

## Timothy K. Armstrong

University of Cincinnati College of Law  
Clifton Avenue & Calhoun Street  
P.O. Box 210040  
Cincinnati, Ohio 45221-0040

Telephone (513) 556-0171  
Facsimile (513) 556-1236  
E-mail: [timothy.armstrong@uc.edu](mailto:timothy.armstrong@uc.edu)  
*Info/Law* Weblog: <http://blogs.law.harvard.edu/infolaw/>

### ACADEMIC APPOINTMENTS

- July 2006 – present      **University of Cincinnati College of Law, Cincinnati, Ohio.**  
*Professor of Law*, 2011–present; *Associate Dean of Faculty*, 2012–2015; *Associate Professor of Law*, 2009–2011; *Assistant Professor of Law*, 2006–2009. Subjects: Civil Procedure II, Computer and Internet Law, Copyright Law, International Intellectual Property Law, Introduction to Intellectual Property Law, Introduction to Law.
- Aug. 2005 – July 2006      **Berkman Center for Internet & Society at Harvard Law School, Cambridge, Massachusetts.**  
*Assistant Director, Clinical Program in Cyberlaw*, 2005–2006. Supervised Harvard Law School 2L and 3L students performing clinical course work on intellectual property and technology-related legal issues. Co-taught “Practical Lawyering and Internet-Related Issues” seminar, Fall semester 2005.
- Feb. 2005 – May 2006      **Harvard Extension School, Cambridge, Massachusetts.**  
*Teaching Fellow*, 2005; *Lecturer*, 2006. Co-taught course LSTU E-120, “Internet & Society: The Technologies and Politics of Control” to a mixed class of graduate, undergraduate, and distance-education students, Spring semester 2006.

### EDUCATION

- Sept. 2004 – May 2005      **Harvard Law School**  
*Master of Laws* awarded June 9, 2005. Thesis Title: “Reconciling Digital Rights Management and Copyright’s Fair Use Exception: Towards ‘Fair-Use Friendly’ DRM.”
- May 1989 – May 1993      **The University of Texas School of Law**  
*Doctor of Jurisprudence, with High Honors* awarded May 22, 1993.
- Academic honors: Chancellors, Order of the Coif, Phi Delta Phi. Top 3% of graduating class (no official rank computed).
  - Dean’s Achievement Awards (highest grades in class): Constitutional Law II—Separation of Powers; Administrative Law; Torts.
  - *Texas International Law Journal*: Managing Editor, 1992–93; Articles & Notes Editor, 1991–92.

- May 1989 – May 1993      **The University of Texas, Lyndon B. Johnson School of Public Affairs**  
*Master of Public Affairs* awarded May 22, 1993. Thesis Title: “Remaking Antitrust: Comparative Competition Policy and Industrial Deconcentration in the World Economy.”
- Sept. 1985 – May 1989      **The University of Texas at Austin**  
*Bachelor of Arts, with Special Honors in Government* awarded May 20, 1989.

## ACADEMIC PUBLICATIONS

- Symbols, Systems, and Software as Intellectual Property: Time for CONTU, Part II?, 24 *Michigan Telecommunications and Technology Law Review* – (forthcoming 2018).
- Two Comparative Perspectives on Copyright’s Past and Future in the Digital Age (book review), 15 *John Marshall Review of Intellectual Property Law* 698 (2016).
- Dueling Monologues on the Public Domain: What Digital Copyright Can Learn from Antitrust, 1 *University of Cincinnati Intellectual Property and Computer Law Journal* 1 (2016) (invited submission).
- Crowdsourcing and Open Access: Collaborative Techniques for Disseminating Legal Materials and Scholarship, 26 *Santa Clara Computer and High Technology Law Journal* 591 (2010).
- Shrinking the Commons: Termination of Copyright Licenses and Transfers for the Benefit of the Public, 47 *Harvard Journal on Legislation* 359 (2010).
- Fair Circumvention, 74 *Brooklyn Law Review* 1 (2008).
- Digital Rights Management and the Process of Fair Use, 20 *Harvard Journal of Law & Technology* 49 (2006).
- *Chevron* Deference and Agency Self-Interest, 13 *Cornell Journal of Law and Public Policy* 203 (2004).

## OTHER PUBLICATIONS

- An Introduction to Publication Agreements for Authors, *available at* [http://blogs.law.harvard.edu/infoclaw/files/2009/05/authors\\_publishing\\_intro-tka1.pdf](http://blogs.law.harvard.edu/infoclaw/files/2009/05/authors_publishing_intro-tka1.pdf) (2009).
- The Berkman Center for Internet & Society at Harvard Law School, Copyright and Digital Media in a Post-Napster World (2d ed. 2005), *available at* <http://cyber.law.harvard.edu/media/wp2005> (co-contributor).
- Judge John Minor Wisdom: Our Friend and Mentor, 20 *Mississippi College Law Review* 239 (2000) (with Michael A.G. Korengold).
- Attorney-Client Privilege When the Client is a Public Official: Litigating the Opening Act of the Impeachment Drama, *in* American Bar Ass’n Center for Continuing Legal Education and Criminal Justice Section, *White Collar Crime 1999*, at A-1 (1999) (with W. Neil Eggleston).

- Note, Transnational Production Joint Ventures and United States Antitrust Law: Evaluating the Proposed National Cooperative Production Amendments, 28 *Texas International Law Journal* 119 (1993).

#### WORKS IN PROGRESS

- “Modifying Consumer Electronics Devices in the United States and the European Union: The Limits to Harmonizing International Anticircumvention Law” (tentative title).
- “Cell Phones, Property Rights, and the Prospects for DMCA Reform.” (tentative title, early manuscript available at <http://ssrn.com/abstract=2401013>).
- “Rich Texts: Wikisource as an Open-Access Repository for Law and the Humanities.” (tentative title, early manuscript available at <http://ssrn.com/abstract=1566148>).

#### PRESENTATIONS

- “Symbols, Systems, and Software as Intellectual Property: Time for CONTU, Part II?”
  - University of Cincinnati College of Law (Faculty Development Series), July 13, 2016.
  - Boston University Law School (Works-in-Progress Intellectual Property Colloquium), Feb. 10, 2017.
- “*Alice* and the Oracle of CONTU: The Mysteries of Software as Intellectual Property.” University of Cincinnati College of Law (Faculty Teach-in for Student Scholarships), April 29, 2016.
- “Art and Money, Here and Abroad: Two (or Four) Theories of Copyright.” Harvard Law School Association of Cincinnati, Nov. 20, 2015.
- “Two Comparative Perspectives on Copyright’s Past and Future in the Digital Age.” University of Cincinnati College of Law (Faculty Development Series), July 22, 2015.
- “Internet and Society: The Technologies and Politics of Control.” Harvard Law School Association of Cincinnati, June 27, 2014.
- “The DMCA and the Cell Phone Unlocking Debate.” University of Cincinnati College of Law (Faculty Teach-in for Student Scholarships), March 7, 2014.
- “*Materials on the Law and Policy of Intellectual Property: Copyright, Self-Publishing, and the Form of the Casebook.*” University of Cincinnati College of Law (Faculty Development Series), June 5, 2013.
- “Everyone’s an Archivist: Rights, Roles, and Access to Knowledge in the Digital Age.”
  - Indiana University, Maurer School of Law (Scholar Exchange Program), Feb. 12, 2010.
  - Drake University School of Law (Intellectual Property Scholars Roundtable), April 2, 2011.
- “You and the Law Reviews: Understanding What Publication Agreements Say About Rights in Your Work.” University of Cincinnati College of Law (Faculty Development Series), May 13, 2009.
- “Can Authors Shrink the Public Domain?: Preliminary Thoughts on the Terminability of Free Software Licenses, Creative Commons Licenses, and Other Grants for the Benefit of the Public.”
  - Open Source and Security Symposium: Dispelling the Myths, May 18, 2009.
  - University of Pittsburgh School of Law (Scholar Exchange Program), Feb. 10, 2009.

- “Crowdsourcing and Open Access.” I have adapted several versions of this presentation for different audiences.
  - Association of American Law Schools (AALS) Annual Meeting, Section on Internet and Computer Law, Jan. 9, 2010.
  - Tools for Change: 2009 CALI Conference for Law School Computing, June 19, 2009.
  - Transforming Legal Education: 2008 CALI Conference for Law School Computing, June 20, 2008.
  - University of Cincinnati College of Law (Faculty Development Series), Oct. 12, 2007.
- “Fair Circumvention.” University of Cincinnati College of Law Faculty–Student brownbag lunch, Apr. 2009.
- University of Cincinnati Faculty Technology Workshops
  - “Working More Efficiently with Gmail and Google Documents.” Sept. 12, 2008.

#### RESEARCH SPECIALTIES

- Copyright and Other Intellectual Property Law
- Computer and Internet Law (particularly focusing on legal issues involving digital media)
- Open Access to Public Records, Government Documents, and Academic Research
- Statutory Interpretation
- Administrative Law

#### PUBLIC AND UNIVERSITY SERVICE

- University of Cincinnati College of Law Service
  - Admissions Committee: Member, 2009–10.
  - Committee on Committees: Member, 2010–12 (elected).
  - *Ad Hoc* Communications Planning Committee: Member, 2014.
  - Communications Committee: Member, 2017–18.
  - Dean’s Advisory Committee: Member, 2016–17 (elected).
  - Decanal Review/Faculty Assessment Committee: Member, 2008–09.
  - Faculty Appointments Committee: Member, 2008–09.
  - Faculty Research and Development Committee: Chair, 2012–14.
  - Faculty Research, Development, Library and Technology Committee: Chair, 2014–15.
  - Research, Faculty Development, Library and Technology Committee: Member, 2015–16.
  - Library and Technology Committee: Chair, 2010–11; Member, 2006–08, 2013–14.
  - Merit Pay Faculty Appeals Committee: Member, 2011– (elected).
  - Non-Tenure Track Faculty Committee: Chair, 2011–12.
  - Reappointment and Promotion of Clinical and Practice Faculty Committee: Member, 2015–18.
  - Reappointment, Promotion, and Tenure Committee: Member, 2015–17 (elected).
  - Reaccreditation Self-Assessment Committee: Member, 2009–10.
  - Student Petitions Committee: Member, 2009–10.
  - *University of Cincinnati Intellectual Property and Computer Law Journal* Faculty Advisory Committee: Chair, 2012–.

- University Service
  - Faculty Senator representing the College of Law in the University of Cincinnati Faculty Senate, 2006–2008.
  - Faculty Senate IT Committee: member, 2015–16.
- Other Public Service
  - Member, Board of Trustees, Cincinnati ArtWorks, 2009–2013.
  - Administrator of the English-language Wikisource project, Dec. 2007–.

## PRACTICE EXPERIENCE

- Sept. 1994 – Mar. 2005     **Howrey Simon Arnold & White, LLP, Washington, D.C.**  
*Associate, Antitrust Practice Group, 1994–96; Associate, Commercial Litigation Practice Group (concentrating in appellate litigation), 1996–2001; Special Counsel—Appellate, Supreme Court and Appellate Litigation Practice Group, 2001–2005.*
- Aug. 1993 – Aug. 1994     **Law Clerk to Judge John Minor Wisdom, U.S. Court of Appeals for the Fifth Circuit, New Orleans, Louisiana.**

## BAR MEMBERSHIPS

- Texas (1993), inactive
- District of Columbia (1994)
- United States District Court for the District of Columbia
- United States Courts of Appeals for the Third, Fourth, Fifth, Sixth, Federal, and D.C. Circuits
- Supreme Court of the United States