

DAVID E. SHIPLEY
THOMAS R.R. COBB PROFESSOR
UNIVERSITY OF GEORGIA
SCHOOL OF LAW

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Spouse: Virginia F. Coleman (Jenny)

Children: One daughter, Shannon C. Shipley, age 26

Education: University High, Urbana, Illinois, Class of 1968

Oberlin College, Oberlin, Ohio, BA 1972, with Highest Honors in History; Recipient of the Comfort Starr and Carrie Life Prizes for excellence in academic work in the field of history, nominated for Rhodes Scholarship by the Oberlin College Fellowship Committee

University of Chicago Law School, Chicago, Illinois, JD 1975
Executive Editor and Member, University of Chicago Law Review, 1973-75

Employment:

Thomas R.R. Cobb Professor of Law, University of Georgia School of Law
July 1, 2003 to date

UGA Faculty Coordinator, Georgia/Ohio State Law Semester at Oxford Program,
2003 to date, Administrator and Professor in Residence at St. Anne's College,
Oxford University, Spring 2007

Dean and Professor of Law, University of Georgia School of Law,
July 1, 1998 to June 30, 2003

Dean and Professor of Law, University of Kentucky College of Law,
July 1, 1993 to June 30, 1998

Dean, Director of the Law Center, and Professor of Law,
University of Mississippi School of Law, July 1, 1990 to June 30, 1993

Associate Dean for Administration and Professor,
University South Carolina School of Law, 1989 - 1990
Professor, U.S.C. 1985 - 1990
Associate Professor, U.S.C. 1981 - 1985
Assistant Professor, U.S.C. 1978 - 1981
Visiting Ass't Professor, U.S.C. 1977 - 1978

1986-87: Visiting Professor, The Ohio State University College of Law

1983-84: Visiting Associate Professor, Marshall-Wythe School of Law,
The College of William and Mary

June 1975 - August 1977: Associate, Tillinghast, Collins and Graham,
Providence, Rhode Island

Teaching Experience:

Copyright, Intellectual Property, International Intellectual Property, Civil Procedure,
Administrative Law, Comparative Administrative Law, Remedies and Domestic
Relations.

Teacher of the Year, University of South Carolina School of Law,
1989/90 Academic Year.

Phi Delta Phi John C. O'Byrne Memorial Faculty Award for Significant Contributions to
Further Student-Faculty Relations, University of Georgia School of Law, 2003/04
Academic Year and for the 2004/05 Academic Year (selected by the third-year class).

Honorary Faculty Marshal, Graduation, May 2008 (selected by the third-year class)

University of Georgia Teaching Academy, Inducted 2006

Publications:

Books

COPYRIGHT LAW: CASES AND MATERIALS, West Publishing 1992. (Coauthored
with Professors Howard Abrams and Sheldon Halpern).

SOUTH CAROLINA ADMINISTRATIVE LAW. This is a treatise and practice manual

with 8 chapters and roughly 600 pages. The first edition was published in 1983 by the South Carolina Bar and the second edition was published in 1989.

Book Chapter

“Rulemaking” in SOUTH CAROLINA ADMINISTRATIVE PRACTICE AND PROCEDURE (South Carolina Bar CLE Division 2004)(2nd edition 2008)(with Randolph Lowell).

Articles

Warrantless Administrative Inspections After Marshall v. Barlow's, Inc., 40 Ohio St. L. J. 81 (1979).

Generic Trademarks, the FTC and the Lanham Act: Covering the Market with Formica, 20 William & Mary L. Rev. 1 (1979).

Publicity Never Dies; It Just Fades Away: The Right of Publicity and Federal Preemption, 66 Cornell L. Rev. 673 (1981).

Recent Developments in Trademarks and Franchising: McChicken Struts Its Stuff While Chicken Delight Cries Foul, ABA monograph on Recent Developments in Licensing, published by the ABA's Section on Patent, Trademark and Copyright Law 203 (1981).

Protecting Research: Copyright, Common-Law Alternatives, and Federal Preemption (written with Jeffrey S. Hay, Esq.), 63 N.C. L. Rev. 125 (1984).

Copyright Protection for Architectural Works, 37 S.C. L.Rev. 393 (1986).

Conflicts Between Copyright and the First Amendment After Harper & Row, Publishers v. Nation Enterprises, 1986 B.Y.U. L. Rev. 983.

Copyright Law and Your Neighborhood Bar and Grill: Recent Developments in Performance Rights and the Section 110(5) Exemption, 29 Arizona L. Rev. 475 (1987).

Three Strikes and They're Out at the Old Ball Game: Preemption of Performers' Rights of Publicity Under the Copyright Act of 1976, 20 Arizona State Law Journal 369 (1988).

Bonito Boats v. Thunder Craft: The Silver Anniversary of the Sears/Compco Doctrine, 25 Wake Forest L. Rev. 385 (1990).

What Do Flexible Road Signs, Children's Clothes and the Allied Campaign in Europe During WWII Have in Common?: The Public Domain and the Supreme Court's Intellectual Property Jurisprudence, 13 University of Baltimore Intellectual Property Journal 57 (2005).

The Status of Administrative Agencies Under the Georgia Constitution, 40 Georgia Law Review 1109 (2006)

Congressional Authority Over Intellectual Property Policy After *Eldred v. Ashcroft*: Deference, Empty Limitations and Risks to the Public Domain, 70 Albany Law Review 1255 (2007)

Thin But Not Anorexic: Copyright Protection for Compilations and Other Fact Works, 15 Journal of Intellectual Property Law 91 (2007)

Due Process Rights Before EU Agencies: The Rights of Defense, accepted for publication by the Georgia Journal of International and Comparative Law

Other Publications

Equitable Distribution in Virginia, The Colonial Lawyer, Spring 1984.

Fourteen Tough Copyright Questions, 58 Mississippi Libraries No. 1, page 16 (Spring 1994).

Property Rights in Cyberspace: Copyright Law in the Internet Era, 3 Journal of Agricultural & Food Information 3 (1996).

A Law School Dean in Judge Keller's Court: My Service as a Circuit Court Juror, Fayette County Bar News 45 (January-February 1997).

Liability Issues Facing Online Businesses, 5 Georgia Bar Journal 48 (2000) reprinted at 36 The Arkansas Lawyer 20 (2001).

The Personal Side of a Deanship, 31 University of Toledo Law Review 739 (2001) (contribution to a dedicated Deans' Forum).

Resigning as Dean: Stepping Down or Stepping Up?, 34 University of Toledo Law Review 189 (2003)(contribution to a dedicated Deans' Forum).

I Am Glad I Got to Know Him, 11 Journal of Intellectual Property Law xvii (2003)(a tribute to the late L. Ray Patterson).

Welcome, The Trans-Atlantic Relationship-Aviation Policy, Occasional Papers of the Dean Rusk Center, Number 3, 15-18 (2003).

Conference Welcome, From Autocracy to Democracy, 33 Georgia Journal of International and Comparative Law 115 (2004).

Milner Ball: A Colleague Who Made a Difference, 41 Georgia Law Review 753 (2007)

Student Comment, Defining the Scope of Grievance Arbitration in Public Education Employment Contracts, 41 U. Chi. L. Rev. 814 (1974).

Faculty Scholarship Prize, University of South Carolina School of Law, 1989/90 A/Y

Law School and University Service:

Law School 2007-08: Faculty Recruitment Committee, Admissions Committee, a faculty advisor for the Journal of Intellectual Property Law, and faculty coordinator of the UGA/OSU Law Semester at Oxford program (in residence at Oxford's St. Anne's College, Spring 2007).

University 2007-08: University Council, Faculty Affairs Committee, University Curriculum Committee (Chair), Statutes and Bylaws Committee, Post-tenure Review Committee.

Law School 2005-07: Admissions Committee, Faculty Recruitment Committee, a faculty advisor for the Journal of Intellectual Property Law, and faculty coordinator of the UGA/OSU Law Semester at Oxford program.

University 2005-07: University Council, Faculty Affairs Committee (Chair), Educational Affairs Committee, University Curriculum Committee, Facilities Committee (Chair) and Intercollegiate Athletics Committee.

1977-2004 -- service on many law school and university committees at the University of Georgia, the University of Kentucky, the University of Mississippi and the University of South Carolina.

Professional Service:

Member of the Rhode Island Bar, the American Bar Association and academic/associate membership in the South Carolina and Georgia Bars. I was involved in bar activities in Mississippi and Kentucky but did not have membership status. Service activities and participation in professional organizations are listed below.

American Bar Association Service

Member of the ABA Sabbatical Site Inspection Team for the University of New Mexico School of Law, April 1993

Chair of the ABA Sabbatical Site Inspection Team for the University of Oklahoma College of Law, March 1994.

Chair of the ABA Sabbatical Site Inspection Team for the Northwestern School of Law of Lewis & Clark College, Portland, Oregon, March 1995.

ABA “Acquiescence Inspection” of the proposed LL.M in Intellectual Property at the Benjamin Cardozo School of Law, New York City, October 1997.

ABA “Follow-Up Inspection” of the LL.M. Program at the University of California-Davis School of Law, Davis, California, March 1999.

Chair of the ABA Sabbatical Site Inspection for the University of Iowa College of Law, March 2000.

Chair of the ABA Sabbatical Site Inspection for the St. Mary’s University School of Law, San Antonio, Texas, April 2001.

Chair of the ABA Sabbatical Site Inspection for the University of Maryland School of Law, March 2003.

Chair of the ABA Sabbatical Site Inspection for the University of San Diego School of Law, March 2005.

Chair of the ABA Sabbatical Site Inspection for the Wake Forest University School of Law, April 2008.

Chair, ABA Seminar/Workshop for New Deans, Graylyn Conference Center, Winston-Salem, North Carolina, June 2000.

Chair, ABA Seminar/Workshop for New Deans, Graylyn Conference Center, Winston-Salem, North Carolina, June 2001.

Discussion Group Leader, ABA Annual Deans Workshop, Miami, Florida, February 1995.

Panel Discussion of Teaching Generation X, Computers, Marketing and Student Services, ABA Annual Deans Workshop, San Antonio, January 1997.

Moderator of Panel Discussion on The Law School’s Role in System and

University Wide Strategic Planning, ABA Annual Deans Workshop, Los Angeles, February 1999.

Panelist, Balancing and Recharging, ABA Annual Deans Workshop, San Diego, February 2001.

Moderator and Panelist, Faculty Hiring and Retention Issues, ABA Annual Deans Workshop, Tuscon, Arizona, January 2002.

Panelist, Communicating with Our Constituencies, ABA Annual Deans Workshop, Seattle, February 2003.

Panelist, The Chair's Role: Discussion of Hypotheticals and Other Hot Topics, ABA Site Evaluation Chairperson's Workshop, Indianapolis, September 1999.

Member, ABA Death Penalty Moratorium Project for Georgia, 2004-06.

Service With Other National Organizations

AALS Committee on Fair Use 1988-89 (this three member committee drafted a policy on classroom photocopying) .

Member of the Educators' Ad Hoc Committee on Copyright Law 1988-89.

Planning Committee, AALS Training Program on "Managing Conflict and Consensus Building for Law School Deans," October 2001.

Member, Minority Affairs Committee of the Law School Admissions Council, 2001 to 2005.

Member, Finance and Legal Affairs Committee of the Law School Admissions Council, 2005 to 2007.

Member, Test Development and Research Committee of the Law School Admissions Council, 2007 to date.

State and Local Professional Service

Member of the Carolina Patent, Trademark and Copyright Law Association, Board of Managers (1980-83 & 1989-90).

S.C. Bar Patent, Trademark and Copyright Committee, 1979-1990.

Member, William C. Keaty Inn of Court, Oxford, Mississippi, 1990-93.

Facilitator at the Mississippi Bar's May, 1991 Conference on the Future of the Profession. The program concentrated on firms with three to nine members.

Discussion leader on professionalism in a program sponsored by the Mississippi Bar and the MTLA at the Annual School for Lawyers, July 1991.

Speech on Advertising for Judicial Elections, the Mississippi Bar's mid-year meeting, February 1992.

Facilitator at the Mississippi Bar's May, 1992 Conference on the Future of the Profession (Young Lawyers).

Facilitator at the Mississippi Bar's May, 1993 Conference on the Future of the Profession (Women and Minorities).

St. Ives Journal Club, Lexington, Kentucky, 1995-98.

Planning Committee, Discussion Leader, and Presenter, the Kentucky Bar Association's Conclave on the Education of Lawyers, August 1995.

Member, Joseph Henry Lumpkin Inn of Court, Atlanta and Athens, 1998 to date.

Board Member, Institutes of Continuing Judicial Education (1998-2004) and Continuing Legal Education (1998- to date), Georgia.

Member, Chief Justice's Commission on Professionalism (1998-2003) and Standards of the Profession Committee (2000 to date) and Foundations of Freedom Commission (2005 to date), State Bar of Georgia.

Board Member, Western Circuit Bar Association, Athens, Georgia (2001-05).

Athens Justice Project Board, 2002 - date, President 2003-05.

Member of the Licensing Review Team for the S.C. Commission on Higher Education to evaluate the application of the Charleston School of Law for an initial license to offer a program leading to the Juris Doctor degree, 2003-04.

Community Service:

Board Member, Shandon Neighborhood Council, 1985 to 1989, President, 1988-89.

Methodist Youth Fellowship Counselor, Shandon UMC, 1987-89.

School Improvement Committee, Rosewood Elementary School, 1987-90.

Rotary -- Oxford, Mississippi and Lexington, Kentucky

Board Member, Island Residents Association, Lexington, Kentucky, 1995-98

Chair, Campaign for Charities, University of Georgia, 2000-01.

University of Georgia Parents and Families Council, 2000- 2003, Co-chair
2002-03.

Advisory Board, Lanier Gardens, Talmage Terrace, A Wesley Woods Retirement
Community, Athens, Georgia, 2004 to date.

Oberlin College, Class Agent for the Class of 1972, 1995 to 2001.

Oberlin College, Member, Alumni Trustee Search Committee, 1995 to 2000.

Presentations and Seminars:

Coordinator and Moderator for CLE Seminar on Copyright, Trademark and Patent Law
for the General Practitioner, S.C. Bar, Spring 1981.

Addressed the ABA's Section on Patent, Trademark and Copyright Law at the ABA
Convention in New Orleans, August 1981.

Speaker, coordinator or moderator at numerous S.C. Bar CLE presentations on the
Administrative Procedures Act, 1983-1990.

Workshop on copyright law for the Association for Documentary Editing, Oct. 1982.

Presentations at several law school and bar committee seminars between 1984 and 1999
on different copyright issues.

CLE presentation on copyright and the arts at a program sponsored by the S.C. Bar, May
1986.

Consultant for the South Carolina Department of Health and Environmental Control, July
1, 1985 to June 30, 1986.

Consultant for the South Carolina Coastal Council, July 1, 1987 to June 30, 1990.

Speech to the South Carolina Association of Internal Auditors on the Freedom of Information Act and Its Impact on Working Papers and Draft Audits, February, 1988

Presentation on Current Issues in State Administrative Law, Southeastern Conference on Public Administration, Birmingham, Alabama, October, 1988.

CLE presentation on the protection of ideas, S.C. Bar Convention, July, 1989.

Workshop Leader, National Innovation Workshop for the Southeastern Region, June, 1989.

Numerous speeches to civic clubs, Ole Miss Alumni Clubs, UK Alumni Clubs, Georgia alumni groups county bar associations and other professional organizations throughout Mississippi, Kentucky and Georgia from 1990 to 2003

CLE Presentation for the Fayette County Bar Association on Copyright Law for the General Practitioner, October 1993.

Presentation to the Central and Eastern Kentucky Online Users Group and the Kentucky Chapter of the Special Libraries on Copyright Issues in the Digital Age, May 1994.

CLE Presentation on Kentucky's Administrative Hearings Statute, Laurel County Bar, March 1995.

Property Rights in Cyberspace -- Copyright Law in the Internet Era, USAIN Conference, Lexington, April 1995.

Cybertorts, Hate Speech on E-Mail, Bytes of Privacy, and "Flaming": Accidents Waiting to Happen on the Information Superhighway. CLE Presentation at a program sponsored by KATA, May 1995

Copyright Law and Libraries in Cyberspace, Paper and Presentation for the 1995 Joint Conference of the Kentucky Library Association and the Kentucky School Media Association, Paducah, Kentucky, October 1995.

Keynote Speaker, Societus Pro Legibus Fall Initiation Banquet, November 1995.
Speaker, "Lawyers in the Schools" -- 1995 and 1996.

Presenter and Panelist, Current Copyright Issues, The National Conference of Law Reviews, Lexington, Kentucky, March, 1996

Presenter and Discussion Leader, Affirmative Action and Academic Support Programs, Teaching Resource Center, University of Kentucky, April 1996.

Speaker, Current Developments in Copyright Law for Librarians, Conference for School and Library Media Specialists, M.I. King Library, University of Kentucky, June 1996.

Trainer/Presenter on Due Process, Office of the Kentucky Attorney General, Training for Administrative Hearing Officers, June 1996

Presentation on Copyright Law and Fair Use, Campus Workshop organized by the University of Kentucky Computer Services, February 1997.

Speech entitled "But I Liked My Old Smith Corona and the Card Catalog" for the Southeastern Association of Law Librarians, Tallahassee, April 1997.

Panelist in discussion of Civility in the Federal Courts, Regional Meeting of the American College of Trial Lawyers, Lexington, Kentucky, April 1997.

Participant, Wharton Institute for Research on Higher Education, Executive Education for the Knight Collaborative, University of Pennsylvania, April 23-27, 1997.

Presentation on the "Role of Elder Law Studies in Legal Education and the Legal Profession," June 13, 1997, UKCLE on Elder Law in Kentucky.

Presentation on Professional Skills Education, St. Ives Journal Club, May 1998.

Presentation and panel discussion on Professionalism Instruction in America's Law Schools, Fayette County Bar, June 1998.

Moderator, Panel Discussion on Legal Writing in the First-Year, Southeastern Conference of the Association of American Law Schools, July 1998.

Panelist, The Globalization of America's Law Schools – Faculty Exchanges, Student Exchanges, Foreign Programs, Curricular Changes, Southeastern Conference of the Association of American Law Schools, July 1999

VIP -- Guest of SEAALL at the Annual Meeting of the Association of American Law Libraries, Washington D.C., July 1999.

Presentation to The Copyright Society of the U.S.A., Southeast Chapter, Atlanta, August 1999, on the growing importance of intellectual property at America's law schools over the last twenty-five years

Speaker at CLE, Liability Issues Facing Online Businesses, 14th Annual Computer Law Institute, Computer Law Section of the State Bar of Georgia, Atlanta, September 1999.

Speaker at the Buckhead Chapter of the Georgia Society of Certified Public Accountants,

presentation on eCommerce legal issues, June 1, 2000.

Speaker, Southern Conference of Bar Presidents, Savannah, Georgia, presentation on eCommerce legal issues, October 20, 2000.

Speaker, 42nd Annual Conference on Higher Education and the Law, University of Georgia Center for Continuing Education, "Intellectual Property Issues," July 16, 2001.

Speaker, Law Clerks Seminar, Institute for Continuing Judicial Education, Athens, Georgia, August 29 and August 30, 2002.

Review of the scholarship of an Associate Professor at the University of South Carolina School of Law for purposes of his application for promotion to the Rank of Professor, September 2003.

Faculty panelist for the Office of Undergraduate Admissions and the Honors Program at UGA at three programs for prospective Honors students and their parents, Fall 2003.

Speaker, International Judicial Training Program, Rusk Center, UGA, *American Legal Education, Admission to the Bar, Law Practice Supervision and Continuing Lawyer Education*, May 17, 2004 (Judges and court officials from Ghana).

Review of the scholarship of an Assistant Professor at the University of South Carolina School of Law for purposes of her application for promotion to the rank of Associate Professor with tenure, September 2004.

Speaker and Panelist, What Every Artist Needs to Know about Law and Art, Lamar Dodd School of Art, University of Georgia, April 25, 2005.

Review of the scholarship of an Assistant Professor at the University of Kentucky College of Law for purposes of his application for promotion to the rank of Associate Professor with tenure, December 2005.

Speaker and Panelist, Copyright Law and E-Learning, UGA-Tunisia Educational Partnership, March 29, 2006.

Presenter and Commentator, The Albany Law School's Interdisciplinary Conference on the Impact of Technological Change on the Creation, Dissemination and Protection of Intellectual Property, October 26-28, 2006 at the Cornell Club in New York City. My presentation/paper was titled *Limitations on Congressional Power after Eldred*, and I commented on presentations/papers concerning Moral Rights and the Right of Publicity.

Presenter and Moderator, Lessons from Andersonville and Understanding the Rule of Law as Defined in *On The Rule of Law* by Professor Brian Tamanaha, Georgia Judicial Leadership Academy (ICJE), Americus, Georgia, November 8-10, 2006.

Lecturer, Copyright Law Issues Facing Video Producers, Professor Laleh Mehran's *Fine Art, Video Production Class*, Lamar Dodd School of Art, UGA, November 28, 2006.

Speaker, International Judicial Training Program, Rusk Center, UGA, *American Legal Education, Admission to the Bar, Law Practice Supervision and Continuing Lawyer Education*, August 29, 2007 (Judges and court officials from Armenia).

Review of the scholarship of an Assistant Professor at the University of Kentucky College of Law for purposes of his application for promotion to the rank of Associate Professor with tenure, December 2007.

Speaker, International Judicial Training Program, Rusk Center, UGA, *American Legal Education, Admission to the Bar, Law Practice Supervision and Continuing Lawyer Education*, November 26, 2007 (Judges and court officials from Ghana).

Organizer, Presenter and Moderator, *The Andersonville Prison Trials*, Joseph Henry Lumpkin Inn of Court, February 27, 2008.

Reviewed and evaluated a manuscript of an article on challenges to U.S. anti-bootlegging legislation for **The Journal of World Intellectual Property**, May and July, 2008