Platform Society: Free Speech, Copyright, and Sharing on Social Media Platforms

Friday, October 4, 2019
9 a.m. – 3:30 p.m.

Fordham Law School
150 West 62nd Street
Costantino Room (Second Floor)
ABOUT THE SYMPOSIUM

As global pressure on social media platforms to create a healthier online environment has never been more intense, this program brings together a diverse array of distinguished professionals, including attorneys, scholars, and policy analysts, to explore the regulation of social media content moderation, and its intersection with copyright, free speech, and discrimination.

To start, our Copyright Regimes & Automated Content Moderation panel will examine how differing copyright liability frameworks create different incentives for platform behavior, with the potential to position social media companies as either gatekeepers or pathways to infringement. The Human Dignity, Agency, & Algorithmic Bias panel will explore the tension between biases and civil rights in algorithmic modeling used in social media content moderation, looking at its impact on the housing and employment markets, political participation, and free speech. Finally, our Platform Governance panel will evaluate different governance models, determining whether there is a more effective model to address content distribution on social media platforms. This panel will also consider whether and how the principles of the First Amendment should inform industry self-regulation.

ABOUT THE FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL

The Fordham Intellectual Property, Media & Entertainment Law Journal (IPLJ) is a scholarly journal serving the legal profession and the public by discussing current legal issues in all areas of intellectual property law including: Patent law, Copyright law, Trademark law, Telecommunications, Internet law, Counterfeiting and Piracy issues, Entertainment and Sports law, First Amendment rights, and Mass Media law. As technology continues to advance, the IPLJ seeks to address the novel issues that confront intellectual property law. Each year the Fordham IPLJ publishes one volume, comprised of four separate books that include Articles, Essays, Comments, and Notes written by distinguished outside contributors, such as law professors, judges, and practicing lawyers, as well as student members of the Fordham IPLJ and Fordham University School of Law.

The Fordham IPLJ was ranked as the top law journal in arts, entertainment & sports law, and fourth in intellectual property law, according to a recent study by Washington & Lee University. IPLJ articles have been read into the Congressional Record, cited in the Court of Appeals for the Second Circuit, and in amicus briefs to the U.S. Supreme Court.

In addition to publishing, the IPLJ conducts several special events for practitioners and staff members. Our Annual Symposium has become a seminal convention on present-day issues. In recent years, topics have ranged from data privacy to trademark dilution to free speech in the modern day. A summary of this Symposium will be published by IPLJ in 2020.

For more information, please visit: 
www.fordhamiplj.org

Let us know you attended the Symposium. Post, tweet, or tag us on Facebook, Twitter, and Instagram @FordhamIPLJ #IPLJ2019
AGENDA

8:30 – 9 a.m.
Check-in & Breakfast

9 – 9:15 a.m.
Welcome Remarks

Matthew Diller
Dean and Paul Fuller Professor of Law, Fordham Law School

9:15 – 10:30 a.m.
(1.0 CLE Ethics; 0.5 CLE Professional Practice)
Panel I: Copyright Regimes & Automated Content Moderation

Brian Carver
Copyright Counsel, Google LLC

Nora Choueiri
Senior Legal Counsel, Dailymotion

Giuseppe Mazziotti, Ph.D.
Assistant Professor of Law, Trinity College Dublin

Jennifer L. Pariser
Vice President, Copyright & Legal Affairs, Motion Picture Association of America

Pamela Samuelson
Richard M. Sherman Distinguished Professor of Law, Berkeley Law School, Co-Director Berkeley Center for Law & Technology; Bacon-Kilkenny Visiting Professor of Law, Fordham Law School

Moderator: Ron Lazebnik
Clinical Associate Professor of Law, Fordham Law School

10:30 – 10:45 a.m.
Break

10:45 a.m. – 12:00 p.m.
(1.5 CLE Ethics)
Panel II: Human Dignity, Agency, & Algorithmic Bias

Rebecca Croootof, Ph.D.
Assistant Professor of Law, University of Richmond School of Law

Diane L. Houk
Of Counsel, Emery Celli Brinckerhoff & Abady LLP

Charlton D. McIlwain, Ph.D.
Vice Provost for Faculty Engagement & Development, Professor of Media, Culture, and Communication, New York University

Ana-Andreea Stoica
Ph.D. Candidate, Computer Science Department, Columbia University

Moderator: Andrew Selbst
Postdoctoral Scholar, Data & Society Research Institute

12:00 – 1:00 p.m.
Lunch

1:00 – 2:00 p.m.
Keynote Speaker

Kate Klonick, Ph.D.
Assistant Professor of Law, St. John’s University School of Law

2:00 – 2:15 p.m.
Break

2:15 – 3:30 p.m.
(1.5 CLE Professional Practice)
Panel III: Platform Governance

Zoe Mentel Darmé
Manager, Global Affairs and Governance, Facebook

Robert J. deBrauwere
Partner and Co-Chair, Digital Media Group, Pryor Cashman LLP

Evelyn Douek
S.J.D. Candidate, Harvard Law School

Nadine Strossen
John Marshall Harlan II Professor of Law, New York Law School

Moderator: Abner S. Greene
Leonard F. Manning Professor of Law, Fordham Law School

3:30 p.m.
Reception
Brian Carver
Copyright Counsel, Google LLC

Brian Carver is Copyright Counsel at Google where he advises on copyright matters across the company. He was formerly Product Counsel at YouTube where he also focused on copyright matters including the notice and takedown process and copyright management tools such as Content ID. Previously, he was on the faculty at the University of California, Berkeley where he taught intellectual property and cyberlaw courses. He has also litigated intellectual property cases as an associate at a Silicon Valley-based law firm. Brian received his J.D. from UC Berkeley Law and is a member of the State Bar of California. He is originally from Birmingham, Alabama.

Nora Choueiri
Senior Legal Counsel, Dailymotion

Nora Choueiri is Senior Legal Counsel at Dailymotion in New York where she handles all variety of legal matters for the company, including advising on copyright matters. She was formerly the Dean’s Fellow for the Fashion Law Institute at Fordham University School of Law. Nora received her B.A. in Political Sciences with distinction from Cornell University, and her J.D. cum laude from Fordham University School of Law. While at Fordham Law she was a member of the Samuelson-Glushko Intellectual Property and Information Law Clinic and was an author in an amicus brief to the second circuit for the case Viacom Intern., Inc. v. Youtube, Inc., 676 F.3d 19 (2012). Nora is a member of the State Bar of New York. She was born and raised in New York City.

Rebecca Crootof, Ph.D.
Assistant Professor of Law, University of Richmond School of Law

Rebecca Crootof is an Assistant Professor of Law. Dr. Crootof’s primary areas of research include technology law, international law, and torts; her written work explores questions stemming from the iterative relationship between law and technology, often in light of social changes sparked by increasingly autonomous systems, artificial intelligence, cyberspace, robotics, and the Internet of Things. She is interested in the various ways both domestic and international legal regimes respond to and shape technological development, particularly in the armed conflict context. Dr. Crootof earned a B.A. cum laude in English with a minor in Mathematics at Pomona College; a J.D. at Yale Law School; and a PhD at Yale Law School. She consults for the Institute for Defense Analyses and is a member of the New York Bar, the Equal Rights Center’s Board of Directors, the Center for New American Security’s Task Force on Artificial Intelligence and National Security, and the Permanent Mission of the Principality of Liechtenstein to the United Nations’ Council of Advisers on the Application of the Rome Statute to Cyberwarfare. She enjoys skiing, hiking, and reading science fiction “for work.”

Robert J. deBrauwere
Partner and Co-Chair, Digital Media Group, Pryor Cashman LLP

Partner Robert deBrauwere co-chairs Pryor Cashman’s Digital Media Group and is a member of the Intellectual Property, Media + Entertainment and Litigation Groups. His extensive knowledge of the interplay between IP, technology, media, entertainment and music has earned him the role of trusted business and legal advisor to some of the world’s most cutting-edge companies and influential artists and songwriters.

A former computer programmer and concert and theater sound/lighting engineer, Rob understands how technology and entertainment intersect in the digital world. He recognizes the challenges that accompany the design and development of new applications, products and distribution channels, and works alongside his clients to devise solutions that are scalable and secure.

Evelyn Douek
S.J.D. Candidate, Harvard Law School

Evelyn Douek is an S.J.D. candidate at Harvard Law School and Affiliate at the Berkman Klein Center For Internet & Society. She studies international and transnational regulation of online speech and content moderation institutional design. Her supervisors are Professors Martha Minow, Jack L. Goldsmith and Cass R. Sunstein. Prior to coming to HLS, Evelyn was an Associate (clerk) to the Honourable Chief Justice Susan Kiefel of the High Court of Australia. She also worked in commercial litigation in Sydney. She graduated with First Class Honours from UNSW Sydney, where she was the Executive Editor of the UNSW Law Journal and the Undergraduate Student Representative on UNSW Council, the University’s governing body. Evelyn blogs regularly at Lawfare, and her research has appeared or is forthcoming in the North Carolina Journal of Law and Technology, the Federal Law Review, Slate, Mother Jones, and a number of other publications.

Abner S. Greene
Leonard F. Manning Professor of Law, Fordham Law School (Moderator)

Abner S. Greene is the Leonard F. Manning Professor of Law at Fordham Law School, where he has taught since 1994. He was awarded Teacher of the Year in 2002. He currently teaches First Amendment, Federal
Diane L. Houk
Of Counsel, Emery Celli Brinckerhoff & Abady LLP

Diane L. Houk joined Emery Celli Brinckerhoff & Abady LLP as Counsel in 2009. Her practice focuses on representing individual and organizational plaintiffs in housing discrimination matters, including Broadway Triangle Community Coalition v. New York City; National Fair Housing Alliance v. Facebook, Inc; Fair Housing Justice Center v. M&T Bank; Kneer and Long Island Housing Services v. German American Settlement League, Inc., and L. C. v. LeFrak City. Prior to joining the firm, Diane co-founded the New York City-based Fair Housing Justice Center in 2004 and served as its first Executive Director until 2009.

Ms. Houk previously worked at the Civil Rights Division of the U.S. Department of Justice in the Housing & Civil Enforcement Section from 1991 to 2004. During her tenure as a Senior Trial Attorney, Ms. Houk served as lead counsel in more than thirty housing discrimination cases filed by the United States in federal courts throughout the country. Her docket included systemic “pattern and practice” cases, as well as individual complaints referred by HUD, involving allegations of race, national origin, familial status, sex, and disability discrimination. These included rental discrimination cases based on “testing” investigations and local land use cases, such as United States v. Yonkers, NY; United States v. Parma, OH; United States v. City of Jacksonville, FL; and United States v. Pooler, GA.

In 2000, Ms. Houk was named Special Litigation Counsel by the Division. In that role, she oversaw the development and litigation of race, national origin, and religious discrimination cases involving land use and zoning, redevelopment plans, building and occupancy codes, and affordable housing programs.

Kate Klonick, Ph.D.
Assistant Professor of Law, St. John’s University School of Law

Kate Klonick is an Assistant Professor at St. John’s University Law School and an Affiliate Fellow at Yale Law School’s Information Society Project. Her research on networked technologies’ effect on social norm enforcement, freedom of expression, and private governance has appeared in the Harvard Law Review, New York Times, New Yorker, The Atlantic, The Guardian and numerous other publications.

Ron Lazebnik
Clinical Associate Professor of Law, Fordham Law School (Moderator)

Ron Lazebnik is the Director of the Samuelson-Glushko Intellectual Property and Information Law Clinic as well as the J.D. Externship program at Fordham University. He has assisted clinic students with a number of significant legal matters, including the filing of amicus briefs in important IP cases before the U.S. Court of Appeals for the Second Circuit. In 2012, under his leadership, the clinic became a part of the U.S. Patent and Trademark Office pilot programs to allow students to practice before patent and trademark examiners. His academic and scholarly interests include IP law, information law, and Internet law.

Giuseppe Mazziotti, Ph.D.
Assistant Professor of Law, Trinity College Dublin

Giuseppe Mazziotti is an Assistant Professor in intellectual property law at Trinity College Dublin as of October 2014. He held the same position at the University of Copenhagen from 2009 to 2011. Giuseppe was Visiting Scholar at the University of California, Berkeley (2004/2005), Columbia Law School (2010/2011), Pompeu Fabra University and ESADE Business School in Barcelona (2017). He was a Fellow at the Berkman Center for Internet and Society at Harvard University (2011/2012), the Istituto de Tecnologia e Sociedade in Rio de Janeiro (2015), the Centre for Media Pluralism and Freedom at the European University Institute in Florence (2017) and an Emile Noel Fellow at New York University (Fulbright Schuman Scholar 2018-2019). Giuseppe is an Associate Research Fellow at the Centre for European Policy Studies (CEPS) in Brussels, where he co-managed the CEPS Digital Forum (2012-2013) and led a multi-stakeholder task force on ‘Copyright in the Digital Single Market’. As a consultant, he works with his own firm Mediartis, advising authors, performers, content producers as well as tech and media companies on a variety of issues related to intellectual property, information technology and media law, antitrust, data protection and EU law. Giuseppe holds a cum laude law degree (2001) from the University of Perugia, a Master of Research (2003) and a PhD in Law (2007) from the European University Institute in Florence and master degrees in clarinet performance (1997) and chamber music (2003) from the Music
Conservatory of Perugia.

Charlton D. McIlwain, Ph.D.
Vice Provost for Faculty Engagement & Development, Professor of Media, Culture, and Communication, New York University

Charlton McIlwain is Vice Provost for Faculty Engagement and Development. He is charged with promoting faculty development to enhance individual faculty careers and academic excellence at NYU. His responsibilities include strengthening faculty recruitment and retention; coordinating faculty recognition awards and ceremonies; administering teaching awards; overseeing STEM training pipeline programs; and administering career preparation programs. He partners with the Deputy Provost to administer the Provost’s Postdoctoral Fellowship Program and is the Provost’s primary liaison to the Office of Equal Opportunity and the Office of the Chief Diversity Officer.

Dr. McIlwain has been at NYU since 2001, and was most recently Steinhardt’s Associate Dean of Faculty Development and Diversity. In his decanal capacity, he designed strategic initiatives to recruit and support faculty to maximize career productivity and progress towards tenure and/or promotion.

As Professor of Media, Culture, and Communication, Dr. McIlwain’s scholarly work focuses on the intersections of race, digital media, and racial justice activism. He is the founder of the Center for Critical Race and Digital Studies. His book, Black Software: The Internet & Racial Justice, From the AfroNet to Black Lives Matter is forthcoming from Oxford University Press, and he is the co-author of the award-winning book, Race Appeal: How Political Candidates Invoke Race In U.S. Political Campaigns. He received his Ph.D. in Communication and a Masters of Human Relations, both from the University of Oklahoma, and a B.A. in Family Psychology from Oklahoma Baptist University.

Zoe Mentel Darmé
Manager, Global Affairs and Governance, Facebook

Zoe Darmé is leading the global outreach efforts in support of Facebook’s oversight board. Prior to joining Facebook, she served in various policy and program capacities with the United Nations’ Department of Peacekeeping Operations. As part of the UN’s peace and security efforts in West Africa and the Great Lakes region, Zoe focused on building the rule of law; managing disarmament, demobilization and reintegration programs for ex-combatants; engaging in security sector reform; and supporting the clearance of mines and other explosive hazards. While Director of Strategic Initiatives at John Jay College for Criminal Justice, Zoe led teams conducting research and providing technical assistance on homicides and gang violence. Previously, she served with the U.S. Department of Justice, where she focused on police and justice system reform. Zoe earned her M.A. from the Johns Hopkins University (Baltimore, MD) and her B.A. from Northwestern University (Evanston, IL). Both degrees are in very practical subjects: the Victorian novel and German idealism in the long 18th century. Zoe was also a nominee for the 2011 Service to America Medal.

Jennifer L. Pariser
Vice President, Copyright & Legal Affairs, Motion Picture Association of America

Jennifer Pariser is the Vice President, Copyright and Legal Affairs at the Motion Picture Association. She provides counsel on a wide range of intellectual property and other legal issues for the association, oversees the studios’ relationship with academic institutions and the filing of amicus briefs in significant copyright cases. She has worked extensively on DMCA notice and takedown matters and ran the Copyright Alert System. Prior to joining the MPAA, Jenny previously served as head of litigation at the RIAA and at Sony Music where she oversaw all litigation matters including significant lawsuits against online copyright pirates such as Napster, Grokster, Limewire as well as individual infringers. Prior to that she was an associate with the firms Patterson, Belknap, Webb & Tyler and Debevoise & Plimpton in New York and also served as a judicial clerk to the Honorable Charles Tenney in the United States District Court for the Southern District of New York. She graduated from New York University Law School where she was a member of the Law Review and the School of Foreign Service at Georgetown University. She lectures extensively on copyright topics including at the Copyright Society of the USA, the American and New York Bar Associations, PLI and various law schools.

Pamela Samuelson
Richard M. Sherman Distinguished Professor of Law, Berkeley Law School, Co-Director Berkeley Center for Law & Technology; Bacon-Kilkenny Visiting Professor of Law, Fordham Law School

Pamela Samuelson is the Richard M. Sherman ’74 Distinguished Professor of Law at the University of California at Berkeley and a Co-Director of the Berkeley Center for Law & Technology. For the Fall Term 2019, she is the Bacon-Kilkenny Visiting Professor of Law at Fordham Law School. She teaches courses on intellectual property, cyberlaw, and information privacy. She has written and spoken extensively about the challenges that new information technologies pose for traditional legal regimes, especially for intellectual property law. She is a
Ana-Andreea Stoica
Ph.D. Candidate, Computer Science Department, Columbia University

Ana-Andreea Stoica’s work focuses on mathematical models, data analysis, and policy implications for algorithm design in social networks. From recommendation algorithms to the way information spreads in networks, Ana is particularly interested in studying the effect of algorithms on people’s sense of privacy, of community, and of access to information and opportunities. She strives to integrate tools from mathematical models - from graph theory to opinion dynamics - with sociology, to gain a deeper understanding of the ethics and implications of using technology in our everyday lives. Ana grew up in Bucharest, Romania, and moved to the U.S. for college, where she graduated from Princeton in 2016 with a bachelor’s degree in Mathematics.

Nadine Strossen
John Marshall Harlan II Professor of Law, New York Law School

Nadine Strossen, a chaired professor at New York Law School, is a leading expert and frequent public speaker/media commentator on constitutional law and civil liberties issues. The immediate past President of the American Civil Liberties Union (1991-2008), she serves on the national advisory boards of the ACLU, Electronic Privacy Information Center, Foundation for Individual Rights in Education (FIRE), and Heterodox Academy.

The National Law Journal has named Strossen one of America’s “100 Most Influential Lawyers,” and several other national publications have named her one of the country’s most influential women.

ACKNOWLEDGEMENTS

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The IPLJ also thanks all of the Symposium Committee members for all of their efforts in connection with the planning of the conference. They include Katherine Ballington, Regina Q. Jin, Jermel Singleton, and Sarah Fabian Maramarosy, Symposium Editor.

Finally, the IPLJ expresses its deep thanks to Kelley Drye & Warren LLP for their generous sponsorship of the program.

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