

WILLIAM MCGEVERAN

University of Minnesota Law School
316 Walter F. Mondale Hall
229 19th Avenue South
Minneapolis, MN 55455

(612) 625-6047
mcgeveran@umn.edu
Twitter: @BillMcGev

CURRENT EMPLOYMENT

University of Minnesota Law School, Minneapolis

Associate Dean of Academic Affairs (2018-present)

Professor of Law (2016-present)

Solly Robins Distinguished Research Fellow (2015-present)

Associate Professor (2006-2016); tenured in 2011

Positions and Awards:

- Affiliate Faculty, University of Minnesota Hubbard School of Journalism and Mass Communications (2011-present)
- Certified Information Privacy Professional (CIPP/US) (2016)
- Vance Opperman Research Scholar (2013-2015)
- Lampert Fesler Research Fellow (2012-2013)
- Resident Fellow, University of Minnesota Institute of Advanced Study (Fall 2012)
- Stanley V. Kinyon Teaching Award (2009)

Courses Taught:

- | | |
|-------------------------------|--------------------|
| • Data Privacy & Security Law | Civil Procedure I |
| • Trademark Law | Civil Procedure II |
| • Internet Law | Law in Practice |

Other Teaching:

- Professor, Notre Dame Law School London Programme (July 2015)
- Visiting Professor, University College Dublin School of Law (Fall 2013)
- Faculty Member, Oxford Internet Institute (Oxford University) Summer Doctoral Programme (July 2015 and July 2007)
- Frequent continuing education courses; sponsors have included Minnesota CLE, University of Minnesota, International Association of Privacy Professionals, Twin Cities Privacy Network, International Trademark Association

University of Minnesota Service:

- Faculty Director, Patent Law Degree Programs (2016-present)
- Chair, Intellectual Property and Technology Law Concentration (2012-present)
- Educational Policy Committee (2016-2018; chair, 2017-2018)
- University Learning Technology Advisory Committee (2016-2018)
- Search Committee, Dean of the Law School (2016)
- Clerkships Committee (2006-2009, 2013-2016)
- Faculty Workshops Committee (2006-2010; Chair, 2008-10)

Other Service:

- Reporter, Uniform Law Commission Study Committee on Online Privacy Protection (2018-present)
- National Advisory Board, Future of Privacy Forum (2010-present)
- Program Committee, Privacy Law Scholars Conference (2014-present)
- AALS Intellectual Property Section Board (2012-2015; Chair, 2014-2015)

SCHOLARLY PUBLICATIONS

PRIVACY AND DATA PROTECTION LAW (Foundation Press 2016)

Sole-authored casebook used in two dozen law schools

The Duty of Data Security, 103 MINN. L. REV. ___ (forthcoming 2019)

Draft available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3198872

Selfmarks, 56 HOUS. L. REV. (forthcoming 2018) (Symposium Essay)

Friending the Privacy Regulators, 58 ARIZ. LAW REV. 959 (2016)

The Imaginary Trademark Parody Crisis (and the Real One), 90 WASH. L. REV. 713 (2015)

Confusion Isn't Everything, 89 NOTRE DAME L. REV. 253 (2013) (with Mark P. McKenna)

The Law of Friction, 2013 U. CHI. L. FORUM 15

Deidentification and Reidentification in Returning Individual Findings from Biobank and Secondary Research: Regulatory Challenges and Models for Management, 13 MINN. J. L. SCI. & TECH. 485 (2012) (with Leili Fatehi & Pari McGarraugh) (Symposium Essay)

Mrs. McIntyre's Persona: Bringing Privacy Theory to Election Law, 19 WM. & MARY BILL RTS. J. 859 (2011) (Symposium Essay)

The Trademark Fair Use Reform Act, 90 B.U. L. REV. 2267 (2010)

Life in the Fast Lane: Of Presumptions, Defenses, and Burdens, 1 IP THEORY 25 (2010) (Comment)

Disclosure, Endorsement, and Identity in Social Marketing, 2009 U. ILL. L. REV. 1105

Rethinking Trademark Fair Use, 94 IOWA L. REV. 49 (2008)

Four Free Speech Goals for Trademark Law, 18 FORDHAM INTELL. PROP. MEDIA & ENT. L. J. 1205 (2008) (Symposium Essay)

Mrs. McIntyre's Checkbook: Privacy Costs of Political Contribution Disclosure, 6 U. PA. J. CONST. L. 1 (2003)

Note, *Programmed Privacy Promises: P3P and Web Privacy Law*, 76 N.Y.U. L. REV. 1812 (2001)

SELECTED PRESENTATIONS AND SPEAKING ENGAGEMENTS

Selected Academic Presentations

Selfmarks, University of Houston Law Center Institute for Intellectual Property & Information Law National Conference (Feb. 2018) (invited presentation)

The Duty of Data Security, Faculty Workshop, University of North Carolina School of Law (April 2018) (invited presentation)

The Duty of Data Security, Data Security Conference, Notre Dame Law School (April 2018) (invited presentation)

Selfmarks, Works in Progress in Intellectual Property, Case Western Reserve University School of Law (Feb. 2018)

Frontiers in Data Security, University of Miami Law Review: Hack the Future, University of Miami Law School (Feb. 2018) (invited presentation)

Friending the Privacy Regulators, University of Iowa Innovation, Business & Law Colloquium, University of Iowa College of Law (Oct. 2016) (invited presentation)

Friending the Privacy Regulators, Yale Information Society Project Workshop, Yale Law School (Sept. 2016) (invited presentation)

The Wacky Federalism of European Data Protection, Seton Hall Law Review: The New EU Data Protection Regulation: Transnational Enforcement and its Effects on US Businesses, Seton Hall Law School (Sept. 2016) (invited presentation)

Borrowing Between IP Regimes: The Case of Trademark Parody, University of Sheffield (UK) (July 2015)

Faculty Workshop Presenter, *Guns and Privacy in the U.S.*, University College Dublin School of Law (Oct. 2013)

Impersonation, Media Governance or Media Freedom? Digital Regulation and Deregulation in the P2P and SNWs Context, Centre for Intellectual Property & Information Law, University of Cambridge (Sept. 2013)

Encoding Privacy Law, University of Minnesota Digital Humanities 2.0 Collaborative (April 2013); video available at <http://ias.umn.edu/2013/04/03/bill-mcgeveran/>

The Law of Friction, University of Chicago Legal Forum: Frontiers of Consumer Protection: Consumer Protection and Privacy Online, University of Chicago Law School (Nov. 2012) (invited presentation)

Safe Harbors for Trademark Fair Use, Modest Proposals 4.0, Cardozo School of Law (April 2011) (invited presentation)

Privacy Amidst Social Networks, CONNECT! Social Media as a Platform for Collaboration and Innovation, Fourth Annual TESLaw Symposium, University of California at Davis School of Law (February 2012) (invited presentation)

Bringing Privacy Theory to Election Law, William & Mary Bill of Rights Journal Annual Symposium: Privacy, Democracy & Elections, William & Mary Law School (Oct. 2010) (invited presentation)

Invited Opening Plenary Speaker, *Impersonation*, 2010 Intellectual Property Scholars Conference, University of California Berkeley Boalt Hall School of Law (Aug. 2010)

Social Marketing and Impersonation, Signifiers in Cyberspace: Domain Names and Online Trademarks, Case Western Reserve University Law School (Nov. 2009) (invited presentation)

Workshop Presenter, *The Trademark Fair Use Reform Act*, Boston Intellectual Property Scholars Workshop, Suffolk University Law School (Sept. 2009) (invited presentation)

Faculty Workshop Presenter, *Trademarks and Free Speech*, University of Illinois College of Law (March 2009)

Faculty Workshop Presenter, *Trademarks and Free Speech*, University of Minnesota Law School (Feb. 2009)

Regulatory Challenges of Social Marketing, Virtual Worlds, Social Networks, and User-Generated Content, Vanderbilt Law School (Nov. 2008) (invited presentation)

Regulatory Challenges of Social Marketing, Intellectual Property Colloquium, University of Iowa Law School (Oct. 2008) (invited presentation)

Trademarks and Free Speech, Fordham Intellectual Property, Media, And Entertainment Law Journal Annual Symposium, Fordham University School of Law (Nov. 2007)

Selected Participation in Academic Panel Presentations

Annual Invited Participant, Trademark Scholars Roundtable (2010-present)

Annual Participant and Commenter, Privacy Law Scholars Conference (2011-present)

Panelist, *The Governance of Privacy*, AALS Section on Defamation and Privacy, AALS Annual Meeting, San Francisco (January 2017)

Organizer and Moderator, *IP in DC: The Nuts, Bolts, and Duct Tape of Reform*, AALS Section on Intellectual Property, AALS Annual Meeting, Washington, DC (Jan. 2015)

Commenter, *Irina Manta's Hedonic Trademarks*, Trademark and Marketing Roundtable, Notre Dame Law School (Feb. 2013)

Moderator, *Social Media and Intellectual Property*, AALS Annual Meeting Panel for Section on Intellectual Property, New Orleans (Jan. 2013)

Commenter, *Julie Cohen's Configuration of the Networked Self*, Comparative Perspectives on Privacy and Media Law Conference, Clare College, University of Cambridge (June 2012)

Panelist, *Impact of Information Privacy Regulation on Return of Incidental Findings and Individual Research Results in Genomic Research*, Should We Return Individual Research Results and Incidental Findings from Genomic Biobanks and Archives?, Consortium on Law and Values in Health, Environment and Life Sciences (sponsored by National Institutes of Health grant) (May 2011)

Commenter, *Paul Ohm's Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization*," Law and Information Society Faculty Workshop, Fordham Law School (Jan. 2010)

Panelist, *Privacy and Reputational Protection*, Symposium on Reputation Economies in Cyberspace, Yale Law School (Dec. 2007)

Convener and Panelist, Workshops on Educational Uses of Content in the Digital Age, Harvard Law School (Nov. 2005 and May 2006)

Selected Continuing Legal Education and Practice-Oriented Speaking Engagements

Closing Plenary Panelist, Midwest Legal Conference on Privacy and Data Security, Minneapolis (January 2018)

Keynote Speaker, Midwest Legal Conference on Privacy and Data Security, Minneapolis (January 2017)

Keynote Speaker, *Old Internet Law Wine in New Bottles? Practical Lessons from "Internet History" to Apply to Today's Challenges*, 2016 Computer & Technology Law Institute, Minneapolis (November 2016)

Keynote Speaker, *Privacy and Liberty in a Digital World*, ACLU of Minnesota Liberty's Champions Reception (May 2016)

Invited Presenter, *Responsive Privacy Regulation*, IAPP KnowledgeNet, Minneapolis (April 2015)

Keynote Speaker, *Data Privacy Compliance for Nonprofits*, Minnesota Nonprofit Technology & Communications Conference (April 2014)

Keynote Speaker, *Encoding Privacy Law*, University of Wisconsin Annual Information Technology Conference, University of Wisconsin at Eau Claire (March 2013)

Invited Participant, American Law Institute Conference on Information Privacy Law, San Francisco (Sept. 2012)

Workshop Presenter, *Privacy Checklist for Enterprise Social Networks*, Twin Cities Privacy Network Annual Retreat (Jan. 2009)

Selected Government Testimony

ISP Privacy, Minnesota Legislative Commission on Data Practices (Dec. 2017)

The PRINCE Act, Minnesota Senate Judiciary Committee (May 2016)

The Video Privacy Protection Act: Protecting Viewer Privacy in the 21st Century, United States Senate Judiciary Committee, Subcommittee on Privacy, Technology, and the Law (Jan. 2012)

Disclosure of Donors in Constitutional Amendment Campaigns, Minnesota Campaign Finance Board (June 2011)

OTHER PUBLICATIONS

White Paper

The Digital Learning Challenge: Obstacles to Educational Uses of Copyrighted Material in the Digital Age (white paper), Berkman Center for Internet and Society (August 2006) (with William W. Fisher III)

Co-Authored Amicus Briefs

FTC v. AT&T Mobility, Data Privacy and Security Scholars, in support of rehearing en banc, U.S. Court of Appeals for the Ninth Circuit (Oct. 2016)

Spokeo, Inc. v. Robins, Data Privacy Scholars, in support of respondent, U.S. Supreme Court (Sept. 2015)

Merck KGaA v. Integra Lifesciences I, Ltd., American Intellectual Property Law Association, in support of neither party, U.S. Supreme Court (Feb. 2005)

KP Permanent Make-Up, Inc. v. Lasting Impressions I, Inc., American Intellectual Property Law Association, in support of petitioner, U.S. Supreme Court (April 2004)

EDUCATION

New York University School of Law, New York

J.D., *magna cum laude*, 2002

- **Convocation Award** (ranked third in graduating class)
- **Rudin Scholarship** (full-tuition three-year merit scholarship)
- ***New York University Law Review***, Articles Editor
- **Morton Geller Award** (most outstanding contribution to *Law Review*)
- **Lawyering Program**, Teaching Assistant and Faculty Research Assistant

Carleton College, Northfield, Minnesota

B.A., *magna cum laude*, in political science, 1992

- **Phi Beta Kappa**
- **Oxford Studentship** (one-year visiting tutorial residency at Worcester College, Oxford University)
- **Distinction Awards** for political science major and for undergraduate thesis
- **Sloan Fellowship in Technology and Policy Studies**
- **Editor-in-Chief**, *The Carletonian* weekly newspaper

PREVIOUS LEGAL EMPLOYMENT

Berkman Center for Internet and Society, Harvard Law School, Cambridge, MA

Research Fellow (2005-2006)

- Led research and organized interactive symposia for Digital Learning Project, a grantfunded initiative to analyze legal and other obstacles to use of digital content in education. Supervised student research assistants, drafted majority of white paper, oversaw dissemination of results.
- Founded and participated in research group on data privacy and identity management.
- Member of Harvard-Yale Cyberscholar Workshop.

Foley Hoag LLP, Boston

Associate (2003-2005)

Worked on litigation matters related to patent, trademark, data privacy, trade secrets, and defamation, as well as data privacy counseling and pro bono public benefits cases.

Hon. Sandra L. Lynch, U.S. Court of Appeals for the First Circuit, Boston

Law Clerk (2002-2003)

Conducted research and assisted in drafting of opinions and oral argument preparation. Served as managing clerk, coordinating judge's recusal checks and supervising workflow among four clerks.

OTHER PREVIOUS EMPLOYMENT

Violence Policy Center, Washington, DC
Communications Director (1998-1999)

Congressman Charles Schumer (D-NY), Washington, DC
Senior Legislative Assistant (1997-1998)
Legislative Assistant (1995-1997)

Congresswoman Louise Slaughter (D-NY), Washington, DC
Legislative Assistant (1993-1995)

SELECTED MEDIA APPEARANCES

Author: nytimes.com “Room for Debate,” guardian.com “Comment is Free,” St. Paul PioneerPress, Star Tribune, Capital New York

Interviewed (National Press): National Public Radio, Nytimes.com, Time.com, Wall Street Journal Law Blog, Washington Post “The Switch” Blog, Politico, BusinessWeek, Bloomberg Radio, Forbes.com, Wired, Roll Call, Christian Science Monitor, Ars Technica, ABA Journal, MediaPost, Communications Daily

Interviewed (Local Press): Minnesota Public Radio, Access Minnesota Radio, WCCO-FM, Star Tribune, St. Paul Pioneer-Press, MinnPost, City Pages, Fox 9 News, KSTP-TV, KARE-TV, WCCO-TV

COURT AND BAR ADMISSIONS

- Massachusetts
- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Federal Circuit