

SEAN A. PAGER

Michigan State University
College of Law
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EDUCATION

European University Institute (Florence, Italy): LL.M. in International Law, 2002

Emphasis in European Union law; thesis on gender equality in the US and EU.

Fulbright Scholar: Research grant for year of LL.M study at EUI, 2001-2002

University of California at Berkeley, Boalt Hall School of Law: J.D., 1998

Order of the Coif; Associate Editor, *California Law Review*; American Jurisprudence Awards

(top in class): ▪ Comparative Law ▪ International Law ▪ European Union Law ▪ Constitutional Law

Harvard University: A.B. *Magna Cum Laude* History, 1989

Summa Cum Laude thesis; Ford Foundation research grant recipient.

ACADEMIC POSITIONS

Michigan State University College of Law: *Professor* East Lansing, 2016-present

Assistant Professor, 2008-2011. *Associate Professor*, 2011-2016. Awarded tenure in 2014.

Teach Intellectual Property Survey, Copyright, International Intellectual Property, and Tort Law.

Founder and Co-director, Intellectual Property and Entrepreneurial Law Clinic, 2018-present.

Associate Director, Intellectual Property, Information & Communications Law Program (IPIC).

Affiliated Faculty, Asian Studies Program, Michigan State University, 2012-present.

University of Richmond School of Law: *Visiting Assistant Professor* Richmond, 2007-2008

Taught Intellectual Property Survey, Copyright, International Intellectual Property and IP Seminar.

Seattle University School of Law: *Visiting Assistant Professor* Seattle, 2006-2007

Taught courses on International Intellectual Property, International Trade (WTO), and Tort Law.

Indiana University School of Law: *Visiting Assistant Professor* Bloomington, 2005-2006

Taught Intellectual Property Survey, International Intellectual Property & Int'l Human Rights Law.

PUBLICATIONS

Law Review Articles

Redeeming Globalization through Unfair Competition Law, forthcoming, __ CARDOZO L. REV. __
(2020) (with Eric Priest), selected for the 2015 Harvard-Yale-Stanford Junior Faculty Forum.

Does Copyright Help or Harm Cultural Diversity in the Digital Age?, 32 KRITIKA KULTURA 397 (2018).

The Role of Copyright in Creative Industry Development, 10 L. & DEV. REV. 521 (2017).

Traditional Knowledge Rights and Wrongs, 20 VIRGINIA J. L. & TECH. 82 (2016), selected for the 2015 Harvard-Yale-Stanford Junior Faculty Forum.

Making Copyright Work for Creative Upstarts, 22 GEO. MASON. L. REV. 1021 (2015), selected for Plenary Presentation at the 2015 Intellectual Property Law Scholars Conference.

Cultivating Capabilities for Creative Industry Upstarts, 21 MICH. ST. INT'L L. REV. 547 (2013).

Folklore 2.0: Preservation through Innovation, 2012 UTAH L. REV. 1835; selected for the 2011 Stanford-Yale Junior Faculty Forum.

Accentuating the Positive: Building Capacity for Creative Development into the Development Agenda 28 AM. UNIV. INT'L L. REV. 223 (2012).

Beyond Culture vs. Commerce: Decentralizing Cultural Protection to Promote Diversity Through Trade, 31 NORTHWESTERN J. INT'L L. & BUS. 63 (2011).

Patents on a Shoestring: Making Patent Protection Work for Developing Countries, 23 GEORGIA ST. UNIV. L. REV. 755 (2007).

Antisubordination of Whom? What India's Answer Tells Us about the Meaning of Equality in Affirmative Action, 41 U.C. DAVIS L. REV. 289 (2007), reprinted in Mark Tushnet, ed., COMPARATIVE CONSTITUTIONAL LAW, Vol. III (Edward Elgar, 2017).

TRIPS: A Link Too Far? A Proposal for Procedural Constraints on the Use of Cross-Issue Linkages to Advance Regulatory Harmonization in the WTO, 10 MARQ. INTELL. PROP. L. REV. 215 (2006).

Strictness vs. Discretion: The European Court of Justice's Variable Vision of Gender Equality, 51 AM. J. COMP. L. 553 (2003).

Strictness and Subsidiarity: An Institutional Perspective on Affirmative Action at the European Court of Justice, 26 B.C. INT'L & COMP. L. REV. 35 (2003).

Caveat Lawyer: The Restatement of the Law of Lawyers' 'Invite to Rely' Standard for Attorney Liability to Nonclients, 34 TORT & INS. L. J. 1121 (1999).

Is Busing Preferential? An Interpretive Analysis of Proposition 209, 21 WHITTIER L. REV. 3 (1999).

Edited Volume

TRANSNATIONAL CULTURE IN THE INTERNET AGE (with Adam Candeub, Elgar 2012).

Book Chapters

Copyright & Cultural Development: Emerging Creative Industries in the Digital Age, in Peter Menell & Ben Depoorter, eds., HANDBOOK ON THE LAW & ECONOMICS OF INTELLECTUAL PROPERTY (Edward Elgar, 2019).

Digital Content Production in Nigeria and Brazil: A Case for Cultural Optimism?, in TRANSNATIONAL CULTURE IN THE INTERNET AGE (Edward Elgar, 2012).

Introduction: Navigating in the Dark When Bits Have No Borders, in TRANSNATIONAL CULTURE IN THE INTERNET AGE (2012) (with Adam Candeub).

Comparisons in Color Consciousness: Targeting Affirmative Action in India, France and the US, in

Barbara Pozzo, ed., *MULTICULTURALISMS: MEANINGS AND PERSPECTIVES OF MULTICULTURALISM IN A GLOBAL WORLD* (Staempfli, 2009).

WORKS IN PROGRESS

Unfair Competition as Global Governance? (with Eric Priest), draft manuscript completed.

Discriminating Against Pirates: Does WTO Law Preclude Extra-Territorial Application of Unfair Competition Law?, draft manuscript completed.

Adjudication & Extra-territoriality (with Michael Sant'Ambrogio), draft completed.

Fixing Global Supply Chains: Is State Unfair Competition Law the Answer?
(with Jenna Foos), completed manuscript.

Incubating Indies: Distributed Models to Fund Creative Production, draft manuscript completed.

The Chinese Copyright Dream (with Eric Priest), in preparation.

Trademarking the Blockchain Enterprise (with Carla Reyes), in preparation.

Religion as Traditional Knowledge (with Frank Ravitch and Emily Sosolik), in preparation.

FELLOWSHIPS, GRANTS, AND HONORS

Recipient of 2016 Delia Koo Faculty Research Grant from MSU Asian Studies Center (\$3,315).

Three Articles selected for inclusion Yale-Stanford-Harvard Junior Faculty Forum (2011, 2015, 2015).

Mark Twain Non-Resident Fellowship in Copyright Law from George Mason Center for the Protection of Intellectual Property for 2014-2015.

Recipient of the 2014 Faculty Sponsored Research Grant from the University of Houston's Institute for Intellectual Property & Information Law (\$5000).

Recipient of a 2013 Leonardo da Vinci Fellowship Research Grant from George Mason Center for the Protection of Intellectual Property to facilitate project completion (\$4000).

CONFERENCE LEADERSHIP

Sole organizer of annual Junior Scholars in Intellectual Property Law Workshop (JSIP), 2009-present.

Co-organized Fifth Annual *Conference on Innovation and Communications Law*, May 14-16, 2013.

Lead organizer of *IP for Creative Upstarts* Conference, October 9-10, 2012.

Co-organized Third Annual *Conference on Innovation and Communications Law*, May 29-31, 2011.

Lead Organizer of *Bits Without Borders* Conference, September 24-25, 2010.

PRESENTATIONS

Trademarking the Blockchain Enterprise, Intellectual Property Law Scholars Conference, DePaul University College of Law, August 8, 2019.

Trademarking the Blockchain Enterprise, Conference on Innovation and Communications Law, University of Nevada Las Vegas School of Law, May 4, 2019.

Does Copyright Help or Harm Cultural Diversity in the Digital Age?, Cultural Practices and Policies in the Digital and Global Age Conference, Ateneo de Manila University, November 22, 2018.

The Korean Wave and Copyright: The Hidden Virtues of Indirect Subsidization, World Hallyu Conference, Osaka Kansai University, November 17, 2018.

Enforcing Global Justice Administratively, American Society of International Law, Midyear Meeting Research Forum, UCLA School of Law, November 9, 2018.

Unfair Competition as Global Governance, Mid-West ASIL-Midwest Works-In-Progress Workshop, Southern Illinois University College of Law, September 8, 2018.

Much Ado About (IP) Norms, Intellectual Property Scholars Conference, University California at Berkeley School of Law, August 8, 2018.

Rethinking Commodification of Intangible Heritage: Cultural Islands, Dynamic Meanings, International Society for the History and Theory of Intellectual Property, University of Roma Tre, July 5, 2018.

Infringement as Unfair Competition: A Blueprint for Global Governance?, MSU Law Faculty Workshop, MSU College of Law, October 11, 2017.

Infringement as Unfair Competition: A Blueprint for Global Governance?, 2017 Law and Development Conference, University of Capetown, September 7-8, 2017.

Infringement as Unfair Competition, Conference on Innovation and Communication Law, Szeged University, May 29, 2017.

A Unified Theory of Copyright Incentives, Works-in-Progress Intellectual Property Colloquium, Boston University, February 10, 2017.

Copyright & Cultural Development: Emerging Creative Industries in the Digital Age, Law & Development Center Annual Conference, University of Austral, Buenos Aires, October 22, 2016.

The Romance of the Commons, Intellectual Property Scholars Conference, Stanford University Law School, August 12, 2016.

The Romance of the Commons, Center for Protection of Intellectual Property Summer Institute, Snoqualmie, WA, August 2, 2016.

Infringement as Unfair Competition: A Blueprint for Global Governance?, Academic Seminar Presentation, University of Swinburne, April 28, 2016.

Incubating Indies: Distributed Models to Fund Creative Production, presentation to Creative Industries Centre faculty, Queensland University of Technology, April 26, 2016.

Keeping Kuleana: A Hawaiian Perspective on Cultural Rights, Indigenous Law Forum, University of Technology Sydney, April 1, 2016.

Infringement as Unfair Competition: A Blueprint for Global Governance?, Academic Seminar Presentation, University of Technology Sydney, March 23, 2016.

Copyright & Cultural Development, International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) 2015 Congress, September 29, 2015.

Copyright & Cultural Development, Conference on the Law & Economics of Intellectual Property, University of California at Berkeley School of Law, August 20, 2015.

Copyright & Cultural Development, Intellectual Property Scholars Conference, DePaul University College of Law, August 7, 2015.

Infringement as Unfair Competition: A New Approach to International Economic Governance?, Harvard-Stanford-Yale Junior Faculty Forum, Harvard Law School, June 16, 2015.

Traditional Knowledge Rights and Wrongs, Harvard-Stanford-Yale Junior Faculty Forum, Harvard Law School, June 16, 2015.

Infringement as Unfair Competition: A New Approach to International Economic Governance?, American Society for International Law Mid-Year Meeting Research Forum, Nov. 7, 2014.

Making Copyright Work for Creative Upstarts, Conference on Common Ground: How Intellectual Property Unites Creators and Innovators, George Mason University School of Law, Oct. 10, 2014.

Copyright vs. Patronage: Should Double-Dipping Be Allowed?, MSU Law Review Fall Symposium, Oct. 3, 2014.

Making Copyright Work for Creative Upstarts, Intellectual Property Scholars Conference, University of California, Berkeley Law School, August 7, 2014 (selected for plenary presentation).

Costly Authorship: A Commercialization Theory of Copyright, Mark Twain Fellowship workshop, George Mason University School of Law, June 27, 2014.

Infringement as Unfair Competition: A Viable Theory to Enforce IP Rights Extra-territorially?, MSU Faculty Workshop, June 13, 2014

Infringement as Unfair Competition: A Viable Theory to Enforce IP Rights Extra-territorially?, World Intellectual Property Organization Research Forum, Geneva, Switzerland, May 28, 2014.

Incubating Indies: Distributed Models to Fund Artistic Production, Conference on Innovation Beyond Intellectual Property, Yale Law School, March 30, 2014.

Infringement as Unfair Competition: A Viable Theory to Enforce IP Rights Extra-territorially?, University of Oregon Law Faculty Lunch Talk (with Eric Priest), January 21, 2014.

Incubating Indies: A Capabilities Approach to Funding Artistic Production, Plenary Panel presentation, REWIRED: How Law and Technology Shape Social Progress, Wayne Morse Center for Law and Politics at the University of Oregon, January 21, 2014.

Incubating Indies: Distributed Models to Fund Artistic Production, Innovation Beyond IP Conference, Yale Law School, March 31, 2014.

Incubating Indies: Distributed Models to Fund Artistic Production, Intellectual Property Scholars Conference, Cardozo Law School, Yeshiva University, August 9, 2013.

Infringement as Unfair Competition: A Viable Theory to Enforce IP Rights Extra-territorially? Intellectual Property Scholars Conference, Cardozo Law School, August 8, 2013.

Unpacking Imperialisms: Traditional Knowledge Rights and Wrongs, World Intellectual Property Organization Research Forum, Geneva, Switzerland, May 26, 2013.

Incubating Indies: Distributed Models to Fund Artistic Production, Work-in-Progress for Intellectual Property Law Conference, Seton Hall Law School, February 22, 2013.

Cultural Patronage 3.0: A Creative Infrastructure Approach, Global Congress on Intellectual Property and the Public Interest, Fundação Getulio Vargas, Rio de Janeiro, Brazil, Dec. 15, 2012.

Building Capabilities for Creative Industry Upstarts, IP for Creative Upstarts Conference, MSU College of Law, Nov. 9-10, 2012

Unpacking Imperialisms: Traditional Knowledge Rights and Wrongs, Intellectual Property Scholars Conference, Stanford University, August 9, 2012.

Rethinking Commodification: Why Folklore Rights Must Accommodate Dynamic Meanings, Law & Society Association Annual Meeting, Honolulu, HI, June 7, 2012.

Unpacking Imperialisms: Traditional Knowledge Rights and Wrongs, Intellectual Property Scholars Roundtable, Drake University, March 31, 2012.

Global Nollywood: Transnational Rights Enforcement in the Digital Age, Conference on Nollywood & New Media, Georgia Institute of Technology, Nov. 18, 2011.

Unpacking Imperialisms: Traditional Knowledge Rights and Wrongs, American Society of International Law Midyear Meeting Research Forum, UCLA Law School, Nov. 5, 2011.

Creative Industries, IP & Development: A Positive Vision for Copyright, American University Global Congress on Positive Visions for Global IP Law, August 26, 2011.

Rethinking Commodification: Why Folklore Rights Must Accommodate Dynamic Meanings, Annual Congress of the International Association of Teachers & Researchers of Intellectual Property, National University of Singapore Faculty of Law, July 26, 2011.

Folklore 2.0: Why Remixing Tradition is the Best Way to Preserve It, Stanford-Yale Junior Faculty Forum, Stanford University, June 24-25, 2011.

Rethinking Commodification: Why Folklore Rights Must Accommodate Dynamic Meanings, Conference on Innovation and Communication Law, University of Melbourne, May 30, 2011.

Romancing Tradition: A Cautionary Note against Property Rights in Traditional Culture, U.C. Davis Faculty Forum, Nov. 5, 2010.

Romancing Tradition: A Cautionary Note against Property Rights in Traditional Culture, Intellectual Property Law Scholars Conference, U.C. Berkeley, August 12, 2010.

Catching a Korean Wave from Hollywood to Nollywood: What the Cultural Exception Can Learn from Copyright, University of Wisconsin Law School, October 13, 2009.

Are Geographical Indications Fascist? Reflections on Brunello as Cultural Icon vs. Global Commodity, Intellectual Property Law Scholars Conference, Cardozo Law School, August 7, 2009.

Digital Diversity: Rethinking Approaches to Cultural Diversity in a Digital Age, Conference on Digital Convergence, Hong Kong University, June 5, 2009.

Catching a Korean Wave from Hollywood to Nollywood: What the Cultural Exception Can Learn from Copyright, American Society of International Law-Section on International Economic Law Biennial Conference, UCLA School of Law, February 13, 2009.

The Battle of Brunello: Cultural Icon or Global Commodity?, Works-in-Progress in Intellectual Property Colloquium, Tulane University, October 4, 2008.

Catching a Korean Wave: Reinventing the Cultural Exception in a Copyright Ethos, Intellectual Property Scholars Conference, Stanford University, August 7, 2008.

Catching a Korean Wave: Reinventing the Cultural Exception to Promote Diversity Through Trade, Conference on Innovation and Communications Law, Turku University, Finland, July 18, 2008.

Catching a Korean Wave: Reinventing the Cultural Exception in a Copyright Ethos, Virginia Junior Faculty Colloquium, University of Richmond, June 19, 2008.

The Battle of Brunello: Cultural Icon or Global Commodity, Branding the Land: Trademarks, Geographical Indications, and Development, John Marshall Law School, April 25, 2008.

Beyond Patents: Building a Second Tier to Protect Indigenous Innovators in Developing Countries, Works-in-Progress in Intellectual Property Colloquium, American University, September 29, 2007.

Patents on a Shoestring: Making Patent Protection Work for Developing Countries, IP Scholars Conference, DePaul University, August 10, 2007.

Patents On a Shoestring: Making Patent Protection Work for Developing Countries, Georgia State University Law Review Symposium on International Intellectual Property Law, March 23, 2007.

Creeping Genericide: The Dilemma of Dual-Meaning Certification Marks, Central States Law

Schools Association Annual Meeting, University of Louisville, October 21, 2006.

Creeping Genericide: The Dilemma of Dual-Meaning Certification Marks, Works-in-Progress in Intellectual Property Colloquium, University of Pittsburgh, October 7, 2006.

I Get No Kick from [Sparkling Wine]: Can Copyists Make 'Fair Use' of 'Semi-Generic' Trademarks on Competitors?, Intellectual Property Scholars Conference, U.C. Berkeley, August 11, 2006.

I Get No Kick from [Sparkling Wine]: A 'Semi-Generic' Analysis of Geographical Indications as Trademark Fair Use, Indiana University Law & Society Workshop, March 22, 2006.

I Get No Kick from [Sparkling Wine]: A 'Semi-Generic' Analysis of Geographical Indications as Trademark Fair Use, Michigan State University IP Scholars Roundtable, January 29, 2006.

TRIPS: A Link Too Far? Procedural Constraints on Cross-Issue Area Linkages in the WTO, Works-in-Progress in Intellectual Property Colloquium, Washington University School of Law, St. Louis, October 7, 2005.

Confronting the 'Who Question' in Affirmative Action: Can We Learn from India's Answer? Law and Society Annual Meeting, Las Vegas, June 2, 2005.

JUDICIAL CLERKSHIP

Hon. Judge Browning, US Court of Appeals (9th Cir): Law Clerk San Francisco, 2000-2001

LEGAL PRACTICE

Katzoff & Riggs: Associate Emeryville, CA, 2003-2005
Handled transactional matters focused on intellectual property and real estate law. Registered trademarks. Litigated trade secret case. Drafted IP licensing agreements and various real property instruments. Formed LLCs and partnerships. Filed certiorari petition in *pro bono* criminal appeal.

Howard Rice Nemerovski Canady Falk & Rabkin: Litigation Associate San Francisco, 1999-2000
Helped litigate IP, securities, and antitrust cases. Filed for trade secret TRO. Drafted international arbitration demand. Served process under Hague Convention. Argued bankruptcy mediation. Practice included: copyright, trade secret, cyberlaw (*pro bono*), right of publicity, and sports law.

Software Associates: Associate General Counsel Honolulu, 1998-1999
Drafted software licensing agreements; reregistered patent. Helped settle federal regulatory dispute. Handled employment and landlord-tenant matters. Coordinated contacts with external counsel.

PROFESSIONAL MEMBERSHIPS

Member, Academic Advisory Board, the Copyright Alliance, 2012-present.

Member, Association of Teachers & Researchers of Intellectual Property, 2012-present.

American Society of International Law, Intellectual Property Interest Group, 2004-2011, 2014.

Member, Law & Society Association, 2004-2006.

Member, Edward J. McFetridge American Inn of Court, 2000-2001.

Admitted to California Bar, 1999.

INTERNATIONAL

Languages: Conversational French, Hungarian, and Spanish. Limited Italian, Chinese and Hebrew.

Travel: Lived in Italy, Hungary, China, Vietnam, Australia and UK. Traveled to over 60 countries.