

# BRANDON BUTLER

Redacted

## EDUCATION

### **University of Virginia School of Law, Charlottesville, VA**

J.D. 2008, GPA 3.5 (Virginia does not rank students, but a GPA above 3.48 is in the top 25%)

- *Journal of Law and Politics*, Articles Development Editor
- Dean's Scholarship
- American Constitution Society, President, Next Generation Leader
- Legal Aid Justice Center, Pro Bono Intake Project
- ACLU Chapter of UVA Law School

### **University of Texas, Austin, TX**

M.A. 2005, Philosophy

- Teaching Fellowship
- Graduate Student Philosophy Conference 2003 (Moderator) and 2004 (Respondent)

### **University of Georgia, Athens, GA**

B.A. 2002, Philosophy, English, *magna cum laude*

- HOPE Scholar
- Phi Kappa Literary Society (debating society)
- UGA at Oxford Study Abroad Program, Fall 2000

## RESEARCH AND TEACHING INTERESTS

Copyright; fair use; libraries; the First Amendment.

## EXPERIENCE

### **American University, Washington College of Law, Washington, DC**

*Practitioner-in-Residence, Glushko Samuelson IP Clinic*, July 2013 to present

Supervise law students acting as attorneys in copyright, trademark, and patent matters. Co-teach seminar and simulations designed to teach core lawyering skills.

### **The Association of Research Libraries, Washington, D.C.**

*Director of Public Policy Initiatives*, April 2010 to June 2013

*Law and Policy Fellow*, September 2009 to April 2010

Research and prepare a variety of analytical and advocacy writing on legal issues related to libraries, including copyright, privacy, and the First Amendment. Represent the Association to Congress, courts, and federal agencies, as well as to relevant media outlets. Educate member libraries and the library community at large about cutting edge legal developments. Co-principal investigator on three-year Mellon-funded grant project to develop and promote a code of best practices in fair use for academic and research libraries.

### **University of Maryland University College, College Park, MD**

*Instructor, "Fair Use and Licensing,"* January 2013 to present

Develop syllabi and written modules, moderate online discussion forum, and lead webcast office hours and guest lectures for online fair use course for working librarians.

**Dow Lohnes PLLC, Washington, D.C.**

*Associate*, September 2008 to September 2009

*Summer Associate*, May 2007 – August 2007

Advise clients in the newspaper, radio, television, cable, and online media industries as well as educational institutions and consumer electronics companies on a variety of intellectual property and regulatory issues.

**Thomas Jefferson Center for the Protection of Free Expression, Charlottesville, VA**

*Summer Intern*, May 2006 - August 2006

Research and draft *amicus* briefs in First Amendment cases, including an appeal of the Federal Communications Commission's fines against broadcasters for airing "fleeting expletives" during primetime.

**University of Texas, Austin, TX**

*Teaching Fellow*, August 2002 – December 2004

Assisted Professors in undergraduate philosophy courses including Human Nature, Political Philosophy, Contemporary Moral Problems, Business Ethics. Graded all student written work. Led discussion section meetings.

**PUBLICATIONS**

BOOK CHAPTERS AND JOURNAL ARTICLES

*Some Cautionary Tales About Collective Licensing* (with Jonathan Band), Mich. State U. Int'l L. Rev. (2013) (forthcoming)

*Overlapping Forms of Protection for Databases* (with Jonathan Band), in *OVERLAPPING INTELLECTUAL PROPERTY RIGHTS* (Neil Wilkof & Shamnad Basheer eds., 2012).

LEGAL BRIEFS

Brief of Beneficent Technologies, Inc. and Learning Ally, Inc. as Amici Curiae Supporting Appellees, Authors Guild et al. v. HathiTrust et al., No 12-4547 (2d Cir. June 4, 2013).

Brief of American Library Association et al. as Amici Curiae Supporting Petitioner, Kirtsaeng v. Wiley & Sons, Inc., \_\_ U.S. \_\_ (July 3, 2012) (No. 11-697) (with Jonathan Band).

WHITE PAPERS, ISSUE BRIEFS, AND MISCELLANEOUS

*Pacific Stock v. Dream Communications*, 13 E-COMMERCE LAW REPORTS 21 (2013).

*First Sale Fast Facts for Libraries*, Jan. 18, 2013, available at

<http://www.librarycopyrightalliance.org/bm~doc/lca-tp-firstsale18jan13.pdf>.

*Massive Open Online Courses: Legal and Policy Issues for Research Libraries*, Oct. 22, 2012, available at

<http://www.arl.org/bm~doc/issuebrief-mooc-22oct12.pdf>.

Brief of Amici Curiae the American Library Association et al. in Support of Petitioner, Kirtsaeng v. Wiley, \_\_ U.S. \_\_ (filed July 3, 2012) (No. 11-697), available at

<http://www.librarycopyrightalliance.org/bm~doc/lca-kirtsaeng-brief-3july2012.pdf>.

*GSU Fair Use Decision Recap and Implications*, May 15, 2012, available at [http://www.arl.org/bm~doc/gsu\\_issuebrief\\_15may12.pdf](http://www.arl.org/bm~doc/gsu_issuebrief_15may12.pdf).

*Code of Best Practices in Fair Use for Academic and Research Libraries* and accompanying materials (with others), January 26, 2012, available at <http://www.arl.org/fairuse>

*Copyfraud and Classroom Performance Rights: Two Common Bogus Copyright Claims*, 276 RESEARCH LIBRARY ISSUES 20 (Sept. 2011), available at <http://publications.arl.org/rli276/21>.

*Resource Packet on Orphan Works: Legal and Policy Issues for Libraries*, September 13, 2011, available at [http://www.arl.org/bm~doc/resource\\_orphanworks\\_13sept11.pdf](http://www.arl.org/bm~doc/resource_orphanworks_13sept11.pdf) (with Prudence Adler and Jonathan Band).

*White Paper: US Law and International Interlibrary Loan* (with others), 275 RESEARCH LIBRARY ISSUES 15 (June 2011), available at <http://publications.arl.org/1acgvq.pdf>.

*Reply Comments of the Association of Research Libraries and the American Library Association Re Federal Copyright Protection for Sound Recordings Fixed Before February 15, 1972*, Copyright Office Docket No. 2010-4 (April 13, 2011), available at [http://www.arl.org/bm~doc/arl-ala\\_soundrecordingcomments\\_13apr11.pdf](http://www.arl.org/bm~doc/arl-ala_soundrecordingcomments_13apr11.pdf).

*Fair Use Challenges in Academic and Research Libraries* (with others), December 20, 2010, available at [http://www.arl.org/bm~doc/arl\\_csm\\_fairusereport.pdf](http://www.arl.org/bm~doc/arl_csm_fairusereport.pdf).

*Streaming of Films for Educational Purposes* (with others), February 18, 2010, available at [http://www.librarycopyrightalliance.org/bm~doc/ibstreamingfilms\\_021810.pdf](http://www.librarycopyrightalliance.org/bm~doc/ibstreamingfilms_021810.pdf).

*The Google Books Settlement: Who Is Filing and What Are They Saying?*, Sept. 18, 2009, available at <http://www.arl.org/bm~doc/googlefilingcharts.pdf>.

*Background and Update On Google Book Search and the Proposed Settlement*, October 2009, available at <http://www.arl.org/bm~doc/gbs-summary-for-board.pdf>.

#### CONFERENCES AND PANELS

Moderator, *Copyright, Licensing, Open Access, LIBRARIES AND MOOCs: MASSIVE OPPORTUNITY OR OVERWHELMING CHALLENGE?*, Mar. 18, 2013, video at <http://www.youtube.com/watch?v=7FvR4K3eddu&list=PLLB61wwipFoYfpA0rSB86XRnqL92Rkv8u&index=5>.

Panelist, *Kirtsaeng v. John Wiley & Sons: A Post-Argument Discussion with Counsel for Parties and Amici*, American University Washington College of Law, Mar. 21, 2013, video at <http://www.pijip-impact.org/events/kirtsaeng-v-wiley/>.

#### VIDEOS

*What Does the Georgia State Decision Mean for Libraries?*, May 24, 2012, available at <http://www.youtube.com/watch?v=mJZxlPXtLZI&feature=youtu.be>.

*Landmark HathiTrust Decision: Implications for Libraries*, Oct. 24, 2012, available at <http://www.youtube.com/watch?v=FTuxXGEYvvQ&feature=youtu.be>.

*Kirtsaeng v. Wiley and the Threat to Library Lending*, Oct. 16, 2012, available at <http://www.youtube.com/watch?v=5h69PpIORB8&feature=youtu.be>.

*Code of Best Practices in Fair Use*, 2012, a playlist of video material related to the Code, available at <http://www.youtube.com/playlist?feature=plcp&list=PL1EA8C8EDAD92C22A>.

#### SOCIAL MEDIA, BLOGGING

ARL Policy Notes, <http://policynotes.arl.org>.

@ARLpolicy, <https://twitter.com/ARLpolicy>.

@bc\_butler, [https://twitter.com/bc\\_butler](https://twitter.com/bc_butler).

#### IN THE MEDIA

David Streitfeld, *Imagining a Swap Meet for E-Books and Music*, The New York Times, Mar. 7, 2013, <http://www.nytimes.com/2013/03/08/technology/revolution-in-the-resale-of-digital-books-and-music.html>.

Andrew Albanese, *Overruled: PW Talks to ARL's Brandon Butler*, PUBLISHERS WEEKLY, Nov. 30, 2012, <http://publishersweekly.com/pw/by-topic/industry-news/trade-shows-events/article/54961-overruled-pw-talks-to-arl-s-brandon-butler-ala-preview-2012.html>.

*Kirtsaeng v. Wiley* | *Backtalk* (op-ed) (with Jonathan Band), LIBRARY JOURNAL, October 8, 2012, available at <http://lj.libraryjournal.com/2012/10/opinion/backtalk/kirtsaeng-v-wiley-backtalk/>.

Jennifer Howard, *Publishers Will Appeal E-Reserves Decision That Favored Georgia State U.*, CHRONICLE OF HIGHER EDUCATION, Sept. 10, 2012, <http://chronicle.com/blogs/wiredcampus/publishers-will-appeal-e-reserves-decision-that-favored-georgia-state-u/39732>.

Michael Kelley, *Columbia Panelists Urge Vigorous Exercise of Fair Use*, LIBRARY JOURNAL, March 28, 2012, <http://lj.libraryjournal.com/2012/03/copyright/columbia-panelists-urge-vigorous-exercise-of-fair-use/>.

Steve Kolowich, *Abuse of Trust?*, INSIDE HIGHER ED., September 19, 2011, <http://www.insidehighered.com/news/2011/09/19/michigan-admits-flaws-in-hathitrust-system-for-identifying-orphan-works>.

*What's At Stake in the Georgia State Copyright Case* (op-ed), THE CHRONICLE OF HIGHER EDUCATION, May 30, 2011, available at <http://chronicle.com/article/Whats-at-Stake-in-the-Georgia/127718/>.