

**ELIZABETH TOWNSEND GARD**  
**Tulane Law School**

Office 355B  
Weinmann Hall  
6329 Freret Street  
New Orleans, LA 70118-6231

[townsend@tulane.edu](mailto:townsend@tulane.edu)  
(504) 963-8822  
(504) 339 3857 (cell)  
skype: elizabethtownsendgard

**CURRENTLY**

Associate Professor, Tulane Law School, 2007-  
Co-Director, Tulane Center for Intellectual Property Law and Culture, 2009-  
Director, Usable Past Project and Co-Inventor, Durationator™ Software, 2008-  
Non-Resident Fellow, Center for Internet and Society, Stanford Law School, 2004-

**EDUCATION**

LL.M. University of Arizona James E. Rogers College of Law, May 2005  
Trade Law, NAFTA, Copyright and International Intellectual Property;  
Chair: David Gantz

J.D. University of Arizona James E. Rogers College of Law, May 2002  
International and Comparative Journal of Law, University of Arizona

Ph.D. Modern European History, University of California, Los Angeles, June 1998  
Dissertation: "Reconstructing Vera Brittain's War Generation: A Comparative Biography"  
Committee: Robert Wohl (chair), Joyce Appleby, Anne Mellor (English).  
Orals Committee included Robert Dallek and Albion Urdukan.

M.A. Modern European History  
University of California, Los Angeles, June 1994

B.A. History (Honors Thesis)  
University of California, Los Angeles, 1991

**TEACHING POSITIONS**

Associate Professor, Tulane University Law School, 2007-

Visiting Assistant Professor, Seattle University School of Law, 2006-07

Lecturer, London School of Economics, University of London, 2005-06

Lecturer, History Department, UCLA, 1996-1998

Teaching Assistant, History Department, UCLA, 1994-1995

**TEACHING AND RESEARCH AREAS:** Real property; intellectual property; copyright; international intellectual property, comparative and international copyright; comparative copyright; UK copyright; trade law; virtual property; European history, American history.

## **FELLOWSHIPS AND AWARDS**

Tulane University Research Enhancement Grant—Phase IIB - (\$60,000, 2008-2011)

Recovering Our Usable Past - The Status of Copyright Duration in the U.S. and Abroad

Non-resident Fellow, Center for Internet and Society, Stanford Law School, 2004-

Justice Faculty Fellow, Center for the Study of Justice in Society, Seattle University, 2006-07

Leverhulme Trust Postdoctoral Research Fellowship, London, UK , 2005-06

James E. Rogers LL.M. Graduate Fellowship, University of Arizona James E. Rogers College of Law, 2002-03.

Graduate and Professional Travel Grant, University of Arizona, 2001

First Year Moot Court Award, University of Arizona, James E. Rogers College of Law, 1999.

Snell and Wilmer Tuition Scholarship University of Arizona James E. Rogers College of Law.

Friends of History Dissertation Fellowship, University of California, Los Angeles, 1996-97

Schlesinger Library Dissertation Grant, Arthur and Elizabeth Schlesinger Library on the History of Women in America, Radcliffe College, Cambridge, Massachusetts, 1996

Harry S. Truman Library and Museum Research Grant, Harry S. Truman Presidential Library, Independence, Missouri, 1996

Collegium of University Teaching Fellowship, University of California, Los Angeles, 1995-96

Center for the Study of Women Travel Grants, University of California, Los Angeles, 1992, 1996.

## **IN PROGRESS**

Towards a Constitutionally-Based Public Domain (law review in progress)

This piece looks at Section 104A as a way to look at whether an amendment to the 1976 Copyright Act alters the traditional contours of copyright. The piece looks at the works of Vera Brittain, Charlie Chaplin, Gertrude Berg, Pablo Picasso, and J.R.R. Tolkien. The piece should be completed by January 2010.

The (Im)Possibilities of a Useable Past: The Making of the Durationator™ (law review in progress)

This is the companion piece to the Durationator™ software, and discusses the research required to create the software tool. This piece should be completed in the Spring 2010.

*The Making of the Great War Generation* (manuscript draft completed and in process of revisions)

This work seeks to understand the role gender plays in defining generation, and in particular the experiences and identities of the youngest generation to serve in World War I. The work is structured as a comparative biography, centered around the British writer Vera Brittain (1893-1970), but includes other war generationists like Remarque, Sassoon, Blunden, and Owen, and also those of the generation—Dorothy Sayers, Ezra Pound, T.S. Eliot, J.R.R. Tolkien—but who are not necessarily known as war generation writers. The work is currently structured in fourteen chapters, totaling over five hundred pages. I spent the Spring 2009 focused on revising the work as a whole, and plan to send the work out for consideration in January 2010. (I have included the Table of Contents, and two sample chapters)

The Copyright *Durationator*™ Machine –

Designed by myself and my research assistants, this software tool and website will provide legal information on the copyright status of any given work for any jurisdiction. We have filed a patent application (with Matt Miller as co-inventor), an intent-to-use trademark, and will file at the Copyright Office in the Fall. We have nearly completed the first stage of the work, and will begin the testing phase in the Fall 2009.

“Parsing the Proposed Google Book Settlement for Scholars and Others,” (invited keynote paper, James E. Rogers College of Law, University of Arizona, November 2009)

This piece provides an overview of the potential positive and negative affects of the proposed Google Book Settlement, particularly in an academic setting.

Wrestling with the 1909 Copyright Act in Theory and Practice, invited symposium piece (Santa Clara/UC Berkeley)

This short piece looks at the practical and theoretical work I’ve been engaged with the 1909 Act, and suggests that the research informs the theory, but more importantly the theory significantly changed the path of the Durationator™.

## **BLOGGING and NEW MEDIA**

Hour-Long Guest, "Hearsay Culture" Radio Show with David Levine, Stanford, Fall 2009

New Faculty Blog, (weekly) Tulane Law School, 2007-

Guest Blogging, Terra Nova, April 2007

Innovation Profile (hour-long interview), Law School Innovation Blog, July 14, 2007,  
<http://lsi.typepad.com/lsi/2007/07/innovator-profi.htm>

Invited Guest, The State of Play Academy, (hour-long virtual presentation in [There.com](http://There.com)), Center for Internet and Society, Stanford Law School, Spring 2007.

The Fizzy Project, (13 screencasts created by 100 1L property students at Seattle University, comparing real property and virtual property), Spring 2007.

Hour-Long Guest, "Hearsay Culture" Radio Show with David Levine, Stanford, October 2006

Fellows Blog, Center for Internet and Society, Stanford Law School,  
<http://cyberlaw.stanford.edu/blog/elizabeth-townsend-gard>. 2004-

Academic Copyright (personal blog), <http://academiccopyright.typepad.com>. 2004-

## **PUBLICATIONS**

“Marked by Modernism: Reconfiguring the “Traditional Contours of Copyright Law” for the Twenty-First Century” (co-authored with W. Ron Gard), accepted for publication *Modernism and Copyright*, edited by Paul Saint-Amour, *Oxford University Press* (forthcoming).

“The Fizzy Experiment: Second Life, Virtual Property and a 1L Property Course,” 24 *Santa Clara Computer & High Tech L.J.* 915 (2008) (co-authored with Rachel Goda)

"Unpublished Work and the Public Domain: The Opening of a New Frontier," 54 *J. Copyright Society of the U.S.A.* (Winter 2007)

Podcasting for Corporations and Universities—Look Before You Leap (invited, co-authored with Colette Vogeles), *J. Internet Law* (October 2006)

"The Birth of the Unpublished Public Domain and the International Implications," 24 *Cardozo Arts & Ent. L.J.* (2006)

"NAFTA, Mexican Trucks and the Border: Making Sense of Years of International Arbitration, Domestic Debates, and the Supreme Court," 31 *Transportation L.J.* 131 (Spring-Summer 2004).

"Legal and Policy Responses to the Disappearing 'Teacher Exception,' or Copyright Ownership in the 21<sup>st</sup> Century University," 4 *Minn. Intell. Prop. Rev.* 209.

"Generations and Generational Conflict," *Encyclopedia of European Social History*, (Charles Scribner's Sons), (invited, signed article).

"Common Ground of War: The Clinician and Cultural Historian in Symbiosis," *National Center for Post-Traumatic Stress Disorder Quarterly*, Spring 1996.

"Postmodernism and Biography: A Dialogue," co-written with Elizabeth Covington, *UCLA Historical Journal*, 1995.

"This is the World I Create: Gender and Current First World War Scholarship," *UCLA Historical Journal*, 1994.

### **SELECTED CONFERENCE PAPERS**

Keynote Speaker, "Google Book Settlement and Academia", James E. Rogers College of Law, University of Arizona, November 2009

"The Making of the Durationator™", IPSC 2009, Cardozo Law School, New York, August 2009

Tulane Law School Summer Brown Bag Series, presentation and discussion of "Marked by Modernism" paper, Summer 2009

Wrestling with the 1909 Copyright Act, (invited speaker), Santa Clara University/U.C. Berkeley, 100<sup>th</sup> Anniversary of the 1909 Act, Spring 2009.

Is Linden Lab the Reluctant Post- Feudal King of *Second Life*? A Legal Analysis of the State of Nature in Virtual Property, Santa Clara University School of Law Symposium, February 1, 2008 (invited)

"Copyright for Historians: A Philosophy," UCLA History Department (invited talk), October 2007.

"The Impossibilities of a Usable Past: Struggling with Copyright Duration in the Basement at the New Orleans Public Library," Works-in-Progress Intellectual Property Conference at American University, September, 2007.

"Vera Brittain, Section 104(a) and Section 104A: A Case Study in Sorting out Duration of Foreign Works under the 1976 Copyright Act, Intellectual Property Scholars Conference, DePaul University School of Law, August 9-10, 2007

Are We Merely Theorizing an Unpublished Public Domain?, Works in Progress Intellectual Property, University of Pittsburgh School of Law, October 6-7, 2006

Unpublished Works in the Public Domain: A Legal Assessment at Three, Intellectual Property Scholars Conference, UC Berkeley, August 10-11, 2006

January 1, 2003 - the Birth of the Unpublished Public Domain in the US: The International Implications, Queen Mary Intellectual Property Research Institute, University of London, April 24, 2006

Legal Issues in Podcasting the Traditional Classroom (Two Part Podcast with Colette Vogele), HigherEdBlogCon 2006: Transforming Academic Communities with New Tools of the Social Web, April 3, 2006

"Archivists, Copyright, and Digitization," *Society of American Archivists' 2005 Annual Meeting*, New Orleans, August 2005.

"Copyright and a Scholar's Work," *California Archivist Society*, San Francisco, July 22, 2005.

"American Women in World War I," *The Great War Society Annual Conference*, Los Angeles, April 2005.

"The Politics of Remembering (in) War," *Cultural Studies Association*, Tucson, Arizona, April 2005.

"The Making of the Unpublished Public Domain," *Stanford Law School Center for Internet and Society*, Palo Alto California, February 2005.

"Gender and Geographies of Bodies in War: A Defining a War Generation Through the War Hospital," *War in Film, Television and History Conference*, Dallas, November 2004.

"Legal Possession in a Digital Age: A.S. Byatt's Novel as Understanding Ownership and Possession in Copyright," Law and Culture panel, *National Popular Culture Conference*, Philadelphia, April 2001.

## **SERVICE AT TULANE**

IT Senate Committee, 2008-

Tulane Law School Intellectual Life Committee, 2007-2009

Tulane Law School Academic Affairs Committee, 2009-

Law Women's Association, Faculty Advisor, 2009-

Tulane Journal of Technology & Intellectual Property, Faculty Co-Advisor, 2009-

## **ADDITIONAL ACTIVITIES**

Co-Organizer, Works in Progress Intellectual Property Colloquium, Tulane Law School, October 2008.

Co-Organizer, “The Future of Copyright” Speaker Series, Tulane Law School, Spring 2009

Organizer, Creator and Co-Director of Tulane Center for Intellectual Property Law and Culture (approved by the faculty, Spring 2009)

IP Alumni and Community Outreach

AALS IP Section, January 2010 event in New Orleans

### **SELECTED ADDITIONAL PROFESSIONAL EMPLOYMENT**

Law Clerk, NAFTA Arbitration Panel 2000-2003  
Working for Professor David Gantz and Michael Hathaway, I assisted on two NAFTA cases for which they served as panelists: the Chapter 20 cross-border trucking case (decided Feb 6, 2001), and a Chapter 11 investment case (the Feldman case). Duties include editing for substance, structure and style, cite-checking, and formatting the final version of the panel decision.

Project Director, Preparing for Lives in the Law 2000-2003  
Working with Toni Massaro, Dean of the James E. Rogers College of Law, I assisted in the development of a series of videos that utilize over forty interviews I conducted with alumni lawyers and judges residing in Arizona, Nevada, and California in order to understand the culture and issues surrounding the practice of law. Additional responsibilities included early presentations at the Board of Visitors meetings as well as at other alumni and fundraising functions.

Summer Associate, Quirk and Tratos, Las Vegas, Nevada Summer 2000  
I worked on copyright litigation cases, trademark applications, and copyright registrations. I also researched an appeal to the Copyright Office for copyrights that had been denied.

### **PROFESSIONAL ACTING**

While completing my studies at UCLA, I also had the fortune to work as a professional actor, 1987-1994. This included co-starring roles in the feature film *Mermaids* (Orion Pictures, with Cher), the NBC Movie of the Week *Winnie* (with Meredith Baxter- Birney), the NBC pilot *You Can't Take it With You* (with Harry Morgan), the Second City series *My Talk Show* (as a series regular), the Disney/PBS movie *Caddie Woodlawn*, and smaller roles in other films and movies of the week. These experiences helped inform my views on IP and other related issues, including right of publicity and contract issues.