

John T Cross

Grosscurth Professor of Intellectual Property Law and Technology Transfer
University of Louisville School of Law
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Academic Degrees

Juris Doctor *magna cum laude*, 1984, University of Illinois

Bachelor of Science, *summa cum laude*, Bradley University
Majors: Economics and History

Honorary Degree

Doctor of Laws *Honoris Causa*, 2006, University of Turku (Finland)

Permanent Academic Position

University of Louisville School of Law (since 1987; named to Grosscurth Chair in 2005)

Courses taught (most frequent first): Intellectual Property Law, Advanced Civil Procedure, Antitrust, International Intellectual Property Law, Intellectual Property and Competition, Conflict of Laws, Copyright Law, Trademark Law, Comparative Competition Law, Intellectual Property Licensing, Authors' and Performers' Rights, Art Law, Civil Procedure, Federal Courts, Industrial Design Protection

Administrative Roles: Associate Dean for Student Life 2011- 2012, Associate Dean for Faculty Research, 2014-2015

Long-term Visits

Western University (Ontario, Canada)—winter term 2008

Course taught: Comparative Competition Law

University College Dublin (Ireland)—Fulbright Novell Fellow, spring term 2000

Courses taught: Comparative Intellectual Property, Information Technology Law

Åbo Akademi Department of Law and University of Turku Faculty of Law (Turku, Finland)—Fulbright Scholar, spring term 2005

Courses taught: Intellectual Property Law, United States Civil Rights Law, Introduction to United States Law

Short-term Teaching

University of the West Indies, Jamaica—Taught a weeklong intensive course in International Copyright as a World Intellectual Property Organization International Expert (2017)

Michigan State University—Taught courses in Comparative Copyright Law and International Patent Law as part of Michigan State's Summer Intellectual Property Program in Croatia (summer 2014, 2015, 2016, 2018, and 2019)

University of Turku, Finland—Have taught a weeklong intensive course on various topics in intellectual property law every academic year since 1997-98 (except for 2018)

University of Helsinki, Finland (2008)—intensive course (12 hours) on the TRIPS Agreement

Hanken School of Economics, Finland (2008)—intensive course (10 hours) on United States Trademark and Competition Law

University of Kagawa, Japan (2003)—intensive course (18 hours) on Comparative Constitutional Law

Johannes Gutenberg University, Germany (1992, 1997, and 2006)—intensive course (12 hours each) on various comparative law topics

Other Legal Employment

Private practice of law; Leonard, Street and Deinard (Minneapolis, MN)—1984 to 1987
Areas of Emphasis: Real Estate and Trademark Law

Honors and Awards

Named World Intellectual Property Organization International Expert—2017
Grosscurth Chair at University of Louisville—since 2005
Fulbright Senior Fellow—2002 to 2006, 2009 to date
Wyatt, Tarrant & Combs Fellow—1995 to 1996, 2000 to 2005
Brown, Todd & Heyburn Fellow—1997 to 1998, 1999 to 2000
Alumni Award for Distinguished Teaching—1998
Law School Distinguished Research Award—1998, 2002, 2003
Named the first "Boal Scholar" by the Brand Names Education Foundation—1995
Law School Distinguished Teaching Award—1994
University President's Young Investigator Award (Research Award)—1991

Publications – Books

Intellectual Property (Lexis Publishing, with Long, Vetter, and Yu, 2016)

Civil Procedure (West Publishing 2006, 2008, 2011, fourth edition 2016)

Publications – Books (continued)

Civil Procedure (Aspen Publishing 2004, 2009, 2012, fourth edition 2016)

Global Issues in Intellectual Property Law (West Publishing 2010, with Yu, Landers, and Mireles)

Torts: Cases, Problems and Exercises (Anderson Pub. 2003, 2005, 2009, 2013, fifth edition 2017; with Bauman, Klein, Martin, Weaver, and Zwier)

Publications – Journal/Symposium Articles and Book Chapters

The Unnecessary Defense of Copyright Misuse in U.S. Law, 2/19 **Medien und Recht** 67 (2019)

Trademark Issues Relating to Digitalized Flavor, 19 **Yale Journal of Law and Technology** 389 (2017)

The Copyright Holdout Problem and New Internet-Based Services, in **Remuneration of Copyright Owners—Regulatory Challenges of New Business Models** 241 (Liu Kung-Chung & Reto M. Hilty eds., Springer, 2017) (with Yu)

Remedies for Misappropriation of Negative Secret Information, in **Governing Innovation and Expression: New Regimes, Strategies and Techniques** 259 (K. Weckström ed. 2013)

A Moral Right of Attribution for Inventors and Discoverers, 37 **University of Dayton Law Review** 139 (2012)

Two Perspectives on the Google Book Settlement, in **Individualism and Collectiveness in Intellectual Property Law** 192 (with Grosheide, 2012)

The Role of the States in United States Trademark Law, 49 **University of Louisville Law Review** 485 (2011)

UTSA Displacement of Other State-Law Claims, 33 **Hamline Law Review** 445 (2011)

The University as Innovator: Intellectual Property Rights in University-Connected Inventions in Finland and the United States, **Turun Yliopiston Oikeustieteellinen Tiedekunta 50 Vuotta** 191 (2011)

Property Rights and Traditional Knowledge, 13(4) **Potchefstroom Electronic Law Journal** (2010)

Justifying Property Rights in Native American Traditional Knowledge, 15 **Texas Wesleyan Law Review** 257 (2009)

Publications – Journal and Symposium Articles and Book Chapters (continued)

Evidentiary Privileges in International Intellectual Property Practice, **2009 Conference Proceedings for INTA Annual Meeting**

Dead Ends and Dirty Secrets: Legal Treatment of Negative Information, **25 Journal of Computer and Information Law** 619 (2009)

The Lingering Legacy of *Trade-mark Cases*, **2008 Michigan State University Law Review** 367

Competition Law and Copyright Misuse, **ALAI Canada, *Un Cocktail de Droit d' Auteur*** 55 (Ysolde Gendreau ed. 2007), modified and reprinted in **56 Drake Law Review** 427 (2008) (with Yu)

Allocating University-Connected Intellectual Property Rights in the United States, **Intellectual Property and Market Power: ATRIP Papers 2007-2008** 495 (2008)

La Asignación de los Derechos de Propiedad Intelectual de Ámbito Universitario en Los Estados Unidos, **28 Actas De Derecho Industrial Y Derecho De Autor** 97 (2008) (Spanish translation by Prof. Dr. Francisco Hernández Rodríguez)

Reconciling the “Moral Rights” of Authors with the First Amendment Right of Free Speech, **1 Akron Intellectual Property Journal** 185 (2007)

Protecting Traditional Knowledge: Moving from the Preservation of Culture to the Preservation of Knowledge Itself, published in **Conference Proceedings for International Conference on Impact of TRIPS, Indo-US Exchange** (2006)

The Conduct-Regulating Exception in Modern United States Choice of Law, **36 Creighton Law Review** 425 (2003)

Contributory and Vicarious Liability for Trademark Dilution, **80 Oregon Law Review** 625 (2002)

Suing the States for Copyright Infringement, **39 Brandeis Law Journal** 337 (2001)

The *Erie* Doctrine in Equity, **60 Louisiana Law Review** 173 (1999)

A Defense of Kentucky’s Approach to Choice of Law, **25 Northern Kentucky Law Review** 553 (1998)

Intellectual Property and the Eleventh Amendment After *Seminole Tribe*, **47 DePaul Law Review** 519 (1998)

Publications – Journal and Symposium Articles and Book Chapters (continued)

Language and the Law: The Special Role of Trademarks, Trade Names, and Other Trade Emblems, 76 **Nebraska Law Review** 95 (1997)

Giving Credit Where Credit is Due: Revisiting the Doctrine of Reverse Passing Off in Trademark Law, 72 **Washington Law Review** 709 (1997)

Contributory Infringement and Related Theories of Secondary Liability for Trademark Infringement, 80 **Iowa Law Review** 101 (1994)

Congressional Power to Extend Federal Jurisdiction to Disputes Outside Article III: A Critical Analysis from the Perspective of Bankruptcy, 87 **Northwestern University Law Review** 1188 (1993)

The Constitutional Federal Question in the Lower Federal Courts of the United States and Canada, 17 **Hastings International and Comparative Law Journal** 143 (1993)

The Civil Rights of the Aboriginal Peoples of the United States and Canada, 10 **Arizona Journal of International and Comparative Law** 253 (1993) (with Lomond)

Viewing Federal Jurisdiction Through the Looking Glass of Bankruptcy, 23 **Seton Hall Law Review** 530 (1993)

Protecting Computer Databases Under the United States Copyright Laws: Implications of the Feist Decision, 1 **Law, Computers, and Artificial Intelligence** 187 (University College of Wales) (1992), reprinted in *Computers and the Law* (1994)

Conflicts of Interest in Bankruptcy Representation, 1 **Journal of Bankruptcy Law and Practice** 233 (1992)

Trade Secrets, Confidential Information, and the Criminal Law, 36 **McGill Law Journal** 524 (1991)

Protecting Confidential Information Under the Criminal Law of Theft and Fraud, 11 **Oxford Journal of Legal Studies** 264 (1991)

State Choice of Law Rules in Bankruptcy, 42 **Oklahoma Law Review** 531 (1989)

The Application of Section 522(f) of the Bankruptcy Code in Cases Involving Multiple Liens, 6 **Bankruptcy Developments Journal** 309 (1989)

The Impact of Federal Tax Policy on the Mix of Agricultural Outputs, 4 **The American Journal of Tax Policy** 7 (1985) (with Uchtmann)

Publications – Journal and Symposium Articles and Book Chapters (continued)

The Effects of Tax Policy on the Structure of Agriculture: Tax-Induced Substitution of Capital for Labor, 3 **The American Journal of Tax Policy** 115 (1984) (with Uchtmann)

Publications – Other

Case Note: Revisiting the "Shrinkwrap License": ProCD Inc v. Zeidenberg, 6 **Information & Communications Technology Law** 71 (1997)

Case Note: Mai Systems Corp. v. Peak Computer, Inc. (9th Cir. 1993), 3 **Law, Computers and Artificial Intelligence** 59 (1994)

Case Note: Sega Enterprises Ltd. v. Accolade, Inc. (9th Cir. 1993), 2 **Law, Computers, and Artificial Intelligence** 279 (1993)

Book Review. B. Sherman and A. Strowel, Of Authors and Origins, 4 **Law, Computers, and Artificial Intelligence** 210 (1995)

Book Review. T. Prime, The Law of Copyright, 4 **Law, Computers, and Artificial Intelligence** 215 (1995)

Book Review: E. Katsch, The Electronic Media and the Transformation of Law, 2 **Law, Computers, and Artificial Intelligence** 121 (1993)

Special Research Topics

Fall, 2015 to present: Worked in collaboration with the Policy Branch of the United States Patent and Trademark Office to develop a solution to the issue of attorney-client privilege for patent agents in the U.S., Canada, and elsewhere. This project has involved several presentations and panel discussions, as well as a series of proposed position papers.

Legislative/Administrative Testimony

May, 2000 Irish Copyright Office – presentation concerning developments in United States compliance with the Berne Convention

June, 1999 United States House of Representatives, Committee on the Judiciary, Subcommittee on Courts and Intellectual Property – testimony concerning proposed amendments to Section 110 of the Copyright Act

Academic Presentations

- November, 2019 Presented a paper at the annual conference of the Asia-Pacific Copyright Association (Wellington, NZ)
- September, 2019 Presented a paper at the Intellectual Property Roundtable hosted by Texas A&M University School of Law
- May, 2019 Presented a paper at the Workshop in Intellectual Property—Szeged (Szeged, Hungary)
- May, 2019 Presented a paper at the Eleventh Conference on Innovation and Communications Law (Las Vegas, NV)
- May, 2018 Presented a paper at the Tenth Conference on Innovation and Communications Law (Milan, Italy)
- March, 2018 Presented a paper at the University of Helsinki (Helsinki, Finland)
- November, 2017 Presented a paper at the “New Paradigms in Law” Conference hosted by National Chengchi University (Taipei, Taiwan)
- November, 2017 Presentation to faculty and students at National Yunlin University of Science and Technology (Douliou, Taiwan)
- November, 2017 Presentation to faculty and students at Overseas Chinese University (Taichung, Taiwan)
- October, 2017 Presented a paper at the Intellectual Property Roundtable hosted by Texas A&M School of Law (Ft. Worth, TX)
- May, 2017 Presented a paper at the Ninth Conference on Innovation and Communications Law (Szeged, Hungary)
- October, 2016 Presented a paper at the Perm State University Centennial Conference (Perm, Russia)
- May, 2016 Presented a paper at the Eighth Conference on Innovations and Communications Law (Joensuu, Finland)
- April, 2016 Presented a paper at the Conference “Intellectual Property in All the New Places” (Ft. Worth, TX)
- March, 2016 Presented a paper at the Conference on Copyright Law (Szeged, Hungary)

Academic Presentations (continued)

- October, 2015 Presented a paper at the annual Congress of the Association of Teachers and Researchers of Intellectual Property (Cape Town, South Africa)
- October, 2015 Presented two papers at a conference on developments in intellectual property law (University of Pretoria, South Africa)
- July, 2015 Presented a paper at the Seventh Conference on Innovation and Communications Law (Xiamen, China)
- May, 2015 Presented a paper at Arizona State University Emerging Technologies Conference (Scottsdale, AZ)
- March, 2015 Presentation concerning issues in trademark law at University of Szeged (Hungary)
- September, 2014 Presented research results at 2014 World Congress of the Association Internationale pour la Protection de la Propriété Intellectuelle (Toronto, Ontario)
- June, 2014 Presented a paper at the Sixth Conference on Innovation and Communications Law (Leeds, UK)
- June, 2014 Two presentations at a conference in International Human Rights Law held at Perm State University (Perm, Russia)
- September, 2013 Presentation via Skype at a conference on adjudication held at Perm State University (Perm, Russia)
- June, 2013 Primary speaker and commentator at a conference co-hosted by AIPLA, FICPI, and AIPPI (Paris, France)
- May, 2013 Presented a paper at the Fifth Conference on Innovation and Communications Law (Traverse City, Michigan)
- April, 2013 Presented a paper at an International Intellectual Property Conference hosted by the University of San Diego
- April, 2013 Distinguished invited speaker, Michigan State University
- December, 2012 Distinguished invited speaker, Hokkaido University (Sapporo, Japan)
- December, 2012 Presented a paper at a conference hosted by the University of Hong Kong

Academic Presentations (continued)

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| October, 2012 | Presented a paper at a conference held at Perm State University (Perm, Russia) |
| June, 2012 | Presented a paper at the Law and Society Conference (Honolulu, Hawaii) |
| May, 2012 | Presented a paper at the Fourth Conference on Innovation and Communications Law (Turku, Finland) |
| April, 2012 | Presented a paper at a conference hosted by Marquette University (Milwaukee, WI) |
| March, 2012 | Presented a paper at the Native American Peoples Conference hosted by the University of Wisconsin (Madison, WI) |
| October, 2011 | Presented a paper at the annual meeting of the American Intellectual Property Law Association (Washington, DC) |
| May, 2011 | Presented a paper at the Third Conference on Innovation and Communications Law (Melbourne, Australia) |
| November, 2010 | Presented a paper at the University of Louisville Law Review Symposium |
| October, 2010 | Distinguished Speaker, Dalhousie University Faculty of Law (Halifax, NS, Canada) |
| September, 2010 | Distinguished Speaker, University of Dayton Intellectual Property Symposium (Dayton, OH) |
| May, 2010 | Presented a paper at the annual Congress of the Association of Teachers and Researchers of Intellectual Property (Stockholm, Sweden) |
| May, 2010 | Presented a paper at the Conference on Intellectual Property and the Environment (Sønderborg, Denmark) |
| April, 2010 | Presented a paper at a Conference on the 25th Anniversary of the Uniform Trade Secrets Act, Hamline School of Law (St. Paul, MN) |
| March, 2010 | Presented a paper at the University of Leeds Faculty of Law (Leeds, UK) |
| November, 2009 | Presentation to the Foreign Lawyers' Association (Moscow, Russia) |
| September, 2009 | Presented a paper at the annual Congress of the Association of Teachers and Researchers (Vilnius, Lithuania) |

Academic Presentations (continued)

- September, 2009 Presented a paper to the Louisville Bar Association
- June, 2009 Presented a paper at the Conference on Digital Convergence at Hong Kong University
- May, 2009 Presented a paper at the annual meeting of the International Trademark Association (Seattle, WA)
- March, 2009 Presented a paper at the conference on Traditional Knowledge at North-West University (Potchefstroom, South Africa)
- February, 2009 Commented on papers presented at the Intellectual Property Roundtable at Drake University (Des Moines, IA)
- October, 2008 Presented a paper at the conference on Native American Intellectual Property at Texas Wesleyan University (Ft. Worth, TX)
- October, 2008 Presented a paper as part of the speaker series at DePaul University (Chicago, IL)
- October, 2008 Presented a paper at the International Law Society meeting (New York, NY)
- July, 2008 Presented a paper at the First Conference on Innovation and Communications Law (Turku, Finland)
- February, 2008 Presented a paper critique at the Young Scholar's Conference at Michigan State University
- November, 2007 Presented a paper at the conference on Information Convergence at John Marshall Law School (Chicago, IL)
- July, 2007 Presented two papers at the Law and Society Conference (Berlin, Germany)
- July, 2007 Presented a paper at the annual Congress of the Association of Teachers and Researchers of Intellectual Property (Buenos Aires, Argentina)
- May, 2007 Presented a paper at the meeting of ALAI Canada (Montreal, Canada)
- March, 2007 Presented a paper at the "Change Stories" conference at Michigan State University
- January, 2007 Presented a paper at the Intellectual Property Scholars Roundtable at Michigan State University

Academic Presentations (continued)

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| December, 2006 | Presented a paper at the International Conference on Impact of TRIPS, Indo-US Exchange (Hyderabad, India) |
| October, 2006 | Presented a paper to the Louisville Bar Association |
| July, 2006 | Presented a paper at the Southeast Association of Law Schools conference (Savannah, GA) |
| May, 2006 | Distinguished lecture at the University of Turku (Finland) (in connection with award of honorary doctorate degree) |
| May, 2006 | Presentation to the faculty of Johannes Gutenberg University (Mainz, Germany) |
| April, 2006 | Presented a paper at the Conference on TRIPS and the International Intellectual Property Regime, Michigan State University |
| January, 2006 | Presented a paper at the Intellectual Property Scholars Roundtable at Michigan State University |
| July, 2005 | Presented a paper at the annual Congress of the Association of Teachers and Researchers of Intellectual Property (Montreal, Canada) |
| March, 2005 | Presented a paper at the University of Helsinki (Finland) |
| November, 2003 | Presented a paper to the Louisville Bar Association |
| September, 2003 | Presented a paper at the Central States Law Association Conference (Toledo, OH) |
| July, 2003 | Presented a paper at the Southeast Association of Law Schools (Ft. Lauderdale, FL) |
| November, 2002 | Presentation concerning biotechnology protection to Hannes-Snellman (Turku, Finland) |
| April, 2002 | Presented a paper at the SLSS Conference (Aberystwyth, Wales) |
| October, 2001 | Presented a paper at the Central States Law Association Conference (Lansing, MI) |
| July, 2001 | Presented a paper at the Southeast Association of Law Schools Conference (Hilton Head, SC) |

Academic Presentations (continued)

- June, 1997 Presentation at the University of Göteborg (Sweden)
- June, 1997 Presentation at the University of Mainz (Germany)
- May, 1995 Presented a paper at the University of Lund (Sweden)
- May, 1995 Presentation at the University of Göteborg (Sweden)
- May, 1995 Presented a paper at the American Studies Conference (Tampere, Finland)
- March, 1995 Presented a paper at the Renvall Institute (Helsinki, Finland)
- March, 1995 Presentation at the University of Rovaniemi (Finland)
- October, 1992 Presented a paper at the Association for Canadian Studies in the U.S. conference (Springfield, Missouri)

Funded Research

- Fall, 1995 Brand Names Education Foundation
Topic: Trademark law as the regulation of language
- Summer, 1993 City University, London, England
Topic: The civil rights of indigenous peoples
- Summer, 1992 Canadian Embassy Faculty Research Grant for Research at Osgoode Hall School of Law (Toronto) and McGill University Faculty of Law (Montreal)
Topic: Whether redundant (Federal/Regional) court systems contribute to the abandonment of "general" common law

Professional Affiliations

American Intellectual Property Law Association
Association of Teachers and Researchers of Intellectual Property
American Bar Association

Editorial Boards (current)

International Advisory Board, *International Review of Law Computers & Technology* (United Kingdom)

Editorial Board, *Journal of Patent Mapping* (Taiwan)

Editorial Board, *Heralds of Law Sciences* (Russia)

Other Service (selected)

Professional

Council for the International Exchange of Scholars (Fulbright), Review Commission for Ireland and United Kingdom Awards – 2003, 2004, 2005
American Bar Association, Section on Intellectual Property, Subcommittee on Trademark Law – member since 1990, chair 1999-2000

University

University Patent and Policy Committee – 1996-2000, 2006 to present
University Technology Transfer Committee—2008 to present, chair 2010-2011
Research Advisory Committee (Executive Vice President for Research) – 1995-2001; 2017 to present
Search Committee for University Director of Technology Transfer—2013-2014
President's Advisory Committee for Policy – 1996-97, 1997-98, 1998-99
University Faculty Senate – 1992-93, 1993-94

Law School

ABA/AALS Self-Study Committee – 1996-97, 2003-04, 2009-10 (chair)
Curriculum Committee - 1988-89, 1991-92, 1993-94, 1995-2003 (chair 1995-2001), 2004-05 (chair), 2005-06, 2009-2011, 2012-13, 2013-14 (chair); 2017-18
Economic Welfare Committee – 2001-04, 2016-17 (chair all years)
Technology Committee - 1997-2000, 2000-01 (chair), 2002-2006, 2018-19
Decanal Review Committee - 1994-95 (chair)
Dean Search Committee - 1989-90, 2006-07, 2016-17
Faculty Recruitment Committee - 1991-92, 1993-94 (chair), 1994-95, 1995-96, 1999-00, 2002-03, 2007-08 (chair), 2019-20 (chair)

References

Available on request