

GARY MYERS

Earl F. Nelson Professor of Law
University of Missouri School of Law
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CURRENT POSITION

UNIVERSITY OF MISSOURI, School of Law, Columbia, MO

Earl F. Nelson Professor of Law (2012-present)
Teaching and Writing on Intellectual Property, Tort Law, and Free Speech Law

Dean & Earl F. Nelson Professor of Law (August 2012 – August 2016)
Chief academic and administrative officer for the state flagship law school in Missouri, with responsibility for the academic program, budget, personnel, fundraising, facilities, and all other aspects of the law school's operations

Overview:

Developed new Center for Intellectual Property & Entrepreneurship; increased fundraising results by over 200 percent, including three gifts over \$1 million; increased scholarship offerings by 63 percent; improved student-faculty ratio and law school ranking; initiated over \$2 million in building improvements; worked to maintain credentials and improve diversity of student body despite decline in law school applications; instituted a variety of new alumni and student programs, including Veteran's Clinic, Entrepreneurship Legal Clinic, Summer in St. Louis Program; chaired search committee for Missouri School of Journalism Dean; served on Council of Deans and on Executive Board of the Center for the Digital Globe

PRIOR ACADEMIC EXPERIENCE

UNIVERSITY OF MISSISSIPPI, School of Law, University, MS
Associate Dean for Research (2009 to 2012)
Professor of Law (1989 to 2012)

Administrative Accomplishments as Associate Dean:

Chaired strategic planning retreat (2011)
Expanded publication support, developed faculty exchange program, and expanded brown bag speaker series

Principal Investigator, 2012 Council on Legal Education Opportunity (CLEO) Institute at the Law School (based on successful grant proposal)
Helped develop the Mid-South Intellectual Property Institute
Served on several administrative search committees, including law dean search, admissions, and communications
Director, Mississippi Summer Program at Cambridge University, 2012

Courses Taught:

Antitrust Law; Intellectual Property; Comparative Copyright; Law & Economics; Copyright Law; Media Law/Telecommunications; Entertainment Law; Torts; First Amendment; Trial Practice

Visiting Professorships:

Distinguished Visiting Professor of Law, Loyola University School of Law, New Orleans (2008-09 Academic Year)
Visiting Professor of Law, Tulane University School of Law, New Orleans (2001-02 Academic Year)
Visiting Associate Professor of Law, College of William & Mary, School of Law, Williamsburg, VA (1999-2000 Academic Year)

Joint Programs/Summer Programs:

Summer Program, University of Hawai'i, Honolulu, 1999, 2001, 2006, 2011
Louisiana State University Summer Program, Jean Moulin, Lyon, France, 2011
Tulane Summer Program at University of Amsterdam, Netherlands, 2002
Mississippi Summer Program at Downing College, Cambridge University, England, 1996, 2003, 2007, 2008, 2012 (director)

Service Activities:

Tenure & Promotion Committee (2020 to present)
University of Missouri Research Misconduct Board (Chair, 2019 to present)
Law School Dean Search Committee (2009-10)
Law School Admissions Committee (1995 to 2008; Chair 2004-08)
Faculty Appointments Committee (1989-93; 2002-12)
Curriculum Committee (1993-95; Chair, 2001-02)
Law School Rankings Committee (Chair, 2009-10)
Law School Ad-Hoc Coif Committee (Chair, 1994-99)
Law School Honor Review Board (1989-99; Chair 1994-96)
Law School Self-Study Committee and Chair of Student Affairs Subcommittee (1996-99)
SACS Self-Study Steering Committee and Chair of Institutional Purpose Subcommittee (1997-99)
Faculty Coach, Law School Trademark Moot Court Team (1991 to 2009, including 1999 national championship team)
Faculty Senate Representative (1990-91)
Faculty Advisor, Intellectual Property Law Association
Law School Admissions Policy Committee

University Promotion and Tenure Review Committee
University Academic Discipline Committee
University Committee on Copyrights
University Traffic Appeals Board

PRIOR WORK EXPERIENCE

POWELL, GOLDSTEIN, FRAZER & MURPHY (now BRYAN CAVE), Atlanta
Associate, 1987 to 1989; Summer Associate, 1986
Practiced complex federal litigation, including depositions, discovery, motion
practice, hearings, appeals, and counseling.

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT, Jacksonville, Florida
Law Clerk for the Honorable Gerald B. Tjoflat, 1986-87

Summer clerkships and law school work experience:
CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, Dallas, Texas
AKIN, GUMP, STRAUSS, HAUER & FELD, Dallas, Texas
FULBRIGHT & JAWORSKI, Houston, Texas
DUKE LAW SCHOOL, Durham, North Carolina
-- Teaching Assistant, Prof. Katherine T. Bartlett, 1984-85
-- Research Assistant, Prof. David L. Lange, 1984-86

EDUCATION

DUKE UNIVERSITY SCHOOL OF LAW
J.D. With Honors, May 1986
Article Editor, *Duke Law Journal*
Hardt Cup (Moot Court) Finalist, 1984
Member, Moot Court Board

DUKE UNIVERSITY GRADUATE SCHOOL
M.A., Economics, May 1986 (J.D.-M.A. Joint Degree Program)

NEW YORK UNIVERSITY COLLEGE OF ARTS & SCIENCE
B.A., Economics, *summa cum laude*, June 1984
Phi Beta Kappa; Founder's Day Award
News Editor, *NYU Courier*; President, Economics Club

PRINCIPAL PUBLICATIONS

BOOKS

INTELLECTUAL PROPERTY: CASES & MATERIALS (Sixth Edition), coauthored by Mary LaFrance
(UNLV) & Lee Ann Lockridge (LSU) (West Academic 2023)

ENTERTAINMENT, MEDIA & THE LAW: CASES & MATERIALS (Sixth Edition), coauthored by Paul Weiler (Harvard) & Will Berry (Mississippi) (West Academic 2021)

INTELLECTUAL PROPERTY: QUESTIONS & ANSWERS, coauthored by Lee Ann Lockridge (LSU) (Third Edition -- LexisNexis 2020)

MYERS LAW SCHOOL LEGENDS AUDIO ON INTELLECTUAL PROPERTY (West Academic 2019)

INTELLECTUAL PROPERTY: CASES & MATERIALS (Fifth Edition), coauthored by David Lange (Duke), Mary LaFrance (UNLV), & Lee Ann Lockridge (LSU) (West Academic 2018)

THE INTERSECTION OF ANTITRUST & INTELLECTUAL PROPERTY: CASES & MATERIALS (Second Edition -- West Academic 2018)

INTELLECTUAL PROPERTY PRINCIPLES (Third Edition – West Academic 2017)

ENTERTAINMENT, MEDIA & THE LAW: CASES & MATERIALS (Fifth Edition), coauthored by Paul Weiler (Harvard) & Will Berry (Mississippi) (West Academic 2016)

INTELLECTUAL PROPERTY: QUESTIONS & ANSWERS, coauthored by Lee Ann Lockridge (LSU) (Second Edition -- LexisNexis 2015)

INTELLECTUAL PROPERTY PRINCIPLES (Second Edition – Thomson West 2013)

INTELLECTUAL PROPERTY: CASES & MATERIALS (Fourth Edition), coauthored by David Lange (Duke), Mary LaFrance (UNLV), & Lee Ann Lockridge (LSU) (Thomson West 2012)

ENTERTAINMENT, MEDIA & THE LAW: CASES & MATERIALS (Fourth Edition), coauthored by Paul Weiler (Harvard) (Thomson West 2011)

INTELLECTUAL PROPERTY: QUESTIONS & ANSWERS (LexisNexis 2010)

INTELLECTUAL PROPERTY PRINCIPLES (Thomson West Publishing 2008)

THE INTERSECTION OF ANTITRUST & INTELLECTUAL PROPERTY: CASES & MATERIALS (Thomson West Publishing 2007)

INTELLECTUAL PROPERTY: CASES & MATERIALS (Third Edition), coauthored by David Lange (Duke) and Mary LaFrance (UNLV) (West Group 2007)

INTELLECTUAL PROPERTY: CASES & MATERIALS (Second Edition), coauthored by David Lange (Duke) and Mary LaFrance (UNLV) (West Publishing Co. 2003)

INTELLECTUAL PROPERTY: CASES & MATERIALS, coauthored by David Lange (Duke) and Mary LaFrance (Florida State) (West Publishing Co. 1998)

SUPPLEMENTS AND RELATED MATERIALS

Supplement, *ENTERTAINMENT, MEDIA & THE LAW: CASES & MATERIALS*, coauthored by Paul Weiler (Harvard) (Thomson West Publishing): 2009 and 2018 editions

Supplement, *INTELLECTUAL PROPERTY: CASES & MATERIALS*, coauthored by David Lange (Duke) and Mary LaFrance (UNLV) (West Group): 2000, 2001, 2005, 2006, 2009 editions

Teacher's Manual, *INTELLECTUAL PROPERTY: CASES & MATERIALS*, coauthored by David Lange (Duke) and Mary LaFrance (UNLV) (West Publishing Co. 2000; revised in 2003, 2007, 2018)

ARTICLES

Article, "Copyright Protection for Works Created by Artificial Intelligence: A Comparative Analysis," 81 *Washington & Lee Law Review On-Line* 1 (2023).

Article, "Copyright Protection for Works Created by Artificial Intelligence: A Comparative Analysis," 102 *Texas Law Review On-Line* (2023).

Article, "The Mindful First Amendment," 53 *New Mexico Law Review* 411 (2023).

Article, "Fair Use Implications of *Google v. Oracle*," 19 *Northwestern University Journal of Technology & Intellectual Property* 155 (2022).

Article, "It's Scandalous! – Limiting Profane Trademark Registrations After *Tam* and *Brunetti*," 27 *Journal of Intellectual Property Law* 1 (2019); published by the University of Georgia.

Article, "Trademarks & the First Amendment After *Matal v. Tam*," 26 *Journal of Intellectual Property Law* 67 (2018); published by the University of Georgia.

Article, "The Future of Music: Reconfiguring Public Performance Rights," 17 *Journal of Intellectual Property Law* 207 (2010), coauthored by George Howard (Loyola School of Business); published by the University of Georgia

Article, "Space Law & Intellectual Property," National Remote Sensing & Space Law Center Symposium, 32 *Journal of Space Law* 385 (2006)

Article, "Finding the Middle Ground in Regulating Genetically Modified Foods: A Cost-Benefit Analysis," discussion draft

Article, "Reinventing the Misuse Doctrine," discussion draft

Article, "Statutory Interpretation, Property Rights, and Boundaries: The Nature and Limits of Protection in Trademark Dilution, Trade Dress, and Product Configuration Cases," 23 Columbia/VLA Journal of Law & the Arts 241 (2000)

Article, "Skills Training for the Masses," coauthored by Bryn Vaaler (Dorsey & Whitney), discussion draft

Article, "Trademark Parody: Lessons from the Copyright Decision in Campbell v. Acuff-Rose Music, Inc.," 59 Law & Contemporary Problems 181 (1997) (Invited Symposium Article)

Article, "The Restatement's Rejection of the Misappropriation Tort," 47 South Carolina Law Review 673 (1996) (Invited Symposium Article)

Article, "Dean John Wade and The Law of Torts," 65 Mississippi Law Journal 29 (1996)

Article, "Antitrust and First Amendment Implications of Professional Real Estate Investors," 51 Washington & Lee Law Review 1199 (Fall 1994)

Article, "The Differing Treatment of Efficiency and Competition in Antitrust and Tortious Interference Law," 77 Minnesota Law Review 1097 (Spring 1993)

Article, "Litigation as a Predatory Practice," 80 Kentucky Law Journal 565 (1992)

Article, "A Guide to Informal Corporate Disclosure and Insider Trading Rules," Published by the National Association of Securities Dealers (NASD, 1989) (with Thomas S. Richey, G. William Speer, and W. Scott Sorrels)

Article, "A Policy Analysis of Fee-Shifting Rules Under the Internal Revenue Code," 1986 Duke Law Journal 970 (with Richard L. Schmalbeck (Duke))

Note, "Tying Arrangements and the Computer Industry," 1985 Duke Law Journal 1027

SHORT ARTICLES & BOOK REVIEWS

Book Review, "Explaining Law and Economics: A View from the Trenches," 60 Mississippi Law Journal 221 (1990) (Reviewing Robin Paul Malloy, Law and Economics: A Comparative Approach to Theory and Practice)

Article, "Judge Breyer's Decisions on the First Amendment and Other Media Issues," 1 First Amendment & Media Litigation 3 (Summer 1994).

LECTURES AND PRESENTATIONS

Numerous presentations on (1) Supreme Court developments, (2) developments in intellectual property law, (3) the state of legal education and (4) developments at the University of Missouri School of Law to bench, bar, faculty, and alumni groups — 10-20 presentations per year

“Roundtable – Book Publishing,” Southeastern Association of Law Schools Annual Meeting, August 2016

"Summer Study Abroad Programs: Advantages & Disadvantages," Southeastern Association of Law Schools Annual Meeting, August 2014

"Managing the Transformation of Legal Education: Lessons from Other Disciplines – A Roundtable Discussion," Association of American Law Schools, Program for Law School Deans, New York, NY, January 2014

"Reconfiguring the Right of Publicity: A Comparative View," Boundaries of Intellectual Property Conference, University of Hong Kong, December 2012

“Skills Training in Traditional Classes,” University of Mississippi Brown Bag, Spring 2012

“Law Book Publishing,” University of Mississippi Brown Bag, Spring 2011

“Winning National Moot Court Competitions,” SEALS, Palm Beach, Florida, August 2010

“Collegiate Trademarks,” Louisiana State University School of Law, March 2009

“Copyright in University Settings,” University of Southern Mississippi, October 2008 (University-wide session sponsored by the Provost’s Office); repeated at the University of Mississippi, February 2009 (University-wide session sponsored by the Provost’s Office)

“The Future of Music,” University of Nebraska School of Law, 2008; repeated at Loyola of New Orleans School of Law 2008

“Toward a Unified Theory of Intellectual Property Misuse,” Annual Intellectual Property Scholars’ Meeting (sponsored by Stanford/Berkeley/Cardozo/DePaul), Chicago, 2007

“Space Law & Intellectual Property Law: An Overview,” National Remote Sensing & Space Law Center Symposium, September 2006

“Panel Discussion: Legal Issues in Film,” Oxford Film Festival, September 2004

“Genetically Modified Foods,” Tulane University School of Law, 8th Annual Environmental Law Conference, April 2003; repeated at the University of Mississippi School of Law, September 2003

“Who’s Afraid of Biotechnology: Economic and Environmental Aspects of Genetically Modified Food,” University of Toledo School of Law, October 2002

“The Misuse Doctrine in Intellectual Property Law,” Tulane University School of Law, February 2002

“Antitrust and Business Torts,” American Bar Association, Antitrust Section, Spring Meeting, Washington, DC, April 2001

“A Property Rights Rationale for Trademark Dilution,” Southeastern Association of American Law Schools, Captiva Island, Florida, July 2000

“Trademark Law Developments for Corporate Counsel,” Tennessee Corporate Counsel Institute, Memphis, Tennessee, May 2000

“Defining Trademark Rights,” William & Mary Law School Faculty Colloquium, November 1999

“Skills Training in Large Classes,” Institute for Law Teaching, Gonzaga University, Spokane, Washington, June 1999

“Skills Training for the Masses,” Mississippi College School of Law, Jackson, Mississippi, April 1999, with Bryn Vaaler (Dorsey & Whitney)

"Tort Claims Against Competitors -- Do They Conflict with Federal and State Antitrust Policy?" American Bar Association Spring Meeting in Washington, D.C., March 1996

"The Agent-Insurer Relationship," State Farm Agents Meeting, Aruba, March 1996; repeated at West Coast State Farm Agents Meeting, San Francisco, May 1996

"Introduction to Copyright Law," University of Mississippi Telecommunications Resource Center, October 1995

"Malpractice Avoidance, Office Management, and Case Management," University of Mississippi School of Law Housing Clinic, repeated six times, 1992-95

"Time and Stress Management," University of Mississippi Academic Support Program, January 1993

"Study Aids and Outlining Courses," lecture presented as part of University of Mississippi Academic Excellence Program, repeated three times, 1992-95

"The Economic Interpretation of Law," Philosophy Forum, sponsored by University of Mississippi Philosophy Department, November 1991

BAR & COMMUNITY SERVICE

Elected Member, American Law Institute (ALI), 2003-present

Editorial Board, American Intellectual Property Law Association Journal, 2016-19

Former Member, Board of Directors, Heart of Missouri United Way

Former Member, Advisory Board, Domestic Violence Clinic

Former Member, Board of Directors, University of Missouri Law School Foundation

Co-Chair, Annual Meeting Planning Committee, Missouri Bar, 2013, 2016
Member, American Bar Association
Representative to the AALS House of Delegates, 1996-2004
Former Member, American Law & Economics Association (ALEA)
Member, American Intellectual Property Law Association (AIPLA)
Member, State Bar of Georgia (inactive)

CONSULTING & BUSINESS ACTIVITIES

Members Consultative Group, American Law Institute, International Intellectual Property,
Copyright, Economic Torts

Consultation for the American Bar Association's Central and East European Law Initiative
(CEELI) -- commented on the following proposed laws: Bulgaria's Trademark & Appellations of
Origin Law (1996); Copyright Law of Estonia (1992); Trademark Law of Latvia (1992)

Consultant, expert witness, or co-counsel for various corporations, law firms and agencies
regarding torts, antitrust, intellectual property, industrial organization economics, consumer law,
and torts

External reviewer, Aspen Publishing, Routledge Publishing

Extensive experience as a residential real estate developer, investor, manager, and owner for 30
years