

ELIZABETH L. ROSENBLATT (BETSY)

Case Western Reserve University Law School betsy-rosenblatt@case.edu
Professor of Law

LEGAL ACADEMIC EMPLOYMENT

CASE WESTERN RESERVE UNIVERSITY LAW SCHOOL, CLEVELAND, OHIO

PROFESSOR OF LAW (TENURED)

FALL 2023-PRESENT

TOM J.E. AND BETTE LOU WALKER PROFESSOR OF LAW

ASSOCIATE DEAN FOR RESEARCH AND FACULTY DEVELOPMENT

ASSOCIATE DIRECTOR OF THE SPANGENBERG CENTER FOR LAW, TECHNOLOGY AND THE ARTS

Courses: Copyright Law, Trademark Law, Law Review, Civil Procedure.

Scholarly and teaching interests include intellectual property law (copyright, trademark, patent, right of publicity, trade secret) theory and policy, entertainment law and policy, Internet/cyber-law and privacy, critical race theory, gender and sexuality theory.

Institutional Service: Educational Metrics & Assessment Committee (2023-present, Chair, 2024-present); Educational Technology and Pedagogy Committee (2024-present); Promotion & Tenure Committee (2025-present); University AI Task Force (2024-present); SSRN Editor (2024-present); Law Review Advisor (2023-present); Ad Hoc AI Committee (2024-2025); Appeals & Rules Committee (2024-2025); Admissions Committee (2023-2024); Workshops Committee (2023-2024).

UNIVERSITY OF TULSA COLLEGE OF LAW, TULSA, OKLAHOMA

PROFESSOR OF LAW (TENURED)

FALL 2020-SPRING 2023

Courses: Copyright Law, Intellectual Property (Survey), Civil Procedure.

UNIVERSITY OF CALIFORNIA, DAVIS SCHOOL OF LAW (KING HALL), DAVIS, CALIFORNIA

VISITING PROFESSOR OF LAW

FALL 2018-SUMMER 2020

Courses: Civil Procedure, Copyright Law, Trademark Law, Intellectual Property (Survey), Video Game Law. Nominated for Distinguished Teaching Award, 2018-2019 and 2019-2020.

WHITTIER LAW SCHOOL, COSTA MESA, CALIFORNIA

PROFESSOR OF LAW (TENURED 2014)

FALL 2009-SUMMER 2018

DIRECTOR, CENTER FOR INTELLECTUAL PROPERTY LAW

Courses: Civil Procedure, The Legal Mind (1L toolbox course), Copyright Law, Trademark Law, Patent Law, Video Game Law, Recent Issues in Intellectual Property Law, Intellectual Property Advocacy, Advanced Patent Law. Voted Professor of the Year by the Whittier Law School alumni in 2016.

UNIVERSITY OF SOUTHERN CALIFORNIA GOULD SCHOOL OF LAW, LOS ANGELES, CALIFORNIA

Created online Copyright Law course for USC Law School.

SUMMER 2017

LOYOLA LAW SCHOOL, LOS ANGELES, CALIFORNIA

VISITING PROFESSOR OF LAW

FALL 2016

“Podium fill” position. Courses: Copyright Law.

UCLA SCHOOL OF LAW, LOS ANGELES, CALIFORNIA

FELLOW IN INTELLECTUAL PROPERTY LAW

FALL 2008-SPRING 2009

Research fellowship. Assistant taught courses in Advanced Patent Law and Advanced Copyright Law.

UNIVERSITY OF SOUTHERN CALIFORNIA GOULD SCHOOL OF LAW, LOS ANGELES, CALIFORNIA

ADJUNCT PROFESSOR, TRADEMARK LAW

SPRING 2008, SPRING 2009

BERKMAN CENTER FOR INTERNET & SOCIETY, HARVARD LAW SCHOOL, MASSACHUSETTS

TEACHING FELLOW, INTELLECTUAL PROPERTY IN CYBERSPACE

SCHOOL YEARS 1997-99

EDUCATION

HARVARD LAW SCHOOL, CAMBRIDGE, MASS., J.D. *CUM LAUDE*, 1999**WILLIAMS COLLEGE**, WILLIAMSTOWN, MASS., B.A. *MAGNA CUM LAUDE* IN MUSIC AND RUSSIAN, 1995

SELECTED PUBLICATIONS AND WORKS IN PROGRESS

Fan Fiction, forthcoming in *ELGAR ENCYCLOPEDIA OF INTELLECTUAL PROPERTY*, Peter Yu, Paul Torremans, Irini Stamatoudi and Justin Jutte, eds., 2023-25).*‘Schedule A Pleading,’ Trademark Overreach, and the Role of E-Commerce Platforms* (work in progress)*Informational Functionality* (work in progress).*Restorative Intellectual Property* (work in progress)*“That’s The Way to Do It!”: Fictions’ Rights of Publicity* (work in progress, solicited by The Green Bag).*Legendary Houses: Trademarks, Transformation, and Ballroom Culture*, 58 *AKRON LAW REVIEW* 475 (2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5916782.*Review of The Game That Never Ends: How Lawyers Shape the Videogame Industry by Julien Mailland*, 17:2 *AM. J. OF PLAY* 260 (2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5917623.*Copyright: Characters, and Adaptation*, in *ELGAR ENCYCLOPEDIA OF LAW & LITERATURE* (Robert Spoo & Simon Stern, eds., 2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5921042.*Judicial Legitimacy: Come For the Ethics, Stay for the Transparency* (symposium foreword), 74 *CASE W. RES. L. REV.* 895 (2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6073028.*User-Generated Transformation: IP, Social Justice, and Fanworks*, in *HANDBOOK ON INTELLECTUAL PROPERTY AND SOCIAL JUSTICE* 339-361 (Lateef Mtima & Steven Jamar, eds., Cambridge University Press, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6073046.

Fanmarks, in RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF TRADEMARKS 248-279 (Glynn Lunney, ed., Edward Elgar, 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6072971.

Considering the Role of Fairness in Copyright Fair Use, 61 HOUS. L. REV. 261 (2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6072673.

IP Law in the Shadow of Norms, 40 CARDOZO ARTS & ENT. L. J. 657 (2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6072386.

Social Justice and Copyright's Excess, 6 TEX. A&M J. PROP. L. 5 (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6072270.

Copyright's One-Way Racial Appropriation Ratchet, 53 U.C. DAVIS L. REV. 591 (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6072192.

Fair Use as Resistance, 9 U.C. IRVINE L. REV. 377 (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3348551.

Who Will Speak for The Slender Man?: Dialogism and Dilemmas in Character Copyright, 70 FLA. L. REV. FORUM 69 (2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3369944.

"What one man can invent another can discover": The British Patent Controversy and the Sherlock Holmes Canon, in CANON LAW (BSI Press, 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3359874.

What's Law Got to Do With It? (Book review of CREATIVITY WITHOUT LAW (NYU Press, Aaron Perzanowski and Kate Darling, eds.)) 30 I.P.J. 407 (2018) (peer reviewed), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3207006.

Belonging as Intellectual Creation, 82 MISSOURI L. REV. 91 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2495970.

- Reviewed in JOTWELL (the Journal of Things We Like (Lots): Laura A. Heymann, *Creative Communities and Intellectual Property Law*, JOTWELL (November 1, 2017) (reviewing Betsy Rosenblatt, *Belonging as Intellectual Creation*, 82 Mo. L. Rev. 91 (2017)), <https://ip.jotwell.com/creative-communities-and-intellectual-property-law/>.

The Great Game and the Copyright Villain, 23 TRANSFORMATIVE WORKS & CULTURES (2017), <http://dx.doi.org/10.3983/twc.2017.0923>. (peer reviewed), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2941958.

Co-Editor, TRANSFORMATIVE WORKS AND CULTURES, ISSUE 23: SHERLOCK HOLMES FANDOM, SHERLOCKIANA, AND THE GREAT GAME (with Roberta Pearson).

- Editorial: Roberta Pearson & Betsy Rosenblatt, *"In All My Experience I Cannot Recall Any More Singular and Interesting Study"*, TRANSFORMATIVE WORKS & CULTURES (2017), <http://dx.doi.org/10.3983/twc.2017.01123>.

A Good Practical Knowledge of British Law: Intellectual Property and Copyright Issues (with Jonathan Kirsch), in SHERLOCK HOLMES: BEHIND THE CANONICAL SCREEN (BSI Publications, 2016).

Transformative Works: Young Women's Voices on Fandom and Fair Use (with Rebecca Tushnet), in eGIRLS,

E-CITIZENS: GIRLS' EXPERIENCES OF GENDER, PRIVACY AND EQUALITY ONLINE (U. Ottawa Press, 2015),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2614756.

The Adventure of the Shrinking Public Domain, 86 COLO. L. R. 561 (2015),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2321343.

- Reprinted in 2016 Intellectual Property Law Review (based on peer selection of best intellectual property articles of 2015).

Fear and Loathing: Shame, Shaming and Intellectual Property, 63 DEPAUL L. R. 1 (2014),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2131504.

A Pretty Little Intellectual [Property] Problem: Understanding the “Free Sherlock” Ruling, 64:1 THE BAKER STREET JOURNAL 28 (Spring 2014).

Stained Vows: “The Second Stain” and English Matrimonial Law, IRREGULAR STAIN (R. Katz & A. Solberg, eds, 2014).

Intellectual Property’s Negative Space: Beyond the Utilitarian, 40 FLORIDA STATE LAW REV. 441 (Spring 2013),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1929126.

Sherlock Holmes Fan Fiction, 62:3 THE BAKER STREET JOURNAL 33 (Winter 2012).

A Theory of IP’s Negative Space, 37:3 COLUMBIA J. LAW & THE ARTS 317 (2011),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1662661.

Rethinking the Parameters of Trademark Use in Entertainment, 61 FLORIDA L.R. 1011 (Dec. 2009),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1443493.

Deborah A. Widiss, Elizabeth L. Rosenblatt, and Douglas NeJaime, *Exposing Sex Stereotypes in Recent Same-Sex Marriage Jurisprudence*, HARVARD JOURNAL OF LAW AND GENDER, Vol. 30:2 (Summer 2007),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1027732.

- Reprinted in THE DUKEMINIER AWARDS: BEST SEXUAL ORIENTATION AND GENDER IDENTITY LAW REVIEW ARTICLES OF 2007 (2008) (nationwide award).

SELECTED INVITED SPEAKING AND TEACHING ENGAGEMENTS AND AWARDS

“A Critical Examination of Schedule A Pleading,” Unsealing Schedule A Symposium, Chicago-Kent Law School, September 26, 2025.

“Restorative Intellectual Property,” Intellectual Property Scholars’ Conference, DePaul University Law School, August 7, 2025.

“Comic Book Law School 303: A.I., Spec Scripts and Fan Fiction, Free Speech vs. Trademark Rights, and Other Hot Topics” (panel), San Diego Comic Con, July 26, 2025.

“Owned: Comics Copyright and the Public Domain” (panel), San Diego Comic Con, July 25, 2025.

“Copyright in the U.S.” (three-day intensive course in comparative copyright law for graduate students)

Maastricht University Faculty of Law, May 26-28, 2025.

“AI as Lawyer,” Journal of Law, Technology, and the Internet symposium, Case Western Reserve University Law School, March 28, 2025.

“E-Commerce Battlegrounds: Inside the Black Box of Platform IP Enforcement” (panel), 27th Annual Symposium on Intellectual Property Law and Policy, University of Akron Law School, March 24, 2025.

“‘Schedule A Pleading,’ Trademark Overreach, and the Role of E-Commerce Platforms,” Internet Law Works in Progress, Santa Clara Law School, March 8, 2025.

“Copyright and Honesty,” Works in Progress in Intellectual Property Conference, UNLV Law School, Jan. 31, 2025.

“Legendary Houses: Voguing, Trademarks, and Transformation,” University of Akron 2024 IP Scholars Forum, Dec. 13, 2024.

“Social Justice Implications of ‘Schedule A Pleading’ in Trademark,” Mosaic IP Law and Policy Roundtable Conference, Marquette Law School, November 2, 2024.

Discussant for Samantha Lai, “Expanding Creative Horizons: Fair Use of Celebrity Portraiture,” Mosaic IP Law and Policy Roundtable Conference, Marquette Law School, November 2, 2024.

Discussant for Katrina Geddes, “How Art Became Posthuman: Copyright, AI, and Synthetic Media,” Law & Technology Workshop, October 18, 2024 (online).

“‘Schedule A Pleading’ and the Public Interest in Trademark Doctrine,” Suffolk University Law School Intellectual Property & Innovation Conference, October 10, 2024 (online).

“‘Schedule A Pleading,’ Trademark Overreach, and the Role of E-Commerce Platforms,” Intellectual Property Scholars’ Conference, Berkeley Law School, August 8, 2024.

“Comic Bans: On the Front Lines” (panelist), San Diego Comic Con, July 27, 2024.

“Comic Book Law School 303: AI, Spec Scripts and Fan Fiction, Free Speech vs. Trademark Rights, and Other Hot Topics” (panelist), San Diego Comic Con, July 27, 2024.

“‘Schedule A Pleading,’ Trademark Overreach, and the Role of E-Commerce Platforms,” International Trademark Association Scholars’ Symposium, Atlanta, GA, May 19, 2024.

“How Does AI Work?” (solo); “Copyright and Trademark/Human Authorship” (with co-panelist), Artificial Intelligence and the Law Symposium, Cleveland Metropolitan Bar Association, March 27, 2024.

“We Are Unprepared But Also We Are Prepared,” Celebration of Dan Burk’s Scholarly Contributions, University of California, Irvine, Feb. 9, 2024.

“Trademark Overreach and the Role of E-Commerce Platforms,” Works in Progress in Intellectual Property Conference, Santa Clara Law School, Feb. 2, 2024.

“Legendary Houses: Voguing, Trademarks, and Transformation,” University of Akron 2023 IP Scholars Forum, Dec. 9, 2023.

“The Promise and Perils of A.I.,” William Birkett Williams Lecture, Fairmount Presbyterian Church, Nov. 12, 2023.

“Considering the Role of Fairness in Fair Use,” MOSAIC IP, University of Illinois Chicago Law School, Oct. 27, 2023.

“Latest Developments in Copyright, Trademark and Right of Publicity,” USC-BHBA Institute on Entertainment Law and Business, USC Gould School of Law, Oct. 14, 2023.

Awarded the Public Knowledge 2023 IP3 Intellectual Property Award (Sept. 28, 2023, Washington D.C)

“Considering the Role of Fairness in Copyright Fair Use,” Intellectual Property Scholars Conference, Cardozo Law School, Thursday, August 3, 2023.

“Considering the Role of Fairness in Fair Use,” Creative Commons Copyright Platform, July 26, 2023.

“Comic Book Law School 303” (panel), San Diego Comic Con, July 22, 2023.

“Defending Comics Today: Civil Rights and Censorship,” (panel), San Diego Comic Con, July 21, 2023.

“Considering the Role of Fairness in Fair Use,” University of Houston IPIL Symposium (Santa Fe, NM), June 3, 2023.

“Copyright in the U.S.” (three-day intensive course in comparative copyright law for graduate students) Maastricht University Faculty of Law, May 8-10, 2023.

“Putting the Fairness in Fair Use” (plenary speaker), Works in Progress in Intellectual Property Law, Suffolk Law School, Feb. 4, 2023.

“The Copyright Conundrum,” Baker Street Irregulars, Yale Club (New York City), Jan. 6, 2023.

“Fanfiction and Self-Publishing” (panel), Los Angeles Comic Con, Dec. 3, 2022.

“Plenary Session: *Wikimedia and Access to Knowledge*” (panel), MOSAIC IP, Marquette University Law School (online conference), Oct. 29, 2022.

“Plenary Session: *Andy Warhol Foundation for the Visual Arts v. Goldsmith Amici*” (panel), MOSAIC IP, Marquette University Law School (online conference), Oct. 28, 2022.

“Fandoms, Fan Fiction, and Fair Use: Transformative Use For Creators, Part 1” (panel), Webinar, Library Futures, August 17, 2022.

“Warner Bros. v. Fans: Lessons from Litigation” (plenary speaker), Intellectual Property Scholars’ Conference, Stanford University Law School, August 12, 2022.

“Comic Book Law School 303: Fan Clubs, Role Playing, and Other Hot Topics” (panel), San Diego Comic

Con, July 23, 2022.

“Intellectual Freedom for Educators” (panel), San Diego Comic Con, July 23, 2022.

“Copyright in the U.S.” (three-day intensive course in comparative copyright law for graduate students) Maastricht University Faculty of Law, May 2-4, 2022.

“EFF At Home: Copyright for Creators Town Hall on Filter Mandates,” April 8, 2022.

“Informational Functionality,” Works in Progress in Intellectual Property Law, St. Louis University, February 18, 2022.

“Legendary Houses: Voguing, Trademarks, and Transformation,” University of Tulsa College of Law, Oct. 20, 2021.

“Regulating Expression and Equality in Collegiate eSports” (peer reviewed), Annual Conference of the Association of Internet Researchers (online due to pandemic), Oct. 12-16, 2021 (joint presentation with Dan Burk).

“IP Law in the Shadow of Norms,” Intellectual Property Scholars’ Conference (online due to pandemic), August 4, 2021.

“Remedies for Wrongs and Law’s Limitations” (panel moderator), Symposium Commemorating the 100th Anniversary of the Tulsa Race Massacre, University of Tulsa College of Law, May 21, 2021.

“Copyright Fair Use Staff Briefing: What You Need to Know,” Presentation to U.S. House and Senate Staff, May 13, 2021.

“Legendary Houses: Voguing, Trademarks, and Transformation,” University of California, Davis (online due to pandemic), March 29, 2021.

“Legendary Houses: Voguing, Trademarks and Transformation,” Works in Progress in Intellectual Property Law (online due to pandemic), Feb.11, 2020.

“Legendary Houses: Voguing, Trademarks and Transformation,” MOSAIC (online due to pandemic), Oct. 31, 2020.

“Fandom is Nonexcludable,” Intellectual Property Scholars’ Conference, Stanford Law School (online due to pandemic), August 21, 2020.

“Copyright in the U.S.” (intensive course in comparative copyright law for graduate students) Maastricht University Faculty of Law (online due to pandemic), May-June, 2020.

“2019 Copyright Law Year in Review: New Cases and Future Predictions in an Ever-Changing Legal Landscape,” Beverly Hills Bar Association, February 24, 2020.

“Copyright Law Year in Review 2019: What’s New, What’s Happening, What’s On The Way,” Los Angeles Copyright Society, Jan. 13, 2020.

“Trademarks and Expressive Works” (panel), BYU Copyright & Trademark Symposium, Oct. 11, 2019.

“IP and the Question of Who Creates,” Texas A&M Intellectual Property Scholars’ Roundtable, Oct. DePaul University Law School, Sept. 28, 2019.

“IP and the Question of Who Creates,” Intellectual Property Scholars’ Conference (plenary speaker), DePaul University Law School, August 9, 2019.

“Comic Book Law School 303: Super Lawyers Unite!” (panel), San Diego Comic Con, July 20, 2019.

“Copyright in the U.S.” (three-day intensive course in comparative copyright law for graduate students) Maastricht University Faculty of Law, May 27-29, 2019.

“Professor vs. Practitioner Debate: ‘Fan or Felon’ or, More Accurately, ‘Fan or Infringer?’” International Trademark Association Annual Meeting, Boston, May 19, 2019.

“Slash Platforms and Interfaces” (panel), Fan Scholar Salon, USC Annenberg School for Communication and Journalism Civic Imagination Project, February 25, 2019.