

# STACEY M. LANTAGNE

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## ACADEMIC APPOINTMENTS

### University of Mississippi School of Law

August 2013–present

Associate Dean for Faculty Development.

July 2019–present

Associate Professor (with tenure).

July 2019–present

Assistant Professor.

August 2013–June 2019

Courses: Contracts, Intellectual Property Survey, Trademark, Entertainment Law, Internet and Emerging Technologies Law, Creative Writing for Lawyers, Transformative Works and Copyright Fair Use, Internet Law (online class), Social Media Law (online class), Freshman Honors Seminar

### Loyola University New Orleans College of Law

August 2011–May 2013

Westerfield Fellow.

Courses: Legal Research and Writing, Moot Court, Copyright and Fair Use

## EDUCATION

### Harvard Law School

June 2004

J.D., *cum laude*

Co-Executive Editor, *Harvard Journal of Law and Technology*

### Boston College

May 2001

B.A., English major, Computer Science minor, *summa cum laude*

## LEGAL EXPERIENCE

### Goodwin Procter LLP, Boston, MA

Feb. 2007–July 2011

Associate in the litigation department, with a focus on trademark and copyright litigation.

### Drinker Biddle & Reath LLP, Washington, DC

Sept. 2005–Jan. 2007

Associate in the litigation department, with a focus on trademark and copyright work.

### United States District Court, New Orleans, LA

Sept. 2004–Sept. 2005

Judicial clerk to Judge Martin L.C. Feldman.

## **PUBLICATIONS**

### **Law Journal Articles**

*Building a Better Mousetrap: Blocking Disney's Imperial Copyright Strategies*, 12 HARV. J. SPORTS & ENT. L. 141 (Winter 2021).

*"Catchy Phrases That Convey a Message": The Danger of Tam's Copymark Creep and Trademark Law's New First Amendment Analysis*, 20 NEV. L.J. 427 (2020).

*Mutating Internet Memes and the Amplification of Copyright's Authorship Challenges*, 17 VA. SPORTS & ENT. L.J. 221 (Spring 2018).

*Famous on the Internet: The Spectrum of Internet Memes and the Legal Challenge of Evolving Methods of Communication*, 52 U. RICHMOND L. REV. 387 (Jan. 2018).

*When Real People Become Fictional: The Collision of Trademark, Copyright, and Publicity Rights in Fanfiction about Celebrities*, 7 CASE W. RESERVE J.L. TECH. & INTERNET 39 (2016).

*The Copymark Creep: How the Normative Standards of Fan Communities Can Rescue Copyright*, 32 GA. ST. U. L. REV. 459 (Winter 2016).

*Sherlock Holmes and the Case of the Lucrative Fandom: Recognizing the Economic Power of Fanworks and Reimagining Fair Use in Copyright*, 21 MICH. TELECOMM. & TECH. L. REV. 263 (2015) (reprinted in ENTERTAINMENT, PUBLISHING & THE ARTS HANDBOOK (Thomson Reuters (West) 2016)).

*A Matter of National Importance: The Persistent Inefficiency of Deceptive Advertising Class Actions*, 8 J. BUS. & TECH. L. 117 (2013).

*The Better Angels of Our Fanfiction: The Need for True and Logical Precedent*, HASTINGS COMM. & ENT. L.J. 159 (Winter 2011).

### **Book Chapters**

*Using Reality Shows as Contractual Fodder in the 1L Classroom*, in THE MEDIA METHOD: TEACHING LAW WITH POPULAR CULTURE (Christine Corcos ed., Carolina Academic Press, 2019).

*A Fan Fiction Monopoly: How Disney Builds Its Empire on Re-Copyrighting the Public Domain*, in A CELEBRATION OF DISNEY: DEPAUL POP CULTURE CONFERENCE 2019 116 (Emily Goldstein & Paul Booth eds., 2019).

*Harry Potter and the Control of the Creator of the Canon*, in TIME LORDS & TRIBBLES, WINCHESTERS & MUGGLES: THE DEPAUL POP CULTURE CONFERENCE, A FIVE-YEAR RETROSPECTIVE 321 (Paul Booth & Isabella Menichiello eds., 2017).

## **Other Writings**

*ContractsProf Blog*, Contributing Editor, November 2015–December 2019.

*Technology & Marketing Law Blog*, Invited Guest Post, “Fair Use for ‘Meme’ Can’t Be Decided on Motion to Dismiss—Philpot v. Altnet Media,” December 2018.

*Technology & Marketing Law Blog*, Invited Guest Post, “Swedish Court Misunderstands Memes,” October 2018.

“*Fan Fiction and Copyright: Outside Works and Intellectual Property Protection*,” by Aaron Schwabach, 10 TRANSFORMATIVE WORKS & CULTURE (June 2012) (book review), at <http://journal.transformativeworks.org/index.php/twc/article/view/418/278>.

Note, *The Morality of MP3s: The Failure of the Record Industry’s Plan of Attack*, 18 HARV. J.L. & TECH. 269 (2004).

## **MEDIA, PANELS, AND PRESENTATIONS**

### **Scholarly Presentations**

Midwest Popular Culture Association and Midwest American Culture Association Annual Conference, Presenter, “The Meme Economy: How NFTs Are Reimagining Copyright on the Internet,” October 2021 (scheduled).

Berkeley Center of Law and Technology, Panelist, “New Intellectual Property Legislation,” May 2021 (invited speaker).

Fan Studies Network North American Conference, Participant, “Teaching Fandom: Fandom, Fanworks and Fan Studies in the Classroom,” October 2020.

Fan Studies Network North American Conference, Participant, “So, This is How Liberty Dies, With Thunderous Applause: Fandom, Politics, Public Discourse and Democracy,” October 2020.

Works-in-Progress Intellectual Property Colloquium, Presenter, “Disney’s ‘Re-Copyright’: The Big Media Plundering of the Public Domain,” February 2020.

Fan Studies Network North American Conference, Presenter, “Making Intellectual Property Sexy: From Trademarking COCKY to Copyrighting Omegaverse,” October 2019.

Southeastern Association of Law Schools Annual Conference, Discussant, “Using Pop Culture in the Law School Classroom,” August 2019.

International Trademark Association Trademark Scholarship Symposium, Presenter, “Commerciality in Fanworks,” May 2019 (co-presented with Heidi Tandy).

CopyrightX Summit at Harvard Law School, Panelist, “User-generated Content, Digital Labor, and Collaborative Authorship,” May 2019 (invited speaker).

DePaul Pop Culture Conference, Presenter, “Disney’s Fanfiction Monopoly: How Disney Builds Its Empire on Shrinking Copyright’s Public Domain,” May 2019.

Marquette Intellectual Property Colloquium Series, Presenter, “‘Catchy Phrases That Convey a Message’: The Danger of *Tam*’s Treatment of Trademarks as Vehicles of Expression,” March 2019 (invited speaker).

IP Mosaic Roundtable Conference, Presenter, “The Danger of Turning Trademarks into Vehicles of Creative Expression,” October 2018.

Southeastern Association of Law Schools Annual Conference, Moderator, “Fostering Creative Expression,” August 2018.

University of Mississippi Faculty Colloquium Lecture, Presenter, “Mutating Internet Memes and the Amplification of Copyright’s Authorship Challenges,” March 2018.

Internet Law Works-in-Progress, Presenter, “Internet Memes, Fanworks, and the Amplification of Copyright’s Authorship Challenges,” March 2018.

Nebraska College of Law, Presenter, “Internet Memes and the Amplification of Copyright’s Authorship Challenges,” February 2018.

Works-in-Progress Intellectual Property Colloquium, Presenter, “Internet Memes, Fanworks, and the Amplification of Copyright’s Authorship Challenges,” February 2018.

Midwest Popular Culture Association and Midwest American Culture Association Annual Conference, Presenter, “Fandom, Copyright, and What It Means to Be an ‘Author,’” October 2017.

Southeastern Association of Law Schools Annual Conference, Discussant, “Digital Pressures in Intellectual Property Law,” August 2017.

Southeastern Association of Law Schools Annual Conference, Speaker, “Trademark Morality: The Cultural and Expressive Implications of Regulating Immoral and Offensive Trademarks,” August 2017.

Harry Potter and the Pop Culture Conference, Panelist, “JK Who? Investigating Authorship in the Harry Potter Canon and Fandom,” May 2017.

University of Mississippi Faculty Colloquium Lecture, Presenter, “Famous on the Internet: The Spectrum of Internet Memes and the Legal Challenge of Evolving Methods of Communication,” April 2017.

University of Missouri School of Law, Presenter, “Famous on the Internet: The Spectrum of Internet Memes and the Legal Challenge of Evolving Methods of Communication,” February 2017.

Works-in-Progress Intellectual Property Colloquium, Presenter, “Famous on the Internet: The Spectrum of Internet Memes and the Legal Challenge of Evolving Methods of Communication,” February 2017.

Whittier Law School’s Law Review and Center for Intellectual Property Law Present Emerging Dilemmas in Entertainment Law: Resolving Technology’s New Ethical Concerns, Presenter, “Famous on the Internet: Internet Memes and the Legal Challenge of Evolving Methods of Communication,” November 2016 (invited speaker).

Midwest Popular Culture Association and Midwest American Culture Association Annual Conference, Presenter, “The Copymark Creep: How the Normative Standards of Fan Communities Can Rescue Copyright,” October 2016.

Midwest Popular Culture Association and Midwest American Culture Association Annual Conference, Presenter, “Translated into Klingon: Internet Memes, Invented Languages, and Evolving Methods of Communication,” October 2016.

Junior Scholars Virtual Colloquium, “Internet Meme Culture and Debates of Expression and Attribution,” August 2016.

Internet Law Works-in-Progress, Presenter, “Internet Meme Culture and Debates of Attribution,” March 2016.

University of Arkansas School of Law, Presenter, “When Real People Become Fictional: The Collision of Trademark, Copyright, and Publicity Rights in Fanfiction about Celebrities,” February 2016.

University of Mississippi Faculty Colloquium Lecture, Presenter, “When Real People Become Fictional: The Collision of Trademark, Copyright, and Publicity Rights in Online Stories About Celebrities,” February 2016.

Midwest Popular Culture Association and Midwest American Culture Association Annual Conference, Presenter, “When Real People Become Fictional: The Legal Implications of the Growing Mainstream Popularity of RPF,” October 2015.

Junior Scholars Virtual Colloquium, Presenter, “When Real People Become Fictional: The Legal Implications of the Growing Mainstream Popularity of RPF,” July 2015.

University of Mississippi Faculty Colloquium Lecture, Presenter, “Defending the Normative Value of the Fan Community Trademarking of Copyright,” February 2015.

Institute for Intellectual Property and Information Law, University of Houston Law Center, Presenter, “Sherlock Holmes and the Case of the Lucrative Fandom: Recognizing the Economic Power of Fanworks and Reimagining Fair Use in Copyright,” September 2014.

Southeastern Association of Law Schools Annual Conference, Presenter, “What the Internet Can Teach Us About Copyright Law,” New Scholars Colloquium, August 2014.

University of Mississippi Faculty Colloquium Lecture, Presenter, “Sherlock Holmes and the Case of the Lucrative Fandom: Recognizing the Economic Power of Fanworks and Reimagining Fair Use in Copyright,” March 2014.

Junior Scholars Virtual Colloquium, Presenter, “The Economic Power of Fanworks,” July 2013.

### **Selected Continuing Legal Education and Service Presentations**

Intellectual Property Owners Association LIVE+Virtual Annual Meeting, Panelist, “Recent Legislative Developments at the U.S. Copyright Office,” September 2021 (scheduled).

Miami University Libraries 2021 Copyright Webinar Series, Presenter, “Transformative Use,” September 2021 (scheduled).

Montana Bar Intellectual Property Section Exploration Series, Presenter, “Laney Griner v. Steve King: Copyright, Fair Use, and Memes,” June 2021 (co-presented with Cathay Y. N. Smith).

Copyright & Related Rights Committee at the Intellectual Property Owners Association monthly meeting, Panelist, “The CASE Act: New Opportunities and Risks for Companies and Brands,” June 2021.

University of Mississippi Spark Series, Panelist, “Going Online: Websites and Social Media for Your Business,” April 2021.

University of Colorado Law School Advanced Intellectual Property seminar, Guest Speaker, “The Linguistics of Internet Memes: Authorship in a World of Viral Social Media,” January 2021.

Mississippi Judicial College Court Administrators Conference, Presenter, “Use of Emojis Increasingly Coming Up in Court Cases, Judges Are Struggling How to Interpret Them,” October 2020.

University of Mississippi School of Law, Panelist, “World Mental Health Day Panel,” October 2020.

The University of Mississippi Arch Dalrymple III Department of History, Presenter, “Thinking About Law School?,” October 2020.

University of Mississippi School of Law Admitted Students Day, Mock Class, “Music Copyright Infringement,” March 2020.

Mississippi Appellate Judicial Conference, Co-Presenter, “State of Legal Education,” March 2020.

Long Island University Music Librarianship course, Guest Speaker, “Copyright,” October 2019.

University of Mississippi School of Law Tougaloo Law Preview Day, Mock Class, “Music and Copyright,” September 2019.

United States Department of Agriculture National Sedimentation Laboratory Women’s History Month Observance, Keynote Speaker, “Visionary Women: Champions of Peace and Non-Violence,” March 2019.

University of Wisconsin-Milwaukee Music Librarianship course, Guest Speaker, “Copyright,” April 2018.

Law Alumni Weekend CLE, Presenter, “Emerging Trends in Intellectual Property Law,” March 2018.

University of Mississippi Spark Series, Panelist, “Questions You Should Ask Before Launching Your Business Online,” March 2018.

illogiCon VII, Guest of Honor, January 2018.

The University of Mississippi Philosophy and Religion Departments, Presenter, “Interested in Law School?” April 2017.

Law Alumni Weekend CLE, Presenter, “Emerging Trends in Intellectual Property Law,” March 2017.

The University of Mississippi School of Law, Panelist, “Supreme Court Preview,” October 2016.

University of Mississippi Principles of Marketing course, Guest Speaker, “Copyrights, Trademarks, and Patents,” April 2016.

The University of Mississippi Philosophy and Religion Departments, Presenter, “Interested in Law School? Come Find Out What You Need to Know!” April 2016.

The University of Mississippi Libraries Open Access Week, Presenter, “Copyright and Fair Use,” October 2015.

Panola County, Mississippi Bar Association, Presenter, “Photographs and Social Media,” April 2015.

## **Other Media**

*In Legal Terms* radio show, “TikTok and Memes,” February 2021.

Quoted in Lindsay Ellis YouTube channel, “Into the Omegaverse: How a Fanfic Trope Landed in Federal Court,” September 2020.

Quoted in *The Verge*, “Ed Markey’s Stan Army Is Taking Politics by Storm,” August 2020.

*In Legal Terms* radio show, “Intellectual Property During COVID-19,” April 2020.

Quoted in *Wired*, “Success Kid’s Mom Won’t Stand for Steve King’s ‘Meme’ Ad,” January 2020.

*In Legal Terms* radio show, “Intellectual Property,” December 2019.

Quoted in *The Week*, “Have brands killed meme culture?,” August 2019.

*IA* radio show, “We Stan: Real Person Fan Fiction Comes to Life,” April 2019.

Quoted in *Wired*, “Porny Presidential Fanfic Isn’t Just Kinky – It’s Political,” January 2019.

Quoted in *The Verge*, “The Online Free Speech Debate Is Raging in Fan Fiction, Too,” November 2018.

*In Legal Terms* radio show, “Genetic Testing,” September 2018.

Quoted in *Slate*, “Why Trump Likely Won’t Collect the \$20 Million He Claims Stormy Daniels Owes Him,” March 2018.

*In Legal Terms* radio show, “Copyright Law,” September 2017.

Quoted in *Vox*, “Snopes, the internet’s foremost fact-checking website, may die in a messy legal battle,” July 2017.

Quoted in *TheWrap*, “Why ‘Bachelor in Paradise’ Contestants Can’t Reveal What Happened,” June 2017.

*Conversations With the Academy* podcast, “Stacey Lantagne,” March 2017.

*In Legal Terms* radio show, “Copyright Laws,” March 2017.

*In Legal Terms* radio show, “Protecting What You Create,” September 2016.

*In Legal Terms* radio show, “Copyright Law,” March 2016.



Quoted in *The Daily Dot*, “Following public outcry, Sony breaks silence on Kesha case,” February 2016.

Quoted in *The Daily Dot*, “YouTube creators want changes to copyright rules knocking their videos offline,” February 2016.

*Ozarks at Large* radio show, “Fan Fiction, Trademarks and Creativity,” February 2016.

*In Legal Terms* radio show, “Hey! That’s Mine!” November 2014.

## **SELECTED UNIVERSITY AND PROFESSIONAL SERVICE**

### **Law School**

Diversity Discussion Group, Organizer, University of Mississippi School of Law (2021–present).

Speakers and Faculty Scholarship Committee, Chair, University of Mississippi School of Law (2020–present).

First Generation Group, Faculty Mentor, University of Mississippi School of Law (2019–present).

1L Academic Advising, Faculty Mentor, University of Mississippi School of Law (2019–present).

Appointments Committee, Faculty Member, University of Mississippi School of Law (2019–present).

Distinguished Scholars Committee, Faculty Member, University of Mississippi School of Law (2019–present).

*Mississippi Law Journal* Peer Review Board, Faculty Member, University of Mississippi School of Law (2017–present).

University of Mississippi Entertainment Law Organization, Faculty Adviser, University of Mississippi School of Law (2015–present).

Diversity, Equity, and Inclusion Pilot Teaching Program, Co-Chair, University of Mississippi School of Law (2021).

Appellate Lawyer’s Association Moot Court Team, Faculty Adviser, University of Mississippi School of Law (2018, 2020).

Diversity Committee, Faculty Member, University of Mississippi School of Law (2017–2020).

National Entertainment Law Moot Court Competition, Faculty Adviser, University of Mississippi School of Law (2019).

Ad Hoc Committee on Tenure and Promotion, Faculty Member, University of Mississippi School of Law (2017).

Law School Director of Career Services Search Committee, Faculty Member, University of Mississippi School of Law (2016).

Association of American Law Schools Annual Conference, Delegate on Behalf of the University of Mississippi School of Law (2016).

Mid-South Intellectual Property Institute Conference, Organizing Committee Member, University of Mississippi School of Law (2013–2016).

### **Campus-Wide**

First Gen Group, Faculty Member, University of Mississippi Sally McDonnell Barksdale Honors College (2020–present).

Copyright Committee, Faculty Member, University of Mississippi (2016–present).

Rhodes and Mitchell Scholarship Committee, Faculty Member, University of Mississippi (2020).

Resilient Teaching Learning Community, Faculty Leader, University of Mississippi (2020).

Research Board, Faculty Member, University of Mississippi (2018–2019).

Chancellor's Standing Committee on Accessibility, Faculty Senate Representative, University of Mississippi (2018–2019).

Graduate Council, Faculty Senate Representative, University of Mississippi (2018–2019).

Faculty Senate, Vice Chair, University of Mississippi (2016–2019).

Chancellor's Standing Committee on Traffic & Parking, Faculty Senate Representative, University of Mississippi (2016–2018).

Frist Student Service Award Selection Committee, Faculty Senate Representative, University of Mississippi (2018).

Faculty Senate, Faculty Member, University of Mississippi (2015–2016).

### **Professional**

Legal Committee, Member, Organization for Transformative Works (2016–present).

Prison Education Project, Participant, University of Mississippi Pro Bono Initiative (2018–2020).

## **BAR ADMISSIONS**

Massachusetts (2004); District of Columbia (2005)