

Wendy Seltzer

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The Internet's communication technologies offer powerful tools for free expression, civic engagement, and innovation. I have focused on understanding and explaining these technologies in relation to the law; advocacy for the public interest and balance in intellectual property and privacy law; and, through teaching and scholarship, sharing ideas about open networks and innovation with students, practitioners, and policy-makers.

Education

Harvard Law School, J.D. *cum laude*, June 1999.

Communications Editor, *Harvard Journal of Law and Technology*
Research Affiliate, Berkman Center for Internet & Society

Harvard College, A.B. *magna cum laude* in Government, June 1996.

Senior Editor, *The Harvard Crimson*

Experience

Teaching and Research

2006-2009

I have taught Internet Law, Copyright, Antitrust, Intellectual Property, and Information Privacy as visiting assistant professor or practitioner in residence at **American University Washington College of Law** Glushko-Samuelson Intellectual Property Law Clinic, **Northeastern University School of Law** and **Brooklyn Law School**. I created "Media Strategies for a Networked World" at the **Oxford Internet Institute and Saïd Business School**. As an adjunct at **St. John's University School of Law**, I developed an online casebook to teach their first Internet Law course.

My research concerns digital copyright, the role of online intermediaries, and open and user innovation.

Berkman Center for Internet & Society, Harvard University

1997-Present

Fellow. I founded and lead the **Chilling Effects Clearinghouse**, <<http://www.chillingeffects.org>>, documenting threats to online speech and informing Internet users of their rights in response. I have organized and coordinated efforts among law school clinics including Harvard, Stanford, Boalt Hall, George Washington, University of San Francisco, University of Maine, Santa Clara, and DePaul to program and present an interactive website with online database of annotated cease-and-desist letters. Through Openlaw project, supported argument in *Eldred v. Ashcroft* and *Universal v. Corley*. Worked with Creative Commons to establish public licenses promoting sharing of creative non-software works.

Electronic Frontier Foundation, San Francisco, CA

2003-2005

Staff attorney, intellectual property. Counseled parties and *amici* in intellectual property and technology cases, litigating and providing guidance on administrative proceedings and policy questions. Gave frequent media commentary and spoke at conferences and symposia in the U.S. and internationally. Assisted with cases including *OPG v. Diebold*, *MGM v. Grokster*, and *ALA v. FCC* (broadcast flag).

Internet Corporation for Assigned Names and Numbers (ICANN)

2003-Present

At-Large Liaison to the Board. Formerly, member, At-Large Advisory Committee. Advocate for the Internet-using public in ICANN policymaking on domain names and Internet resource management.

Kramer Levin Naftalis & Frankel, LLP, New York, N.Y. 1999-2002
Litigation Associate. Responsible for matters including copyright, trademark, software licensing, and patent. Counseled clients regarding protection of intellectual property and defense against infringement claims. Drafted pleadings and briefs in complex litigations, including intellectual property and antitrust.

Government Internships. 1998-2001
Interned with Department of Justice Computer Crimes and Intellectual Property Section; Judge Denise Cote, S.D.N.Y.; and Congresswoman Nita Lowey (D-NY).

Publications

- *The Imperfect is the Enemy of the Good: Anticircumvention versus User Innovation*
- *The Politics of Internet Control and Delegated Censorship*, Proceedings of the American Society for International Law annual meeting (2008), online at <<http://wendy.seltzer.org/media/seltzer-asil.pdf>>.
- *The Broadcast Flag: It's not just TV*, 57 FCLJ 209 (2005), online at <<http://law.indiana.edu/fclj/pubs/v57/no2/Seltzer.pdf>>.
- *Open Source and Intellectual Property*, in *Open Sources 2.0*, (O'Reilly, 2005).
- *Death by DMCA*, with Fred von Lohmann, *IEEE Spectrum*, June 2006, online at <<http://www.spectrum.ieee.org/jun06/3673>>.
- "Craft and Copyright," CRAFT 06, Jan. 2008, online at <<http://www.craftzine-digital.com/craft/vol06/?pg=36&pm=2&u1=friend>>
- "Artistic License," CRAFT 07, April 2008, online at <<http://www.craftzine-digital.com/craft/vol07/?pg=38&pm=2&u1=friend>>

Service

Tor Project, Inc., Cambridge, MA 2006-Present
Member of the Board of Directors, executive committee. Non-profit organization supporting privacy and anonymity research, education, and technology.

World Wide Web Foundation, US, Del. 2009-Present
Member of the Board of Directors. Non-profit organization supporting Web-science research and increased access to the World Wide Web.

Invited Presentations

- "Politics 101: The Making of Copyright Law," Cornell Institute for Computing Law and Policy, Ithaca, NY, July 22, 2009
- "Copyright, Technological Protection, and User Innovation," OII Summer Doctoral Program, Brisbane, Australia, July 7, 2009
- Copyright and Technology, SouthEast LinuxFest, Clemson, SC, June 13, 2009
- "Free Speech and Chilling Effects on the Global Internet," Public Interest Registry Advisory Council, April 18, 2009
- "Authorship, Appropriation, and the Fluid Text: Versions of the Law," MIT Comparative Media Studies Colloquium, March 19, 2009

- “Peer-to-Peer 2.0,” (panel) SXSW Interactive, March 17, 2009
- Fair Use panel, Copyright Society of the US, New York Chapter, February 26, 2009
- “Ten Years into the Digital Millennium,” Virginia Tech, February 20, 2009
- Social and Technical Architecture of the Internet, CNbloggercon. Guangzhou, China, November 16, 2008
- “Network Openness on Campus,” Securing the eCampus. Dartmouth College, November 11, 2008
- “The Imperfect is the Enemy of the Good: Anticircumvention versus User Innovation,” TPRC, September 27, 2008, and Intellectual Property Speaker Series, Northeastern Univ., October 6 2008
- "The Internet's Constitutional Moments," Supernova, San Francisco, CA, June 17, 2008
- Fordham Center on Law and Information Policy Symposium, New York, NY, May 29, 2008
- "The Academy and the Open Net," Union College, Schenectady, NY, May 28, 2008
- "[The Politics of Internet Censorship and Control](#)," American Society of International Law, Washington, D.C. April 10, 2008
- "[Preserving the Library of the Future](#)," New England Archivists Annual Meeting, Newport, RI, March 29, 2008
- [Media Re:Public](#), Los Angeles, CA, March 28, 2008
- Expectations of Privacy for a Database Age, Harvard Center for Research on Computation and Society, Feb. 27, 2008; Google Tech Talk, Kirkland, WA, Jan. 24, 2008
- [Legal Threats, Chilling Effects and Warming the Air](#), EDUCAUSE Live, Jan. 23, 2008
- “Online Privacy in Context,” Yale Internet & Society Luncheon, November 28, 2007
- [Digital Freedom University](#), Harvard and Northeastern, October 2007
- Protecting the University from Copyright Bullies and Righting the Copyright Balance, Cornell University Computer Policy and Law Program, Ithaca, NY, Sept. 27 2007
- Search and Privacy, Microsoft Faculty Summit, Redmond, WA, July, 2007
- The University and The RIAA, IS2K7, Cambridge, MA, June 1, 2007
- Search and Privacy, WWW2007, Banff, May, 2007
- Identity Theft and Personal Data Security, Cardozo Journal of International and Comparative Law, New York, NY, October 27, 2006
- “Section 230: At the Gates between Liability for Harmful Speech and Wikipedia” (panelist), Wikimania 2006, Cambridge, MA, August 4, 2006
- Keynote presentation, "Preserving Privacy as Technologies Change," and privacy panel, [7th Annual IEEE Information Assurance Workshop](#), West Point, NY, June 22, 2006
- [DRM: Digital Rights Management or Digital "Restrictions" - DRM in the wake of the Sony "Rootkit" controversy](#), Association of the Bar of the City of New York, April 11, 2006
- [Wharton Technology Conference](#), Philadelphia, PA, February 24, 2006
- Can Privacy and Copyright Enforcement Coexist? [Data Devolution: Corporate Information Security, Consumers and the Future of Regulation](#), Fredric G. Levin College of Law, UFL, February 3-4, 2006
- [UNC Symposium on Intellectual Property, Creativity and the Innovation Process](#), Chapel Hill, NC, November 1, 2005
- Why we care what happens in Paragon City, [Austin Game Conference](#), Austin, TX, October 28, 2005
- Bloggers’ Rights, [BlogHer Conference](#), Santa Clara, CA, July 30, 2005
- Ask EFF, [DEF CON 13](#), Las Vegas, NV, July 29, 2005
- Know Your Rights: Legal inoculation for contagious media, [Eyebeam Contagious Media Workshop](#), New York, NY, May 7, 2005

- [Fear-to-Peer: A debate about filesharing on campus](#), Princeton, NJ, May 6, 2005
- "Endangered Devices and How We Can Save Them," [O'Reilly Emerging Technology Conference](#), San Diego, California, March 14-17, 2005, and [Computers, Freedom, & Privacy](#), Seattle, WA, April 12-15, 2005
- Electronic Voting, [Vermont Law School Solutions Conference](#), South Royalton, VT, April 9, 2005
- [Signal or Noise 2k5](#), Cambridge, MA, April 8, 2005 (panel: New opportunities, new chills)
- "Can't we all just get along," [South by Southwest Music Festival](#), Austin, TX, March 19, 2005
- [International Summit on Democracy, Terrorism, and Security](#), Madrid, Spain, March 8-11, 2005
- Not All Fun and Games, [Santa Clara Law School Computer and High Technology Law Journal Symposium](#), Santa Clara, CA, February 11, 2005
- [Regulating Knowledge: Costs, Risks, and Models of Innovation](#), Foundation for a Free Information Infrastructure, European Parliament, Brussels, Belgium, November 9-10, 2004 (presentation: Software Patents, Small Business, and the Public Interest)
- "Internet Service Provider Best Practices," [ISPCON](#), Santa Clara, CA, November 3, 2004 (presentation)
- [E-Lecture 2004](#) Symposium, John Marshall Law School, Chicago, IL, October 1, 2004 (panel: What's Inside that Black Box? How intellectual property clouds the e-voting picture)
- [DEF CON 12](#), Las Vegas, NV, July 30-August 1, 2004 (panels: Ask EFF, [Digital Television Liberation](#))
- [BlogOn: The Business of Social Media](#), Berkeley, CA, July 23, 2004 (panel: The Dark Side of Social Media)
- [Supernova 2004](#), Santa Clara, CA, June 24-25, 2004 (panel: IP vs. IP: Intellectual Property Meets the Internet Protocol, June 24)
- [Wizards of OS 3: The Future of the Digital Commons](#), Berlin, Germany, June 10-12, 2004 (panel presentation and workshop: Alternative Compensation Systems); workshop [Where next for copyright in the new Europe?](#), June 13, 2003
- [Free Bitflows](#), Vienna, Austria, June 3-4, 2004 (panel presentation: [Decentralizing](#) Compensation)
- "Copyright and the Library of the Future," [AISTI](#), Forces of Innovation on Digital Libraries, Santa Fe, NM, May 11, 2004 ([presentation](#))
- [Computers, Freedom & Privacy](#), Berkeley, CA, April 20-23, 2004 (panels: Chilling Effects and Suing File Sharers)
- [Battling for Ownership of the Arts](#), Florida Atlantic University, Boca Raton, FL., April 17-18, 2004 (panel)
- InterzOne III, Atlanta, GA, April 16, 2004 (presentations: digital copyright; electronic voting)
- ABA Intellectual Property Law Conference, Washington, DC, April 1-2, 2004 (panel: Piracy or Privacy?)
- [SXSW Interactive](#), Austin, TX, March 15, 2004 (panel: Weblogs and the Law)
- "Reclaiming the Internet," National Education Association conference, Seattle, WA, March 5, 2004 (presentation)
- [Santa Clara Computer & High Technology Law Journal Symposium](#), Santa Clara, CA, February 6, 2004 (panel: "Digital Music: What Does the Future Hold?")
- "Online Piracy," California State Bar Association, Beverly Hills, CA, February 2, 2004 (panel)
- [Digital Independence](#), San Francisco, CA, January 31, 2004 (panel)
- "The Freedom to Discover," [IDLELO Conference on the Digital Commons](#), Cape Town, South Africa, Jan 11-15, 2004 (keynote presentation)

- [iHollywood Music 2.0](#), Los Angeles, CA, December 8, 2003 (panel: Rip, Burn, Sue)
- [Copyright and the Networked Computer](#), Washington DC, November 6-8, 2003 (panel)
- [ISPCon](#), Santa Clara, CA, October 20, 2003 (panel)
- What's Happening? Downloading Music, St. Albans Issues Forum, Washington, DC, October 17, 2003 (roundtable)
- Privacy in the Age of Digital Copying, California State Bar Association, Cyberlaw Section, Los Angeles, CA, September 6, 2003 (presentation)
- Search Engine Legal Issues, [Search Engine Strategies](#), San Jose, CA, August 19, 2003 (panel)
- The Internet's Private Cops, [DEFCON 11](#), Las Vegas, NV, August 1-3, 2003 ([presentation](#))
- [ILAW Stanford, 2003](#), Palo Alto, CA, July 2, 2003 ([presentation](#))
- [Open Source Content Management Conference](#), Cambridge, MA, May 28-30, 2003 (presentation)
- ["DRM in Practice: Rights, Restrictions, and Reality"](#), [O'Reilly Emerging Technology Conference](#), Santa Clara, CA, April 22-25, 2003 (panel)
- [Copy the Rights](#), [Dutch Electronic Arts Festival](#), Rotterdam, Netherlands, February 26, 2003, ([presentation](#))
- "Reconciling the Commons and the Marketplace", [The New Gatekeepers: A Conference on Free Expression and the Arts](#), Columbia University [National Arts Journalism Program](#), New York, NY, November 20-21 2002 (presentation)
- "Mickey Mice? Potential Ramifications of Eldred v. Ashcroft," Fordham Intellectual Property, Media & Entertainment Law Journal Symposium, The State of Intellectual Property or the Intellectual Property State?, New York, NY, November 8, 2002
- DIY Remix Forum, [CMJ Music Marathon](#), New York, NY, Oct. 31-Nov. 2, 2002 (presentation)
- ["Trademarks and Free Speech"](#), International Trademark Association's [Trademarks in Cyberspace](#), September 19, 2002 (Brussels), September 25, 2002 (New York)
- ["Copyright Term Extensions, Opposing Views on the Eldred Case,"](#) [Association of American Publishers](#), New York, NY, July 17, 2002
- "The Politics of DVD," [DVD Association's DVD 2002](#), Gaithersburg, MD, June 3-4, 2002 (panel)
- "Chilling Effects Clearinghouse," [Connectivity 2002](#), Cambridge, MA, May 21-23, 2002 (presentation)
- ["Eldred v. Ashcroft,"](#) panelist, [New York State Bar Association](#), Intellectual Property Law Section and [Cardozo School of Law](#), New York, NY, May 22, 2002
- "Are New Media Replacing Old Media?," panelist, St. John's Law School Communications Law Conference, New York, NY, March 22, 2002
- ["Who Controls New Media? Open Art in Closed Systems"](#), [Solomon R. Guggenheim Museum](#), New York, NY, March 21, 2002

Personal

Languages: Proficient in French, reading knowledge of Italian

Interests: Open source/Free Software development, Perl and C programming; opera singing, sculling, skiing, sailing, hiking, beekeeping