

## ELIZABETH L. ROSENBLATT (BETSY)

---

Whittier Law School  
Associate Professor of Law (tenured)  
Director, Center for Intellectual Property Law

3333 Harbor Blvd.  
Costa Mesa, CA 92626  
brosenblatt@law.whittier.edu

### LEGAL ACADEMIC EMPLOYMENT

#### WHITTIER LAW SCHOOL, COSTA MESA, CALIFORNIA

*ASSOCIATE PROFESSOR OF LAW*

FALL 2009-PRESENT

*DIRECTOR, CENTER FOR INTELLECTUAL PROPERTY LAW*

- Courses taught: Civil Procedure, The Legal Mind (1L toolbox course), Copyright Law, Patent Law, Trademark Law, Recent Issues in Intellectual Property Law, Video Game Law, Advanced Patent Law.
- Scholarly interests include intellectual property (copyright, trademark, patent, right of publicity, trade secret) law, theory, and policy, entertainment law and policy, gender and sexuality theory.
- Voted Professor of the Year by the Whittier Law School alumni in 2016.

#### UNIVERSITY OF SOUTHERN CALIFORNIA GOULD SCHOOL OF LAW, LOS ANGELES, CALIFORNIA

*LECTURER IN LAW*

SUMMER 2017

Created online Copyright Law course for USC Law School.

#### LOYOLA LAW SCHOOL, LOS ANGELES, CALIFORNIA

*VISITING PROFESSOR OF LAW*

FALL 2016

Taught Copyright Law.

#### UCLA SCHOOL OF LAW, LOS ANGELES, CALIFORNIA

*FELLOW IN INTELLECTUAL PROPERTY LAW*

FALL 2008-SPRING 2009

Research fellowship. Assistant taught courses in Advanced Patent Law and Advanced Copyright Law.

#### UNIVERSITY OF SOUTHERN CALIFORNIA GOULD SCHOOL OF LAW, LOS ANGELES, CALIFORNIA

*ADJUNCT PROFESSOR, TRADEMARK LAW*

SPRING 2008, SPRING 2009

#### BERKMAN CENTER FOR INTERNET & SOCIETY, HARVARD LAW SCHOOL, MASSACHUSETTS

*TEACHING FELLOW, INTELLECTUAL PROPERTY IN CYBERSPACE*

SCHOOL YEARS 1997-99

### EDUCATION

HARVARD LAW SCHOOL, CAMBRIDGE, MASS., J.D. *CUM LAUDE*, 1999

WILLIAMS COLLEGE, WILLIAMSTOWN, MASS., B.A. *MAGNA CUM LAUDE* IN MUSIC AND RUSSIAN, 1995

### SELECTED PUBLICATIONS AND WORKS IN PROGRESS

*Fair Use as Resistance* (work in progress, presented at the ISHTIP workshop hosted by CREATE, Glasgow University, 2016; accepted by the U.C. Irvine Law School symposium).

*Copyright's One-Way Appropriation Ratchet* (work in progress presented at Race & IP, Boston College, 2017 and Intellectual Property Scholars' Conference, Cardozo Law School, 2017).

*Uncertainty as Intellectual Property Lever* (work in progress).

*"That's The Way to Do It!": Fictions' Rights of Publicity* (work in progress, solicited by The Green Bag).

*"What one man can invent another can discover": The British Patent Controversy and the Sherlock Holmes Canon* (book chapter, forthcoming 2017).

*Belonging as Intellectual Creation*, 82 MISSOURI L. REV. 91 (2017).

*The Great Game and the Copyright Villain*, 23 TRANSFORMATIVE WORKS & CULTURES (2017), <http://dx.doi.org/10.3983/twc.2017.0923>. (peer reviewed).

Co-Editor, TRANSFORMATIVE WORKS AND CULTURES, ISSUE 23: SHERLOCK HOLMES FANDOM, SHERLOCKIANA, AND THE GREAT GAME (with Roberta Pearson).

- Editorial: Roberta Pearson & Betsy Rosenblatt, *"In All My Experience I Cannot Recall Any More Singular and Interesting Study"*, TRANSFORMATIVE WORKS & CULTURES (2017), <http://dx.doi.org/10.3983/twc.2017.01123>.

*A Good Practical Knowledge of British Law: Intellectual Property and Copyright Issues* (with Jonathan Kirsch), in SHERLOCK HOLMES: BEHIND THE CANONICAL SCREEN (BSI Publications, 2016).

*Transformative Works: Young Women's Voices on Fandom and Fair Use* (with Rebecca Tushnet), in EGIRLS, ECITIZENS: GIRLS' EXPERIENCES OF GENDER, PRIVACY AND EQUALITY ONLINE (U. Ottawa Press, 2015).

*The Adventure of the Shrinking Public Domain*, 86 COLO. L. R. 561 (2015).

- Reprinted in 2016 Intellectual Property Law Review (based on peer selection of best intellectual property articles of 2015).

*Fear and Loathing: Shame, Shaming and Intellectual Property*, 63 DEPAUL L. R. 1 (2014).

*A Pretty Little Intellectual [Property] Problem: Understanding the "Free Sherlock" Ruling*, 64:1 THE BAKER STREET JOURNAL 28 (Spring 2014).

*Stained Vows: "The Second Stain" and English Matrimonial Law*, IRREGULAR STAIN (R. Katz & A. Solberg, eds, 2014).

*Intellectual Property's Negative Space: Beyond the Utilitarian*, 40 FLORIDA STATE LAW REV. 441 (Spring 2013).

*Sherlock Holmes Fan Fiction*, 62:3 THE BAKER STREET JOURNAL 33 (Winter 2012).

*A Theory of IP's Negative Space*, 37:3 COLUMBIA J. LAW & THE ARTS 317 (2011).

*Rethinking the Parameters of Trademark Use in Entertainment*, 61 FLORIDA L.R. 1011 (Dec. 2009).

Deborah A. Widiss, Elizabeth L. Rosenblatt, and Douglas NeJaime, *Exposing Sex Stereotypes in Recent Same-Sex Marriage Jurisprudence*, HARVARD JOURNAL OF LAW AND GENDER, Vol. 30:2 (Summer 2007).

- Reprinted in THE DUKEMINIER AWARDS: BEST SEXUAL ORIENTATION AND GENDER IDENTITY LAW REVIEW ARTICLES OF 2007 (2008) (nationwide award).

**SELECTED INVITED SPEAKING ENGAGEMENTS AND AWARDS**

“Copyright’s One-Way Appropriation Ratchet,” Intellectual Property Scholars’ Conference, Cardozo Law School, August 11, 2017.

“Westworld: Beyond Frontier Law,” (Panel) San Diego Comic Con, July 22, 2017.

“Comic Book Law School 303: ‘A Helping Hand’,” (Panel) San Diego Comic Con, July 22, 2017.

“The Fair Use of Fandom,” (Panel) Beverly Hills Bar Association, July 18, 2017.

Moderator, ISHTIP (International Society for the History and Theory of Intellectual Property) annual workshop, University of Toronto, July 13, 2017.

“Copyright’s One-Way Appropriation Ratchet,” Race + IP Conference, Boston College, April 21, 2017.

“Copyrighting Fashion After Varsity Brands,” (Panel) NYU Annual Survey of American Law Symposium, NYU Law School, Feb. 24, 2017.

“2016 Copyright Year in Review: New Cases and Future Predictions in an Ever-Changing Legal Landscape,” Beverly Hills Bar Association, Feb. 23, 2017.

“Uncertainty Aversion and Intellectual Property,” WIPIP (Works in Progress in Intellectual Property) Conference, Boston University Law School, Feb. 10, 2017.

"The Final Frontier of Fandom: Dealing with Fan-Produced Works," (Panel) 14th Annual Entertainment & Media Law Conference (Southwestern Law School & Media Law Resource Center), Los Angeles, January 19, 2017.

“Uncertainty Aversion and Intellectual Property,” Texas A&M Intellectual Property Scholars’ Roundtable, October 7-8, 2016.

“Uncertainty Aversion and Intellectual Property,” Intellectual Property Scholars’ Conference, Stanford Law School, August 11-12, 2016.

“Comic Book Law School 303: New Revelations,” (Panel) San Diego Comic Con, July 23, 2016.

“Fair Use as Resistance,” International Society for the Theory and History of Intellectual Property Law Workshop, CREATE, Glasgow University, Scotland, July 7, 2016.

“How It Works: Understanding Copyright Law in the New Creative Economy” (Panel) [Panel and travel supported by Re:Create Coalition], Capitol Hill, Washington, D.C., June 20, 2016.

“Misadventures of Ownership,” The Misadventures of Sherlock Holmes, Minneapolis, Minnesota, June 18, 2016.

Commentary on “Uber Inequality: Towards a Feminist Critique of the Sharing Economy” by Arianne Renan Barzilay, Law & Society Association Annual Conference, New Orleans, June 4, 2016.

---

“Belonging as Intellectual Creation,” Law & Society Association Annual Conference, New Orleans, June 3, 2016.

“Progressive Teaching: Infusing Difficult Conversations in Intellectual Property Classes,” MOSAIC IP Conference, Marquette Law School, March 19, 2016.

“Copyright and Creators: 2026 (On the Future of Copyright Law)” (Panel) [Panel and travel supported by Re:Create Coalition], South By Southwest Interactive Festival, Austin, Texas, March 11, 2016.

“2015 Copyright Year in Review: New Cases and Future Predictions in an Ever-Changing Legal Landscape,” Beverly Hills Bar Association, February 25, 2016.

“Belonging as Intellectual Creation,” UCLA Entertainment, Media & IP Colloquium Workshop, UCLA Law School, Nov. 8, 2015.

“Legal Uncertainty and Eternal Life,” How Long, Copyright Duration in the 21<sup>st</sup> Century, University of Tulsa Law School, October 30, 2015.

“Belonging as Intellectual Creation,” Intellectual Property Scholars’ Conference, DePaul University Law School, August 7, 2015.

“Fandom is My Fandom: or, We All Live in a Coffeshop AU,” (Panel) San Diego Comic Con, July 9, 2015.

“Intellectual Property, Creativity, and a Sense of Belonging,” Law & Society Association Annual Conference, Seattle, Washington, May 29, 2015.

“Transformative Works: Young Women’s Voices on Fandom and Fair Use,” at Fair Use in the Digital Age: The Ongoing Influence of *Campbell v. Acuff-Rose’s* “Transformative Use Test” (aka *Campbell at 21*), University of Washington School of Law, April 17-18, 2015.

“Transformative Works: Young Women’s Voices on Fandom and Fair Use,” IP/Gender: Mapping the Connections, American University Washington College of Law, February 27, 2015.

“2014 Copyright Law Year in Review: New Trends and Predictions for the Future,” Beverly Hills Bar Association, February 19, 2015.

“Intellectual Property, Creativity, and a Sense of Belonging,” WIPIP (Works in Progress in Intellectual Property) Conference, U.S. Patent & Trademark Office, Washington, D.C., Feb. 7, 2015.

“Creativity Without Law: Parallels and Future Research,” Creativity Without Law, Case Western Reserve Law School, November 7, 2014.

“Intellectual Property, Creativity, and a Sense of Belonging,” IP Scholars’ Conference, Berkeley, California, August 8, 2014.

“Fans, Love, and the Law,” (Panel) San Diego Comic Con, July 26, 2014.

“2013 Copyright Law Year in Review: New Trends and Predictions for the Future,” Beverly Hills Bar Association, March 28, 2014.

---

“Digital Media in the Age of the Cloud,” (Panel) UCLA Luskin Center for Innovation, December 3, 2013.

“The Adventure of the Shrinking Public Domain,” Intellectual Property Scholars’ Conference, Cardozo Law School, August 8, 2013.

“Gamer or Game Developer? The Law of Video Game Transformation,” (Panel) California State Bar 2013 IP in Entertainment & Media Conference, June 27, 2013.

Moderator, “Complex Litigation Involving Multiple Parties,” 2013 Federal Circuit Bar Association/Federal Bar Association Advanced Complex Litigation Series, Whittier Law School, April 30, 2013.

“Fear and Loathing: Shame, Shaming, and Intellectual Property,” Chicago Intellectual Property Colloquium, Chicago-Kent Law School, April 9, 2013.

“2012 Copyright Year in Review: New Trends and Predictions for the Future,” Beverly Hills Bar Association, February 26, 2013.

“Trademark Trial and Appeal Board Year in Review,” (Panel) Los Angeles Intellectual Property Law Association’s Washington in the West 2013, January 29, 2013.

Response to “Confusion Isn’t Everything: Limiting Doctrines in Trademark Law” by Mark McKenna and Bill McGeeveran, Southern California IP Professors’ and UCLA Entertainment, Media, and Intellectual Property Colloquium Workshop, November 4, 2012.

“Sherlock Holmes Adaptation and Intellectual Property Law,” Sherlock Holmes: Behind the Canonical Screen, UCLA School of Film and Television, September 1, 2012.

“Fear and Loathing: Shame, Shaming, and Intellectual Property,” Intellectual Property Scholars’ Conference, Stanford Law School, August 9, 2012.

“Copyright Law Year in Review,” Los Angeles Intellectual Property Law Association Spring Seminar, June 12, 2012.

“Past is Prologue: How Developments in Copyright in 2011 Will Shape the Issues We Face in 2012,” Beverly Hills Bar Association, March 26, 2012.

“Patent Ethics: A Retrospective of Recent Patent Cases,” Patent Litigation Briefing, Jeffer Mangels Butler & Mitchell LLP, January 25, 2012.

“Copyright and Media Law Year in Review,” Los Angeles Copyright Society, December 14, 2011.

“IP’s Negative Space: Beyond the Utilitarian,” Intellectual Property Scholars Conference, DePaul University Law School, August 11, 2011.

“Toward a Unified Theory of IP’s Negative Space,” Southern California Junior Law Faculty Workshop, October 16, 2010.

“Trademark Law for Engineers: The Two-Hour Crash Course,” University of Southern California, April 29, 2010.

Response to “Intellectual Property as a Law of Organization” by Jonathan Barnett, Southern California IP Professors' and UCLA Entertainment, Media, and Intellectual Property Colloquium Workshop, November 8, 2009.

“Intersections between science and law regarding ethical standards of behavior,” Nicholas School of the Environment and Earth Sciences, Duke University Seminar guest lecture, December 4, 2007.

Selected for inclusion in *Los Angeles Magazine's* Southern California “Rising Stars,” 2007 and 2008.

### ***PRO BONO* POLICY AND CONSULTING WORK**

#### **ORGANIZATION FOR TRANSFORMATIVE WORKS**

*LEGAL CHAIR*

JANUARY 2013-PRESENT

*MEMBER, LEGAL COMMITTEE*

JAN. 2010-DEC. 2012

Guide legal and policy advocacy of nonprofit dedicated to protecting and preserving noncommercial, transformative fanworks; manage volunteer legal team. Participate in U.S. policy activities including *amicus* briefing, policy papers, educational materials, and testimony before lawmaking bodies.

#### **COMIC BOOK LEGAL DEFENSE FUND**

JULY 2010-PRESENT

*ADVISORY CHAIR FOR OUTREACH & EDUCATION*

Volunteer for First Amendment nonprofit focused on protecting comic book creators, readers, and retailers from censorship and legal challenge.

#### ***KLINGER V. CONAN DOYLE ESTATE, LTD.***

DEC. 2012-NOV. 2014

Assisted author of Sherlock Holmes anthology in successful suit defending the right to create works based on public domain materials.

#### **STORY CONSULTATION**

OCCASIONAL

Upon request, provide information to writers for television shows including *Leverage* and *The Librarians* regarding story elements touching on legal issues, especially intellectual property law.

### **NON-ACADEMIC LEGAL EMPLOYMENT AND CONSULTATION**

#### **KESSELMAN BRANTLY STOCKINGER, LOS ANGELES, CALIFORNIA**

JANUARY 2015-PRESENT

*OF COUNSEL*

Consult regarding intellectual property matters.

#### **GOLDBERG, LOWENSTEIN, & WEATHERWAX, LOS ANGELES, CALIFORNIA**

JUNE 2012-DECEMBER 2014

*OF COUNSEL*

Consult regarding trademark, copyright, and right of publicity matters.

#### **IRELL & MANELLA LLP, LOS ANGELES, CALIFORNIA**

OCTOBER 1999-JULY 2008

*INTELLECTUAL PROPERTY LITIGATION; ENTERTAINMENT LITIGATION; GENERAL LITIGATION*

- Intellectual property and entertainment litigation including patent, trademark, trade dress, design patent, copyright, trade secret, and contract matters, as well as intellectual property appeals.

- Notable clients include ARIAD (pharmaceutical patent); Ionic Pro (trade dress, design patent, and mechanical patent); Novellus (semiconductor patent); Paramount (copyright, contract, and entertainment); MTV (copyright).

### **EXPERT REPRESENTATION**

*Sunroad v. Eurostar*, Case No. BC386485 (California Superior Court, County of Los Angeles, Central District). Retained by defendant Eurostar to consult and testify regarding lack of intellectual property protection for certain shoe designs. Testified at deposition.

### **OTHER LEGAL ASSOCIATIONS AND BAR ADMISSIONS**

American Intellectual Property Law Association  
Beverly Hills Bar Association  
Copyright Society of the USA  
Los Angeles Copyright Society (Board Member, 2006-2008)  
Los Angeles Intellectual Property Law Association

Admitted to practice in the California State Courts, U.S. District Court for the Central District of California, U.S. District Court for the Northern District of California, and U.S. Court of Appeals for the Federal Circuit.