

LAURA A. HEYMANN

William & Mary Law School
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ACADEMIC EXPERIENCE

William & Mary Law School, Williamsburg, Virginia

James G. Cutler Professor of Law (2023–present)
Kelly Professor of Excellence in Teaching (2021–2023)
Senior Advisor to the Dean (2021–2023)
Chancellor Professor of Law (2018–2023)
Professor of Law (2011–2018)
Vice Dean (2013–2017)
Class of 2014 Professor of Law (2011–2014)
Associate Professor of Law (2009–2011)
Assistant Professor of Law (2005–2009)

Courses: Advertising Law, Contracts, Copyright Law, Intellectual Property Law, Law and Sexuality, Torts, Trademark Law

Awards: Walter L. Williams, Jr., Memorial Teaching Award (2008) (given by Law School graduating class); Plumeri Award for Faculty Excellence (2012) (university award); Thomas Jefferson Teaching Award (2012) (university award); John Marshall Award (for leadership and service) (2019)

Service: Academic Advisory Committee (2013–2017); Ad Hoc Committee on Assessment (2015–2017); Ad Hoc Committee for Review of the Legal Practice Program (2019–2020); Ad Hoc Committee on Teaching Assessment (2021–2022); Admissions Committee (2010–2011, 2013–2017); Advisory Committee on Strategic Planning (chair, 2020–2021); Appointments Committee (2012–2013, 2020–2022; *ex officio* 2013–2017); Assessment Steering Committee (university committee, 2014–2017); Dean’s Advisory Committee (2006–2013, 2021–2022 (except Spring 2010, 2011–2012); chair, 2008–2009); Dean’s Inclusion Task Force (co-chair, 2019); Enrichment and Scholarship Committee (2005–2011 (except Spring 2010)); Equity and Inclusion Committee (2020–present); Faculty Compensation Board (university committee, 2010–2011, 2012–2014); Faculty Secretary (Spring 2008); Information Technology Committee (university committee, 2013–2017); Law School Advisory Building Committee (2010–2011, 2012–2016); Logo Implementation Committee (university committee, 2008); Planning Steering Committee (university committee, 2008–2009; university subcommittee, 2013–2015); President’s Task Force on Race and Race Relations (university committee, 2015–2016; Implementation Team 2016–2018); Provost Search Committee (university committee, 2018–2019); Plan

Ahead Resilient Curriculum Delivery Squad (university committee, 2020–2021); Self-Study Committee (2008–2009); Status Committee (2018–2019; chair, Spring 2019); Strategic Planning Committee (2007–2008); Technology Committee (*ex officio*, 2013–2017); William & Mary Law School Leadership Institute, co-founder and co-director (2014–2022); First-Generation, Limited Income Working Group (university) (2023–present)

The George Washington University Law School, Washington, D.C.

Visiting Associate Professor of Law & Administrative Fellow in the Intellectual Property Law Program (2003–2005)

Associate Professorial Lecturer in Law (2003)

Courses: Law in Cyberspace, Identity and Privacy in Cyberspace (seminar), Internet Law

EDUCATION

University of California at Berkeley School of Law, J.D. 1997

Honors: Order of the Coif
American Jurisprudence Award (Civil Procedure, Torts)
Prosser Prize (Civil Procedure)
Best Brief Award, First-Year Moot Court (shared)

Activities: *California Law Review*, Book Review Editor
Moot Court Board

Harvard Law School, Berkeley-Harvard Exchange Program, 1996–1997

Yale University, B.A. 1991

Honors: Degree awarded *magna cum laude*, with distinction in the major of English
Yale Club of New Hampshire Scholar
National Merit Scholar

Activities: Treasurer, Yale University Dramatic Association

St. Catherine's College, University of Oxford, Spring 1990

PROFESSIONAL EXPERIENCE

America Online, Inc., Dulles, Virginia

Assistant General Counsel (2003)

Senior Counsel (2001–2003)

Litigation Counsel (2000–2001)

Wilmer, Cutler & Pickering, Washington, D.C.

Associate (1998–2000)

Recipient of 1999 John H. Pickering Award for Pro Bono Activities

American Inns of Court, Alexandria, Virginia

Temple Bar Scholar (1998)

United States Court of Appeals for the D.C. Circuit, Washington, D.C.

Clerk to the Hon. Patricia M. Wald (1997–1998)

St. Martin's Press, New York, New York

Assistant Editor, Scholarly and Reference Division (1992–1994)

Editorial Assistant, Scholarly and Reference Division (1991–1992)

ACADEMIC PUBLICATIONS

Naming, Expressive Interests, and the Law: The Implications of Governmental Form Design, in *Names, Identity, and the Law* (I.M. Nick ed., Routledge, 2023)

Trolley Problems, Private Necessity, and the Duty to Rescue, 60 *San Diego Law Review* 1 (2023)

Trademark Law and Consumer Constraints, 64 *Arizona Law Review* 339 (2022) (winner of the International Trademark Association's 2021 Ladas Memorial Award (professional category))

Trademarks in Conversation: Assessing Genericism after Booking.com, 39 *Cardozo Arts and Entertainment Law Journal* 955 (2021) (symposium)

What Is the Meaning of a Trademark?, in *Research Handbook on Trademark Law Reform* (Graeme B. Dinwoodie & Mark D. Janis eds., Edward Elgar Publishing, 2021)

Knowing How to Know: Secondary Liability for Speech in Copyright Law, 55 *Wake Forest Law Review* 333 (2020)

Who Owns (What We Characterize as) the News?, *Critical Analysis of Law* (2019) (reviewing Will Slauter, *Who Owns the News?* (2019))

Reasonable Appropriation and Reader Response, 9 *U.C. Irvine Law Review* 343 (2019) (symposium)

Reading Together and Apart: Juries, Courts, and Substantial Similarity in Copyright Law, 102 *Iowa Law Review Online* 248 (2017)

Dialogues of Authenticity, 67 *Studies in Law, Politics & Society* 25 (2015)

Overlapping Intellectual Property Doctrines: Election of Rights versus Selection of Remedies, 17 *Stanford Technology Law Review* 241 (2013) (symposium)

The Scope of Trademark Law in the Age of the Brand Persona, 98 *Virginia Law Review In Brief* 61 (2012)

A Name I Call Myself: Creativity and Naming, 2 U.C. Irvine Law Review 585 (2012) (symposium)

The Law of Reputation and the Interest of the Audience, 52 Boston College Law Review 1341 (2011) (selected for republication in the Entertainment, Publishing and the Arts Handbook (Thomson Reuters (West) 2012) as one of the best law review articles in the fields of entertainment, publishing, and the arts published in 2011)

Naming, Identity, and Trademark Law, 86 Indiana Law Journal 381 (2011)

The Grammar of Trademarks, 14 Lewis & Clark Law Review 1313 (2010) (symposium) (selected for republication in the Intellectual Property Law Review (Thomson West Group 2011) as one of the best intellectual property law review articles published in 2010) (cited in *Elliot v. Google Inc.*, 45 F. Supp. 3d 1156 (D. Ariz. 2014))

Reading the Product: Warnings, Disclaimers, and Literary Theory, 22 Yale Journal of Law and the Humanities 393 (2010) (symposium)

How to Write a Life: Some Thoughts on Fixation and the Copyright/Privacy Divide, 51 William & Mary Law Review 825 (2009) (selected for republication in the Copyright Annual Anthology (Thomson Reuters West 2010) as a notable scholarly work on copyright published in 2009)

A Tale of (At Least) Two Authors: Focusing Copyright Law on Process Over Product, 34 Journal of Corporation Law 1009 (2009) (symposium)

The Public's Domain in Trademark Law: A First Amendment Theory of the Consumer, 43 Georgia Law Review 651 (2009) (cited in *University of Alabama Bd. of Trustees v. New Life Art Inc.*, 677 F. Supp. 2d 1238 (N.D. Ala. 2009))

Everything Is Transformative: Fair Use and Reader Response, 31 Columbia Journal of Law and the Arts 445 (2008) (symposium)

The Reasonable Person in Trademark Law, 52 St. Louis University Law Journal 781 (2008) (special issue) (reprinted in Trademark Protection: Emerging Concerns (P. Solomon Vinay Kumar ed., Amicus Books (India) 2008)

The Trademark/Copyright Divide, 60 SMU Law Review 55 (2007) (selected for republication in the Intellectual Property Law Review (Thomson West Group 2008) as one of the best intellectual property law review articles published in 2007) (cited in *Christian Louboutin S.A. v. Yves Saint Laurent America Holdings, Inc.*, 696 F.3d 206 (2d Cir. 2012))

Metabrands and Intermediation: A Response to Prof. Fleischer, 12 Harvard Negotiation Law Review 201 (2007) (symposium)

Authorship and Trademark Law, in 3 Intellectual Property and Information Wealth: Issues and Practices in the Digital Age 191 (Peter K. Yu ed., Praeger Publishers 2007) (adapted from *The Birth of the Authornym: Authorship, Pseudonymity, and Trademark Law*, 80 Notre Dame Law Review 1377 (2005))

Inducement as Contributory Copyright Infringement: Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd., 37 International Review of Intellectual Property & Competition Law 31 (2006) (essay) (reprinted in Copyright Infringement: New Mystifications (Audhi Narayana Vavili ed., Amicus Books (India) 2008)

The Birth of the Authonym: Authorship, Pseudonymity, and Trademark Law, 80 Notre Dame Law Review 1377 (2005)

The Cosmetic/Drug Dilemma: FDA Regulation of Alpha-Hydroxy Acids, 52 Food & Drug Law Journal 357 (1997) (winner of the 1997 H. Thomas Austern Memorial Writing Competition)

Book Note, 85 California Law Review 761 (1997) (reviewing William Domnarski, *In the Opinion of the Court* (1996))

GRANTS

Enabling Comprehensive and Interactive Open Source Software License Compliance (National Science Foundation, Designing Accountable Software Systems, Award No. 2217733) (co-principal investigator with D. Poshyvanyk and O.J. Chaparro Arenas) (in progress)

SCHOLARLY PRESENTATIONS

Invited commentator, Second Trademark and Unfair Competition Roundtable (Harvard Law School, Penn Law School, and NYU School of Law, October 2023)

Invited commentator, Art Law Works in Progress Colloquium (Ohio State University Moritz College of Law and New England Law, June 2022)

Invited commentator, Seventh Copyright Scholarship Roundtable (Columbia Law School, June 2022)

Invited commentator, Art Law Works in Progress Colloquium (Ohio State University Moritz College of Law and New England Law, May 2021)

Trademark Law and Consumer Constraints, IP Speaker Series (George Washington University Law School, March 2021)

Trademarks in Conversation: Assessing Genericity after Booking.com, Symposium on 75 Years of the Lanham Act (Cardozo Arts & Entertainment Law Journal, March 2021)

Invited commentator, Art Law Works in Progress Colloquium (Ohio State University Moritz College of Law and New England Law, April 2020)

Invited participant, Trademark Scholars Roundtable (Stanford Law School, February 2020)

Trademark Law and the Strategic Consumer, 2020 Works in Progress Intellectual Property Colloquium (Santa Clara University School of Law, February 2020)

Invited commentator, Remedies in Complex Litigation, Texas Law Review Symposium (University of Texas School of Law, January 2020)

Panelist, 2019 Supreme Court IP Review (Chicago-Kent College of Law, September 2019)

Invited participant, Design Law Scholars Roundtable (Notre Dame Law School, November 2019)

Trademark Law and the Strategic Consumer, Intellectual Property Scholars Conference (DePaul University College of Law, August 2019)

Invited participant, Trademark Scholars Roundtable (Harvard Law School, April 2019)

What Is the Meaning of a Trademark?, Annual Intellectual Property Lecture, Hofstra Center for Intellectual Property Law (April 2019)

Invited commentator, Third Copyright Scholarship Roundtable (University of Pennsylvania Law School, June 2018)

Reader Response and the Challenges of (Re)Appropriation, The Discursive Turn in Copyright (UC Irvine School of Law, October 2017)

Invited commentator, Ninth Annual Junior Scholars in Intellectual Property Workshop (Michigan State University College of Law, May 2017)

Invited panelist, The Art and Science of the IP Deal (University of Washington School of Law, April 2017)

Does a Trademark Mean?, IP and Information Law Speaker Series (Loyola Law School – Los Angeles, March 2017)

Naming and (Re)Claiming, Intellectual Property Scholars Conference (Stanford Law School, August 2016)

Invited participant, Trademark Scholars Roundtable (Boston University School of Law, June 2016)

Naming and (Re)Claiming, Intellectual Property in All the New Places (Texas A&M University School of Law, April 2016)

Invited commentator, 2016 Lastowka Cyberlaw Colloquium (University of Pittsburgh School of Law, February 2016)

Naming and (Re)Claiming, American Name Society 2016 Annual Meeting (January 2016)

Naming and (Re)Claiming, Fifth Annual IP Scholars Roundtable (UNH School of Law, November 2015)

Dialogues of Authenticity, Yale Information Society Project Law & Technology Speaker Series (Yale Law School, October 2015)

Invited participant, Roundtable on *What's Wrong with Copying?* (Notre Dame Law School, October 2015)

Invited participant, Trademark Scholars Roundtable (University of Oxford, June 2015)

Dialogues of Authenticity, CIPIIL Intellectual Property Seminar Series (Cambridge University, February 2015)

The Reasonable Person in U.S. Trademark Law, The Average Consumer in Trade Mark Law and Passing Off (University College London Faculty of Laws, February 2015)

Knowing How to Know: Secondary Liability for Speech, Intellectual Property Scholars Conference (Berkeley Law School, August 2014)

Invited commentator, Sixth Annual Junior Scholars in Intellectual Property Workshop (Michigan State University College of Law, October 2013)

A Name I Call Myself: Creativity and Naming, 52nd Annual Names Institute (Baruch College, May 2013)

Rights, Remedies, and the Doctrine of Election, Faculty Colloquium (University of Minnesota Law School, May 2013)

Rights, Remedies, and the Doctrine of Election, Design Patents in the Modern World (Stanford Law School, April 2013)

A Name I Call Myself: Creativity and Naming, American Name Society 2013 Annual Meeting (January 2013)

Dialogues of Authenticity, Intellectual Property Workshop (University of Michigan Law School, October 2012)

Dialogues of Authenticity, Law and Humanities Workshop (University of Virginia School of Law, October 2012)

Invited commentator, 2012 Scholars' Roundtable (University of New Hampshire School of Law, September 2012)

Invited commentator, Trademark Works-in-Progress Colloquium (American University — Washington College of Law, September 2012)

Dialogues of Authenticity, Intellectual Property Scholars Conference (Stanford Law School, August 2012)

Dialogues of Authenticity, The New England Intellectual Property Colloquium (Northeastern University School of Law, May 2012)

Invited participant, Trademark Scholars Roundtable (DePaul University College of Law, April 2012)

Dialogues of Authenticity, Faculty Colloquium (Notre Dame Law School, March 2012)

Dialogues of Authenticity, 2012 Blackstone Lecture (College of William & Mary, Marshall-Wythe School of Law, February 2012)

A Name I Call Myself: Creativity and Naming, Intellectual Property Scholars Conference (DePaul University College of Law, August 2011)

Invited Fellow, Trademark: Today and Tomorrow (Institute for Intellectual Property & Information Law, University of Houston Law Center, Santa Fe, New Mexico, June 2011)

Invited participant, Trademark Scholars Roundtable (Indiana University Maurer School of Law, April 2011)

A Name I Call Myself: Creativity and Naming in Virtual Worlds, Governing the Magic Circle: Regulation of Virtual Worlds (University of California at Irvine School of Law, April 2011)

The Law of Reputation and the Interest of the Audience, 2011 Works in Progress Intellectual Property Colloquium (Boston University School of Law, February 2011)

The Law of Reputation and the Interest of the Audience, Intellectual Property Speaker Series (Cardozo School of Law, November 2010)

The Law of Reputation and the Interest of the Audience (University of Virginia School of Law, October 2010)

The Law of Reputation, Intellectual Property Scholars Conference (University of California at Berkeley School of Law, August 2010)

The Grammar of Trademarks, Trademark Scholarship Symposium (International Trademark Association Annual Meeting, Boston, Massachusetts, May 2010)

Invited participant, Trademark Scholars Roundtable (DePaul University College of Law, April 2010)

The Grammar of Trademarks, Who Is the Reasonable Person? (Lewis & Clark Law School, April 2010)

Naming, Identity, and Trademark Law, IP Speaker Series (George Washington University Law School, January 2010)

Reading the Product: Warnings, Disclaimers, and Literary Theory (AALS Annual Meeting, New Orleans, Louisiana, January 2010)

Naming, Identity, and Trademark Law, 2009 Works in Progress Intellectual Property Colloquium (Seton Hall University School of Law, October 2009)

Naming, Identity, and Trademark Law, Intellectual Property Scholars Conference (Cardozo School of Law, August 2009)

Panel participant, Journalism in the Age of Convergence, The Age of Digital Convergence: An East-West Dialogue on Law, Media, and Technology (University of Hong Kong, June 2009)

A Tale of Two Authors: Aligning Copyright Law with Authorial Identity, Invention, Creation, and Public Policy (University of Iowa College of Law, February 2009)

Knowing How to Know: Secondary Liability for Speech, Secondary Liability for IP Infringement: Theory, Practice, and Predictions (University of Akron School of Law, November 2008)

The Boundaries of Intellectual Property in the Age of the Internet, Protecting the Idea: Patents and Other Intellectual Property Issues (Indiana University School of Law, October 2008)

Knowing How to Know: Rethinking Secondary Liability for Speech, 2008 Works in Progress Intellectual Property Colloquium (Tulane University Law School, October 2008)

The Keyboard Journalist and His Implications, Googlelaw and Beyond: A Discussion of Daniel Solove's The Future of Reputation: Gossip, Rumor, and Privacy on the Internet (Law and Society Association Annual Meeting, Montreal, Canada, May 2008)

The Public's Domain in Trademark Law, Virginia Junior Faculty Forum (University of Richmond School of Law, May 2008)

Invited participant, Trademark Scholars Roundtable (University of Iowa College of Law, April 2008)

The Public's Domain in Trademark Law (Case Western Reserve University School of Law, March 2008)

Everything Is Transformative: Fair Use and Reader Response, Fair Use: “Incredibly Shrinking” or Extraordinarily Expanding? (Columbia Law School, February 2008)

The Public's Domain in Trademark Law, Trademark Workshop (University of Minnesota Law School, September 2007)

The Public's Domain in Trademark Law, Intellectual Property Scholars Conference (DePaul University College of Law, August 2007)

Moderator, What Ifs and Other Alternative Intellectual Property and Cyberlaw Stories (Michigan State University College of Law, March–April 2007)

The Trademark/Copyright Divide, 2007 Chicago Intellectual Property Colloquium (Chicago-Kent School of Law, February 2007)

The Trademark/Copyright Divide (University of Florida Frederic G. Levin College of Law, October 2006)

The Trademark/Copyright Divide (Northeastern University School of Law, October 2006)

The Trademark/Copyright Divide, 2006 Philadelphia Colloquium (Villanova University School of Law, October 2006)

The Trademark/Copyright Divide, 2006 Works in Progress Intellectual Property Colloquium (University of Pittsburgh School of Law, October 2006)

The Trademark/Copyright Divide, New Scholar Workshop (Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida, July 2006)

The Public Domain in Trademark Law, Trademarks at the Supreme Court: Evolution or Revolution? (AALS Annual Meeting, Washington, D.C., January 2006)

Panel participant, W(h)ither the Middleman: The Role and Future of Intermediaries in the Information Age (Michigan State University-DCL College of Law, April 2005)

Rethinking Secondary Liability for Speech, Texas Intellectual Property Law Journal Intellectual Property Symposium (University of Texas School of Law, February 2005)

The Birth of the Authornym, 2004 Works in Progress Intellectual Property Colloquium (Boston University School of Law, September 2004)

Knowing How to Know: Rethinking Secondary Liability for Speech, Intellectual Property Scholars Conference (DePaul University College of Law, August 2004)

Invited commentator, IP/Gender: The Unmapped Connections (American University Washington College of Law, April 2004)

The Birth of the Authonym, First Annual Intellectual Property and Communications Law and Policy Scholars Roundtable (Michigan State University-DCL College of Law, February 2004)

SELECTED MEDIA APPEARANCES

“After the Warhol Decision, Another Major Copyright Case Looms,” *New York Times*, May 22, 2023

“If Big Brands Copied Their Work, What Are Artists to Do?,” *New York Times*, March 1, 2023

“Employers Unlikely to Copy Medieval Times Trademark Suit,” *Law360*, October 19, 2022

“Don’t Mess with Barbie,” *Reuters*, August 17, 2022

“The Artist, the Porn Star, and the Snake: Copyright Case Against Koons,” *Reuters*, February 10, 2022

“Trade Dress Utility Stays on Supreme Court Menu After Pocky Punt,” *Bloomberg Law News*, November 30, 2021

“Entrepreneurs Are Hustling to Trademark Coronavirus for Merchandising,” *Gothamist*, April 27, 2020

“Caitlyn Jenner’ Is the 2015 Name of the Year,” *Time*, January 8, 2016

The Frame, KPCC (Southern California Public Radio), September 23, 2015

“Even in the New Alphabet, Google Keeps Its Capital G,” *New York Times*, August 14, 2015

Bloomberg Law, Bloomberg Radio, October 31, 2014

“Internet Security in the Cross Hairs,” *Chicago Tribune*, December 14, 2010

PROFESSIONAL ACTIVITIES

Board of Governors, Education of Lawyers Section, Virginia State Bar (2021–present)

Board Member, ACLU of Virginia (2020–present)

Contributing Editor, Intellectual Property, JOTWELL (2009–2020)

Board Member, Cadence Theatre Company, Richmond, Virginia (2014–2020; Secretary, 2017–2019)

Board of Governors, Intellectual Property Law Section, Virginia State Bar (2014–2017)

Participant, HERS Bryn Mawr Summer Institute for Women in Higher Education Administration (July 2014)

AIPLA Quarterly Journal Editorial Board (published by the American Intellectual Property Law Association) (2010–2013)

Telecommunications Policy Research Conference Program Planning Committee (2010–2012)

BAR ADMISSIONS

Admitted in the District of Columbia, Maryland, and Virginia