

Brian L. Frye

Spears-Gilbert Associate Professor of Law
University of Kentucky College of Law
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Academic Appointments:

University of Kentucky College of Law, Lexington, KY

- Spears-Gilbert Associate Professor of Law, July 2016 - present
- Assistant Professor of Law, July 2012 - June 2016
- Courses: civil procedure, intellectual property, copyright, nonprofit organizations, law & popular culture

Hofstra University School of Law, Hempstead, NY

- Visiting Assistant Professor of Law, January 2010 - June 2012
- Courses: civil procedure, art law, nonprofit organizations, law & popular culture

Education:

New York University School of Law, New York, NY

- Juris Doctor, *cum laude*, May 2005

San Francisco Art Institute, San Francisco, CA

- Master of Fine Arts in Filmmaking, May 1997

University of California at Berkeley, Berkeley, CA

- Bachelor of Arts in Cinema Studies, High Honors, December 1994

Legal Publications:

Christopher J. Ryan, Jr. & Brian L. Frye, *A Revealed Preferences Approach to Ranking Law Schools*, Ala. L. Rev. (forthcoming)

Christopher J. Ryan, Jr. & Brian L. Frye, *An Empirical Study of University Patent Activity*, N.Y.U. J. I.P. & Ent. L. (forthcoming)

Brian L. Frye, *Equitable Resale Royalties*, J. Intell. Prop. L. (forthcoming)

Brian L. Frye, *Against Creativity*, N.Y.U. J.L. & Liberty (forthcoming)

Brian L. Frye, *Invention of a Slave*, Syracuse L. Rev. (forthcoming)

Brian L. Frye & Christopher J. Ryan, Jr., *Fixing Forum Selling*, 25 U. Miami Bus. L. Rev. 1 (2017)

Brian L. Frye, *Incidental Intellectual Property*, 33 Ent. & Sports Lawyer (2017)

Brian L. Frye, Christopher J. Ryan, Jr. & Franklin L. Runge, *An Empirical Study of the Copyright Practices of American Law Journals*, 16 John Marshall Rev. I.P.L. 207 (2017)

Brian L. Frye, *Art & the "Public Trust" in Municipal Bankruptcy*, 93 U. Detroit Mercy L. Rev. 629 (2016)

Brian L. Frye, *Aesthetic Nondiscrimination & Fair Use*, 3 Belmont L. Rev. 29 (2016)

Brian L. Frye, *Machiavellian Intellectual Property*, 78 Univ. of Pittsburgh L. Rev. 1 (2016)

Brian L. Frye, *Copyright in Pantomime*, 34 Cardozo Arts & Ent. L. Rev. 307 (2016)

Brian L. Frye, *Social Technology & the Origins of Popular Philanthropy*, 32 Ga. State. L. Rev. 413 (2016)

Brian L. Frye, *Plagiarism is Not a Crime*, 54 Duquesne L. Rev. 133 (2016)

Brian L. Frye, *Scenes from the Copyright Office*, 32 Touro L. Rev. 83 (2016)

Brian L. Frye, *The Most Scholarly Justices*, 18 Green Bag 2d 435 (2015)

Brian L. Frye, *Copyright as Charity*, 39 Nova L. Rev. 343 (2015)

Brian L. Frye, *IP as Metaphor*, 18 Chapman L. Rev. 735 (2015)

Brian L. Frye, *Eldred & the New Rationality*, 104 Ky. L.J. Online 1 (2015)

Brian L. Frye, *Andy Warhol's Pantry*, 8 Akron I.P. J. 17 (2015)

Brian L. Frye, *Solving Charity Failures*, 93 Or. L. Rev. 155 (2014)

Brian L. Frye, *Justifying Academic Freedom*, 9 FIU L. Rev. 45 (2013)

Brian L. Frye, Josh Blackman & Michael McCloskey, *Justice John Marshall Harlan: Lectures on Constitutional Law, 1897–98*, 81 Geo. Wash. L. Rev. Arguendo (2013)

Josh Blackman, Brian L. Frye & Michael McCloskey, *Justice John Marshall Harlan: Professor of Law*, Geo. Wash. L. Rev. (2013)

Brian L. Frye, *The Dialectic of Obscenity*, 35 Hamline L. Rev. 229 (2012)

Brian L. Frye, *The Peculiar Story of United States v. Miller*, 3 N.Y.U. J.L. & Liberty 48 (2008)

Legal Publications in Progress:

Christopher J. Ryan, Jr. & Brian L. Frye, *Analyzing the Effect of Financial Aid on Law School Matriculation*

Brian L. Frye, *Copyright & the Cathatch of Saint Columba*

Brian L. Frye, *Liberation Innovation: Antebellum African-American Intellectual Property*

Brian L. Frye, *IP as Charity*

Brian L. Frye, *The Law of the Jungle: Hobo Law & Courts in Pre-War America*

Brian L. Frye, *Zombie Patents*

Brian L. Frye, *The Dark Matter of Copyright*

Other Selected Publications:

Brian L. Frye, *The Zapruder Film*, in *A History of Intellectual Property in 50 Objects* (Daniel Hunter & Claudy Op den Kamp, eds. Cambridge University Press 2018)

Brian L. Frye, *A Potted Legal History of the Bisbee Deportation of 1917* (forthcoming)

Brian L. Frye, *The Athlete's Two Bodies: Reflections on the Ontology of Celebrity*, *Incite! Journal of Experimental Media*, Issue 7 (forthcoming)

Brian L. Frye, *Observations on Motion Picture Evidence*, *World Picture* 12 (2017)

Brian L. Frye, *Copyright in a Nutshell for Found Footage Filmmakers*, *Found Footage Magazine* No. 2 (2016)

Brian L. Frye, *A Revolution in Favor of Television*, in *Looking with Robert Gardner* (SUNY Press, 2016)

Brian L. Frye, *Three Great Phonographers: Warhol, Nixon & Kaufman*, Incite! Journal of Experimental Media, Issue 6 (2016)

Brian L. Frye, *Interview with Jonas Mekas*, in *13 Most Wanted Men: Andy Warhol and the 1964 World's Fair* (2015)

Brian L. Frye, *On the Origins of the Robert Beck Memorial Cinema*, Incite! Journal of Experimental Media (2013)

Brian L. Frye, *The Gray Lady's Guide to Avant-Garde Cinema*, Incite! Journal of Experimental Media (2011-12)

Brian L. Frye, *The Accidental Preservationist: An Interview With Bill Brand*, in *Results You Can't Refuse: Celebrating 30 Years of BB Optics* (Andrew Lampert ed., 2006).

Brian L. Frye, *Three Great Filmmakers: Haldeman, Ehrlichman & Chapin*, in *Results You Can't Refuse: Celebrating 30 Years of BB Optics* (Andrew Lampert ed., 2006).

Brian L. Frye, *Three Great Filmmakers: Haldeman, Ehrlichman & Chapin, or Nixon's Home Movies*, Cineaste, Summer 2006

Brian L. Frye, *Interview With Jonas Mekas*, in *Jonas Mekas: Conversations, Letters, Notes, Misc. Pieces Etc.* (Jonas Mekas & Liutauras Psibilski eds., 2005).

Legal Experience:

Expert Witness, Lexington, KY

- *In re Marriage of Shelton*, Illinois 2015-present

Sullivan & Cromwell, LLP, New York, NY

- Associate, October 2007 - January 2010
- Law Clerk, October 2004 - May 2005
- Summer Associate, June - August 2004

Judge Andrew J. Kleinfeld, United States Court of Appeals for the Ninth Circuit, Fairbanks, AK

- Law Clerk, August 2006 - August 2007

Justice Richard B. Sanders, Washington Supreme Court, Olympia, WA

- Law Clerk, August 2005 - August 2006

Other Experience:

Film & Art Critic, 2000 - present

- Published feature articles and reviews on art and film in The New Republic, Civilization, University Business, Cineaste, Film Comment, IndieWire, Millennium Film Journal, Senses of Cinema, BOMB, Film History, The Brooklyn Rail, Incite! and other magazines

Filmmaker, 1995 - present

- Co-producer of *Our Nixon* (2013), which was broadcast by CNN, opened theatrically nationwide, and has shown internationally
- Creator of short films and videos included in the Whitney Biennial 2002 and shown at the New York Film Festival, Museum of Modern Art, San Francisco Museum of Modern Art, the Pompidou Center, and many other venues

Selected Legal Presentations:

The Law of the Jungle: Hobo Justice, 1865-1939, University of Toledo College of Law, March 27, 2017

Equitable Resale Royalties, Association of American Law Schools Annual Meeting, January 7, 2017

Against Creativity, IP Colloquium, Hofstra Center for Intellectual Property Law, November 7, 2016

Against Creativity, Conference on Law, Authorship, and Appropriation, Paul M. Hebert Law Center, Louisiana State University, October 29, 2016

Observations on Comparative Intellectual Property Law, International Symposium on Foreign Law and Comparative Law, Beijing International Studies University Law School, September 17, 2016

Observations on Comparative Intellectual Property Law, Zhejiang Gongshang University Law School, Hangzhou, September 21, 2016

The Law of the Jungle: Hobo Justice, 1865-1939, Law & Society Association Annual Meeting, New Orleans, LA, June 2, 2016

Against Creativity, American Bar Association Intellectual Property Law Symposium, April 6, 2016

Intellectual Property as Charity, University of West Virginia College of Law, April 4, 2016

The Law of the Jungle: Hobo Justice, 1865-1939, University of Mississippi College of Law, March 28, 2016

Art & the "Public Trust" in Municipal Bankruptcy, University of Detroit Mercy Law Review Centennial Symposium, March 4, 2016

Copyright & Cultural Production, Mega IP Fiesta, VIT Law School, Chennai, India, January 30, 2016

IP as Charity, AALS Annual Meeting, January 8, 2016

Intellectual Property Bullshit, Savannah Law School, November 6, 2015

Plagiarism is Not a Crime, Intellectual Property Junior Scholars Workshop, Fordham Law School, October 23, 2015

Aesthetic Nondiscrimination & Fair Use, Belmont Law Review 2015 Symposium, Entertainment Law and Music Business in Transition, Belmont Law School, October 16, 2015

IP as Charity & Plenary Speaker, Central States Law Schools Association 2015 Scholarship Conference, October 9, 2015

IP as Charity, Intellectual Property Scholars Conference, August 6, 2015

IP as Charity, Moritz College of Law, The Ohio State University, July 23, 2015

The National Security State: The NSA's Mass Surveillance and Meta-Data Collection, Kentucky Bar Association Annual Convention, June 19, 2015

Plagiarism is Not a Crime, Duquesne University School of Law, April 20, 2015

Scenes from the Copyright Office, Touro Law Center, March 23, 2015

The McKinley Memorial Chain Letter & the Origins of Popular Philanthropy, Ohio Northern University Claude W. Pettit College of Law, February 27, 2015

Copyright as Charity, 2015 Nova Law Review Symposium, New Media and Old Metaphors, Shepard Broad Law Center at Nova Southeastern University, February 12-13, 2015

IP as Metaphor, 2015 Chapman Law Review Symposium, Trolls or Toll-Takers: Do Intellectual Property Non-Practicing Entities Add Value to Society?, Chapman Law School, January 30, 2015

Trolls as Metaphor, 4th Annual Intellectual Property Scholars Roundtable, University of New Hampshire School of Law, November 2014

Charity as Innovation, Junior Intellectual Property Scholars Association Workshop, Washburn University School of Law, June 2014

Solving Charity Failures, Internet Law Works in Progress Symposium, March 2014

Epistemological Skepticism & Motion Picture Evidence, Association for the Study of Law, Culture & the Humanities Conference, March 2014

Watergate & the Historiography of the Presidency, Indiana University-Purdue University Indianapolis College of Law, January 2014

Discovering Constitutional Rights, Conference on The Question of Regulating Guns, Indiana Tech Law School, November 2013

Andy Warhol's Pantry, Akron Law IP Scholars Forum, October 2013

Nixon & the Historiography of the Presidency, Saint Louis University College of Law, September 2013

Charity as Innovation, Southeastern Association of Law Schools, August 2013

Charity as Innovation, Developing Ideas Conference, August 2013

Solving Charity Failures, Washington University in St. Louis Law School Regional Junior Faculty Forum, April 2013

Solving Charity Failures, Central States Law Schools Association Conference, October 2012

Other Presentations:

Copyright in a Nutshell for Archivists, Association of Moving Image Archivists Annual Conference, November 12, 2016

The Art Markets Are Present, White Box Gallery, New York, NY, August 25, 2016

Selections from the Kentucky Amateur Film Archive, Ephemeral Film Festival, Baltimore, MD, June 25, 2016

Jonathan Lee Riches: The Most Suingest Person in America, Bastard Film Encounter, April 24, 2015

Film and Filmmaking in Kentucky, University of Louisville, March 13, 2015

Collage Filmmaking, Antioch College, August 2014

Working in the "People's House": The Nixon Staff Super-8 Collection (with Katrina Dixon),
Wunderkino 4: Visions of House and Home, Northeast Historic Film, July 2014

Documentary Filmmaking, Hampshire College, November 2013

Old Films, New Access: Partnerships in Production, Association of Moving Image Archivists
Annual Conference, November 2013

Documentary Film in Kentucky, University of Louisville, October 2013

Service

Secretary, AALS Art Law Section

Member, AALS IP Section

Member, ABA Volunteer Lawyers for the Arts (VLA) Division of Forum on the Entertainment and
Sports Industries

National Alliance for Media Arts and Culture (NAMAC), Oakland, CA, board member

Kentucky Lawyers for the Arts, Lexington, KY, board president

LexArts, Lexington, KY, board member

LexArts Business Volunteers for the Arts, Lexington, KY, committee member

Kentucky Amateur Film Archives, Lexington, KY, board member

Appalshop Charitable Trust, Whitesburg, KY, trustee

Lexington Film League, Lexington, KY, board member

UnionDocs, Brooklyn, NY, board member

Light Industry, Brooklyn, NY, board member