

NED SNOW

University of South Carolina School of Law
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EDUCATION

HARVARD LAW SCHOOL, Cambridge, Massachusetts
Juris Doctor, 2003

BRIGHAM YOUNG UNIVERSITY, Provo, Utah
Bachelor of Arts, 2000
summa cum laude (Philosophy and Economics)

ADMINISTRATIVE EXPERIENCE AND DEVELOPMENT

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, Columbia, South Carolina
Associate Dean for Faculty Development and Scholarship, Fall 2021 – present
Fellow of 2022-2023 USC Pipeline for Academic Leaders, Fall 2022 – Spring 2023

UNIVERSITY OF ARKANSAS SCHOOL OF LAW, Fayetteville, Arkansas
Associate Dean for Faculty, Fall 2011

ACADEMIC APPOINTMENTS

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, Columbia, South Carolina
Ray Taylor Fair Professorship, August 2018 – present
Professor of Law, January 2015 – present
Associate Professor of Law, May 2012 – January 2015
Courses: Property, Intellectual Property, Patent, Copyright, Trademark,
Law and Internet

BRIGHAM YOUNG UNIVERSITY, Provo, Utah
Visiting Associate Professor of Law, January 2012 – May 2012
Courses: Copyright and Trademark, IP and the Constitution

UNIVERSITY OF ARKANSAS, Fayetteville, Arkansas

Associate Professor of Law with Tenure, July 2010 – May 2012

Associate Professor of Law, July 2009 – July 2010

Assistant Professor of Law, August 2006 – July 2009

Courses: Property, Copyright, Decedents' Estates, Law and Internet

LEGAL EXPERIENCE

BAKER BOTTS LLP, Dallas, Texas

Associate Attorney, Fall 2004 – Fall 2006

FEDERAL COURT OF APPEALS FOR THE FIFTH CIRCUIT

Law clerk for Judge Edith Brown Clement, Fall 2003 – Fall 2004

PUBLICATIONS

Books

INTELLECTUAL PROPERTY AND IMMORALITY: AGAINST PROTECTING HARMFUL CREATIONS OF THE MIND (Oxford University Press 2022)

INTELLECTUAL PROPERTY: A SURVEY OF THE LAW (Carolina Academic Press, second edition 2020)

PATENT LAW: FUNDAMENTALS OF DOCTRINE AND POLICY (Carolina Academic Press 2020)
(co-author with Dan Brean)

Articles

A Brief Reply to Commentators on Intellectual Property and Immorality, 28 JERUSALEM REVIEW OF LEGAL STUDIES 158-175 (2023)

Science, Creativity, and the Copyright Clause, 74 HASTINGS LAW JOURNAL 1121-1166 (2023)

Moral Bars to Intellectual Property: Theory & Apologetics, 28 UCLA ENTERTAINMENT LAW REVIEW 75–126 (2021)

Copyright, Obscenity, and Unclean Hands, 73 BAYLOR LAW REVIEW 388–456 (2021)

Barring Immoral Speech in Patent and Copyright, 74 SMU LAW REVIEW 163–222 (2021)

Immoral Trademarks After Brunetti, 58 HOUSTON LAW REVIEW 401–451 (2020)

Who Decides Fair Use — Judge or Jury?, 94 WASHINGTON LAW REVIEW 275–332 (2019)

Denying Trademark for Scandalous Speech, 51 U.C. DAVIS LAW REVIEW 2331–2369 (2018)

- cited twice in *Iancu v. Brunetti*, 139 S. Ct. 2294, 2311 n.4, 2316 n.10 (2019) (Sotomayor, J., dissenting)

Free Speech & Disparaging Trademarks, 57 BOSTON COLLEGE LAW REVIEW 1639–1692 (2016)

Discrimination in the Copyright Clause, 67 ALABAMA LAW REVIEW 583–633 (2016)

Content-Based Copyright Denial, 90 INDIANA LAW JOURNAL 1473–1524 (2015)

The Regressing Progress Clause: Rethinking Constitutional Indifference to Harmful Content in Copyright, 47 U.C. DAVIS LAW REVIEW 1–62 (2013)

The Meaning of Science in the Copyright Clause, 2013 B.Y.U. LAW REVIEW 259–318

The Forgotten Right of Fair Use, 62 CASE WESTERN RESERVE LAW REVIEW 135–74 (2012)

Fair Use as a Matter of Law, 89 DENVER UNIVERSITY LAW REVIEW 1–46 (2012)

Judges Playing Jury: Constitutional Conflicts in Deciding Fair Use on Summary Judgment, 44 U.C. DAVIS LAW REVIEW 483–556 (2010)

Proving Fair Use: Burden of Proof as Burden of Speech, 31 CARDOZO LAW REVIEW 1781–1822 (2010)

Copytraps, 84 INDIANA LAW JOURNAL 285–329 (2009)

A Copyright Conundrum: Protecting Email Privacy, 55 UNIVERSITY OF KANSAS LAW REVIEW 501–74 (2007)

Accessing the Internet Through the Neighbor's Wireless Internet Connection: Physical Trespass in Virtual Reality, 84 NEBRASKA LAW REVIEW 1226–65 (2006)

The TiVo Question: Does Skipping Commercials Violate Copyright Law?, 56 SYRACUSE LAW REVIEW 27–83 (2005)

The Constitutional Failing of the Anti-Cybersquatting Act, 41 WILLAMETTE LAW REVIEW 1–93 (2005)

Selected Shorter Writings

Amici Curiae Brief for the Supreme Court, CIV PRO, IP & LEGAL HISTORY PROFESSORS IN SUPPORT OF PETITIONER, GOOGLE LLC V. ORACLE AMERICA, INC., January 7, 2020 (sole author)

- Only brief to raise constitutional issue, in response to which Supreme Court ordered supplemental briefing.

Fair Use in Sayre v. Moore: A Reply to Oracle, 2020 U. ILLINOIS LAW REVIEW ONLINE 284–292

Is Scandalous Trademark Bar Unconstitutional, Too?, SAN FRANCISCO DAILY JOURNAL (Sept. 6, 2018)

The First Amendment Silences Trademark, SCOTUSBLOG (June 20, 2017)

Moral Judgments in Trademark Law, 66 AMERICAN UNIVERSITY LAW REVIEW 1093–1112 (symposium, by invitation) (2017)

Arkansas Court Documents Going Online: Bad Policy for Private Information, 2008 ARKANSAS LAW NOTES 113.

ACADEMIC AWARDS

Faculty Writing Award (Book). University of South Carolina School of Law, 2022-23 academic year.

G.G. Dowling Faculty Award. University of South Carolina School of Law, 2016-17 academic year

Best Classroom Teacher Award. University of South Carolina School of Law, 2012-13 academic year

Lewis E. Epley, Jr. Award for Excellence in Teaching Law. University of Arkansas School of Law, 2010-11 academic year

Lewis E. Epley, Jr. Award for Excellence in Teaching Law. University of Arkansas School of Law, 2008-09 academic year

Lewis E. Epley, Jr. Award for Excellence in Teaching Law. University of Arkansas School of Law, 2007-08 academic year

PRESENTATIONS

Co-keynote speaker for intellectual property symposium on my book, *Intellectual Property and Immorality*, held at Texas A&M School of Law, October 20, 2023.

Keynote speaker for intellectual property symposium on my book, *Intellectual Property and Immorality*, held at The Hebrew University of Jerusalem, April 22, 2023.

Copyright, Commerce, and Knowledge, Texas A&M University School of Law, November 12, 2022

Copyright and the Constitution, (invited panelist), Center for the Protection of Intellectual Property, Antonin Scalia Law School, George Mason University (Zoom), April 15, 2021

The Tension Between Science and Creativity in the Copyright Clause, Works In Progress Colloquium for Intellectual Property, University of Utah (Zoom), February 18, 2021

Google v. Oracle: Judge or Jury? (invited panelist), 2020 Supreme Court Intellectual Property Review, IIT Chicago-Kent College of Law (Zoom), October 2, 2020

Against Protecting Harmful Creations of the Mind, 2019 Intellectual Property Roundtable, Texas A&M University School of Law, September 28, 2019

Copyright's Tension with the First and Seventh Amendments, Spring 2019 Faculty Work-In-Progress, University of South Carolina School of Law, February 22, 2019

Who Decides Fair Use?, 2018 Intellectual Property Roundtable, Texas A&M University School of Law, October 5, 2018

Trademark After Tam, 2017 Trademark Works-in-Progress Conference, Washington University College of Law, September 15, 2017

Morality in Intellectual Property, 2017 Intellectual Property Scholars Conference, Cardozo University School of Law, August 11, 2017

Moral Judgments in Trademark Law, Symposium, American University School of Law, January 27, 2017

Content-Based Copyright Denial, 2015 Intellectual Property Scholars Conference, DePaul University College of Law, August 6, 2015

Content-Based Copyright Denial, 2014 Intellectual Property Scholars Conference, University of California—Berkeley, Berkeley Center for Law & Technology, August 7, 2014

The Regressing Progress Clause, 2013 Work-In-Progress Intellectual Property Conference, Seton Hall Law, February 22, 2013

The Regressing Progress Clause, Faculty Scholarship Workshop, University of South Carolina School of Law, March 18, 2013

The Meaning of Science in the Copyright Clause, 2012 Work-In-Progress Intellectual Property Conference, University of Houston Law Center, February 10, 2012

The Meaning of Science in the Copyright Clause, Brigham Young University Law School, Faculty Workshop, February 2, 2012

The Meaning of Science in the Copyright Clause, J. Reuben Clark Law Society Faculty Conference, January 4, 2012

The Meaning of Science in the Copyright Clause, Pepperdine University School of Law, Faculty Workshop, October 21, 2012

The Meaning of Science in the Copyright Clause, University of South Carolina School of Law, 2012 Faculty Workshop

Fair Use as a Matter of Law, 4th Annual Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law, April 15, 2011

Judges Playing Jury: Constitutional Conflicts in Deciding Fair Use on Summary Judgment, 2011 Intellectual Property Scholars Conference, University of California—Berkeley, Berkeley Center for Law & Technology, August 12, 2010

The Forgotten Facts of Fair Use, 2010 Intellectual Property Scholars Roundtable, Drake University Law School, March 26, 2010

Judges Playing Jury, Faculty workshop at the S.J. Quinney College of Law (University of Utah), September 25, 2009

Copyright's Fair Use and the Fact-Law Distinction, Second Annual Conference in Innovation and Communications Law Program held at the Downtown Marriot of Louisville, Kentucky, Louis Brandeis School of Law, August 22, 2009

Proving Fair Use: Burden of Proof as Burden of Speech, 2009 Intellectual Property Scholars Roundtable, Drake University Law School, February 22, 2009

Fair Use, Free Speech, and Burdens of Proof, Sixth Annual Works in Progress Intellectual Property Colloquium, Tulane University School of Law, October 3, 2008

Copyright and the Internet, Continuing Legal Education 2008 Winter Seminar, University of Arkansas School of Law, March 1, 2008

Innocent Internet Infringement: Copytraps on the Information Superhighway, 2007 Intellectual Property Scholars Conference, DePaul University College of Law, August 9, 2007

Internet Copytraps, 2007 Annual Intellectual Property and Communications Law & Policy Scholars Roundtable, Michigan State University College of Law, January 26, 2007

Global Concerns over Intellectual Property Rights, Keynote Address, University of Arkansas and Ukrainian Universities, Digital Video Conference, September 11, 2007

Strict Liability on the Internet, Faculty Enrichment Series, University of Arkansas School of Law, March 15, 2007

Searches, Seizures, and Takings of Electronic Papers: Just Compensation for Government Interception of Private Email Expression, 2006 Conference of Central States Law Schools, Louis Brandeis School of Law, October 21, 2006

A Copyright Conundrum: Protecting Email Privacy, Benjamin Cardozo School of Law, Yeshiva University, October 16, 2006

Government Takings of Electronic Papers: Where's the Due Process for Email Interception?, American Bar Association Law Student Division 2006 Fall Northeast Roundtable, University of Pennsylvania Law School, October 14, 2006

ACADEMIC SERVICE

Member of Faculty Advisory Committee, Spring 2021– present

Member of Law School Finance Committee, Fall 2023 – present

Co-Chair of Strategic Implementation Committee, Winter 2021 – Spring 2023

Member of Bar Exam Working Group, Fall 2022 – present

Member of University Committee on Intellectual Property, academic year 2020-2021

Member of Curriculum Committee, Spring 2020

Member of Strategic Planning Committee, academic year 2018-2019

Member of Admissions Committee, academic years 2018-2019 and 2020-2021

Chair of Academic Responsibility Committee, academic year 2017-2018

Member of University Committee on Tenure & Promotion, Spring 2018

Chair of Academic Responsibility Committee, academic year 2017-2018

Member of Faculty Advisory Committee, academic years, 2015-2017

Chair of Faculty Selection Committee, academic year 2014-2015

Member of Curriculum Committee, academic years 2012-2014

Faculty Advisor for Real Property, Trust & Estate Law Journal, academic years 2012-present

Faculty Advisor for Intellectual Property Society, academic years 2012 – present

Faculty Advisor for Federalist Society, academic years 2012 – 2018

Member of Ad-Hoc Writing Instructor Evaluation Committee, Spring 2013

Judge for brief writing in moot court competition, Spring 2013

Faculty presenter for 1L orientation, 2013

Presenting Party for Student Disciplinary Hearing, academic year 2012-2013

Expert commentator for University of South Carolina Media Privacy Forum, Spring 2013

App Developer for free Learn IP Law app on iTunes, 2017-2018

Member of the Arkansas Supreme Court Committee on Automation

Member of the Arkansas Law School Curriculum Committee

Member of the University of Arkansas Committee on Committees

Faculty Advisor for the Arkansas Law Review

Faculty Advisor for the J. Reuben Clark Law Society Arkansas Law School Chapter

Member of the AALS Section on Internet and Computer Law