

# **Ben Depoorter**

**Distinguished Professor of Law at UC Hastings College of the Law**

San Francisco, CA, US

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## **Biography**

Professor Depoorter is Sunderland Chair at the University of California, Hastings College of the Law, EMLE coordinator at CASLE Ghent University, and Affiliate Scholar at Stanford Law School's Center for Internet at Society. He is a frequent visiting professor at Berkeley Law, teaching in the LL.M.'s Professional Track.

Copyright law is one of his major areas of expertise, where Depoorter has investigated a variety of questions relating to enforcement of intellectual property law in the digital era, including whether and how fees-shifting can be used to align incentives between authors in way that promote creativity, how punitive approaches to copyright law adversely impact copyright social norms, and how automated enforcement measures create false positives.

Litigation theory is Depoorter's other major area of expertise, where he has investigated the strategic pursuit of losing litigation by interest groups that seek to mobilize public and political support, examined the feedback effect of tort settlements on legal precedent, and described the shaping effect of legal uncertainty and court delay.

Recent publications includes "The Upside of Losing", "Fair Trespass", Columbia Law Review (2014, 2011); "Using Fee Shifting to Promote Fair Use and Fair Licensing", California Law Review (2015); "Copyright Backlash", Southern California Law Review (2011); "Law in the Shadow Bargaining: The Feedback Effect of Civil Settlements", Cornell Law Review (2010); "Technology & Uncertainty: The Shaping Effect on Copyright Law", the University of Pennsylvania Law Review (2010), and "Liquidated Damages and Moral Hazard: An Experiment", JITE (2016). His interdisciplinary work on anticommons property is widely cited in American law reviews and international peer-reviewed journals and was featured in a 2010 issue of the New Yorker.

Professor Ben Depoorter completed his studies at Yale Law School (2003, 2009) on a full scholarship from the BAEF. As an Oscar Cox and Olin Fellow at Yale, Depoorter served as an editor of the Yale J. Reg. He was a Santander Research Fellow at U.C. Berkeley and a recipient of a Fulbright scholarship.

Before becoming a law professor, Depoorter toured around Europe with his indierock band releasing several LP records full of sad songs. In line with local start-up community expectations, Depoorter co-founded a tennis analytics company that provides scouting data to the world's top professional tennis players.

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## **Expertise**

Education/Learning, Legal Services

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## **Areas of Expertise**

Copyright Law, Property Law, Law and Economics, Intellectual Property, International Intellectual Property Law, Comparative Law, Litigation Theory, Behavioural Law and Economics, Trademark Law, Law & Digital Technology

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## **Affiliations**

Stanford Center for Internet and Society : Affiliate Scholar (Since 2012), Ghent University : Professor (Docent) (Since 2003), Erasmus Mundus Master Program in Law and Economics : Officer of Quality Assurance and Curriculum (Since 2007)

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## **Event Appearances**

**Why Do People Obey Laws: A Field Experiment**  
UC Berkeley Law Faculty Workshop

**Marginal Deterrence in Copyright Enforcement**  
U.C. Berkeley Law, Symposium of the Berkeley Sports & Entertainment Law Journal

**Hypothetical Damages in Copyright Law**  
EMLE Annual Conference on Law and Economics

**The Dangerous Undertaking: How Courts Should Approach Aesthetic Judgements in Copyright Law**  
Workshop on Intellectual Property Papers in Progress (WPIP) Annual Conference

**Fair Use and Goldieblox v. Beastie Boys**  
San Francisco Bay Area Intellectual Property Inn of Court

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## **Education**

**Yale Law School**  
J.S.D. Law

**Yale Law School**  
LL.M. Law

**Ghent University**  
Ph.D. Economics

**University of Hamburg**  
M.A. Law and Economics

**Ghent University, School of Law**  
J.D. Economic Law

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## **Accomplishments**

### **Graduation Speaker**

U.C. Berkeley Law, P.L.L.M Program, 2016

### **Sunderland Chair**

Awarded by University of California, Hastings College of the Law

### **Inaugural Roger Traynor Research Chair**

Awarded by UC Hastings College of the Law.

### **Roger Traynor Scholarship Prize**

Awarded by UC Hastings College of the Law.

### **Oscar Cox Scholarship**

Awarded by Yale Law School.

### **National Science Grant**

Awarded by Belgium's Federal Institute for Science.

### **Olin Fellow in Law, Economics & Public Policy**

Awarded by Yale Law School.

### **Belgian American Educational Foundation**

study grant for research in the United States

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