

**JOSEPH P. LIU**  
Professor of Law  
Boston College Law School

885 Centre Street  
Newton, MA 02459

[liujr@bc.edu](mailto:liujr@bc.edu)  
617.552.6377

**ACADEMIC APPOINTMENTS**

**BOSTON COLLEGE LAW SCHOOL**, Newton, MA

*Professor of Law (2009-Present)* ([Faculty Profile](#))

*Associate Dean for Faculty (2012-15)*

*Associate Professor w/ Tenure (2004-09)*

*Assistant Professor (2001-04)*

Research: Copyright Law, Trademark Law, Internet Law

Courses: Intellectual Property, Copyright, Trademark, Property, Privacy, Internet Law, Software Law

Visiting Professorships: Boston University School of Law (2004)

Committees: Diversity, Equity, Inclusion, and Belonging (2023-24 Chair); Educational Policy (2005-06, 2023-24);

Appointments (2002-03, 2005-07, 2008-10, 2012-15, 2017-18, 2018-20 Chair, 2022-23); ABA Accreditation Committee

(2021); Accreditation Standards Committee (2016-17 Chair); Strategic Planning (2004-05, 2010-11, 2011-13 Chair);

Publications (2004-05 Chair, 2016-17); AALS IP Section Executive Committee (2005, 2009); University Research Council

(2003-05); University Intellectual Property Review Board (2004-05); Admissions (2003-04, 2010-11 Co-Chair); Judicial

Clerkship (2001-02)

**TSINGHUA UNIVERSITY SCHOOL OF LAW**, Beijing, China

*Visiting Professor (Spring 2013, Spring 2014, Spring 2018)*

Research: Copyright Law, International Intellectual Property

Courses: Foreign Copyright Law

**UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF LAW**, San Francisco, CA

*Assistant Professor (2000 - 01)*

Research: Copyright Law, Trademark Law, Internet Law

Courses: Intellectual Property Survey, Property, Internet I.P., Computer Law

**HARVARD LAW SCHOOL**, Cambridge, MA

*Teaching Fellow (1997-98)*

Research: Intellectual Property, Copyright Law

Courses: Lawyering 100

**EDUCATION**

**HARVARD LAW SCHOOL**, Cambridge, MA

*L.L.M. 1999, Thesis: *Owning Digital Copies**

**COLUMBIA LAW SCHOOL**, New York, NY

*J.D. 1994, Editor-in-Chief, *Columbia Law Review* (1993-94)*

**YALE UNIVERSITY**, New Haven, CT

*B.A. 1989, *Physics and Philosophy, Cum Laude**

**CLERKSHIP**

**JUDGE LEVIN H. CAMPBELL**, U.S. Court of Appeals for the First Circuit, Boston, MA

*Law Clerk (1994-95)*

**PUBLICATIONS** ([SSRN](#)) ([WESTLAW](#)) ([CITATIONS](#))

*Substantial Similarity* (work in progress)

COPYRIGHT LAW: ESSENTIAL CASES AND MATERIALS (5th ed. West 2025) (forthcoming) (with Alfred C. Yen)

*Defining Progress*, \_\_ N.E. L. REV. \_\_ (2024) (reviewing Jessica Silbey, AGAINST PROGRESS: INTELLECTUAL PROPERTY AND FUNDAMENTAL VALUES IN THE INTERNET AGE (2022) (New England Law Review Symposium)

*Who's Afraid of the Common Law? Georgia v. PublicResource.Org and the Supreme Court's "Straightforward" Intellectual Property Jurisprudence*, 67 J. COPR. SOC'Y U.S.A. 397 (2021)

[Between Code and Treatise: The Hard Challenge of the Restatement of Copyright](#), 44 COLUM. J.L. & ARTS 441 (2021) (Columbia Law School Symposium: "Restatement of Copyright: Past, Present, and Future")

*Copyright Rulemaking: Past as Prologue*, 33 BERKELEY TECH. L.J. 627 (2019) (Berkeley Law School Symposium, "The Administrative Law of Intellectual Property")

[Notice Failure, Fair Use, and the Limits of Copyright as Property](#), 96 B.U. L. REV. 833 (2016) (Boston University School of Law Symposium, "Notice and Notice Failure in Intellectual Property Law")

*What Belongs in Copyright?*, 39 COLUM. J.L. & ARTS 325 (2016) (Keynote Address: Columbia Law School Symposium, "Copyright Outside the Box")

"Paracopyright – A Peculiar Right to Control Access" in Rochelle Cooper Dreyfuss & Jane Ginsburg, eds., INTELLECTUAL PROPERTY AT THE EDGE: THE CONTESTED CONTOURS OF IP (Cambridge 2014)

[The New Public Domain](#), 2013 U. ILL. L. REV. 1395 (2013)

*Sports Merchandising, Publicity Rights, and the Missing Role of the Sports Fan*, 52 B.C. L. REV. 493 (2011) (Boston College Law School, Symposium, "Legal Perspectives on the NCAA")

*Toward a Defense of Fair Use Enablement: Or How U.S. Copyright Law is Hurting My Daughter*, 57 J. COPYRIGHT SOC'Y U.S.A. 423 (2010) (peer reviewed)

*Two Factor Fair Use?*, 31 COLUM. J.L. & ARTS 571 (2008) (Columbia Law School, Symposium, "Fair Use: Incredibly Shrinking or Extraordinarily Expanding?")

*Enabling Copyright Consumers*, 22 BERKELEY TECH. L.J. 1099 (2007) (U.C. Berkeley, Boalt Hall Law School, Symposium, "Copyright, DRM Technologies, and Consumer Protection")

[Copyright and Breathing Space](#), 30 COLUM. J.L. & ARTS 429 (2007) (Columbia Law School, Symposium, "Constitutional Challenges to Copyright") (transcript available at 30 COLUM. J.L. & ARTS 319 (2007))

*The WIPO Copyright Treaties: 10 Years Later: Comment on Gwen Hintze*, 57 CASE W. RES. L. REV. 823 (2007) (Case Western Reserve Law School, "Law, Technology and the Arts Symposium")

*Copyright Law and Subject-Matter Specificity: The Case of Computer Software*, 61 N.Y.U. ANN. SURV. AM. L. 203, (2005) (with Stacey Dogan)

[Regulatory Copyright](#), 83 N.C. L. REV. 87 (2004)

[Copyright Law's Theory of the Consumer](#), 44 B.C. L. REV. 397 (2003)

*The DMCA and the Regulation of Scientific Research*, 17 BERKELEY TECH. L.J. 501 (2003) (U.C. Berkeley, Boalt Hall Law School, Symposium, "The Law and Technology of Digital Rights Management")

[Copyright and Time: A Proposal](#), 101 MICH. L. REV. 409 (2002)

*Owning Digital Copies: Copyright Law and the Incidents of Copy Ownership*, 42 WM. & MARY L. REV. 1245 (2001)

*Legitimacy and Authority in Internet Coordination: A Domain Name Case Study*, 74 IND. L.J. 587 (1999), excerpted in Jerry Kang, COMMUNICATIONS LAW AND POLICY 247 (2001)

**SELECT PRESENTATIONS**

- “Defining Progress,” Symposium on Against Progress, New England School of Law, Boston, MA (April 11, 2024)
- “Substantial Similarity,” Workshop on Copyright and Industry Regulation, Cardozo Law School, New York, NY (April 21, 2023)
- “Between Code and Treatise: The Hard Challenge of the Restatement of Copyright,” The Restatement of Copyright: Past, Present, and Future, Columbia Law School, New York, NY (April 23, 2021)
- Moderator, “Hot Topics and Emerging Trends in IP and Innovation,” Third International IP Summit, Boston College Law School, Newton, MA (October 21, 2020)
- Moderator, “Brand Rights Acquisitions and Management in a Global Economy,” Second International IP Summit, Boston College Law School, Newton, MA (October 17, 2019)
- “Copyright and the Public Domain,” Panel, Public Domain Day, Suffolk University Law School, Boston, MA (January 31, 2019)
- “DMCA 101: Intro to 1201,” “Recent Cases and Controversies: 1201,” CASRIP 2018 Summer Institute, University of Washington School of Law, Seattle, WA (July 24, 2018)
- “Copyright Rulemaking: Past as Prologue,” The Administrative Law of Intellectual Property, Berkeley Law School, Berkeley, CA (April 12, 2018)
- Panelist, “The Ever-Evolving Distribution of Live Sports,” 2018 Sports & Entertainment Law Symposium, Boston College Law School, Newton, MA (February 16, 2018)
- Panelist, “Teaching From the Margins,” Boston College Excellence in Teaching Day, Boston College, Chestnut Hill, MA (May 8, 2017)
- Panelist, “Regulatory and Adjudicatory Functions,” A Copyright Office For the 21<sup>st</sup> Century, Joint Conference by Duke Law School and NYU Law School, Washington, DC (March 18, 2016)
- Commentator, “Legal Force of Private Law,” Private Law and Intellectual Property, Harvard Law School, Cambridge, MA (March 12, 2016)
- “Regulatory Copyright and the Next Great Copyright Act,” Loyola IP Speakers Series, Loyola Law School, Los Angeles, CA (February 15, 2016)
- Keynote Address: “What Belongs in Copyright?,” Copyright Outside the Box, Columbia Law School, New York, NY (October 2, 2015)
- “Notice Failure, Fair Use, and the Limits of Property,” Notice and Notice Failure in Intellectual Property Law, Boston University School of Law, Boston, MA (September 25, 2015)
- “The Next Great Copyright Acts: A Global Analysis of Current Legislative and Industry Developments and Proposed Solutions for our Modern Digital Environment,” International Bar Association Annual Meeting, Boston, MA (October 11, 2013)
- “ISP Liability Under U.S. Copyright Law,” Tsinghua University Law School, Beijing, China (April 20, 2013)
- “Third-Party and Copyright ISP Liability in the U.S.: Recent Developments,” Tsinghua University Law School, Beijing, China (June 28, 2011)
- “Sports Merchandising, Publicity Rights, and the Missing Role of the Sports Fan,” NCAA at 100: Perspectives on its Past, Present, and Future, Boston College Law School (October 15, 2010) (co-organizer)
- “Saving Journalism from Itself? Hot News, Copyright Fair Use and News Aggregation,” Journalism's Digital Transition: Unique Legal Challenges and Opportunities, Harvard Law School (April 9, 2010)
- “Book Banned or Infringement Averted? Reflections on the J.D. Salinger/ 60 Years Copyright Case,” Arts Entertainment & Sports Law Committee, Boston Bar Association (October 31, 2009)

**SELECT PRESENTATIONS** (cont'd)

- “The Mechanical License and the Origins of Regulatory Copyright,” Conference on the 100<sup>th</sup> Anniversary of the 1909 Copyright Act, Santa Clara University School of Law (April 30, 2009)
- “Publicity, Privacy, and Intellectual Property Meet the First Amendment,” Boston College Law School (April 3, 2009) (conference co-organizer)
- “Third-Party Copyright in the United States,” International Conference on Opportunities and Challenges for Intellectual Property, Taipei, Taiwan (December 20, 2008)
- “Fair Use and Fan Fiction: The Harry Potter Decision and More,” Intellectual Property Law Committee, Boston Bar Association (November 14, 2008)
- “Two-Factor Fair Use?,” Fair Use: Incredibly Shrinking or Extraordinarily Expanding?, Columbia Law School (February 8, 2008)
- “Issues and Controversies in Copyright Law: Digital Rights Management and the DMCA,” MCLE IP Conference, Boston, MA (June 13, 2007) (keynote address)
- “Trademark Dilution and the TDRA,” AIPLA Spring Meeting, Boston, MA (May 11, 2007)
- “Consumer Protection: Inside Copyright Law or Outside?,” Copyright, DRM Technology, and Consumer Protection, U.C. Berkeley Boalt Hall (March 10, 2007)
- “The Copyright Treaties and Digital Rights Management,” Law Technology & Arts Symposium, Case Western Reserve Law School (November 10, 2006)
- “Copyright and Breathing Space,” Constitutional Challenges to Copyright, Columbia Law School (October 27, 2006)
- “The Legal Framework Surrounding Digital Rights Management Technologies,” IASTED Conference on Law and Technology, MIT (October 9, 2006)
- “Intellectual Property and the First Amendment,” Discussion Leader, AALS Intellectual Property Conference (June 12, 2006)
- “Copyright and Consumer Enabling Technologies,” Chicago IP Colloquium (February 21, 2006)
- “Google Book Search,” Boston Bar Association, Committees on Intellectual Property and Art Law (Jan. 27, 2006)
- “Bowdlerization, Copyright, and Consumer Theory,” Faculty Workshop, St. John’s University Law School (October 3, 2005)
- “Creating a Competitive Advantage with Intellectual Property,” Emerging Enterprises Program, Boston College Law School (April 27, 2005) (panel moderator)
- “Making Your Move and Choosing Your Path,” Asian American Lawyers Assoc. of Massachusetts Annual Conference, Boston, MA (April 23, 2005)
- “Regulatory Copyright,” Intellectual Property Speakers Series, Cardozo Law School (Feb. 7, 2005)
- “Regulatory Copyright,” Faculty Workshop, University of San Francisco Law School (Jan. 26, 2005)
- “Thoughts on Skylink, Lexmark, and the DMCA,” Boston Bar Association, Committees on Computer Law and Intellectual Property (Nov. 2, 2004)
- “Copyright and Subject-Matter Specificity: The Case of Computer Software,” Works in Progress Intellectual Property Program, Boston University School of Law (Sep. 10, 2004) (with Stacey Dogan)
- “The Contraction of Copyright and its Implementation,” 3rd Conference on Asian and European Intellectual Property Rights, Taipei, Taiwan (June 7, 2004)
- “Copyright and Music: Owners, Consumers, and Third Parties,” 19th Annual I.P. Law Conference, ABA Section on IP Law, Washington, DC (Apr. 2, 2004)

**SELECT PRESENTATIONS** (cont'd)

- “Regulatory Copyright,” Intellectual Property Faculty Lecture Series, Case Western Reserve School of Law (Mar. 1, 2004)
- “Thoughts on Skylink, Lexmark, and the DMCA” Program of Section on Law and Computers, AALS Annual Meeting, Atlanta, GA (Jan. 3, 2004)
- “The Ethics of Over-Reaching: Business Method Patents,” Sixth Annual Ethics & Technology Conference, Boston College (June 27, 2003)
- “Copyright, Science and the Public Interest,” American Association for the Advancement of Science, Washington, DC (Jun. 20, 2003) (panelist)
- “The DMCA and the Regulation of Scientific Research,” Conference on the Law and Technology of Digital Rights Management, U.C. Berkeley Boalt Hall School of Law (Feb. 28, 2003)
- “The DMCA and the Regulation of Scientific Research,” Faculty Colloquium Series, Northeastern University School of Law (Feb. 19, 2003)
- “Copyright and Time: A Proposal,” Intellectual Property Speakers Series, Boston University School of Law (Nov. 4, 2002)
- “Copyright Law’s Theory of the Consumer,” Symposium on Intellectual Property, Ecommerce & the Internet, Boston College Law School (Oct. 18, 2002) (co-organizer of the symposium)
- “Information Law for the Electronic Age,” Annual Conference of the American Chemical Society, Boston, MA (Aug. 20, 2002)
- “An Empirical Study of the DMCA’s Impact on Encryption Research,” Second Annual I.P. Scholars Conference, Cardozo Law School (Aug. 8, 2002)
- “Copyright and Time: A Proposal,” Junior Faculty Exchange, Northeastern University Law School (Mar. 7, 2002)
- “Copyright Law’s Theory of the Consumer,” Internet Research 2.0: The Second International Conference of the Association of Internet Researchers, University of Minnesota (Oct. 13, 2001)
- “Copyright Law’s Theory of the Consumer,” Consumers in the Digital Age: Perspectives on the Intersection Between Law, Technological Innovation, and Consumer Protection, Hastings Law Journal Symposium, U.C. Hastings College of Law (Feb. 10, 2001)
- Free Speech and the Posting of Proprietary Documents on the Internet, Electronic Frontier Foundation BayFF (Nov. 2, 2000) (panelist)

**PRIVATE PRACTICE**

**BUYERZONE.COM, INC.**, Watertown, MA

*Vice President and General Counsel (1996-2002)*

Vice President and General Counsel to a 70-person, venture-backed, business-to-business e-commerce Internet start-up.

**FOLEY, HOAG & ELIOT, LLP**, Boston, MA

*Associate (1995-96, 1999)*

Practiced in the Intellectual Property and Securities Litigation departments. Handled cases involving patent and trademark infringement.

**ACTIVITIES**

**JOURNAL OF THE COPYRIGHT SOCIETY OF THE U.S.A.**, New York, NY

*Co-Editor-in-Chief (2011-2015)*

Co-Editor-in-Chief of peer-reviewed scholarly journal focusing on copyright law.

**ELECTRONIC FRONTIER FOUNDATION**, San Francisco, CA

*Cooperating Attorney (2000-02)*

Worked on a number of cases involving the Digital Millennium Copyright Act of 1998

**MISCELLANEOUS**

**BAR ADMISSIONS:** Massachusetts (1995)