

BU Law Congratulates Professor Wendy J. Gordon

Philip S. Beck Professor of Law

In recognition of distinguished contributions to legal scholarship, Dean Maureen A. O'Rourke has announced the appointment of Professor Wendy J. Gordon to a chaired professorship at Boston University School of Law. Professor Gordon was named the Philip S. Beck Professor of Law to acknowledge her scholarly achievements in the fields of copyright, trademark and theory of torts and property.



The Philip S. Beck Chair

The Philip S. Beck Professorship Fund established a permanently endowed chair providing salary and research support to a full-time School of Law faculty member. The chair was funded by Boston University School of Law graduate Philip S. Beck ('76).

“I have always held a deep regard for the School of Law and its faculty. I am very pleased to be in a position where I can express my gratitude and ongoing support of the School through this professorship.”

-Philip S. Beck

Primarily known for her work in the law and theory of copyright, Professor Gordon has twice served as chair of the Intellectual Property Section of the Association of American Law Schools. She is a prolific writer whose articles are often anthologized and translated. She also writes in areas such as trademark law, data ownership, free speech, the intersection of patent law with human rights, and on the law of unjust enrichment, property and torts.

“Copyright law can be seen as the law of gratitude because it sets out what kinds of legal duties we owe to those whose creative works benefit us. Copyright law makes us show our gratitude by paying for much of what we use. But copyright operates through legal compulsion. My current project mines a variety of social and behavioral sciences, including anthropology, psychology and sociology, to investigate what effects such compulsion-based market practices have on the arts, and to explore some alternative practices and institutions that might harness more directly the forces of gratitude and reciprocity,” she explains.

Her new project fits with one of the consistent themes in her work, namely, using interdisciplinary tools to explore how far the foundational justifications for legal rights will or will not support the

assertion of those rights. She notes, “Often the same interior logic that judges and policy-makers use to justify giving ownership rights and tort rights can also teach us how to draw the boundaries — the outer scope — of those rights.”

“Working with copyright has been tremendously exciting, as the terrain shifts continually: changes in media, business strategies and technologies pose novel conundrums virtually every day. But the real fun is that traditional tools of common law analysis, coupled with interdisciplinary techniques, can reveal so much about the workings of this subtly different area of law,” says Gordon.

In Gordon’s early work, she employed neo-classical economics to identify the circumstances under which the goals of the copyright system would be best served by not enforcing a copyright. In another major piece, she argued that John Locke’s labor theory of property would not only generate some rights for copyright owners, but would also generate for the public a robust right of free expression capable of trumping inconsistent copyright claims. Most recently, she explored how certain theories from moral philosophy inform us about the appropriate limits to place on secondary copyright liability.



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