

Wendy Seltzer

The Internet's communication technologies offer powerful tools for free expression, civic engagement, and innovation. I seek to understand and explain these technologies in relation to the law; to advocate for the public interest and balance in intellectual property and privacy law; and, through teaching and scholarship, to share 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*

Bar Admissions: New York (2000), California (2004), U.S. Supreme Court (2005)

Experience

Teaching and Research

2006-present

I am currently a Senior Fellow at **Yale Law School's Information Society Project**. (2011-)

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.

In addition, to these teaching positions, I have conducted research at the **Princeton Center for Information Technology Policy**, **Silicon Flatirons Center at the University of Colorado Law School**, and **Harvard's Berkman Center for Internet & Society**, in digital copyright and software patents, the role of intermediaries in online expression, privacy in the networked world, 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.

Internet Corporation for Assigned Names and Numbers (ICANN)

2003-Present

GNSO Council member elected by the Non-Commercial Users Constituency. Formerly, At-Large Liaison to the Board and member, At-Large Advisory Committee. Advocate for the Internet-using public in ICANN policymaking on domain names and Internet resource management.

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).

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.

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

- *Free Speech Unmoored in Copyright's Safe Harbor: Chilling Effects of the DMCA on the First Amendment*, 24 Harvard Journal of Law and Technology 171 (2010), <<http://jolt.law.harvard.edu/articles/pdf/v24/24HarvJLTech171.pdf>>
- *The Imperfect is the Enemy of the Good: Anticircumvention versus Open User Innovation*, 25 Berkeley Tech. L.J. 909 (2010), <http://btlj.org/data/articles/25_2/0909-0972_Seltzer_WEB.pdf>
- *The Politics of Internet Control and Delegated Censorship*, 102 Am. Soc'y Int'l L. Proc. 45 (2008), <<http://wendy.seltzer.org/media/seltzer-asil.pdf>>.
- *The Broadcast Flag: It's not just TV*, 57 FCLJ 209 (2005), <<http://law.indiana.edu/fclj/pubs/v57/no2/Seltzer.pdf>>.
- *Infrastructures of Censorship and Lessons from Copyright Resistance*, Proc. USENIX Workshop on Free Communications on the Internet, San Francisco, August 2011.
- *Exposing the Flaws of Censorship by Domain Name*, IEEE Security and Privacy, vol. 9, no. 1, pp. 83-87, Jan./Feb. 2011, <<http://www.computer.org/portal/web/csdl/doi/10.1109/MSP.2011.8>>
- *Open Source and Intellectual Property*, in *Open Sources 2.0*, (O'Reilly, 2005).
- *Death by DMCA*, with Fred von Lohmann, *IEEE Spectrum*, June 2006, <<http://www.spectrum.ieee.org/jun06/3673>>.

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, U.S., Del. 2009-Present
Member of the Board of Directors. Non-profit organization supporting Web science research, standards, and increased access to and development of the World Wide Web for society.

Invited Presentations (Selected)

- "Software Patent and/or Software Development," TPRC, Wash. DC, Oct. 2011
- "Defending the Internet's Edge Against Meddling in the Middle," IU Bloomington, April 1, 2011
- Workshop on Free and Open Communication on the Internet, Georgia Tech, Feb. 24-25, 2011
- "Journalism and Social Network Privacy," Privacy and the Press, CU Boulder, Dec. 3, 2010
- "Free Speech Unmoored in Copyright's Safe Harbor," TPRC Conference, Wash. DC, Oct 3, 2010

- Keynote, "Making Privacy Visible," Privacy Enhancing Technologies Symposium, Berlin, Germany July 21, 2010
- Online Censorship – Content Filtering At Home and Abroad, MAPPING Change, DC, June 11, 2010
- "Privacy and Political Community," Privacy Law Scholars Conference, George Washington Law School, June 4-5, 2010
- Internet Intermediary Liability, Consilience '10, National Law School of India University, Bangalore, India, May 29-30, 2010
- Patents and Free and Open Source Software, Silicon Flatirons, CU Boulder, April 29, 2010
- "Free Speech Unmoored in Copyright's Safe Harbors," CU Boulder Colloquium, April 2, 2010
- "Can You Copyright a Tweet?" South by Southwest Interactive, Austin TX, March 14, 2010
- "Chokepoints and Chilling Effects, Intermediaries and Online Speech," Harvard Journal of Law and Technology, Nov. 30, 2009
- "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
- "Authorship, Appropriation, and the Fluid Text: Versions of the Law," MIT Comparative Media Studies Colloquium, March 19, 2009
- "Ten Years into the Digital Millennium," Virginia Tech, February 20, 2009
- Social and Technical Architecture of the Internet, CNbloggercon. Guangzhou, China, Nov. 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 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
- 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
- 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
- "Section 230: At the Gates between Liability for Harmful Speech and Wikipedia," Wikimania 2006
- Keynote, "Preserving Privacy as Technologies Change," and privacy panel, 7th Annual IEEE Information Assurance Workshop, West Point, NY, June 22, 2006
- "Endangered Devices and How We Can Save Them," O'Reilly Emerging Technology Conference, San Diego, California, March 14-17, 2005
- Wizards of OS 3: The Future of the Digital Commons, Berlin, Germany, June 10-12, 2004; workshop Where next for copyright in the new Europe?, June 13, 2003
- Free Bitflows, Vienna, Austria, June 3-4, 2004 (panel presentation: Decentralizing Compensation)
- Keynote, "The Freedom to Discover," IDLELO Conference on the Digital Commons, Cape Town, South Africa, Jan 11-15, 2004

- The Internet's Private Cops, DEFCON 11, Las Vegas, NV, August 1-3, 2003
- "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
- "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)
- "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
- "Who Controls New Media? Open Art in Closed Systems", Solomon R. Guggenheim Museum, New York, NY, March 21, 2002