

## LARS STUART SMITH

Professor and Samuel J. Stallings Chair in Law  
University of Louisville  
Louis D. Brandeis School of Law  
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### PERMANENT ACADEMIC APPOINTMENTS

**University of Louisville Louis D. Brandeis School of Law** 2000 – Present  
Louisville, KY  
*Interim Dean* (July to December 2017)  
*Associate Dean for Academic Affairs* (2016-2017)  
*Professor and Samuel J. Stallings Chair in Law* (2007-Present)  
*Associate Professor* (2006-2007)  
*Assistant Professor* (2000-2006)

### LONG TERM VISITS

**Zhongnan University of Economics and Law** Spring Term 2011  
Wuhan, Hubei, P.R. China  
*Courses Taught:* Survey of U.S. Intellectual Property Law,  
Advised Trademark Moot Court Team

**Franklin Pierce Law Center** Academic Year 1999-2000  
Concord, NH  
*Courses Taught:* Creativity and Innovation Clinic, Trademark Law,  
Trademark Registration Practice

### CONSULTING AND SHORT TERM TEACHING

**Northwest University of Economics and Law, Xi'an, China** December 2012  
Project: Research Project on Intellectual Property and the Economic  
Development of Cultural Industries in Western China  
Sponsored by the China International Talent Exchange Foundation

**Turku University, Turku, Finland** 2003, 2007  
Course: Selected Issues in the US Legal System  
Topic: *Issues in American Property Law*

**Franklin Pierce Law Center, Concord, NH** 1997-2003  
Courses: Trademark Registration Practice (Spring, 1999, Summer 1999,  
2000, 2002, 2003), Attorney Advisor to Innovation Clinic (Spring 1998)

### LAW PRACTICE EXPERIENCE

**Getman, Stacey, Tamposi, Schulthess & Steere, Bedford, NH** 1998-1999  
*Associate*, Corporate/Intellectual Property Department

**Kassler & Feuer, Boston, MA** 1994-1997  
*Associate*, Business Group

**Sheehan, Phinney, Bass + Green, Manchester, NH** 1992 -1994  
*Associate*, Corporate Division.

## OTHER WORK EXPERIENCE

**Security Pacific Financial Services**, Manchester, CT 1987-1989  
Branch Manager (1988-1989), Assistant Branch Manager (1987-1988)

**BayBank**, Waban, MA 1986-1987  
Senior Customer Service Representative

## EDUCATION

**Franklin Pierce Law Center**, Concord, NH 1999  
LL.M. (Intellectual Property)

**New England School of Law**, Boston, MA 1992  
J.D. *Summa Cum Laude*  
Valedictorian  
Senior Technical Coordinating Editor, **New England Law Review**

**Colby College**, Waterville, ME 1986  
A.B., Economics, *with Distinction*

## COURSES TAUGHT

Business Planning (skills course)	Property I
Business Torts	Property II
Creativity and Innovation Clinic	Right of Publicity
Federal Trademark Registration Practice	Survey of Intellectual Property Law
In-House Counsel Externship	Secured Transactions
Intellectual Property Negotiation	Trademark Law
Law and Economics	University of Louisville Law Clinic

## PUBLICATIONS

MASTERING TRADEMARK AND UNFAIR COMPETITION LAW (Carolina Academic Press, 2013) (with Llewellyn J. Gibbons)

*Trademark Law and Trade Secret Law*, in FRANCHISING: CASES, MATERIALS, AND PROBLEMS 27-88, 147-183 (American Bar Association, 2013) (Alexander Meiklejohn, ed.)

*Trademark Law*, in 3 THE HANDBOOK OF TECHNOLOGY MANAGEMENT 823-41 (John Wiley & Sons, Inc., 2010) (Hosein Bidgoli, ed.)

*RFID in the Supply Chain: Panacea or Pandora's Box?* 51 COMMUNICATIONS OF THE ACM 127-131 (2008) (co-authored with Dr. Brian L. Dos Santos).

*Distinctive Designs and Functional Products: Limitations on the Protection of Trade Dress under Trademark Law*, 3 INTELLECTUAL PROPERTY AND INFORMATION WEALTH 323-44 (Praeger, 2007) (Peter K. Yu, ed.)

*RFID and Embedded Technology: Who Owns the Data?* 22 SANTA CLARA COMPUTER & HIGH TECH. L. J. 695-757 (2006)

*Trade Distinctiveness: Solving Scalia's Tertium Quid Trade Dress Conundrum*, 2005 MICHIGAN STATE LAW REVIEW 243-308

*General Intangible or Commercial Tort: Moral Rights and State Based Intellectual Property as Collateral Under UCC Revised Article 9*, 22 EMORY BANKRUPTCY DEVELOPMENTS JOURNAL 95-156 (2005)

*Some Comments to Professor Port's Response*, 94 TRADEMARK REPORTER 893-98 (2004)

*Developing a Registration System for Famous Trademarks*, 93 TRADEMARK REPORTER 1097-1152 (2003)

*Trade Secrets in Commercial Transactions and Bankruptcy*, 40 IDEA 549-80 (2000)

*Has New Jersey Cleared the Air for More Smokers' Litigation? A Review of Dewey v. R.J. Reynolds Tobacco Co.*, 26 NEW ENGLAND LAW REVIEW 611-35 (1991)

## **PUBLICATIONS –WORKS IN PROGRESS**

*Bitcoins and UCC Article 9*

*Mastering Licensing of Intellectual Property*

## **HONORS**

University of Louisville Distinguished Faculty Award in Teaching 2012

Fulbright Scholar Award, Distinguished Lectureship  
Zhongnan University of Economics and Law, Wuhan, China 2011

Excellence in Teaching Award, Louis D. Brandeis School of Law 2008

*Article Trade Distinctiveness: Solving Scalia's Tertium Quid Trade Dress Conundrum*, 2006  
selected as one of the leading articles on intellectual property published in 2005,  
as chosen by peer review, republished at 38 INTELLECTUAL PROPERTY LAW REVIEW 305-370  
(West 2006) (Karen Tripp, Ed.)

The Yacos Prize for Excellence in Commercial Law, Franklin Pierce Law Center 1998

Amos L. Taylor Award For Excellence in Scholarship, New England School of Law 1992

## **SERVICE (SELECTED)**

### ***Professional***

Association of American Law Schools, Privacy and Defamation Section Chair 2005

### ***University***

University of Louisville Athletic Association, Faculty Board Member (Elected) 2016-17

Committee on Academic Performance (ULAA Board Subcommittee) 2016-17

Task Force on Tuition and Fee Setting 2016-17

University Faculty Grievance Committee 2012-16

Provost's Budget Advisory Committee 2008-16

New Ideas Sub-committee of Provost's Budget Advisory Committee 2009

### ***Law School***

Chair, Curriculum Committee 2016

Chair, Law School Student Grievance Committee 2012-13

Fellow, The Brandeis Partners for Justice Fellowship, Legal Aid Society of Louisville	2010
Chair, Clinic Director Hiring Committee	2008
Co-Chair, Law School Strategic Planning Committee	2006-07

## PRESENTATIONS

### Professional Presentations

<i>U.S. Regulation of New Technologies: The Bitcoin Example</i> 8 <sup>th</sup> Annual Conference on Innovation and Communications Law University of Eastern Finland Joensuu, Finland	May 2016
<i>U.S. Patent and Trade Secret Law Update</i> China University of Political Science and Law Beijing, P.R. China	April 2016
<i>U.S. Regulation of New Technologies: The Bitcoin Example</i> 2016 IPR Nanhu Forum: International Conference on “Judicial Protection of IPR and Construction of a Power Country” Beijing, P.R. China	April 2016
<i>U.S. Regulation of New Technologies: The Bitcoin Example</i> 7th Annual Innovation & Communications Law Conference Xiamen University Xiamen, P.R. China	July 2015
<i>Three Dimensional Marks Under U.S. Law</i> China University of Political Science and Law Beijing, P.R. China	April 2015
<i>U.S. Regulation of New Technologies: The Bitcoin Example</i> 2015 IPR Nanhu Forum: International Conference on “Building a Powerful IPR Country” Nanjing, P.R. China	April 2015
<i>Bitcoins in Secured Transactions: There Is No Spoon</i> , 2015 Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA	March 2015
<i>IP, Commerce Clause and The Affordable Care Act Case</i> Fifth Annual Conference on Innovation and Communications Law Glen Arbor, Michigan	May 2013
<i>Boundaries of Patent Liability and Cloud Computing</i> , Searching for the Boundaries of Intellectual Property Law Conference Hong Kong University, Hong Kong	December 2012

<i>IP, Commerce Clause and The Affordable Care Act Case</i> University of New Hampshire School of Law, Concord, NH	September 2012
<i>SOPA and PIPA: What's All the Fuss?</i> Government Issues & Access to Information Program Special Library Association, Kentucky Chapter Louis D. Brandeis School of Law, University of Louisville, Louisville, KY	August 2012
<i>Patents and Cloud Computing</i> , 4 <sup>th</sup> Annual Conference on Innovation and Communications Law, Turku, Finland	May 2012
<i>Patents and Cloud Computing</i> , 2012 IPR Nanhu Forum: International Conference on "Intellectual Property Rights: System Improvement and Industrial Development" Shenzhen, P.R. China	May 2012
<i>Patents and Cloud Computing</i> , 2012 Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA	March 2012
<i>Patents and Cloud Computing</i> , UNH Law School, Concord, NH	September 2011
<i>IP and Cloud Computing</i> Louisville Bar Association Intellectual Property Section, Louisville, KY	September 2011
<i>Intellectual Property and US/China Relations</i> , University of Science and Technology of China, Hefei, P.R. China	June 2011
<i>Intellectual Property and US Foreign Policy</i> , Wuhan University, Wuhan, P.R. China	April 2011
<i>Intellectual Property and US/China Relations</i> , United International College, Zhuhai, P.R. China	April 2011
<i>Updating the Remedies Sections of the Lanham Act</i> The University of Louisville Law Review Symposium on Intellectual Property Law Louisville, KY	November 2010
<i>The Role of Exclusive IP Rights in Research</i> , Climate Change And Intellectual Property Rights Conference, Sønderborg, Denmark	May 2010
<i>The Role of Exclusive IP Rights in Research</i> , 2010 Intellectual Property Scholars Roundtable, Drake University Law School	March 2010
<i>Basic Property Law Issues</i> , Presentation to Legal Aid Society of Louisville, Louisville, KY	March 2010
<i>Trade Secrets As a Method of Information Dissemination</i> , Association of Teachers and Researchers in Intellectual Property Annual Meeting, University of Vilnius, Vilnius, Lithuania	September 2009
Moderator, Panel on Trademarks and Geographical Indications, Second Annual Conference in Innovation and Communications Law	August 2009

<i>RFID: Who Owns the Data?</i> Presentation at the 2009 IPR Nanhu Forum South China University of Technology, Guangzhou, P.R. China	May 2009
<i>Are Dilution Laws Necessary or Beneficial in Developing Nations?</i> Presentation at <i>Branding the Land: Trademarks, Geographical Indicators and the Advancement of Third World Development</i> Conference, John Marshall Law School, Chicago, IL	April 2008
<i>How the Internet Helps Preserve Lesser Spoken Languages</i> Presentation on <i>Cultural Rights in the Internet Age</i> Panel Law and Society Annual Meeting, Berlin, Germany	July 2007
<i>The Benefits and Costs of Adopting the U.S. Form of Trade Secret Protection</i> Association of Teachers and Researchers in Intellectual Property Annual Meeting, Faculty of Law, University of Buenos Aires, Argentina	July 2007
<i>The Effect of eBay Inc. v. MercExchange, L.L.C. on Obtaining Injunctions In Trademark Cases</i> Louisville Bar Association Intellectual Property Section, Louisville, KY	June 2007
<i>What if eBay Inc. v. MercExchange, L.L.C. Had Been A Trademark Case?</i> The 4th Annual Intellectual Property Conference, Michigan State University College of Law, East Lansing, MI	March 2007
<i>RFID and The Supply Chain: Who Owns the Data?</i> Louisville Bar Association Intellectual Property Section, Louisville, KY	September 2006
Panelist, "RFID and Surveillance" Symposium: Privacy In The Information Age: Databases, Digital Dossiers, and Surveillance, sponsored by the Santa Clara University School Of Law Computer And High Technology Law Journal. Presented paper, <i>RFID Tags and Other Embedded Technologies: Who Owns the Data?</i> San José, CA	January 2006
Moderator: <i>Tracked, Profiled and Identified: Privacy and the Linkage of Data to Individuals</i> Association of American Law Schools Annual Meeting, Washington, DC	January 2006.
<i>RFID - Intellectual Property and Tracking Devices</i> Louisville Bar Association Intellectual Property Section, Louisville, KY	September 2005
<i>RFID - Intellectual Property and Tracking Devices</i> Law and Society Conference, Las Vegas, NV	June 2005
<i>Brand: Comparison of Marketing Executive and Lawyer's view of Brands and Marks</i> IP Scholars Roundtable Discussion, Michigan State University College of Law, East Lansing, MI	February 2005
<i>How Intellectual Property Laws Designed to Encourage Innovation Can Limit Business Development</i>	February 2004

IP Scholars Roundtable Discussion, Michigan State University College of Law,  
East Lansing, MI

*Should Everyone be a Criminal? A Debate on Downloading  
Music off the Internet* November 2003  
Louisville Bar Association Intellectual Property Section, Louisville, KY

*Security Interests in State Based Intellectual Property Rights  
under Revised Article 9* September 2003  
Central States Law School Association, University of Toledo, Toledo, OH

*Tertium Quid: Understanding Trade Dress Protection for Services  
in Light of the Wal-Mart Decision.* June 2003  
Law and Society Association Annual Meeting, Pittsburgh, PA

*Tertium Quid: Trade Dress Protection for Services after Wal-Mart* September 2002  
Central States Law School Association, University of Kentucky, Lexington, KY

Panelist, "Teaching Law and Entrepreneurship" August 2002  
Southeastern Conference of Association of American Law Schools, Kiawah, SC

*Recent Developments in Intellectual Property Law* May 2002  
Righting Your IP Rights, and Recent Developments on Redressing IP Wrongs  
Louisville Bar Association

*Joint Ventures between Law and Other Departments* April 2002  
Legal Educators Meeting, Kauffman Center For Entrepreneurial Leadership, Kansas City, MO

*Copyright Basics for Musicians and Performers* October 2001  
Southern Arts Foundation Conference, Louisville, KY

*Publish, Perish or Patent: The Intersection of Medical Research,  
Public Disclosure and Patent Law* October 2001  
Research! Louisville, Louisville, KY

*Protecting and Litigating Intellectual Property Rights in Cyberspace* June 2001  
Panel Discussion  
Kentucky Bar Association Annual Convention, Lexington, KY

*Intellectual Property Issues in Electronic Commerce* September 1999  
Small Business Development Center, Nashua, NH

*Copyright Protection for Photographs* May 1999  
New Hampshire Archives Group, Plymouth, NH

*How to Finance the Small Business* May 1999  
Course: Counseling the Small Business Client in New Hampshire  
National Business Institute, Nashua, NH

**Guest Lectures**

*Copyright Law in the Digital Age* April 2013

Course: Ethical Issues in Communications, Dr. Gail Henson Bellarmine University, Louisville, KY	
<i>SOPA and PIPA: What's All the Fuss?</i> Zhongnan University of Economics and Law, Wuhan, China	December 2012
<i>Intellectual Property and the Trans-Pacific Partnership Agreement</i> Zhongnan University of Economics and Law, Wuhan, P.R. China	December 2012
<i>SOPA and PIPA: What's All the Fuss?</i> Northwest University of Politics and Law, Xi'an, P.R. China	December 2012
<i>Intellectual Property and the Trans-Pacific Partnership Agreement</i> Northwest University of Politics and Law, Xi'an, China	December 2012
<i>Lecture on Copyright Law</i> Course: Upper Level Drawing Course, Instructor Sharon Leightty Department of Fine Arts, University of Louisville, Louisville, KY	September 2011
<i>Lecture on Copyright Law</i> Course: Upper Level Drawing Course, Instructor Sharon Leightty Department of Fine Arts, University of Louisville, Louisville, KY	January 2011
<i>Copyright Law in the Digital Age</i> Course: Ethical Issues in Communications, Dr. Gail Henson Bellarmine University, Louisville, KY	April 2010
<i>Basic Copyright and Trademark Law</i> Course: Portfolio Development in Graphic Design, Professor Leslie Friesen Allen R. Hite Art Institute, University of Louisville, Louisville, KY	March 2010
<i>Lecture on Copyright Law and Legality Of Downloading</i> Course: Children and Media, Dr. Gail Henson Bellarmine University, Louisville, KY	April 2008
<i>Lecture on Copyright Law and Legality Of Downloading</i> Course: Children and Media, Dr. Gail Henson Bellarmine University, Louisville, KY	April 2008
<i>Lecture on Copyright Law</i> Course: Portfolio Development in Graphic Design, Professor Leslie Friesen Allen R. Hite Art Institute, University of Louisville, Louisville, KY	March 2008
<i>Issues in American Property Law</i> Course: Selected Issues in the US Legal System Turku University, Turku, Finland	December 2007
<i>Lecture on Copyright Law and Legality Of Downloading Music</i> Course: Communication Ethics, Dr. Gail Henson Bellarmine University, Louisville, KY	Spring 2003-2007

<i>RFID and Other Embedded Technologies: Who Owns the Data?</i>	February 2006
Course: InfoSec Seminar Series, Dr. S. Srinivasan College of Business, University of Louisville, Louisville, KY	
<i>Lecture on Copyright Law</i>	March 2003
Course: Corporate Identity Systems, Professor Leslie Friesen Allen R. Hite Art Institute, University of Louisville, Louisville, KY	
<i>Introduction to Intellectual Property</i>	April 2002
Course: Property Law, Professors Williams and Reed-Huff Louis D. Brandeis School of Law, University of Louisville, Louisville, KY	
<i>Introduction to Patent Law</i>	April 2002
Course: Business Torts, Professor Cross Louis D. Brandeis School of Law, University of Louisville, Louisville, KY	
<i>Invention and the Patent Law</i>	March 2002
Course: Chemical Engineering Seminar Series Speed Scientific School, University of Louisville	
<i>Lecture on Intellectual Property</i>	April 2001
Course: Business Plan Development – Integrative MBA Program, Professor Clouse College of Business and Public Administration, University of Louisville	

**PROFESSIONAL MEMBERSHIPS**

**Admitted to Practice** – Massachusetts, New Hampshire (inactive status in both jurisdictions)  
**American Bar Association**  
    Intellectual Property Section  
    Business Law Section  
**Association of Teachers and Researchers in Intellectual Property**  
**American Intellectual Property Law Association**  
**Louisville Bar Association**  
**New Hampshire Bar Association**