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## **FACULTY EMPLOYMENT**

### **MITCHELL HAMLINE SCHOOL OF LAW**

Visiting Professor (July 2001-July 2002)

Professor since July 2002

-Founding and former *Director, Intellectual Property Institute*

- *Qualified Dispute Resolution Panelist* (Actively hearing cases under the UDRP for the National Arbitration Forum)

#### **Courses:**

- ▶ Trademark Law
- ▶ Comparative Law (Japanese Law)
- ▶ International and Comparative Copyright and Trademark Law
- ▶ Copyrights
- ▶ Property
- ▶ Foundations of Intellectual Property Law
- ▶ Advanced Copyright Law
- ▶ Advanced Trademark Law

### **CHUO UNIVERSITY, TOKYO, JAPAN**

Summer Visiting Professor, 2004 to 2007

### **AICHI UNIVERSITY, NAGOYA, JAPAN**

Summer Visiting Professor, 2004 to 2010

### **MARQUETTE UNIVERSITY LAW SCHOOL**

Assistant Professor of Law (July 1994- July 1997)

Associate Professor of Law with Tenure (July 1997-July 1999)

Professor of Law (1999-2001)

### **TOKYO UNIVERSITY FACULTY OF LAW**

Visiting Professor of Law (Fulbright Research Grant) (April 1995- September 1995))

Visiting Fulbright Researcher (August 2000-July 2001)

Visiting Research Fellow (July 2005 - January 2006)

### **IIT CHICAGO-KENT COLLEGE OF LAW**

Visiting Assistant Professor of Law (July 1991-July 94).

### **HONORS/AWARDS**

**-US AID SPECIAL CONSULTANT–GOVERNMENT OF JORDAN**

(Drafting unfair competition and trade secret legislation, Fall 1999 to 2003).

**-LAW CASEBOOK ADVISORY BOARD**, Carolina Academic Press

**-FULBRIGHT SCHOLAR**, Tokyo University, Tokyo Japan, 1995 & 2000-2001.

**-LADAS MEMORIAL AWARD WINNER**, 1995.

### **PUBLICATIONS**

#### **Books**

◆**International Trademark Dilution**, Chapter 14: Japan, (Dan Bereskin, ed., 2015)

◆**Deciphering the History of Japanese War Atrocities: the Story of Doctor and General Shiro Ishii** (Carolina Academic Press 2014)

◆**Transcending Law: The Unintended Life of Article 9 of the Japanese Constitution** (Carolina Academic Press 2009)

◆**TRADEMARK LAW AND POLICY** (Carolina Academic Press 2016)(With teacher's Manual)

◆**Trademark and Unfair Competition Law and Policy in Japan** (Carolina Academic Press 2007)

◆**FUNDAMENTALS OF UNITED STATES INTELLECTUAL PROPERTY LAW: COPYRIGHT, PATENT, TRADEMARK** (Kluwer Law International 1999)(with Halpern & Seymore); (2nd Edition 2006); (3<sup>rd</sup> Edition 2012); (4<sup>rd</sup> Edition 2013); (5<sup>th</sup> Edition 2015), also published as Encyclopedia of Laws: UNITED STATES INTELLECTUAL PROPERTY LAW: COPYRIGHT, PATENT, TRADEMARK (Kluwer Law International, 2014)(Trademark Chapter)(with annual updates).

◆**LICENSING INTELLECTUAL PROPERTY IN THE DIGITAL AGE** (Carolina Academic Press)(J. Dratler, et al.)(Lead Editor)(2nd Edition 2005)

◆**COMPARATIVE LAW: THE ROLE OF LAW AND THE LEGAL PROCESS IN JAPAN 3<sup>RD</sup> EDITION** (Carolina Academic Press 2015) (With Teacher's Manual)

◆**JAPANESE TRADEMARK JURISPRUDENCE** (Kluwer Law International 1998).

#### **Chapters**

◆**Trademark Dilution in Japan**, in International Trademark Dilution (D. Bereskin ed., 2015)

◆**The Myth of Trademark Harmonization**, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH 329 (Peter K. Yu ed., 2006).

◆**United States Trademark Law** in INTERNATIONAL ENCYCLOPEDIA OF LAW (Kluwer Law International 2006)

◆**ACPA no tekiyo to sono mondaiten** (Application of the ACPA and Related Issues) in DOMAINNAMU FUNSO (Domain Name Disputes) (Kazuko Matsuo and Keita Sato eds. 2002).

### Articles

- ◆ ***Patent Jobs and the Myth of the Employment Hypothesis***, 9 *Cybaris* 130(2018)(with Lucas Hjelle and Molly Littman), at <https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1080&context=cybaris>
- ◆ ***Commodification of Trademarks: Some Final Thoughts on Trademark Dilution***, 46 *Hofstra L. Rev.* 669 (2017)
- ◆ ***Overruled Sub Silentio: Revisiting Park ‘N Fly***, 16 *Wake Forest J. of Bus. & IP* 135 (2016)
- ◆ ***In Pursuit of Patent Quality (and Reflections on Reification)***, 20 *Marq. Int. Prop. L. Rev.* 79 (2016)(with Lucas Hjelle and Molly Littman)
- ◆ ***Where Have All The Patent Attorneys Gone? Long time passing. . .***, 197 *J. Patent and Trademark Office Society* 193 (2015)(with Lucas Hjelle and Molly Littman)
- ◆ ***Regionally Based Collective Trademark System in Japan: Geographical Indicators by a Different Name or a Political Misdirection?*** 6 *Cybaris* 1 (2015)
- ◆ ***Trademark Extortion Revisited***, 14 *Chicago-Kent Journal of Intellectual Property* 217 (2015)
- ◆ ***Copyright Law Basics for the Nursing Professional: Part 1: Using the Work of Others***, 31 *Journal for Nurses in Professional Development* 252 (2015)(peer reviewed)
- ◆ ***Copyright Law Basics for the Nursing Professional: Part 2: Fair Use***, 31 *Journal for Nurses in Professional Development* 252 (2016)(peer reviewed)
- ◆ ***A Case Against ACTA***, 33 *Cardozo Law Review* 1131 (2012)
- ◆ ***The Expansion Trajectory***, 92 *Journal of the Patent, Copyright and Trademark Society* 474 (2011)
- ◆ ***On Nontraditional Trademarks***, 38 *Northern Kentucky Law Review* 1 (2011).
- ◆ ***Eighth Circuit Trademarks Opinions***, 39 *William Mitchell Law Review* 1657 (2010).
- ◆ ***On Balance: General Casualty Co. v. Wozinak Travel, Inc.***, *William Mitchell Journal of Law and Practice* <http://lawandpractice.wordpress.com/2010/02/25/on-balance-general-casualty-co-v-wozinak-travel-inc/> (2010).
- ◆ ***Judging Dilution in the United States and Japan***, 17 *Transnational Law and Contemporary Problems* 667 (2008).
- ◆ ***Trademark Extortion: The End of Trademark Law***, 65 *Washington & Lee Law Review* 865 (2008).
- ◆ ***“Dead Copies” Under Japanese Unfair Competition Prevention Act: The New Moral Right***, 51 *St. Louis University Law Review* 93 (2006).
- ◆ ***Trademark Dilution in Japan***, 4 *Northwestern Journal of Technology and Intellectual Property* 228 (2006).
- ◆ ***Essay on Intellectual Property Curricula in the United States***, 46 *IDEA* 165 (2005).
- ◆ ***The Straight Skinny on the Madrid Protocol***, *NEW MATTER* 22 (2005).
- ◆ ***Article 9 of the Japanese Constitution and the Rule of Law***, 13 *Cardozo International and Comparative Law Rev.* 701 (2005).
- ◆ ***Trademark Super Registry***, 94 *Trademark Reporter* 881 (2004).
- ◆ ***Will Victoria’s Secret Chill Dilution Litigation***, 4 *IPC Legal Browser* 8 (2004).
- ◆ ***Trademark Monopolies in the Blue Nowhere***, 28 *William Mitchell L. Rev.* 1091 (2002).
- ◆ ***On red haired waitresses, Shakespeare, and product configuration: A response to Justice***

*Stevens*, 1 John Marshall IP Law Rev. 220 (2002)

◆*Japanese Intellectual Property Law in Translation: Representative cases and commentary*, 34 Vanderbilt Int'l L. Rev. 847 (2001).

◆*Protection of Trade Dress before the US Supreme Court*, [rittashouhyoukenga mitomerarerujokenni kansuru renposaikosai hanketsu][In Japanese], 1201 Jurist 116 (2001).

◆ *The Congressional Expansion of American Trademark Law: A Civil Law System in the Making*, 35 Wake Forest L. Rev. 827 (2000).

◆ *Foreign Legal Consultants in Wisconsin*, 82 Marq. L. Rev. 827 (1999).

◆*International Trademark Harmonization: Norms, Names and Nonsense*, 2 Marq. Intell. Prop. L. Rev. 33 (1998).

◆*Protection of Famous Trademarks in Japan and the United States*, 15 Wis. Int'l L. J. 259 (1997).

◆*Learned Hand's Trademark Jurisprudence: Legal Positivism and the Myth of The Prophet*, 27 Pacific L. J. 221 (1996).

◆*A Comparison of Japanese and American Trademark Jurisprudence*, 29 Chuo U. Comparative L. Rev. 23 (1995).

◆*Sports Trademarks in the International Forum*, 6 For the Record 6 (1995).

◆*The Unnatural Expansion of Trademark Rights: Is a Federal Dilution Statute Necessary?*, 18 Seton Hall Leg. J. 433 (1994), *reprinted in*, Intellectual Property Law Review 271 (1995); *reprinted in*, 85 Trademark Reporter 525 (1995). Winner 1995 Ladas Memorial Award.

◆*The Case for Teaching Japanese Law in American Law Schools*, 43 DePaul L. Rev. 643 (1994).

◆*The United States' Legal System as a Bargaining Chip?* Milwaukee Business Journal, Oct. 1, 1994.

◆*The Illegitimacy of Trademark Incontestability*, 26 Ind. L. Rev. 519 (1993).

◆*Foreword: Symposium on Intellectual Property Law Theory*, 68 Chi.-Kent L. Rev. 581 (1993).

◆*The Japanese International Law "Revolution": International Human Rights Law and Its Impact in Japan*, 28 Stanford J. Int'l L. 139 (1991).

◆*Copyright Protection of Fictional Characters in Japan*, 7 Wis. Int'l L. J. 205 (1988).

### **Book Reviews**

◆Book Review: John Owen Haley, **The Spirit of Japanese Law** (1998), 1 Wash. L. Q.573 (2002).

◆Book Review: Richard Rabinowitz, **The Genesis of the Japanese Foreign Investment Law of 1950**, Japan Times, May 20, 2001, at 15, *reprinted in*, 3 Asian-Pacific Law & Policy Journal 233 (2002).

◆Book Review: David M. O'Brien, **TO DREAM OF DREAMS** (1996), 51:4 Monumenta Nipponica 494 (1996).

◆Book Review: Hiroshi Oda, **JAPANESE LAW** (1992), 42 Am. J. Comp. L. 452 (1994).

### **Op Eds**

Rising Sun? Amending the Japanese Pacifist Constitution, JURIST at

<http://jurist.law.pitt.edu/forumy/2007/02/rising-sun-amending-pacifist-japanese.php>

## EXPERIENCE IN JAPAN

*Foreign Exchange Student*, Waseda University, June 1981-August 1982.

*Translator*, Center for Organizational Research and Education (*Soshiki chosa kenkyujo*), 1983-1985.

*Santa Clara Study Abroad Program*, Summer 1987. Santa Clara University's study abroad program.

*Fulbright Scholar*, Tokyo University, Tokyo, Japan, 1995.

*Visiting Researcher*, Chuo University, Tokyo, Japan, 1996.

*Visiting Lecturer*, Doshisha University (Loyola University Study Abroad Program) Kyoto, Japan (June 1995; June 1997; June 1998).

*Fulbright Scholar*, Tokyo University, Tokyo, Japan 2000-2001.

*Visiting Professor*, Aoyama Gakuin University, Tokyo, Japan, June 2002.

*Visiting Professor*, Aichi University, Summer 2004-2010.

*Visiting Professor*, Chuo University, Summer 2004-2008.

*Foreign Research Fellow*, University of Tokyo, Fall semester 2005.

*Visiting Distinguished Professor*, Keio University Law School, Summer 2012.

## LEGAL EDUCATION

University of Wisconsin-Madison, J.D., June 1989.

**Editor-in-Chief**, Wisconsin International Law Journal 1988-89.

**Judicial Intern**, Wisconsin Supreme Court--Justice Callow.

## COLLEGE EDUCATION

Macalester College, St. Paul, Minnesota.

Bachelor of Arts *cum laude*: East Asian Studies, December 1982.

International exchange program: Waseda University, Tokyo, 1981-1982.

Honors:

Alexander International Scholarship

1981 Macalester College Japanese Language Award

**PRACTICAL  
LEGAL EXPERIENCE**

*Attorney*, Masuda, Funai, Eifert & Mitchell, Chicago. Practice concentrated in the areas of trademarks, copyrights and general corporate law for Japanese corporations and individuals worldwide. (June 1989 - July 1991)

*Of Counsel*, Michael, Best & Friedrich, Milwaukee. (November 1999- November 2001)

*Panelist*, National Arbitration Forum, St. Paul, MN. (April 1, 1013 – present)

**OTHER  
PUBLICATION  
EXPERIENCE**

◆Eric Barnouw, Iwasasaki and the Occupied Screen, 2 Film History 337 (K. Port, trans., 1988).

Translator of the following books published in Japan and East Asia:

◆Cross Cultural Comparison of Work Values and Behavior, Mitsuyo Hanada, Tokyo: Human Resources Development Center, 1984.

◆Training Course for Small Group Leaders, Vol. 1 and 2, Tokyo: SANNO Institute of Business Administration: 1985.

◆Introduction to QC Circles, Vols. 1-4, Tokyo: SANNO Institute of Business Administration: 1985.

◆Seven Steps in QC Circles, Tokyo: SANNO Institute of Business Administration, 1984.

◆12 Questions Regarding Japanese-style Management, Mitsuyo Hanada, Tokyo: SANNO Institute of Business Administration, 1984.