Archives of

the United Kingdom. Apart from describing the suits, the paper discusses how they affect our understanding of the existence *vel non* of a copyright at common law. I also discuss the impact of these findings on scholars' attempts in recent years to prove that common-law copyright was a myth.

Copyright at Common Law in 1774 (in progress)

This article reexamines the case of *Donaldson v. Becket* and questions the gloss that scholars have put on it in the last thirty years. The paper relies primarily on newly discovered primary materials.

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, 25 BERKELEY TECH. L.J. 1247 (2010), <http://ssrn.com/abstract=1572177> [invited symposium contribution] [104pp]

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, 78 FORDHAM L. REV. 1661 (2010), <http://ssrn.com/abstract=1355464> [71pp]

What History Teaches Us About Copyright Injunctions and the Inadequate-Remedy-At-Law Requirement, 81 S. CAL. L. REV. 1197 (2008), <http://ssrn.com/abstract=1101974> [84pp]

Online Image Companion: <http://www.oldcopyrightcases.org>

Reprinted in COPYRIGHT LAW ANTHOLOGY, 2009–2010, at 539 (Thomson-West: Rodney Smolla ed., 2009)

Defining Private Life Under the European Convention on Human Rights by Referring to Reasonable Expectations, 35 CAL. W. INT'L L.J. 153 (2005), <http://ssrn.com/abstract=669401> [50pp]

A Comparative Fault Framework for Rule 10b-5 Direct Misrepresentation Actions, 70 S. CAL. L. REV. 1407 (1997) [52pp]

Books

THE HISTORY OF COPYRIGHT LAW 1512–1911: CASES AND MATERIALS (with Isabella Alexander, under contract with Edward Elgar Publishing) (in progress)

A SOURCEBOOK OF LAW REPORTS OF COPYRIGHT SUITS BEFORE 1800 (in progress)

An edited transcription of all known reports of copyright lawsuits filed before the year 1800, both reported and unreported MSS, along with associated, key court records from the National Archives.

Shorter Works

Copyright Law and the Public Interest in the Nineteenth Century by Isabella Alexander, Hart Publishing, 2010. Pp. xxiv + 320. Cloth \$110, 2 IP LAW BOOK REV. 11 (2011) [solicited book review]

The Piracy Loop, Adrian Johns: *Piracy: The Intellectual Property Wars From Gutenberg to Gates* (Chicago: University of Chicago Press, 2010. Pp. 640. \$35.00), 73 REV. OF POLITICS 172 (2011) [solicited book review]

Harald Welte, Linux, and the GPL, 7 OREGON INTELL. PROP. NEWSLETTER 19 (Winter 2006)

Know-How, Intellectual Property, and Confidentiality Issues, in REPORT ON LEGAL ISSUES IN SME CLUSTERS (Pinsent Masons, ed., Legal-IST 2005; submitted to the European Commission)

Other Projects

Brief of H. Tomas Gomez-Arostegui and Tyler T. Ochoa as *Amici Curiae* in Support of Petitioners, *Golan v. Holder*, No. 10-545 (U.S. June 17, 2011, amicus brief with Tyler T. Ochoa)

A Register of Copyright-Infringement Suits & Actions From c.1560 to 1800 (v. 1.0.7) (2008–2010), [http:// www.oldcopyrightcases.org](http://www.oldcopyrightcases.org) (ongoing database of Anglo-American copyright lawsuits)

Conferences & Other Presentations (Presented Unless Otherwise Indicated)

Copyright at Common Law Before 1710 and its Modern Implications, Panel on Legal History, 31st Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property, Chicago, IL, 29 July to 1 Aug. 2012 (upcoming)

Copyright at Common Law Before 1710 and its Modern Implications, Copyright History Roundtable, George Washington University Law School, 30–31 March 2012

Legal Records of English Courts Before 1800: Finding and Interpreting Documents Relating to the Book Trade, Seminar, Rare Book School, University of Virginia, 2 March 2012

Copyright at Common Law Before 1710 and its Modern Implications, Clay Lecture, Rare Book School, University of Virginia, 1 March 2012

Copyright at Common Law Before 1710 and its Modern Implications, Faculty Workshop, King's College London, School of Law, 8 February 2012

Copyright at Common Law Before 1710 and its Modern Implications, Works-in-Progress Workshop, George Washington University Law School, 30 January 2012

U.S. Copyright and Trademark Law: Selected Topics, Global Intellectual Property Academy: IP Rights Program for Russian Judges, George Washington University Law School, 9 November 2011

Copyright at Common Law Before 1710 and its Modern Implications, DC Area Legal History Roundtable, George Mason University School of Law, 14 October 2011

Copyright at Common Law Before 1790 and its Implications in Golan v. Holder, Roundtable on *Golan v. Holder*, Harvard Law School, 23 September 2011

Copyright at Common Law Before 1710 and its Modern Implications, Twentieth British Legal History Conference, University of Cambridge, Faculty of Law, 14 July 2011

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, Oregon State Bar CLE, Intellectual Property Section, 2 March 2011

The Coming Copyright Termination Crisis, AIPLA Online CLE Seminar, 16 February 2011 (with John Tehranian)

Copyright at Common Law Before 1710 and its Modern Implications, Works-in-Progress Intellectual Property Colloquium, Boston University School of Law, 12 February 2011

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, Intellectual Property Workshop, University of Michigan Law School, 21 September 2010

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, British Literary and Artistic Copyright Association, London, England, 13 May 2010

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, Conference on the 300th Anniversary of the Statute of Anne, University of California, Berkeley School of Law, 9–10 April 2010

The Untold Story of the First Copyright Suit under the Statute of Anne in 1710, Faculty Colloquium, Lewis & Clark Law School, 26 January 2010

Intellectual Property Remedies, Business Law Fall Forum, Lewis & Clark Law School, 2 October 2009 (convener and panel moderator)

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, 62nd Annual Meeting, Southeastern Association of Law Schools, IP Remedies Panel, 4 August 2009 (also convened the panel)

Conference on the 100th Anniversary of the 1909 Copyright Act, Santa Clara University, School of Law, 30 April 2009 (panel moderator)

A History of English Copyright and its Enforcement Before the Year 1800, Presentation for the Coke Society, Paul L. Boley Law Library, 7 April 2009

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, Northwest Junior Faculty Conference, Willamette University College of Law, 4 March 2009

A History of English Copyright and its Enforcement Before the Year 1800, Presentation for Judge Pierre N. Leval, Kitagawa/Johnson-Laird Dinner, 11 February 2009

Prospective Compensation in Lieu of a Final Injunction in Patent and Copyright Cases, Faculty Colloquium, Lewis & Clark Law School, 4 November 2008

Information Privacy—Statutory Claims Under the CFAA, Wiretap Act, and SCA, Johnson-Laird, Inc., 22 August 2008

2008 Privacy Law Scholars Conference, George Washington University Law School, 12–13 June 2008 (discussion leader)

Injunctions in Intellectual Property Cases After eBay v. MercExchange, Oregon State Bar CLE, Computer and Internet Law Section, 17 April 2008

Intellectual Property Law: A Year in Review—International Developments, Oregon State Bar CLE, Intellectual Property Section, 29 February 2008

Information Privacy—Statutory Claims Under the CFAA, Wiretap Act, and SCA, Oregon State Bar CLE, Computer and Internet Law Section, 27 September 2007

What History Can Teach Us About the Inadequate-Remedy-At-Law Requirement and Copyright Injunctions, Seventh Annual IP Scholars Conference, DePaul University, College of Law, 10 August 2007

What History Can Teach Us About the Inadequate-Remedy-At-Law Requirement and Copyright Injunctions, Faculty Colloquium, Lewis & Clark Law School, 24 April 2007

What History Can Teach Us About the Inadequate-Remedy-At-Law Requirement and Copyright Injunctions, Northwest Junior Faculty Conference, Willamette University College of Law, 26 October 2006

Hate Speech: An Analysis of the Additional Protocol to the Convention on Cybercrime, University of Oslo, NRCCL, 22 March 2004

Data Protection Pursuant to the European Convention for the Protection of Human Rights and Fundamental Freedoms: Recent Case Law, University of Oslo, NRCCL, 1 March 2004

Jurisdictional and Choice-of-Law Issues in International Intellectual Property Commerce, University of Oslo, NRCCL, 7 November 2003, with Helge Kauert

LAW SCHOOL SERVICE

Judicial Clerkship Working Group (2008–Present)

Latino Law Society, Faculty Advisor (2006–2011)

Lewis & Clark Law Review, Faculty Advisor (2008–Present)

AEP Admissions Committee (Spring '07, '08, '10, '11)

Faculty Appointments Committee (Fall '08, Spring '09)

L&C College-Wide Diversity Committee (2007–2010)

Law School Diversity Committee (Fall '08)

Public Interest Law Project (PILP) Board (Spring '11)

Johnson-Laird & Kitagawa Scholarship Committee (2007–Present)

Ronald Ragen, Davis Wright Tremaine Int'l Law Writing Award Committee (Summer '07)

Global Law Committee (Spring '08)

Commencement Speaker Committee (Spring '09)

MEMBERSHIPS AND AFFILIATIONS

State Bar of California (active)

American Intellectual Property Law Association

Exec. Comm. Member, Intellectual Property Section of the Oregon State Bar (2008–2009)

Bibliographical Society

Selden Society
American Society for Legal History
Life Member, Friends of the National Archives of the United Kingdom