

WILLIAM W. FISHER III

EDUCATION

Ph.D., Harvard University (History of American Civilization), 1991
J.D., magna cum laude, Harvard Law School, 1982
B.A., summa cum laude, Amherst College (American Studies), 1976

HONORS

Postdoctoral Fellowship, Center for Advanced Study in the
Behavioral Sciences, Stanford, California (1992-1993)
Danforth Postbaccalaureate Fellowship (1978-1982)
Sears Prize, Harvard Law School (1977)

PROFESSIONAL EXPERIENCE

Wilmer Hale Professor of Intellectual Property Law, Harvard Law
School, 2003-present
Director, Berkman Center for Internet & Society, 2002-2014
Professor of Law, Harvard Law School, 1990-2003
Director, Harvard Program on Legal History, 1988-2002
Assistant Professor, Harvard Law School, 1984-1990
Law clerk to Justice Thurgood Marshall, United States Supreme
Court, 1983-1984
Law clerk to Judge Harry T. Edwards, United States Court of
Appeals, D.C. Circuit, 1982-1983
Teaching Fellow, History and Literature Department, Harvard
College, 1978-1982

BOOKS

The Canon of American Legal Thought (with David Kennedy) (Princeton
University Press 2006)
Promises to Keep: Technology, Law, and the Future of Entertainment
(Stanford University Press 2004)
Legal Reform in Central America: Dispute Resolution and Property Systems
(with Martha A. Field) (Kennedy School of Government 2001)
American Legal Realism (with Morton J. Horwitz and Thomas A.
Reed) (Oxford University Press 1993)

- “The Puzzle of Traditional Knowledge,” *Duke Law Journal* 67 (2018): 1511
- “Recalibrating Originality,” *Houston Law Review* 54 (2016): 437
- “Regulating Innovation,” *University of Chicago Law Review Dialogue* 82 (2016): 251
- “Medicines for the Mind: Policy-Based ‘Pull’ Incentives for Creating Breakthrough CNS Drugs” (with Dennis W. Choi et al.) *Neuron* 84 (2014): 554
- “Strategic Management of Intellectual Property -- An Integrated Approach” (with Felix Oberholzer-Gee), *California Management Review* 55 (2013): 157
- “Reflections on the Hope Poster Case” (with Frank Cost, Shepard Fairey, Meir Feder, Edwin Fountain, Geoffrey Stewart & Marita Sturken), *Harvard Journal on Law & Technology* 25 (2012): 243
- “A Prize System as a Partial Solution to the Health Crisis in the Developing World” (with Talha Syed), in Thomas Pogge et al., eds., *Incentives for Global Public Health* (Cambridge Univ. Press 2010)
- “The Implications for Law of User Innovation.” *Minnesota Law Review* 94 (2010): 1417
- “American Legal Education and Legal Theory in the Twentieth Century,” in Christopher Tomlins, ed., *The Cambridge History of Law in America* (Cambridge University Press, 2008)
- “When Should We Permit Differential Pricing of Information?” *UCLA Law Review* 55 (2007): 1
- “Global Justice in Health Care: Developing Drugs for the Developing World” (with Talha Syed), *U.C. Davis Law Review* 40 (2007): 581
- “Film and Media Studies and the Law of the DVD” (with Jacqueline Harlow), *Cinema Journal* 45:3 (Spring 2006)
- “Copyright,” “Patent,” and “Intellectual Property,” *Encyclopædia Britannica* (2004)
- “The Impact of Terminator Gene Technologies on Developing Countries,” in Timothy Swanson, ed., *Biotechnology, Agriculture, and the Developing World* (Edward Elgar Publishing 2002)
- “Property and Power in American Legal History,” in Ron Harris et al., eds., *The History of Law in a Multi-Cultural Society* (Ashgate 2002)
- “Intellectual Property and Innovation: Theoretical, Empirical, and Historical Perspectives,” in *Industrial Property, Innovation, and the Knowledge-based Economy*, *Beleidsstudies Technologie Economie*, Vol. 37 (2001)
- “Property and Contract on the Internet,” *Chicago-Kent Law Review* 73 (1999): 1203

- “Theories of Intellectual Property,” in *New Essays in the Legal and Political Theory of Property* (S. Munzer ed., Cambridge University Press, 2001)
- “Geistiges Eigentum – ein ausufernder Rechtsbereich: Die Geschichte des Ideenschutzes in den Vereinigten Staaten,” in *Eigentum im internationalen Vergleich* (Vandenhoeck & Ruprecht, 1999), 265-91
- “Texts and Contexts: The Application to American Legal History of the Methodologies of Intellectual History” *Stanford Law Review* 49 (1997): 1065 (also published in *History and European Private Law: Development of Common Methods and Principles* (Stockholm: Nerenius & Santérus, 1997), 29-66)
- “Interpreting Holmes,” *Harvard Law Review* 110 (1997): 1010
- “Critical Legal Studies” and “Law and Economics,” in Richard Fox and James Kloppenberg, eds., *A Companion to American Thought* (Blackwell, 1995)
- “Ideology and Imagery in the Law of Slavery,” *Chicago-Kent Law Review* 68 (1993): 1051 (revised and expanded version published in Paul Finkelman, ed., *Slavery and the Law* (Madison House 1997), 43-85)
- “The Trouble with Lucas,” *Stanford Law Review* 45 (1993): 1393
- “The Development of Twentieth-Century American Legal Theory and the Judicial Interpretation of the Bill of Rights,” in Michael Lacey & Knud Haakonssen, eds., *A Culture of Rights* (Cambridge University Press, 1991), 266-365
- “Ideology, Religion, and the Constitutional Protection of Private Property, 1760-1860,” *Emory Law Journal* 39 (1990): 65
- “The Jurisprudence of Justice Marshall,” *Harvard Blackletter Journal* 6 (1989): 132
- “The Significance of Public Perceptions of the Takings Doctrine,” *Columbia Law Review* 88 (1988): 601
- “Reconstructing the Fair Use Doctrine,” *Harvard Law Review* 101 (1988): 1659

INTERNET PUBLICATIONS

- Lectures on Copyright* (2014-2020), <http://ipxcourses.org/lectures/>
- Lectures on Patent Law* (2020), <http://ipxcourses.org/lectures-2/>
- Copyright for Librarians* (in collaboration with Electronic Information for Libraries) (2010), English edition: http://cyber.law.harvard.edu/copyrightforlibrarians/Main_Page; translations and print edition available at <http://www.eifl.net/copyright-for-librarians>
- “Copyrights and Wrongs,” *The Economist*, May 2009, https://cyber.harvard.edu/people/tfisher/cx/Economist_Debate_2009.htm
- “The Digital Learning Challenge: Obstacles to Educational Uses of Copyrighted Material in the Digital Age” (with William

McGeveran) (August 2006),
<http://cyber.law.harvard.edu/media/files/copyrighandeducation.html>

“The South Africa AIDS Controversy: A Case Study in Patent Law and Policy” (with Cyrill P. Rigamonti) (February 10, 2005)
<http://cyber.law.harvard.edu/people/tfisher/South%20Africa.pdf>

“Digital Music: Problems and Possibilities” (October 10, 2000),
<http://www.law.harvard.edu/faculty/tfisher/Music.html>

The Bridge (with Abram Chayes, Morton Horwitz, Frank Michelman, Martha Minow, Charles Nesson, & Todd Rakoff) (1999),
<http://con.law.harvard.edu/bridge/>

REVIEWS

“Stories about Property,” *Michigan Law Review* 94 (1996): 1776

“Making Sense of Madison,” *Journal of Law and Social Inquiry* 18 (1993): 547

“The Defects of Dualism,” *University of Chicago Law Review* 59 (1992): 955

Review of *Liberty, Property, and the Future of Constitutional Development*, by Ellen Paul and Howard Dickman, *Business History Review* (Spring 1991): 161

“Webster's Legal Legacy,” *Reviews in American History* 18 (1990): 44

WORKS IN PROGRESS

A War Not Easily Won: Curbing Infectious Diseases in Developing Countries (with Talha Syed) (tentative draft available at <http://182.fab.mwp.accessdomain.com/a-war-not-easily-won/>)

The Law of the Land: An Intellectual History of American Real Property Doctrine, 1776-1940 (forthcoming, Oxford Univ. Press)

CONSULTING AND LITIGATION

Adviser to the governments of South Africa, Namibia, Malawi, Kenya, and Mozambique concerning intellectual-property policy and access to essential medicines (2016 to present)

Adviser to Yahoo! concerning Copyright Strategy (2012-2016)

Adviser to Weil Gotschal, with respect to various copyright suits (2012-2014)

Consultant to Intel concerning Intellectual Property Strategy (2012)

Counsel to *Yoga to the People* in dispute with Bikram Choudhury concerning copyright and trade-dress protection for sequences of yoga poses (2011-2012)

Counsel to Shepard Fairey in copyright infringement dispute with the Associated Press (resolved through settlement, January 2011:

http://www.nytimes.com/2011/01/13/arts/design/13fairey.html?_r=3&ref=shepardfairey)

Testimony on “The Internet and the College Campus: How the Entertainment Industry and Higher Education are Working to Combat Illegal Piracy,” before the Subcommittee on Twenty-First Century Competitiveness of the Committee on Education and the Workforce, United States House of Representatives (Sept. 26, 2006)

Expert Witness on behalf of American webcasters and broadcasters concerning the digital performance right in sound recordings, Copyright Arbitration Royalty Panel, No. 2000-9

Adviser to Gotuit Media (2000-2004)

Adviser to the United Kingdom Department for International Development concerning the impact of “terminator-gene” technology on developing countries (1999)

Adviser to the Presidents of Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica concerning the reform of property and intellectual-property systems in those countries (1997-2001)