

Guy A. Rub

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ACADEMIC APPOINTMENTS

Temple University, Beasley School of Law, Philadelphia, Pennsylvania

Vincent J. Marella Chair, 2024 –

The Ohio State University Moritz College of Law, Columbus, Ohio

Joanne Wharton Murphy/Classes of 1965 and 1973 Professor of Law, 2022 – 2024

Professor of Law, 2018 – 2022

Associate Professor of Law (with tenure), 2015 – 2018

Assistant Professor of Law, 2011 – 2015

Courses taught: Copyright Law, Trademarks, Contracts I, Contracts II, Law and Economics, Standard-Form Contracting, Designing a Deal

Facultad Libre de Derecho de Monterrey, Monterrey, Mexico

Visiting Professor, 2018

Course taught: Introduction to Entertainment Law

China University of Political Science and the Law, Beijing, China

Visiting Professor, 2016

Course taught: Law and Economics

SCHOLARSHIP

Work in Progress

CONTRACTS: AN OPEN-SOURCE CASEBOOK (forthcoming 2024, with Matt Bodie, Pamela Bookman, Tal Kastner, Ethan Leib, and Jake Linford)

Circumventing SCOTUS

Articles and Essays

Reimagining Digital Libraries, 113 GEO. L. J. (forthcoming 2024)

Copyright and Copying Rights, 98 NEW YORK U. L. REV. ONLINE 342 (2023)

Moving from Express Preemption to Conflict Preemption in Scrutinizing Contracts over Copyrighted Goods, 56 AKRON L. REV. 301 (2023, symposium essay by invitation)

Against Copyright Customization, 107 IOWA L. REV. 677 (2022)

The Challenges of Posthumous Moral Rights, in AFTERLIFE OF ART (Sharon Hecker & Peter Karol eds., 2022).

Incentivizing Top-Musicians, 6 TX. A&M J. OF PROP. L. 38 (2020, symposium essay by invitation)

Inflection Points in Technology Law, 16 OHIO ST. TECH. L. J. 1 (2020, with Bryan Choi, symposium essay)

Owning Nothingness: Between the Legal and the Social Norms of the Art World, 2019 BYU L. REV. 1147 (2020)

An Intersection of Privatization and Public Utility Regulation: The Ohio State University's Energy Concession Agreement and Private-Public Utility Theory, 59 UTILITIES POLICY 100929 (2019) (with Noah Dormady, Douglas Jones, and Brian Roe)

Experimenting With State-Enacted Resale Rights, 109 KY. L. J. 651 (2019, symposium essay by invitation)

Amazon and the New World of Publishing, 14 ISJLP 367 (2018, symposium essay by invitation)

Copyright Survives: Rethinking The Copyright-Contract Conflict, 103 VA. L. REV. 1141 (2017)

Less Formalistic Copyright Preemption, 24 J. OF INTELL. PROP. L. 327 (2017, symposium essay by invitation)

Copyright's Framing Problem, 64 UCLA L. REV. 1102 (2017, with Margot Kaminski)

The Interaction of Exhaustion and the General Law, 102 VA. L. REV. ONLINE 8 (2016, with Ariel Katz and Aaron Perzanowski)

Rebalancing Copyright Exhaustion, 64 EMORY L. J. 741 (2015)

Good contracts, bad contracts, and contracts that might destroy copyright, in INTELLECTUAL PROPERTY LAW: INTERDISCIPLINARY ANALYSIS (Miriam Bitton & Lior Zemer, eds., 2015)

The Unconvincing Case for Resale Royalties, 124 YALE L. J. F. 1 (2014)

Market Regulation of Contractual Terms: A Sceptical View, 54 CAN. BUS. L.J. 258 (2013) (symposium essay by invitation)

The Economics of Kirtsaeng v. John Wiley & Sons, Inc.: The Efficiency of a Balanced Approach to the First Sale Doctrine, 81 FORDHAM L. REV. RES GESTAE 42 (2013)

Stronger than Kryptonite, Inalienable Profit-Sharing Schemes in Copyright Law, 27 HARV. J. L. & TECH 49 (2013)

Contracting around Copyright: The Uneasy Case for Unbundling of Rights in Creative Works,
78 U. CHI. L. REV. 257 (2011)

Selected Recent Op-Eds, Blog Posts, and Briefs

Guy Rub, *Contractual Control over Information Goods after ML Genius v. Google*, on the Technology & Marketing Law Blog, <https://blog.ericgoldman.org/archives/2023/07/contractual-control-over-information-goods-after-ml-genius-v-google-guest-blog-post.htm> (July 18, 2023)

Guy Rub on Federal Law and Browsewrap Agreements, CONTRACTSPROFBLOG https://lawprofessors.typepad.com/contractsprof_blog/2023/06/guest-post-from-guy-rob-on-federal-law-and-browsewrap-agreements.html (June 2, 2023)

Brief of Professor Guy Rub as Amici Curiae in Support of Respondents, *Andy Warhol Found. for the Visual Arts, Inc. v. Goldsmith*, 143 S. Ct. 1258 (2023)

Peter J. Karol & Guy A. Rub, *Royalty Check*, ARTFORUM, <https://www.artforum.com/slant/peter-j-karol-and-guy-a-rub-on-resale-contract-law-and-the-secondary-market-85413> (Apr. 5, 2021)

Ariel Katz & Guy Rub, *Submission to the Standing Committee on Industry, Science and Technology for the Statutory Review of the Copyright Act*, <https://www.ourcommons.ca/Content/Committee/421/INDU/Brief/BR10268441/br-external/RubGuy-e.pdf> (Dec. 10, 2018)

Christopher Sprigman & Guy Rub, *Resale Royalties Would Hurt Emerging Artists*, ARTSY, <https://www.artsy.net/article/artsy-editorial-resale-royalties-hurt-emerging-artists> (Aug. 8, 2018)

PROFESSIONAL, UNIVERSITY, AND COLLEGE SERVICE

Professional

AALS Section on Intellectual Property, Chair (2018 – 2019), Chair-Elect (2017 – 2018), and Board Member (2016 – 2019)

AALS Section of Art Law, Board Member (2024 –)

University, The Ohio State University

University Senate, Senator (2017 – 2018, 2021– 2024)

University's Conflict of Interest Committee, Member (2021 – 2023)

Committee on Intellectual Property, Patents, and Copyright, Chair (2017 – 2018, 2023 – 2024), Secretary, (2016-2017), and Member (2015 – 2018, 2021– 2024)

Rewrote the university's first IP policy since 1989 and supervised its approval.

University Distinguished Community Engagement Award Review Committee, Member (2018)

Faculty Cabinet, Member (2017 – 2018, 2023 – 2024)

Provosts Faculty Advisory Group, Comprehensive Energy Management Project, Chair, (2014 – 2017)

Advised the university leadership concerning a \$1.2 billion energy transaction.

College, The Ohio State University Moritz College of Law

Appointment Committee, Promotion and Tenure Committee, Workshop Committee, Admission Committee, Academic Affairs Committee, Diversity and Inclusion Committee, Graduate Studies Committee, Long-Range Planning Committee

Teaching Innovation Group, co-chair (2023–2024)

Faculty Advisor, Intellectual Property Law Society (2011–2024)

Faculty Advisor, Jewish Law Students Society (2012–2024)

Faculty Advisor, The Ohio State Technology Law Journal (2019–2024)

EDUCATION

University of Michigan Law School, Ann Arbor, Michigan, S.J.D., 2013

Microsoft Post-Doc Fellowship, Microsoft Student Fellowship, Michigan Grotius Fellowship (received twice)

Dissertation: Inalienable Rights in Copyright Law (Committee: Omri Ben-Shahar (chair), Margaret Radin, and Rebecca Eisenberg)

University of Michigan Law School, Ann Arbor, Michigan, LL.M., 2006

Michigan Grotius Fellowship, Olin Center for Law & Economics Fellowship

Universidad Complutense de Madrid, Madrid, Spain, M.A., Law and Economics, *magna cum laude*, 2004. **Erasmus University**, Rotterdam, the Netherlands, EMLE (European Master in Law and Economics) *magna cum laude*, 2004

Cegla Fellowship by the Cegla Center for Interdisciplinary Research of the Law at the Tel-Aviv University

Thesis: The Grounds for the stickiness of Contractual Default Rules

Tel-Aviv University Faculty of Law, Tel-Aviv, Israel, LL.B., *magna cum laude*, 2001

Tel-Aviv University Faculty of Exact Sciences, Tel-Aviv, Israel, Additional undergraduate degree in computer science (equivalent to B.Sc.) *magna cum laude*, 2000

PROFESSIONAL EXPERIENCE

Munger Tolles & Olson, Los Angeles, California
Associate (2008 – 2011) and summer associate (2007)

Davis Polk & Wardwell, New York City, New York
Summer associate (2007)

The Tel-Aviv Appellate Court, Tel-Aviv, Israel
Permanent clerk (2005) and judicial clerk (2001 – 2002).

Tel-Aviv University Faculty of Law, Tel-Aviv, Israel
Research assistant (2004 – 2005)

Avaya Ltd., Tel-Aviv, Israel
Software Engineer (2002– 2003)

Mercury Interactive Ltd. (now HP), Yahud, Israel
Software Programmer (Part-time, 1999 – 2002)

Israel Defense Forces, Tel-Aviv, Israel
Officer (1995 – 1997)

BAR MEMBERSHIP

U.S. Supreme Court (since 2022); California Bar (since 2009); Israel Bar (since 2002, inactive status).

SELECTED PANELS AND PRESENTATIONS

Co-organizer and Commentator, *Fifth Annual Art Law WIP Colloquium*, Columbus, Oh (May 2024)

Presenter, *Reimagining Digital Libraries*

Faculty Workshop, Reichman University, Herzliya, Israel (Apr. 2024)

Work In Progress IP, Santa Clara University, Santa Clara, CA (Feb. 2024)

Workshop, The Ohio State University Fisher College of Business, Columbus, OH (Jan. 2024)

IP Roundtable, Texas A&M School of Law, Fort Worth, TX (Oct. 2023)

Midwestern Law & Economics Association Meeting, Indiana University Maurer School of Law, Bloomington, IN (Oct. 2023)

Faculty Workshop, The Ohio State University Moritz College of Law, Columbus, OH (Sep. 2023)

IP Scholars' Conference (IPSC), Cardozo School of Law, New York, NY (Aug. 2023)

IP Researchers Europe (IPRE), Geneva, Switzerland (June 2023)

M3 workshop, University of Miami, Miami, FL (May 2023)

Organizer, *Supreme Court Roundtable*, The Ohio State University, Columbus, OH (Sep. 2023)

Panelist, *Supreme Court Year in Review*, The Ohio State University, Columbus, OH (July 2023)

Presenter, *Copyright and Copying Rights*

The International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) 41st Congress, Tokyo, Japan (July 2023)

Contractual Override Conference, American University, Washington D.C. (May 2023)

Work in Progress in IP law (WIPIP), Boston University, Boston, MA (Feb. 2023)

Commentator, the International Society for the History and Theory of Intellectual Property (ISHTIP) Annual Workshop, Tel-Aviv University, Tel-Aviv, Israel (June 2023)

Co-organizer and Commentator, *Fourth Annual Art Law WIP Colloquium*, New England Law, Boston, MA. (June 2023)

Panelist and commentator, *Protecting Copyright User Rights from Contractual Override*, American University, Washington D.C. (May 2023)

Commentator, *Three River IP Colloquium*, University of Pittsburg, Pittsburg, PA (Jan. 2023)

Presenter, *Moving from Express Preemption to Conflict Preemption in Scrutinizing Contracts over Copyrighted Goods*, University of Akron's IP Scholar Symposium, Akron, Ohio (Dec. 2022)

Organizer and panelist, *Supreme Court Roundtable*, The Ohio State University, Columbus, OH (Sep. 2022)

Co-organizer, *Third Annual Art Law WIP Colloquium* (May 2022, online)

Commentator, *American Association of Law School annual meeting*, panel on New Voices in IP Law (January 2022, online)

Presenter, *The Challenges of Posthumous Moral Rights*, The International Catalogue Raisoné Association (ICRA) annual conference (Dec. 2021, online).

Co-organizer and Commentator, *Second Annual Art Law WIP Colloquium* (May 2021, online)

Presenter, *NFTs Beyond Authenticity*, M3 workshop (May 2021, online)

Presenter, *Against Copyright Customization*

IP Workshop, Cardozo School of Law (Mar. 2021, online)

Three River IP Colloquium (Jan. 2021, online)

IP Scholars Conference, Stanford University (Aug. 2020, online)

WIP IP, Santa Clara University, Santa Clara, CA (Feb. 2020)

IP Workshop, University of Houston, Houston, TX (Jan. 2020)

Presenter, *Owning Nothingness: Between the Legal and the Social Norms of the Art World*

University of Oxford's Society for Art Law's Speakers Series (Mar. 2021, online)

University of Kentucky IP Workshop (Oct. 2020, online)

Advanced Topics in Copyright Law Workshop, Hebrew University Faculty of Law, Jerusalem, Israel (Dec. 2018)

Law & Technology Workshop, Tel-Aviv Faculty of Law, Tel-Aviv, Israel (Dec. 2018)

Junior IP Scholar Association Annual Meeting, Northwestern Law, Chicago, IL (July 2018)

Faculty Workshop, The Ohio State University College of Law, Columbus, OH (Apr. 2018)

Faculty Workshop, Penn State Law, University Park, PA (Feb. 2018)

Intellectual Property Scholars' Conference, Berkeley Law, Berkeley, CA (Aug. 2017)

Moderator, *Confronting Crisis: Preparing for the Unexpected*, The Ohio State University (Mar. 2021, online)

Organizer and panelist, *Supreme Court Roundtable*, The Ohio State University (Sep. 2020, online)

Co-organizer and Commentator, *First Annual Art Law WIP Colloquium* (Apr. 2020, online)

Organizer, *Elections in the Era of Technological Threats and Opportunities*, Columbus, OH (Jan. 2020)

Presenter, *The Diminished Role of The Supreme Court in Shaping Copyright Law*, Supreme Court IP Roundtable, Chicago-Kent Law School, Chicago, IL (Sep. 2019)

Panelist, *Workshop: Art Law Beyond Copyright*, New York University Law School, New York, NY (Feb. 2019)

Panelist, *Symposium: Copyright's Excess: Money and Music in the U.S. Recording Industry*, Texas A&M Law, Fort Worth, TX (Feb. 2019)

Presenter, *Preemption by Exhaustion*, Work in Progress in Intellectual Property (WIPIP), University of Houston, Houston TX (Feb. 2019)

Organizer and Moderator, *Intellectual Property Exhaustion and Post-Sale Restriction*, American Association of Law Schools Annual Meeting, New Orleans, LA (Jan. 2019)

Panelist, *62nd Annual Intellectual Property Law Conference*, The John Marshall Law School, Chicago, IL (Nov. 2018)

Presenter, *States Experimentalism with Artists' Resale Royalties*, Kentucky Law Journal Annual Symposium, University of Kentucky College of Law, Lexington, KY (Oct. 2018)

Presenter, *Superman Survived: Termination of Copyright Transfer, Five Years Later*, IP Scholarship Redux Conference, University of New Hampshire, Concord, NH (Apr. 2018)

Panelist, *Copyright and Jewish Law*, American Association of Law Schools Annual Meeting, San Diego, CA (Jan. 2018)

Presenter, *Copyright Survives: Rethinking the Copyright-Contract Conflict*

Junior Scholars in Intellectual Property, Michigan State University College of Law, East Lansing, MI (May 2017)

Copyright Scholars' Roundtable, University of Pennsylvania Law School, Philadelphia, PA (Mar. 2017)

Internet Law Work in Progress, Santa Clara University School of Law, Santa Clara, CA (Mar. 2017)

KCON XII, Southwestern Law School, Los Angeles, CA (Feb. 2017)

Faculty Workshop, Notre Dame Law School, Notre Dame, IN (Jan. 2017)

IP Workshop, J. Reuben Clark Law School, Brigham Young University, Provo, UT (Nov. 2016)

Intellectual Property Speakers Series, George Washington Law School, Washington D.C. (Sep. 2016)

American Law & Economics Association Annual Meeting, Columbia Law School, New York, NY (June 2016)

Work in Progress Intellectual Property Workshop (WIPIP), U.S. Patent and Trademark Office, Washington D.C. (Feb. 2016)

Research Roundtable on the Law and Economics of Digital Markets, Searle Center, Northwestern University School of Law, Chicago, IL (Oct. 2015)

Panelist, *IP and Federalism*, American Association of Law Schools Annual Meeting, Washington D.C. (Jan. 2017)

Presenter, *Copyright's Framing Problem*

Technology Law and Policy Colloquium, Georgetown Law Center, Washington D.C. (Feb. 2016)

Chicago IP Colloquium, Chicago-Kent College of Law, Chicago, IL (Jan. 2016)

Dayton Intellectual Property Law Association, Dayton, OH (Nov. 2015)

Intellectual Property Scholars Roundtable, Texas A&M Law, Fort Worth, TX (Oct. 2015)

Faculty Workshop, University of Kentucky Law College of Law, Lexington, KY (Oct. 2015)

American Law & Society Annual Meeting, Seattle, WA (May 2015)

Commentator, *Copyright Scholarship Roundtable*, University of Pennsylvania Law School, PA (Nov. 2015)

Panelist, *Termination of Transfer Workshop*, Berkeley Law, CA (Oct. 2015)

Panelist, *Copyright Reform without Reforming the Copyright Act?*, Copyright Society of the USA Winter Meeting, Nashville, TN (Feb. 2015)

Presenter, *Rebalancing Copyright Exhaustion*

Faculty Workshop, The Ohio State University, Columbus, OH (Nov. 2014)

Intellectual Property Speakers Series, Michigan State University College of Law, East Lansing, MI (Sep. 2014)

American Law & Economics Association Annual Meeting, Chicago Law School, Chicago, IL (May 2014)

Work in Progress Intellectual Property Workshop, Santa Clara University School of Law, Santa Clara, CA (Feb. 2014)

Intellectual Property Scholars Conference (IPSC), Cardozo Law School, New York, NY (Aug. 2013)

Panelist, Symposium: Orly Lobel's *Talent Wants to be Free: Why We Should Learn to Love Leaks, Raids, and Free Riding* (Yale University Press, 2013), Bar-Ilan Faculty of Law, Tel-Aviv, Israel (Dec. 2013)

Presenter, *Stronger than Kryptonite, Inalienable Profit-Sharing Schemes in Copyright Law*

Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law, Lansing, MI (Oct. 2013)

Technology and the Law Workshop, University of Haifa Faculty of Law, Haifa, Israel
(June 2013)

Workshop for Junior Researchers on the Law and Economics of Intellectual Property and
Competition Law, Max Planck Institute, Munich, Germany (June 2013)

American Law & Economics Association Annual Meeting, Vanderbilt Law School,
Nashville, TN (May 2013)

Faculty Workshop, The Ohio State University, Columbus, OH (Sep. 2012)

Panelist, American Law & Society Annual Meeting, *Author meets Readers, Margaret J. Radin's
Boilerplate: The Fine Print, Vanishing Rights, and the Rule of Law* (Princeton University Press,
2012), Boston, MA (June 2013)

Panelist, symposium, *Boilerplate 2.0, discussing Margaret J. Radin's Boilerplate: The Fine
Print, Vanishing Rights, and the Rule of Law* (Princeton University Press, 2012), University of
Toronto Faculty of Law, Toronto, Canada (Apr. 2013)

Organizer and Panelist, Supreme Court Roundtable, The Ohio State University, Columbus, OH
(Nov. 2012)

Presenter, *The Licensing of Intellectual Property*, Chicago University Law School, Chicago, IL
(June 2010)

Presenter, *The Efficiency of Contracts that Reallocate Entitlements in Creative Work: A
Skeptical View*, Law and Economics Workshop, University of Michigan Law School, Ann
Arbor, MI (Apr. 2008)