

Syracuse University  
**COLLEGE OF LAW**

# Shubha Ghosh

Crandall Melvin Professor of Law;  
Director of the Technology Commercialization  
Law Program

## Publications

Syracuse University College of Law  
Publications – Shubha Ghosh

**Books and Monographs, Authored:**

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (3<sup>rd</sup> ed., 2016).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES : A SUCCESSOR TO INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS : CASES AND MATERIALS (*with* RICHARD GRUNER & JAY KESAN) (3<sup>RD</sup> ed., 2015).

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* DONALD CHISUM, MARY LAFRANCE & TYLER OCHOA) (3<sup>rd</sup> ed. 2015).

THE IMPLEMENTATION OF EXHAUSTION POLICIES: LESSONS FROM NATIONAL EXPERIENCES (2013). Available at <http://www.ictsd.org/themes/innovation-and-ip/research/the-implementation-of-exhaustion-policies-lessons-from-national>.

QUESTIONS & ANSWERS : ANTITRUST (2013).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES (*with* RICHARD GRUNER & JAY KESAN) (2<sup>nd</sup> ed., 2012, *of* INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS, 2006).

IDENTITY, INVENTION, AND THE CULTURE OF PERSONALIZED MEDICINE PATENTING (2012).

ACING TORT LAW (2<sup>nd</sup> ed. 2012).

GLOBAL ISSUES IN PATENT LAW (*with* MARTIN ADELMAN, AMY LANDERS & TOSHIKI TAKENAKA, 2011).

UNDERSTANDING INTELLECTUAL PROPERTY (*with* DONALD CHISUM, MARY LAFRANCE & TYLER OCHOA) (2<sup>nd</sup> ed. 2011).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (2<sup>nd</sup> ed., 2011).

ACING TORT LAW: A CHECKLIST APPROACH TO TORT LAW (2009).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY: CASES AND MATERIALS (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (2007).

INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND MATERIALS, (*with* RICHARD GRUNER & JAY KESAN) (2006).

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THEATER LAW: CASES AND MATERIALS (with STEVEN E. CHAIKELSON *et al.*) (2004).

**Books and Monographs, Edited:**

CREATIVITY, LAW AND ENTREPRENEURSHIP (Shubha Ghosh & Robin Paul Malloy eds., 2011).

**Chapters in Books:**

*Patent Exhaustion on Trial in the United States*, in GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE (Mark Perry ed., 2016).

*Competition, Markets, and Trademark Transactions*, in THE LAW AND PRACTICE OF TRADEMARK TRANSACTIONS (Irene Calboli & Jacques de Werra eds., 2016).

*Incentives, Contracts, and Intellectual Property Exhaustion*, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY EXHAUSTION AND PARALLEL Imports (Irene Calboli & Edward Lee eds., 2016).

*The Colorblind Marketplace?*, in INTELLECTUAL PROPERTY, ENTREPRENEURSHIP AND SOCIAL JUSTICE: FROM SWORDS TO PLOUGHSHARES (Lateef Mtima ed., 2015).

*Genetic identity and personalized medicine patenting: an update on Myriad's patents related to Ashkenazim Jewish ancestry*, in DIVERSITY IN INTELLECTUAL PROPERTY : IDENTITIES, INTERESTS, AND IINTERSECTIONS (Irene Calboli & Srividhya Ragavan eds., 2015).

*The Idea of International Intellectual Property*, in THE SAGE HANDBOOK OF INTELLECTUAL PROPERTY (Matthew David & Debora J. Halbert eds., 2015).

*What the Treatment of Covenants not to Compete Teaches About Intellectual Property and Competition Norms*, in INTELLECTUAL PROPERTY IN COMMON LAW AND CIVIL LAW (Toshiko Takenaka ed., 2013).

*The Movement of Skilled Labor and Knowledge Across Borders*, in THE ASHGATE RESEARCH COMPANION TO MIGRATION LAW, THEORY AND POLICY. (Satvinder Juss ed., 2013).

*Propriedade Intelectuel no novo Projeto de Direito e Desenvolvimento*, in DIREITO E DESENVOLVIMENTO: UM DIALOGO ENTRE OS BRICS (Mario G. Schapiro & David M. Trubek eds., 2012).

*The Strategic Lawyer*, in ENTREPRENEURSHIP AND INNOVATION IN EVOLVING ECONOMIES: THE ROLE OF LAW (Megan M. Carpenter ed., 2012).

## Syracuse University College of Law

### Publications – Shubha Ghosh

*Vertical Restraints. Competition, and the Rule of Reason, in ANTITRUST LAW AND ECONOMICS* (Keith Hylton ed., 2010).

*When Property is Something Else: Understanding Intellectual Property Through the Lens of Regulatory Justice, in INTELLECTUAL PROPERTY AND THEORIES OF JUSTICE* (Alain Marciano *et al.* eds., 2008).

*Who Doesn't Own Culture? Two Books on Law's Role in Shaping Culture, in LAW, CULTURE, AND ECONOMIC DEVELOPMENT: A LIBER AMERICORUM FOR PROFESSOR ROBERTO MCLEAN* (Joseph J. Norton & C. Paul Rogers eds., 2007).

*Recognizing Authority in the Marketplace: The Curious and Ubiquitous Problem of Gray Markets, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH, vol. 4: INTERNATIONAL INTELLECTUAL PROPERTY LAW AND POLICY* (Peter Yu ed., 2007).

*How to Build a Commons: Is Intellectual Property Constrictive, Facilitating, or Irrelevant? in UNDERSTANDING KNOWLEDGE AS A COMMONS: FROM THEORY TO PRACTICE* (Elinor Ostrom & Charlotte Hess eds., 2007).

*INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND MATERIALS, (with RICHARD GRUNER & JAY KESAN)* (2006).

*The Importance of Patents, Trade-marks and Copyright for Innovation and Economic Performance: Developing a Research Agenda for Canadian Policy, (with Dr. Mohammed Rafiquzzaman) in INTELLECTUAL PROPERTY AND INNOVATION IN THE KNOWLEDGE-BASED ECONOMY* (Jonathan D. Putnam ed., 2006).

*Competitive Baselines for Intellectual Property Systems, in INTERNATIONAL PUBLIC GOODS AND TECHNOLOGY TRANSFER* (Keith Maskus & Jerome Reichmann eds., 2005).

*Copyright Act of 1790, MAJOR ACTS OF CONGRESS, vol. 1, at 181* (Brian K. Landsberg ed., 2004).

*Copyright Act of 1976, MAJOR ACTS OF CONGRESS, vol. 1, at 185* (Brian K. Landsberg ed., 2004).

*Patent Acts, MAJOR ACTS OF CONGRESS, vol. 3, at 116* (Brian K. Landsberg ed., 2004).

*Understanding Immigrant Entrepreneurs : Theoretical and Empirical Issues, in THE STATE OF ASIAN PACIFIC AMERICA. REFRAMING THE IMMIGRATION DEBATE : A PUBLIC POLICY REPORT* (Bill Hing & Ronald Lee eds., 1996).

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**Articles in Law Reviews and Other Scholarly Journals:**

*Remapping copyright functionality: the quixotic search for a unified test for severability for PGS works*, 39 EUR. INTELL. PROP. REV. 90 (2017).

*Are Universities Special?*, 49 AKRON L. REV. 671 (2015).

*Asking the Nearest Hippie*, 22 MICH. TELECOMM. & TECH. L. REV. 135 (2015).

*Beyond Hatch-Waxman*, 67 RUTGERS U. L. REV. 779 (2015).

*Decentering the Consuming Self: Personalized Medicine, Science, and the Market for Lemons*, 5 WAKE FOREST J. L. & POL'Y 299 (2015).

*Against Contractual Authoritarianism*, 44 Sw. L. Rev. 239 (2014-2015).

*Short-Circuiting Contract Law: The Federal Circuit's Contract Law Jurisprudence and IP Federalism*, 96 J. PAT. & TRADEMARK OFF. SOC'Y 536 (2014).

*Convergence?*, 15 MINN. J. L. SCI. & TECH. 95 (2014).

*Introduction, Legal Education and Legal Reform in South Asia*, 63 J. LEGAL EDUC. 497 (2013-2014).

*Reforming Software Claiming*, 2013 WIS. L. REV. ONLINE 63 (2013).

*Komesar's Razor: Comparative Institutional Analysis in a World of Networks*, 2013 WIS. L. REV. 455 (2013).

*Duty, Consequences, & Intellectual Property*, 10 U. ST. THOMAS L.J. 801 (2012-2013).

*Managing the Intellectual Property Sprawl*, 49 SAN DIEGO L. REV. 979 (2012).

*Informing and Reforming the Marketplace of Ideas: The Public-Private Model for Data Production and the First Amendment*, 2012 UTAH L. REV. 653 (2012).

*The Quest for Effective Traditional Knowledge Protection: Some Reflections on WIPO's Recent IGC Discussions*, 6 BIORES no. 2 (18 June 2012). Available at <http://www.ictsd.org/bridges-news/biores/news/the-quest-for-effective-traditional-knowledge-protection-some-reflections>.

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*Why Intergenerational Equity*, 2011 WIS. L. REV. 103 (2011).

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*FDA Preemption of Drug and Device Labeling: Who Should Decide What Goes on a Drug Label?* (with Tamsen Valoir), 21 HEALTH MATRIX 555 (2011).

*The Sale of Patented Methods: Reconciling on-Sale Bar & Patent Exhaustion Doctrines in Light of In Re Kollar & Quanta v. LG* (with Lucas Divine), 39 AIPLA Q. J. 295 (2011).

*Open Borders, the US Economic Espionage Act of 1996, and the Global Movement of Knowledge and People*, 21 K.L.J. 1 (2010).

*Open Borders, Intellectual Property & Federal Criminal Trade Secret Law*, 9 J. MARSHALL REV. INTELL. PROP. L. [i] (2009-2010).

*The Transactional Turn in Intellectual Property*, 35 U. DAYTON L. REV. 329 (2009-2010).

*Carte Blanche, Quanta, and Competition Policy*, 34 J. CORP. L. 1209 (2008-2009).

*Patenting Games: Baker v. Selden Revisited*, 11 VAND. J. ENT. & TECH. L. 871 (2008-2009).

*Predatory Conduct and Predatory Legislation: Exclusionary Tactics in Airline Markets* (with Darren Bush), 45 HOUS. L. REV. 343 (2008-2009).

*Protection and Enforcement of Well-known Mark Rights in China: History, Theory and Future*, (with Jing “Brad” Luo), 7 Nw. J. Tech. & Intell. Prop. (2008-2009).

*Decoding and Recoding Natural Monopoly, Deregulation, and Intellectual Property*, 2008 U. ILL. L. REV. 1125 (2008).

*Intellectual Property: American Exceptionalism or International Harmonization* (with F. Scott Kieff, et al.), 3 N.Y.U. J.L. & LIBERTY 448 (2008)

*Race-Specific Patents, Commercialization, and Intellectual Property Policy*, 56 BUFF. L. REV. 409 (2008).

*Dilution and Competition Norms: The Case of Federal Trademark Dilution Claims Against Direct Competitors*, 24 SANTA CLARA COMPUTER & HIGH TECH. L.J. 571 (2007-2008).

*Who Doesn't Own Culture - Two Books on Law's Role in Shaping Culture*, 8 STUD. INT'L FIN. ECON. & TECH. L. 135 (2007).

*Belief: An Essay in Understanding*, 54 BUFF. L. REV. 807 (2006).

*What Is the Legal Standard for Determining When Bidding Is Predatory?*, 34 PREVIEW U.S. SUP. CT. CAS. 138 (2006).

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*How Specifically Must an Antitrust Plaintiff Plead a Conspiracy in Order to State a Claim?*, 34 PREVIEW U.S. SUP. CT. CAS. 134 (2006).

*The Fable of the Commons: Exclusivity and the Construction of Intellectual Property Markets*, 40 U.C. DAVIS L. REV. 855 (2006-2007).

*The Market As Instrument*, 59 S.M.U. L. Rev. 1717 (2006).

*A Rose Is a Rose Is ...: The Thorny Case of Morris Communications Corp. v. Professional Golf Association Tour, Inc.*, 3 BUFF. INTELL. PROP. L.J. 1 (2005-2006).

*Exclusivity: The Roadblock to Democracy?*, 50 ST. LOUIS U. L.J. 799 (2005-2006).

*Can a Business Collude with Itself?*, 2005-2006 PREVIEW U.S. SUP. CT. CAS. 182 (2005-2006).

*When Exclusionary Conduct Meets the Exclusive Rights of Intellectual Property: Morris v. PGA Tour and the Limits of Free Riding As An Antitrust Business Justification*, 37 LOY. U. CHI. L.J. 723 (2005-2006).

*Market Entry and the Proper Scope of Copyright*, 12 INT'L J. ECON. OF BUS. 347 (2005).

*Law, Technology, and Development: Policy Debates in the New Millennium*, 27 LAW & POL'Y 1 (2005).

*Patent Law and the Assurance Game: Refitting Intellectual Property in the Box of Regulation*, 18 CAN. J. L. & JURISPRUDENCE 307 (2005).

*The Functions of Transaction Costs: Rethinking Transaction Cost Minimization in a World of Friction (with David Driesen)*, 47 ARIZ. L. REV. 61 (2005).

*On Bobbling Heads, Paparazzi, and Justice Hugo Black*, 45 SANTA CLARA L. REV. 617 (2004-2005).

*Patents and the Regulatory State: Rethinking the Patent Bargain Metaphor After Eldred*, 19 BERKELEY TECH. L.J. 1315 (2004).

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*Globalization, Patents, and Traditional Knowledge*, 17 COLUM. J. ASIAN L. 73 (2003-2004), reprinted as *Traditional Knowledge, Patents and the New Mechanisms*, 85 J. PAT. & TRADEMARK OFF. SOC'Y 828, 885 (2003).

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*What Do Patents Purchase?: In Search of Optimal Ignorance in the Patent Office* (with Jay Kesan), 40 Hous. L. Rev. 1219 (2003-2004).

*Copyright as Privatization: The Case of Model Codes*, 78 TUL. L. REV. 653 (2003-2004).

*Reflections on the Traditional Knowledge Debate*, 11 CARDOZO J. INT'L & COMP. L. 497 (2003-2004).

*Deprivatizing Copyright*, 54 CASE W. RES. L. REV. 387 (2003-2004).

*Gandhi & the Life of the Law*, 53 SYRACUSE L. REV. 1273 (2003).

*The Traditional Terms of the Traditional Knowledge Debate*, 23 NW. J. INT'L L. & BUS. 589 (2002-2003).

*Legal Code and the Need for a Broader Functionality Doctrine in Copyright*, 50 J. COPYRIGHT SOC'Y U.S.A. 71 (2002-2003).

*Pills, Patents, and Power: State Creation of Gray Markets as a Limit on Patent Rights*, 53 FLA. L. REV. 789 (2001), *reprinted at* 14 FLA. J. INT'L L. 217 (2001-2002).

*The Merits of Ownership; or, How I Learned to Stop Worrying and Love Intellectual Property*, 15 Harv. J. L. Tech 453 (2001-2002).

*Turning Gray into Green: Some Comments on Napster*, 23 HASTINGS COMM. & ENT. L.J. 563 (2000-2001).

*Colloquium on Privacy and Security* (with Gary M. Schober et al.), 50 BUFF. L. REV. 703 (2002).

*Relaxing Antitrust during Economic Downturns: A Real Options Analysis of Appalachian Coals and the Failing Firm Defense*, 68 ANTITRUST L.J. 111 (2000-2001).

*Panel One: The Road to Napster: Internet Technology & Digital Content*, 50 Am. U. L. Rev. 363 (2000-2001).

*Toward a Theory of Regulatory Takings for Intellectual Property: The Path Left Open after College Savings v. Florida Prepaid*, 37 SAN DIEGO L. REV. 637 (2000).

*Where's the Sense in Hill v. Gateway 2000?: Reflections on the Visible Hand of Norm Creation*, 16 TOURO L. REV. 1125 (1999-2000).

*Gray Markets in Cyberspace*, 7 J. INTELL. PROP. L. 1 (1999-2000).



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### Publications – Shubha Ghosh

*Reconciling Property Rights and States' Rights in the Information Age: Federalism, the Sovereign's Prerogative and Takings after College Savings*, 31 U. TOL. L. REV. 17 (1999-2000).

*Whistling Dixie: The Invalidity and Unconstitutionality of Covenants Against Yankees (with Alfred Brophy)*, 10 VILL. ENVTL. L.J. 57 (1999).

*Fragmenting Knowledge, Misconstruing Rule 702: How Lower Courts Have Resolved the Problem of Technical and Other Specialized Knowledge in Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 1 CHI.-KENT J. INTELL. PROP. 1 (1999).

*Casting Light on Originalism*, 24 OKLA. CITY U. L. REV. 431 (1999).

*W[h]ither Daubert? What Courts Mean by “Scientific” Evidence*, 29 TRIAL LAW. QUARTERLY 9 (1999).

*Federal and State Resolutions of the Problem of Daubert and “Technical or Other Specialized Knowledge,”* 22 AM. J. TRIAL ADVOC. 237 (1998-1999).

*The Legal, Economic, and Policy Roles of Immigrant Entrepreneurs in the Immigration Debate*, 5 UCLA Asian Pac. Am. L.J. 15 (1998).

*The Morphing of Property Rules and Liability Rules: An Intellectual Property Optimist Examines Article 9 and Bankruptcy*, 8 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 99 (1997-1998).

*Takings, the Exit Option, and Just Compensation*, 17 INT’L REV. L. & ECON. 157 (1997).

*Property Rules, Liability Rules, and Termination Rights: A Fresh Look at the Employment at Will Debate with Applications to Franchising and Family Law*, 75 OR. L. REV. 969 (1996).

*An Economic Analysis of the Common Control Exception to Gray Market Exclusion*, 15 U. PA. J. INT’L BUS. L. 373 (1994-1995).

#### **Reports to Governmental Bodies and Professional Associations:**

Brief of Amici Curiae US Inventor, Inc. et al., *Retractable Technologies, Inc. and Thomas J. Shaw v. Becton, Dickinson & Co.*, No. 16-953 (5th Cir. 2017).

#### **Miscellaneous Works:**

*Reviving the Original Scope of Intellectual Property, Internationally*, JOTWELL (Jan. 12, 2016) (reviewing Rochelle Dreyfuss and Susy Frankel, *From Incentive to Commodity to Asset: How International Law is Reconceptualizing Intellectual Property*, 36 MICH. J. INTL. L. 4 (2015)), <http://intl.jotwell.com/reviving-the-original-scope-of-intellectual-property-internationally/>.

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*Peace Song for the Tiger Mother*, 17 UCLA ASIAN PAC. AM. L.J. 45 (2011-2012).

*CSI: Aoki*, 45 U.C.D. L. REV. 1889 (2011-2012).

*Life in the Anticommons*, criticism of CURB YOUR ENTHUSIASM, published on the PICTURING JUSTICE website, [www.usfca.edu/pj](http://www.usfca.edu/pj) (2005).

*Myriad Troubles Facing Gene Patents*, 2(5) PRECLINICA 300 (2004) (discussion of cancellation of patent on breast cancer gene sequence in Europe).

*Intellectual Property in Bankruptcy*, 2(4) PRECLINICA 239 (2004) (presentation to general audience on bankruptcy and intellectual property).

*The Bayh-Dole Act Under Fire*, 2(2) PRECLINICA 13 (2004) (commentary on Bayh-Dole Act and recent claims of conflict of interest at the National Institute of Health).

*Shooting Gus van Sant's Elephant*, film criticism of ELEPHANT, published on the PICTURING JUSTICE web site, [www.usfca.edu/pj](http://www.usfca.edu/pj) (2004).

*Leaving the Friedmans Alone*, film criticism of CAPTURING THE FRIEDMANS, published on the PICTURING JUSTICE web site, [www.usfca.edu/pj](http://www.usfca.edu/pj) (2003).

*The Relationship Between Antitrust and Intellectual Property Laws*, published at [www.gigalaw.com](http://www.gigalaw.com) (December 2000).

*The Legal Importance of Defining Markets on the Internet*, published at [www.gigalaw.com](http://www.gigalaw.com) (November 2000).

*Antitrust Scrutiny of Business to Business Websites*, published at [www.gigalaw.com](http://www.gigalaw.com) (October 2000).

*The Antitrust Implications of B2B Electronic Marketplaces*, published at [www.gigalaw.com](http://www.gigalaw.com) (September 2000).

*MP3 v. the Law: How the Internet Could (But Won't) Become Your Personal Jukebox*, published at [www.gigalaw.com](http://www.gigalaw.com) (July 2000).

*Unscrambling Free Speech Law for Cable....and the Internet?*, published at [www.gigalaw.com](http://www.gigalaw.com) (June 2000).

*Deciphering Free Speech and the Encryption Debate*, published at [www.gigalaw.com](http://www.gigalaw.com) (May 2000).

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*Source Code as Free Speech in Encryption Cases*, published at [www.gigalaw.com](http://www.gigalaw.com) (April 2000).

*Analyzing Fair Use and the First Amendment on the Internet*, published at [www.gigalaw.com](http://www.gigalaw.com) (March 2000).

*Limiting Speech: The Consequences of Quashing Cybersquatting*, published at [www.gigalaw.com](http://www.gigalaw.com) (February 2000).

*Revealing the Microsoft Windows Source Code*, published at [www.gigalaw.com](http://www.gigalaw.com) (January 2000).

**Book Reviews:**

*Reviving the Original Scope of Intellectual Property, Internationally*, JOTWELL (Jan. 12, 2016) (reviewing Rochelle Dreyfuss and Susy Frankel, *From Incentive to Commodity to Asset: How International Law is Reconceptualizing Intellectual Property*, 36 MICH. J. INTL. L. 4 (2015)), <http://intl.jotwell.com/reviving-the-original-scope-of-intellectual-property-internationally/>.

Book review, IP LAW BOOK REVIEW, June 2010, at 8 (reviewing DAN L. BURK & MARK A. LEMLEY, *THE PATENT CRISIS AND HOW THE COURTS CAN SOLVE IT* (2009)), available at [http://gguipbc.com/the\\_ip\\_law\\_book\\_review/archive\\_-\\_vol\\_1\\_no\\_1\\_june\\_2010](http://gguipbc.com/the_ip_law_book_review/archive_-_vol_1_no_1_june_2010).

*Modeling Globalization from the Bottom Up: A Review Essay of John Braithwaite and Peter Drahos*, GLOBAL BUSINESS REGULATION, 39 LAW & SOC'Y REV. 965 (2005).

*Belling the Cat, Virtually, Review of Stuart Biegel's*, BEYOND OUR CONTROL?, 1 BUFF. INTELL. PROP. L.J. 240 (2002).

*Enlightening Identity and Copyright*, Book Review of Emma Rothschild, ECONOMIC SENTIMENTS, 49 BUFF. L. REV. 1315 (2001).

Book Review: LAW AND ECONOMICS ANTHOLOGY (Kenneth G. Dau-Schmidt & Thomas S. Ulen eds.); FOUNDATIONS OF THE ECONOMICS APPROACH TO LAW (Avery Katz ed.), 23 LEGAL STUD. F. 599 (1999).

Book Review: Jamie Cassels, *THE UNCERTAIN PROMISE OF LAW: LESSONS FROM BHOPAL* (Univ. of Toronto Press, 1993), 13 STAN. ENVTL. L.J. 251 (1994).