

JAKE LINFORD

Loula Fuller & Dan Myers Professor
Associate Dean for Research
FSU College of Law
425 W. Jefferson Street Suite 322
Tallahassee, Florida 32309
Phone: 850 644-3449

jlinford@law.fsu.edu
jakelinford@gmail.com
@LinfordInfo
<http://papers.ssrn.com/author=581663>

EMPLOYMENT

Academic Appointments

Florida State University , Tallahassee, FL	July 2010 – Present
Associate Dean for Research	July 2023 – Present
Loula Fuller and Dan Myers Professor of Law	March 2018 – Present
Professor , College of Law	August 2021 – Present
Associate Professor , College of Law	August 2017 – August 2021
Assistant Professor , College of Law	July 2010 – August 2017
Associate, Center for Innovative Collaboration in Medicine & Law	August 2010 – August 2017

- **Committees:** Acting Chair, Admissions (Spring 2022); Admissions (2011-12, 2013-2022); Academic Waivers (2013, 2015-16); Appointments (2017-18, 2022-23); Clerkship (2019-21); Curriculum (2014-15, 2018-19, 2021-22); Enrichment (2011-12, 2023-24); Faculty Senate (2016-18); Promotion and Tenure (2023-24); Student Affairs (2010-11); University Promotion and Tenure (2023)

Research and Teaching Interests

- **Primary interests:** Trademarks & unfair competition; copyright; contracts; information privacy
- **Secondary interests:** Real & chattel property; media law; linguistics; antitrust & consumer protection
- **Courses:** Intellectual Property & Risk Management (Juris Masters); Trademarks and Unfair Competition; Copyright; Contracts; Media and the Law (seminar); Current Issues in Intellectual Property (seminar); Bioethics and the Law (seminar); Law, Technology, Race & Gender (seminar)
- **New Courses Developed:** Intellectual Property & Risk Management (Juris Masters); Intellectual Property & Business Strategy (Joint Juris Doctor / MBA); Seminars in Intellectual Property, Media Law, Bioethics, and Law, Technology, Race & Gender (Juris Doctor)

Education

- JD** The University of Chicago, The Law School June 2008
High Honors, Order of the Coif
The University of Chicago Law Review (2006-2008)
- BA** University of Utah, Mass Communication March 1996
University of Utah Honors House, Charter Member (1994-1996)
Floyd B. Farr Memorial Scholar (1993-1994)

Other Employment

- The Honorable M. Margaret McKeown,**
U.S. Court of Appeals for the Ninth Circuit, San Diego, CA
Law Clerk August 2009 – July 2010
- Pattishall, McAuliffe, Newbury, Hilliard & Geraldson** Chicago, IL
Litigation Associate September 2008 – July 2009

Honors and Awards

- Ladas Memorial Award** 2017
Top Professional Trademark Paper, *Are Trademarks Ever Fanciful?*,
105 GEO. L.J. 731 (2017)
- Stanford/Yale/Harvard Junior Faculty Forum** 2017
Placebo Marks, 47 PEPP. L. REV. 1 (2019)
- Sponsored Scholarship Grant** 2017
Copyright and Attention Scarcity, 42 CARDOZO L. REV. (2020)
Honorable Nancy F. Atlas Intellectual Property American Inn of Court and the University
of Houston Law Center Institute for Intellectual Property and Information Law
- Dean Karen L. Laughlin Guardian of the Flame Award Nominee** 2021
- FSU University Teaching Award Nominee** 2017, 2019
- Alternative Textbook Grant** 2017, 2020
- Summer Research Grant Recipient** 2010 – 2023
- First Year Assistant Professor Research Grant Recipient** 2011

PUBLICATIONS

Works in Progress

Tarnishment Among Progressives (with Justin Sevier)

An Information Theory of Bad-Faith Trademark Use

Articles

Calculating the Harms of Political Use of Popular Music (with Aaron Perzanowski), 75 U. CAL. L. SAN. FRAN. J. (forthcoming 2024)

Trademark Tarnishmyths (with Justin Sevier and Allyson Willis), 55 ARIZ. ST. L.J. 609 (2023)

Trademark Fame and Corpus Linguistics (with Kyra Nelson), 45 COLUM. J.L. & ARTS 171 (2022)

Copyright and Attention Scarcity, 42 CARDOZO L. REV. 143 (2020)

- Recipient of the 2017 Atlas Inn of Court / UHLC IPIL Sponsored Scholarship Grant

Contracting for Fourth Amendment Privacy Online (with Wayne A. Logan), 104 MINN. L. REV. 101 (2019)

Placebo Marks, 47 PEPP. L. REV. 45 (2019)

- Selected for the 2017 Stanford/Yale/Harvard Junior Faculty Forum
- Selected for the 2017 Federalist Society Junior Scholars Colloquium

Valuing Residual Goodwill After Trademark Abandonment, 93 NOTRE DAME L. REV. 811 (2017)

Are Trademarks Ever Fanciful?, 105 GEO. L.J. 731 (2017)

- Recipient of the international 2017 Ladas Memorial Award for top professional trademark paper

The False Dichotomy Between Suggestive and Descriptive Trademarks, 76 OHIO ST. L.J. 1367 (2015)

A Linguistic Justification for Protecting 'Generic' Trademarks, 17 YALE J.L. & TECH. 110 (2015)

The Institutional Progress Clause, 16 VAND. J. ENT. & TECH. L. 533 (2014)

Trademark Owner as Adverse Possessor: Productive Use and Property Acquisition, 63 CASE W. RES. U. L. REV. 703 (2013)

A Second Look at the Right of First Publication, 58 J. COPYRIGHT SOC'Y USA 585 (2011) (peer-reviewed)

Articles (continued)

The Kidney Donor Scholarship Act: How College Scholarships Can Provide Financial Incentives for Kidney Donation While Preserving Altruistic Meaning, 2 ST. LOUIS U. J. HEALTH L. & POL'Y 265 (2009)

The Right Ones for the Job: Divining the Correct Standard of Review for Cartilage Determinations in the Aftermath of Ornelas v. United States, 75 U. CHI. L. REV. 885 (2008) (student note)

Invited Book Chapters, Symposium Contributions, and Responses

De Facto Secondary Meaning, forthcoming in ELGAR ENCYCLOPEDIA OF INTELLECTUAL PROPERTY LAW (Torremans, Stamatoudi, Jütte & Yu, 2024, Elgar)

The Path of the Trademark Injunction, forthcoming in RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF TRADEMARKS (Glynn Lunney, ed., 2023, Elgar)

Democratizing Access to Survey Evidence of Distinctiveness, TRADEMARK LAW AND THEORY: REFORM OF TRADEMARK LAW (Graeme Dinwoodie & Mark Janis, eds., 2021, Elgar)

Tell the Truth: Truth in Music Advertising Post Tam, THE OXFORD HANDBOOK OF MUSIC LAW AND POLICY (Sean O'Connor, ed. 2021, OUP)

Datamining the Meaning(s) of Progress, 2017 BYU L. REV. 1531 (2018) (invited response to Lawrence B. Solum, *Triangulating Public Meaning: Corpus Linguistics, Immersion, and the Constitutional Record*, 2017 BYU L. REV. 1621 (2018))

Private Ordering Under Threat of Regulation, 67 FLA. L. REV. F. 298 (2016) (invited response to Annemarie Bridy, *Internet Payment Blockades*, 67 FLA. L. REV. 1523 (2015))

Improving Technology Neutrality Through Compulsory Licensing, 100 MINN. L. REV. HEADNOTES 126 (2016) (invited response to Brad A. Greenberg, *Rethinking Technology Neutrality*, 100 MINN. L. REV. 1495 (2016))

Unilateral Reordering in the Reel World, 88 WASH. L. REV. 1395 (2013) (invited symposium contribution)

Other Selected Publications

Lead Author, Brief of Trademark and Internet Law Professors as *Amici Curiae* in Support of Respondent, *United States Patent and Trademark Office v. Booking.Com B.V.* (February 2020)

Contributing Author, Brief of Amici Curiae Intellectual Property Law Professors in Support of Petition for Writ of Certiorari, *Sulzer Mixpac AG v. A & N Trading Co.* (Oct. 2021)

SELECTED PRESENTATIONS AND INVITED LECTURES

Measuring the Harms of Unauthorized Campaign Music

- 22nd Annual Intellectual Property Scholars Conference, Stanford Law School, Stanford, CA (August 2022)
- M³ Mid-Career IP Scholars Workshop, Virtual (December 2021)

Trademark Tarnishmyths

- INTA Scholarship Symposium (January 2023)
- Inaugural Trademark and Unfair Competition Scholarship Roundtable, University of Pennsylvania Carey Law School (October 2022)
- Intellectual Property Academic Roundtable, University of New Hampshire Franklin Pierce School of Law, Concord, NH (September 2021)
- 21st Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, NYC, NY (August 2021)

An Information Theory of Bad Faith Trademark Use

- 18th Annual Works in Progress in Intellectual Property Colloquium (February 2021)
- Proving IP: The Evidence We Use and Should Use, NYU Law (May 2019)
- Roundtable on Reputation and Information Effects, Washington & Lee University School of Law, Lexington, VA (September 2018)
- 18th Annual Intellectual Property Scholars Conference, UC Berkeley School of Law Berkeley, CA (August 2018)

Trademark Fame and Corpus Linguistics

- Online Workshop on the Computational Analysis of Law (OWCAL), University of Virginia Law (May 2021)
- 20th Annual Intellectual Property Scholars Conference, Stanford Law School, Stanford, CA (August 2020)
- 5th Annual Law & Corpus Linguistics Conference, J. Reuben Clark Jr. Law School, Brigham Young University, Provo, UT (February 2020)

Copyright and Attention Scarcity

- Honorable Nancy F. Atlas Intellectual Property American Inn of Court, Houston, TX (June 2017)
- Cyberspace Law Seminar, University of North Carolina School of Law (February 2017)
- 16th Annual Intellectual Property Scholars Conference, Stanford Law School, Palo Alto, CA (August 2016) (plenary session)
- Society for Economic Research on Copyright Research Annual Congress, University of Illinois College of Law / Loyola University Chicago School of Law, Chicago, IL (July 2016)

SELECTED PRESENTATIONS AND INVITED LECTURES (CONTINUED)

Tell the Truth: Truth in Music Advertising Post Tam

- The New Music Ecosystem – Policies & Practices to Build and Sustain Thriving Music Communities, Seattle, WA (May 2018)

Placebo Marks

- 9th Annual INTA Scholarship Symposium, 140th Annual International Trademark Association Annual Meeting, Seattle, WA (May 2018)
- J. Reuben Clark Law Society Faculty Group Conference, San Diego, CA (May 2018)
- 17th Annual Intellectual Property Scholars Conference, Benjamin N. Cardozo School of Law, NYC, NY (May 2017)
- 2017 Federalist Society Junior Scholars Colloquium, Annapolis, MD (June 2017)
- 2017 Stanford/Harvard/Yale Junior Faculty Forum, Stanford Law School, Palo Alto, CA (June 2017)
- Chicago Intellectual Property Colloquium, Chicago-Kent College of Law & Loyola University Chicago School of Law, Chicago, IL (February 2017)

Valuing Residual Goodwill After Trademark Abandonment

- Junior Intellectual Property Scholars Association Spring Workshop, University of New Hampshire Law, Concord, NH (June 2016)
- 7th Annual INTA Trademark Scholarship Symposium, Orlando, FL (May 2016)
- Legal Scholarship Workshop, The University of Chicago Law School, Chicago, IL (November 2015)
- 4th Annual Trademark Works-in-Progress, American University College of Law, Washington, D.C. (November 2015)
- 15th Annual Intellectual Property Scholars Conference, DePaul University College of Law, Chicago, IL (August 2015)
- 2015 Annual Meeting, Law & Society Association, Seattle, WA (May 2015)

Are Trademarks Ever Fanciful?

- 2016 Law and Society Annual Meeting, New Orleans, LA (June 2016)
- Tech Law & Policy Colloquium, Georgetown University Law Center, Washington, D.C. (April 2016)
- Faculty Brown Bag, University of Kentucky College of Law, Lexington, KY (March 2016)
- Works in Progress: Intellectual Property, University of Washington, Seattle, WA (February 2016)
- Junior Intellectual Property Scholars Association Works-in-Progress, Florida International University College of Law, Miami, FL (February 2016)
- J. Reuben Clark Law Society Faculty Group Conference, New York, NY (January 2016)

SELECTED PRESENTATIONS AND INVITED LECTURES (CONTINUED)

The False Dichotomy Between Suggestive and Descriptive Trademarks

- 17th Annual Faculty Conference, The Federalist Society for Law & Public Policy Studies, Washington, D.C. (January 2015)
- Junior IP Scholars Workshop, Florida State University College of Law, Tallahassee, FL (December 2014)
- 14th Annual Intellectual Property Scholars Conference, UC Berkeley School of Law, Berkeley, CA (August 2014)

A Linguistic Justification for Protecting 'Generic' Trademarks

- 7th Annual Junior Scholars-in-Intellectual Property Workshop, Michigan State University, East Lansing, MI (October 2014)
- Works in Progress: Intellectual Property, Santa Clara University School of Law, Santa Clara, CA (February 2014)
- 2013 Junior IP Scholars Workshop, Florida State University College of Law, Tallahassee, FL (December 2013)
- Legal Scholarship Workshop, The University of Chicago, The Law School, Chicago, IL (November 2013)

The Institutional Progress Clause

- Hofstra University IP Colloquium, Hofstra University School of Law, Hempstead, NY (October 2014)
- 2d Thematic Conference on Knowledge Commons, NYU School of Law, New York City, NY (September 2014)
- Legal Scholarship Workshop, The University of Chicago, The Law School, Chicago, IL (November 2012)
- Legal Scholarship Workshop, Northwestern University Law School, Chicago, IL (November 2012)
- 3d Annual Constitutional Law Colloquium, Loyola University of Chicago School of Law, Chicago, IL (November 2012)

Trademark Owner as Adverse Possessor: Productive Use and Property Acquisition

- Faculty Enrichment Workshop, University of Florida Levin College of Law, Gainesville, FL (September 2012)
- 5th Annual Junior Scholars Intellectual Property Workshop, Michigan State University College of Law, East Lansing (May 2012)
- 2012 Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA (March 2012)

SELECTED PANELS AND COMMENTARY

- Moderator, The Future(s) of Defamation, 2023 Association of American Law Schools Annual Meeting, San Diego, Ca., (January 2023)
- Moderator, New Voices in Intellectual Property, 2023 Association of American Law Schools Annual Meeting, San Diego, Ca., (January 2023)
- Moderator, Case Studies in IP Damages Litigation, 2021 Florida Bar IP Symposium, Virtual (April 2021)
- Debate Participant, Trademark Law Oxford-Style Debate re: USPTO v. Booking.com, American University Law Review (October 2020)
- Panelist, 11th Annual Supreme Court Year in Review, Chicago-Kent College of Law (September 2020)
- Panelist, The Evolving Music Ecosystem, Antonin Scalia Law School, George Mason University, Arlington, VA (September 2020)
- Moderator, New Voices in Intellectual Property, 2020 Association of American Law Schools Annual Meeting, Washington, D.C. (January 2020)
- Discussant, Trademark Scholars Roundtable, Stanford Law School, Stanford, CA (February 2020)
- Discussant, Trademark Scholars Roundtable, Harvard Law School, The Law School, Cambridge, MA (April 2019)
- Panel Presentation, “Equity and Intent in Trademark Law,” 2019 AALS Annual Meeting (January 2019)
- Invited Commentator, 10th Annual Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law (May 2018)
- Discussant, Trademark Scholars Roundtable, University of Notre Dame, The Law School (April 2018)
- Hellwege Speaker, Innovation, Business and Technology Center, University of Iowa College of Law, Iowa City, IA (April 2017)
- Discussant, Trademark Scholars Roundtable, Chicago-Kent College of Law, Chicago, IL (March 2017)
- Commentator, 2d Annual Law and Corpus Linguistics Symposium, J. Reuben Clark Jr. Law School, Brigham Young University, Provo, UT (February 2017)

PROFESSIONAL SERVICE

Workshop Co-Organizer

- M³ Virtual Workshops, FSU College of Law; University of Miami School of Law; University of Oklahoma College of Law (May 2021, December 2021, May 2022, May 2023, May 2024)
- M³ Workshop, University of Houston Law Center, Houston, TX (January 2020)
- Junior IP Scholars Workshop, FSU College of Law, Tallahassee, FL (December 2014)
- Junior IP Scholars Workshop, FSU College of Law, Tallahassee, FL (December 2013)
- FSU Internal Junior Scholars Workshop Series (2011-2013, 2014-2015)

Programming Co-Organizer

- AALS Defamation and Privacy Section (January 2023, January 2024)
- AALS Intellectual Property Section (January 2020)

Symposium Co-Organizer

- 8th – 12th Annual IP Symposia, Florida Bar Association Business Section (2019, 2021-2023)
- J. Reuben Clark Law Society Faculty Group Conference, Washington, D.C. (January 2020)

Selected CLE Presentations

- “Trademarks Year in Review,” 11th Annual IP Symposium, Florida Bar Association Business Section, Tampa, FL (March 2023)
- “Copyright Year in Review,” 9th Annual IP Symposium, Florida Bar Association Business Section, Orlando, FL (April 2021)
- “Trademarks Year in Review,” 7th Annual IP Symposium, Florida Bar Association Business Section, Orlando, FL (April 2017)

Peer Review

- Harvard Law Review; Florida State University Law Review; American Business Law Journal (article submissions); Wolters-Kluwer (Book Proposals)

PROFESSIONAL AFFILIATIONS

AALS Sections

- Chair, Defamation and Privacy Section (2023)
- Chair Elect, Defamation and Privacy Section (2022)
- Executive Committee, Communication, Media & Information Law Section (2021)
- Section Officer, Intellectual Property Section (2019-2020)

Florida Bar Business Law Section Intellectual Property Committee

- Academic Advisor (2018-2024)

American Intellectual Property Law Association

- Copyright Committee
- Trademark Law Committee

LANGUAGES

English: Native Language

Haitian Creole: Intermediate Listener, Advanced Speaker, Intermediate Reading & Writing