

Ned Snow

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University of South Carolina
School of Law, 1525 Senate St.
Columbia, South Carolina 29208

ACADEMIC APPOINTMENTS

University of South Carolina Ray Taylor Fair Professorship Professor of Law Associate Professor of Law	2012 – present
Brigham Young University Visiting Associate Professor of Law	Spring 2012
University of Arkansas—Fayetteville Associate Dean for Research & Faculty Development Associate Professor of Law Assistant Professor of Law	2006 – 2012

COURSES TAUGHT

Intellectual Property
Copyright
Trademark
Intellectual Property & the Constitution
Property

EDUCATION

Harvard Law School
Juris Doctor

Brigham Young University
Bachelor of Arts, *summa cum laude* (Philosophy and Economics)

JUDICIAL CLERKSHIP

Federal Court of Appeals for the Fifth Circuit
Law clerk to Judge Edith Brown Clement

ACADEMIC PUBLICATIONS

Books

INTELLECTUAL PROPERTY & IMMORALITY: AGAINST PROTECTING HARMFUL CREATIONS OF THE MIND (Oxford University Press, forthcoming 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 & Essays

Moral Bars to Intellectual Property: Theory & Apologetics, 28 **UCLA ENTERTAINMENT LAW REVIEW** (forthcoming 2021)

Copyright, Obscenity, and Unclean Hands, 73 **BAYLOR LAW REVIEW** (forthcoming 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)

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

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 by Justice Sotomayor in her dissenting opinion in *Iancu v. Brunetti*)

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

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)

REPRESENTATIVE MEDIA QUOTATIONS AND EDITORIALS

Google vs. Oracle: The Next Chapter, ZDNET.COM (May 12, 2020)

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

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

ACADEMIC AWARDS

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.

PROFESSIONAL EXPERIENCE

Associate, *Baker Botts L.L.P.*, Dallas, Texas, 2004-2006.

Summer Associate, *Jenner & Block*, Chicago, Illinois, Summer 2002 & Summer 2001.

Summer Associate, *Cadwalader, Wickersham & Taft*, Washington, D.C., Summer 2002.

PRESENTATIONS

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.