

## **Aaron Schwabach**

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**Education:** **Berkeley Law**, University of California, Berkeley, California  
J.D.

**University of Westminster**, London, United Kingdom  
Ph.D. in Law

**Antioch College**, Yellow Springs, Ohio  
B.A. in Political Science

**Bar Admissions:** California  
Florida

**Current position:** **University of Arkansas at Little Rock, William H. Bowen School of Law**, Little Rock, Arkansas  
Professor of Law  
*7/2020 to present*

**Courses Currently Teaching:** Property I & II  
Conflict of Laws  
Decedents' Estates  
International Environmental Law  
Professional Responsibility

**Selected Courses Previously Taught:** Advanced Internet Law  
Comparative Law  
Environmental Law  
International Business Transactions  
International Dispute Resolution  
International Environmental Law  
International Internet Law  
Kosovo in International Law  
Legal Writing I, II, III, & IV  
Mastering the Performance Test  
Public International Law

**Prior Academic Experience:**

**Thomas Jefferson School of Law, San Diego, California**  
*8/1994 to 2/2020*

- Associate Dean for Strategic Initiatives (2016-2020)
  - Deeply involved in all phases of accreditation process
  - Accreditation Liaison Officer to Western Association of Schools and Colleges Senior College and University Commission
  - Current chair of Accreditation Committee, Strategic Planning Committee, and Non-JD Programs Committee
  - Supervisor of online and residential non-JD programs
  - Supervisor of international recruitment efforts
  - Supervisor of institutional research
- Professor of Law (1999-2020)
- Member of faculty (1994-2020)

**Gonzaga University School of Law, Spokane, Washington**  
Visiting Assistant Professor  
*8/1993 to 7/1994*

**University of Miami School of Law, Miami, Florida**  
Legal Writing Instructor  
*8/1990 to 7/1992*

**Other Experience:**

**Kurzban, Kurzban, and Weinger, Miami, Florida**  
Associate Attorney  
*5/1992 to 11/1992*

**Office of the Chief Administrative Hearing Officer, Executive Office of Immigration Review, U.S. Department of Justice, San Francisco, California**  
Attorney Advisor  
*12/1989 to 7/1990*

**Berry & Appleman, San Francisco, California**  
Law Clerk  
*2/1988 to 5/1988*

**Bartko, Welsh, Tarrant, & Miller, San Francisco, California**  
Law Clerk  
*5/1988 to 8/1988*

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### Publications

#### **Books:**

Internet and the Law: Technology, Society, and Compromises, 2nd Edition (ABC-CLIO 2014)

Fan Fiction and Copyright: Outsider Works and Intellectual Property Protection (Ashgate Publishing 2011)

Intellectual Property: A Reference Handbook (ABC-CLIO 2007)

Internet and the Law: Technology, Society, and Compromises (ABC-CLIO 2005)

International Environmental Disputes: A Reference Handbook (ABC-CLIO 2005)

#### **Book Chapters:**

“Legal Issues in Online Fan Fiction,” in *The Routledge Companion on Media Education, Copyright and Fair Use* (Renee Hobbs ed., Routledge 2018)

“Fan Works and the Law,” in *New Directions in Popular Fiction* (Ken Gelder ed., Palgrave Macmillan 2017)

“Harry Potter and the Unforgivable Curses,” in *The Law & Harry Potter 67* (Jeffrey Thomas and Franklin Snyder eds.; Carolina Academic Press 2010)

“*Zeran v. America Online* and the Development of Trolling Culture,” in *Zeran v. America Online 63* (Eric Goldman and Jeff Kosseff eds., SCU 2020) (previously published online; see Other Works below)

#### **Law Review Articles:**

*Fan Works and the Elusive Border between Derivative and Transformative Uses: A Fanfic Law Retrospective and an Optimistic Look Forward*, 57 *Loyola Los Angeles L. Rev.* \_\_ (forthcoming 2024)

*Innate Property: The Danger of Incongruency between Law and the Biological and Behavioral Roots of Property and Possessiveness*, 2022 *Cardozo Law Review* de novo 189 (2022)

*Fan Works and the Environmental Law of Copyright*, 24 *Tulane J. Tech & Intell. Prop.* 141 (2022)

*A Hole in the Bottom of the Sea: Does the UNCLOS Part XI Regulatory Framework for Deep Seabed Mining Provide Adequate Protection against Strip-Mining the Ocean Floor?* 39 *Va. Env'tl. L.J.* 39 (2022)

- Bringing the News from Ghent to Axanar: Fan Works and Copyright after Deckmyn and Subsequent Developments*, 22 *Texas Rev. Entertainment and Sports L.* 37 (2021)
- The Internet Archive's National Emergency Library: Is There an Emergency Fair Use Superpower?*, 18 *Northwestern J. Technology & Intellectual Property* 187 (2021)
- Convergence and Divergence: The Treatment of Certain Aspects of Real Property under the Civil Codes of Qatar and California*, 2015 *International Rev. of L.* 7 (2015)
- Desalination and International Watercourse Law*, 2013 *Utah OnLaw* 297 (2013)
- Reclaiming Copyright from the Outside In: What the Downfall Hitler Meme Means for Transformative Works, Fair Use, and Parody*, 8 *Buffalo Intellectual Property J.* 1 (2012)
- Of Charities and Clawbacks: The European Union Proposal on Successions and Wills as a Threat to Charitable Giving*, 17 *Colum. J. Eur. L.* 447 (2011)
- Thomas Jefferson, Slavery, and Slaves*, 33 *Thomas Jefferson L. Rev.* 1 (2011)
- The Harry Potter Lexicon and the World of Fandom: Fan Fiction, Outsider Works, and Copyright*, 73 *U. Pitt. L. Rev.* 387 (2009)
- *Reprinted in* *Entertainment, Publishing and the Arts Handbook* (Karen Tripp ed., Thomson Reuters 2010)
- Intellectual Property Piracy: Perception and Reality in China, the United States, and Elsewhere*, 2 *Journal of International Media and Entertainment Law* 65 (2007)
- *Reprinted in Chinese translation as* 艾伦·施瓦巴赫 [Aaron Schwabach], 知识产权中的盗版问题：中美等国的认知与现实 [*Intellectual Property Piracy Issue: China, America, and Other Countries' Perception and Reality*], 电子知识产权 [Electronics Intellectual Property], Feb. 15, 2008, at 22, (余俊 [Yu Jun] and 路晓芳 [Lu Xiaofang], translators)
  - *Reprinted in Chinese translation as* 知识产权盗版：中美等国的认知与现实, *Chinese Intellectual Property Review* (Liu Chuntian, ed.; Beijing: Commercial Press 2011) (Yu Jun and Lu Xiaofang, translators)
  - *Reprinted in English in* 42 *Law/Technology* 5 (2009)
- Measures to Protect the Tibetan Antelope under the CITES Framework*, 29 *Thomas Jefferson L. Rev.* 251 (2007)(coauthored with Liang Qinghua)
- *Reprinted in* ICFAI [Institute of Chartered Financial Analysts of India] *J. Envtl. L.*, Oct. 2007, at 30
  - *Reprinted in* *Endangered Species and Forests: Legal Perspectives* 145 (A. Usha ed., Hyderabad, India: Amicus Books 2008)
- Harry Potter and the Unforgivable Curses: Norm-formation, Inconsistency, and the Rule of Law in the Wizarding World*, 11 *Roger Williams U. L. Rev.* 309 (2006)
- *Reprinted in* *The Lawyer Chronicle*, Nov. 7, 2011
- Harry Potter and the Law*, 12 *Texas Wesleyan L. Rev.* 427 (2005)(with Jeff Thomas [lead author] et al.)

- Ecocide and Genocide in Iraq: International Law, the Marsh Arabs and Environmental Damage in Non-international Conflicts*, 15 Colo. J. Int'l Env'tl. L. & Pol'y 1 (2003)
- Updated and reprinted in *Environmental Damage* (P. Moohana Krishna ed., Hyderabad, India: Amicus Books 2010)
- Kosovo: Virtual War and International Law*, 15 L. & Literature 1 (2003)
- How Protectionism is Destroying the Everglades*, 31 Env'tl. L. Rptr. 14,999 (2001)
- Reprinted in abridged form as *How Free Trade Can Save the Everglades*, National Wetlands Newsletter, Jan.-Feb. 2002, at 7
- How Free Trade Can Save the Everglades*, 14 Georgetown Int'l Env'tl. L. Rev. 301 (2001)
- NATO's War in Kosovo and the Final Report to the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia*, 9 Tulane J. Int'l & Comp. L. 167 (2001)
- From Schweizerhalle to Baia Mare: The Continuing Failure of International Law to Protect Europe's Rivers*, 19 Va. Env'tl. L.J. 431 (2000)
- Humanitarian Intervention and Environmental Protection: The Effect of the Kosovo War on the Law of War*, 6 Colum. J. E. Eur. L. 405 (2001)
- The Tisza Cyanide Disaster and International Law*, 30 Env'tl. L. Rptr. 10,509 (2000)
- Yugoslavia v. NATO, Security Council Resolution 1244, and the Law of Humanitarian Intervention*, 27 Syracuse J. Int'l L. & Comm. 77 (2000)
- Environmental Damage Resulting from the NATO Military Action Against Yugoslavia*, 25 Colum. J. Env'tl. L. 117 (2000)
- The Legality of the NATO Bombing Operation in the Federal Republic of Yugoslavia*, 11 Pace Int'l L. Rev. 407 (1999)
- Thomas Jefferson and Sally Hemings*, 21 Thomas Jefferson L. Rev. 101 (1999)
- Using International Law to Prevent Environmental Harm from Increased Use of Desalination*, 34 Tex. Int'l L.J. 187 (1999)
- Thomas Jefferson as an Unsuccessful Advocate for Freedom in Howell v. Netherland*, 20 Thomas Jefferson L. Rev. 129 (1998)
- The United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, Customary International Law, and the Interests of Developing Upper Riparians*, 33 Texas Int'l L.J. 257 (1998)
- Reprinted as Appendix D to ABA/CEELI, *Analysis of the Draft Convention on the Use of Water and Biological Resources and Conservation of Biodiversity of the Dniester River for the Republic of Moldova*, Apr. 25, 2000
- Jefferson and Slavery*, 19 Thomas Jefferson L. Rev. 63 (1997)
- An Analysis of First-Year Student WESTLAW Use: Why Vendor-Provided Training Isn't Enough*, 16 Legal Reference Services Q. 7 (1997)

*Diverting the Danube: The Gabcikovo-Nagymaros Dispute & International Freshwater Law*, 14 Berkeley J. Int'l L. 290 (1996)

*Doctrine or Dictum: The Ker-Frisbie Doctrine and Official Abductions which Breach International Law*, 25 U. Miami Inter-Am. L. Rev. 19 (1993)(with Sid Patchett)

*Employer Sanctions and Discrimination: The Case for Repeal of the Employer Sanctions Provisions of the Immigration Reform and Control Act of 1986*, 4 La Raza L.J. 1 (1991)

*The Sandoz Spill: The Failure of International Law to Protect the Rhine from Pollution*, 16 Ecology L.Q. 443 (1989)

- *Reprinted in part in* Plater, Abrams, & Goldfarb, *Environmental Law and Policy: Nature, Law, and Society* 999 (1992)
- *Reprinted in part in* Weiner, Favre & Chopra, *International Environmental Law* 6 (1993)

### **Other Works:**

*Zeran v. America Online and the Development of Trolling Culture*, in *Commemorating the 20th Anniversary of Internet Law's Most Important Judicial Decision (Zeran 20th Anniversary Essay Collection*, Eric Goldman and Jeff Kosseff eds.), *The Recorder*, Nov. 10, 2017, available at <http://www.law.com/therecorder/sites/therecorder/2017/11/10/zeran-v-america-online-and-the-development-of-trolling-culture/>, published as a chapter in *Zeran v. America Online* 63 (Eric Goldman and Jeff Kosseff eds. 2020)

*The Specter of Civil Law Clawback Actions Haunting US and UK Charitable Giving*, *Probate & Property Magazine*, April 2012, at 60

*Overview: Online Censorship*, in ABC-CLIO Issues Database (2011)

*The French Yahoo Cases*, in ABC-CLIO Issues Database (2011)

*Outlook: The Future of Online Censorship in a World of Information Without Borders*, in ABC-CLIO Issues Database (2011)

American Branch of the International Law Association, Intellectual Property Section, White Paper: *Major International Intellectual Property Developments*, May 4, 2010 (Aaron Fellmeth, Rapporteur; Peter K. Yu & Aaron Schwabach, co-authors)

*Intellectual Property, 1945 to Present*, *World History Encyclopedia* (Fred Nadis ed., Santa Barbara: ABC-CLIO, 2011)

*File-sharing*, *World History Encyclopedia* (Fred Nadis ed., Santa Barbara: ABC-CLIO, 2011)

*America Online*, entry in the *Encyclopedia of American Civil Liberties* (Paul Finkelman ed., New York: Routledge 2006)

*Internet Filtering at Libraries and Free Speech*, entry in the *Encyclopedia of American Civil Liberties* (Paul Finkelman ed., Routledge 2006)

*The Internet and Intellectual Property*, entry in the *Encyclopedia of American Civil Liberties*

(Paul Finkelman ed., Routledge 2006)

*How Free Trade Can Save the Everglades*, National Wetlands Newsletter, Jan.-Feb. 2002, at 7  
(see above)

*Comments on the Draft Convention on the Use of Water and Biological Resources and Conservation of Biodiversity of the Dniester River Between Moldova and Ukraine*, American Bar Association Central and Eastern European Law Initiative, Jan.18, 2000

*Comments on Republika Srpska Local Self-Government Law*, American Bar Association Central and Eastern European Law Initiative, June 12, 2000

*Death Watch on the Rhine*, 75 Bus. & Soc. Rev. 36 (1990)

“Professional Responsibility,” in Thomas Jefferson School of Law Bar Passage Handbook (2000)

*International Environmental Law*, UNESCO Encyclopedia of Life Support Systems §1.36.2 (2002)

*Law Regarding Protection of the Environment During Wartime*, UNESCO Encyclopedia of Life Support Systems §1.36.4.5 (2002)

*Law*, UNESCO Encyclopedia of Life Support Systems Theme 6.31 (2002), *reprinted in* III Knowledge for Sustainable Development 611 (2002)

*Non-Western Philosophies of Law*, UNESCO Encyclopedia of Life Support Systems §6.31.1.3 (2002)

*Philosophies and Systems of Law*, UNESCO Encyclopedia of Life Support Systems Topic 6.31.1 (2002)

*The Role of International Law and Institutions*, UNESCO Encyclopedia of Life Support Systems Theme 1.36 (2002)(with Art Cockfield), *reprinted in* I Knowledge for Sustainable Development 757 (2002)

*Transboundary Environmental Harm and State Responsibility*, UNESCO Encyclopedia of Life Support Systems §1.36.2.2 (2002)

### **Presentations and miscellaneous:**

Editorial Board, Hungarian Yearbook of International Law and European Law, February 2020 to present

Editorial Board, Probate & Property (ABA Real Property, Trust and Estate Law Section Magazine), August 2020 to present

*Digital Lending and Copyright Law*, San Diego Law Library, San Diego, CA (Jan. 19, 2021)

*Fan Works and the Ecology and Economy of Copyright*, Boston University School of Law, Boston, Massachusetts (February 28, 2020)

*Protection of Parody in the Context of the Relevant Judgments* (Deckmyn v. Vandersteen and Campbell v. Acuff-Rose Music), Scientific Symposium: Intellectual Property in the Digital World, Patent Office of the Republic of Poland, Warsaw, Poland (June 21, 2018)

*Legal Boundaries of Parody and Criticism on the Internet* (panel), Scientific Symposium: Intellectual Property in the Digital World, Patent Office of the Republic of Poland, Warsaw, Poland (June 21, 2018)

*Effective Protection of Internet Domains and Trademarks* (panel), Scientific Symposium: Intellectual Property in the Digital World, Patent Office of the Republic of Poland, Warsaw, Poland (June 22, 2018)

*Environmental Law under the Trump Administration* (panel moderator), American Constitution Society San Diego Lawyer Chapter, Thomas Jefferson School of Law, San Diego, CA (September 27, 2017)

*They're Playing Our Song: Political Campaigns, Music and Intellectual Property Disputes* (panel), Thomas Jefferson School of Law, San Diego, CA (November 3, 2015)

*Environmental Protection during Wartime from the Second World War through NATO's War in Kosovo*, Geza Marton Doctoral School of Legal Studies/Working Group on Law of the Hungarian Academy of Sciences, University of Debrecen, Debrecen, Hungary (June 25, 2015)

*Schweizerhalle and Baia Mare: The Role of International Law in Protection of Freshwater Resources*, Geza Marton Doctoral School of Legal Studies/Working Group on Law of the Hungarian Academy of Sciences, University of Debrecen, Debrecen, Hungary (June 24, 2015)

*State Responsibility and International Protection of the Environment*, Geza Marton Doctoral School of Legal Studies/Working Group on Law of the Hungarian Academy of Sciences, University of Debrecen Faculty of Law, Debrecen, Hungary (June 23, 2015)

*The Study and Practice of Law in the United States*

- Zhejiang University, Hangzhou, China (May 27, 2016)
- University of Debrecen Faculty of Law, Debrecen, Hungary (June 25, 2015)
- Tongji Institute, Shanghai, China (Nov. 30, 2015)
- East China University of Political Science and Law, Shanghai, China (Nov. 30, 2015)
- East China University of Political Science and Law, Shanghai, China (Dec. 1, 2015)
- Shanghai University of Political Science and Law, Shanghai, China (Dec. 3, 2015)
- Shanghai International Studies University, Shanghai, China (Dec. 2, 2015)
- Donghua University, Shanghai, China (Dec. 2, 2015)
- Wuhan University, Wuhan, China (Dec. 3, 2015)
- Zhongnan University, Wuhan, China (Dec. 3, 2015)
- Wuhan University, Wuhan, China (Dec. 4, 2015)
- Zhongnan University, Wuhan, China (Dec. 4, 2015)
- Beijing Institute of Technology, Beijing, China (Dec. 7, 2015)
- China Scholarship Council, Beijing, China (Mar. 7, 2016)
- LongTu, Beijing, China (Mar. 7, 2016)



- Guangzhou Foreign Studies University, Faculty of International Education, Guangzhou, China (Mar. 9, 2016)
- Guangzhou Foreign Studies University, Faculty of Law, Guangzhou, China (Mar. 9, 2016)
- Shanghai University of Political Science and Law, Shanghai, China (Mar. 10, 2016)

*Fan Fiction and Copyright*, Professor Speaker Series, Cryptozoic Entertainment, Irvine, California, 6/15/13

*The BP Oil Spill in the International Legal Perspective*, International Affairs Group, University of California at San Diego, International House, Eleanor Roosevelt College, University of California at San Diego, 10/4/10

版权、盗版与经济权利 (*Copyright, Piracy, and Economic Rights*), Zhongnan University of Economics & Law, Wuhan, Hubei, China, 9/22/10

知识产权盗版：中美等国的认知与现实 (*Intellectual Property Piracy: Perception and Reality in China, the United States, and Elsewhere*), Zhejiang University, Guanghua School of Law, Hangzhou, Zhejiang, China, 9/21/10

*Harry Potter and the Rule of Law and related (Harry Potter) presentations:*

- Law and Humanities Institute, Law and Magic, San Diego, CA, 6/6/14
- Legal Writing Institute, Once Upon a Legal Time: Applied Legal Storytelling, Chapter 2 (panel, conference), Portland, Oregon, 7/24/09
- HP Education Fanon, Azcatraz (conference) San Francisco, 7/20/09
- Ericson Elementary School, San Diego, CA, 10/9/08
- San Diego County Law Library, San Diego, CA, 9/12/06 and 9/18/08
- The Power of Stories: Intersections of Law, Culture and Literature, University of Gloucestershire, Gloucester, UK, 7/26/05

*Fair Use and Fan Creativity*, HP Education Fanon, Azcatraz (conference) San Francisco, 7/20/09

*Perception Gaps between Developed and Developing Countries on Intellectual Property Piracy*, Southwest University of Political Science and Law, World Trade Organization: Dislocations and Solutions (conference), Chongqing, China, 12/2/06

*Fulbright Senior Specialist*, Zhejiang University College of Law, Hangzhou, Zhejiang, China, Nov.-Dec. 2006