

SALIL K. MEHRA

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EMPLOYMENT

TEMPLE UNIVERSITY, JAMES E. BEASLEY SCHOOL OF LAW, Philadelphia, PA

James E. Beasley Professor of Law, 2009-Present

Professor of Law, 2007-2009

Associate Professor of Law, 2003-2007

Assistant Professor of Law, 2000-2003

Teach lecture courses in Antitrust (competition law), Contracts, and Corporations.
Design and teach seminars in Japanese Law and Asian Law.

KEIO UNIVERSITY SCHOOL OF LAW, Tokyo, Japan

Visiting Professor, Summer 2010, Fall 2010 and Summer 2011. Hosted by Keio University while on an Abe Fellowship.

Visiting Researcher, Summer 2006

TEMPLE UNIVERSITY JAPAN, Tokyo, Japan

Visiting Professor of Law, Spring 2011

Visiting Associate Professor of Law, Spring and Summer 2003

PUBLICATIONS

Articles

Paradise is a Walled Garden? Trust, Antitrust and Consumer Dynamism, 19 GEO. MASON L. REV. __ (forthcoming 2011).

Keep America Exceptional! Against Adopting Japanese and European Style Criminalization of Contributory Copyright Infringement, 14 VAND. J. ENTER. & TECH. L. __ (forthcoming 2011) (invited submission).

Law and Cybercrime in the United States Today, 58 AMER. J. COMP. L. 659 (2010) (invited submission).

Wikitruth Through Wikiorder, 59 EMORY L. J. 151 (with David Hoffman).

The Alchemy of Law and Development, 104 NW. U. L. REV. COLLOQUY 164 (2009), <http://www.law.northwestern.edu/lawreview/colloquy/2009/37/LRColl2009n37SympLaw&DevPartI.pdf> (invited submission).

Against Antitrust Functionalism: Reconsidering China's Antimonopoly Law, 49 VA. J. OF INT'L. L. 383 (2009) (with Yanbei Meng).

Building Antitrust Agency Capacity in Context, 103 NW. U. L. REV. COLLOQUY 310 (2009), <http://colloquy.law.northwestern.edu/main/2009/01/building-antitrust-agency-capacity-in-context.html> (invited submission).

Antitrust by Other Means: Haley's Lesson on Form and Function, 8 WASH. U. GLOBAL STUDS. L. REV. (forthcoming 2009) (symposium honoring Prof. John Haley; invited submission).

The iPod Tax: Why the Digital Copyright System of American Law Professors' Dreams Failed in Japan, 79 COLO. L. REV. 421 (2008).

Tong zhu yi rang: riben de xin hebing zhinan [translation of *Same Plant, Different Soil: Japan's New Merger Guidelines*], trans. Ke Hao, 8 PEKING U. INT'L & COMP. L. REV. 112 (2008) (invited submission).

Post a Message and Go to Jail: Criminalizing Internet Libel in Japan and the United States, 78 COLO. L. REV. 767 (2007).

Striking Out 'Competitive Balance' in Sports, Antitrust and Intellectual Property, 21 BERKELEY TECH. L. J. 1499 (2006) (with T. Joel Zuercher).

Same Plant, Different Soil: Japan's New Merger Guidelines, 26 NW. J. OF INT'L. L. AND BUS. 515 (2006) (symposium issue, invited submission).

Software as Crime: Japan, the United States and Contributory Copyright Infringement, 79 TULANE L. REV. 265 (2004).

Foreign-Injured Antitrust Plaintiffs in U.S. Courts: Ends and Means, 16 CONSUMER L. REV. 347 (2004) (symposium issue, invited submission).

More is Less: A Law-and-Economics Approach to the International Scope of Private Antitrust Enforcement, 77 TEMPLE L. REV. 47 (2004).

Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content, 56 RUTGERS L. REV. 181 (2004).

'A' is for Anachronism: The FTAIA and the World Trade Regime, 107 DICKINSON L. REV. 763 (2003) (symposium issue, invited submission).

Copyright and Comics in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are Japanese Imports?, 55 Rutgers L. Rev. 155 (2002) (discussed in opening chapter of Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (Penguin 2005), p. 27).

Deterrence, the Private Remedy and International Antitrust Cases, 40 COLUMBIA J. OF TRANSNAT'L L. 101 (2001).

Information in an Antitrust Age, 2000 U. CHICAGO L. FORUM 219 (2000) (symposium issue, invited submission).

Extraterritorial Antitrust Enforcement and the Myth of International Consensus, 10 DUKE J. OF COMP. & INTERNAT'L L. 191 (2000).

Parts and Service Included: An Information-Centered Approach to Kodak and the Problem of Aftermarket Monopolies, 62 U. CHICAGO L. REV. 1521 (1995).

Book Reviews

Righting Copyright, review of W. Landes and R. Posner, *The Economic Structure of Intellectual Property Law*, 77 TEMPLE L. REV. 957 (2005).

Review of M. Matsushita & C. Jones, *Competition Policy in the Global Trading System*, 26 WORLD COMPETITION 123 (2003).

Politics and Antitrust in Japan, 43 Virginia Journal of International Law 303, review of John Halley, *Antitrust in Germany and Japan: The First Fifty Years* and Ulrike Schaeede, *Cooperative Capitalism: Self-Regulation, Trade Associations, and the Antimonopoly Law in Japan*.

Works in Progress

Paradise is a Walled Garden? Analysis of how the combination of network effects and sharing economies should force a reevaluation of the role of the consumer in antitrust.

Law in Asia – Casebook under contract with Carolina Academic Press. Publication anticipated January 2010.

Cultural Cognition, Causation and Cartoons – Experimental study of whether and how Westerners and Asians differ in their view of causation using responses to nonverbal cartoons illustrating classic tort scenarios. Cartoons have been created and are undergoing Institutional Review Board approval process.

Robot Law in East Asia – Discussion of recently issued robot ethics guidelines in Japan and South Korea. Contrast of state-led preemptive regulation of incipient technology capable of reshaping human relations (human-service robots) with reactive approaches.

The IP/Antitrust Intersection in Asia – Analysis of the different approaches in several Asian nations' antitrust laws in dealing with the tension with intellectual property rights. Draws on discussions with competition agency officials in Japan, China and India.

ACADEMIC PRESENTATIONS AND INVITED CONFERENCES

2011

“Keep America Exceptional! Against Japanese and EU-style Criminalization of Contributory Copyright Infringement,” Hokkaido University Intellectual Property Workshop, June 4, 2011 (in Japanese).

“Paradise is a Walled Garden: Trust, Antitrust and User-Dynamism,” 3rd Conference on Innovation and Communication, University of Melbourne, Australia, May 31, 2011.

"Wikitruth through Wikiorder," NYU School of Law Platforms and Power Roundtable, May 5, 2011.

"Standardization, Antitrust and the US FTC," Japan Fair Trade Commission Institute, Tokyo, Japan, January 26, 2011.

2010

"Standardization, Antitrust and the US FTC," Competition Policy Research Council, Japan Fair Trade Commission, Tokyo, Japan, December 3, 2010 (in Japanese).

"Law, Harm and Culture: An Experiment with Cartoons," Midwest Law & Economics Association, University of Colorado at Boulder, October 7, 2010.

"Keep America Exceptional! Against Japanese and EU-style Criminalization of Contributory Copyright Infringement," Vanderbilt Journal of Entertainment and Technology Law Symposium, Sept. 29, 2010.

"Law, Harm and Culture: An Experiment with Cartoons," East Asian Legal Studies Conference, Harvard Law School, June 18, 2010.

"Law, Harm and Culture: An Experiment with Cartoons," Law and Society Association Annual Meeting, Chicago, IL, May 28, 2010.

"China's Antimonopoly Law," Wolfgang Friedmann Transnational Law Conference, Columbia Law School, March 25, 2010.

"Paradise is a Walled Garden?" NYU Antitrust Scholars Workshop, NYU Law School, January 29, 2010.

"Law, Harm and Culture: An Experiment with Cartoons," Abe Fellows' Workshop, Japan Center for Global Partnership, Amelia Island, FL, Jan 17, 2010.

"WikiTruth Through WikiOrder?" AALS Annual Meeting, New Orleans, Computer Law Section (January 8, 2010).

2009

"Paradise is a Walled Garden?" Ninth Annual IP Scholars Conference, Cardozo Law School (August 7, 2009)

"WikiOrder without WikiLaw" Disputes, Technology and Law Conference, sponsored by ICANN and hosted by the University of Haifa (June 4, 2009)

Moderator, "Emerging Antitrust Regimes," American Bar Association Spring Antitrust Meeting, Washington, DC (March 27, 2009)

“Private Rights of Action and Capacity Building in Emerging Antitrust Regimes,” Private Enforcement of Competition Law Conference, hosted by the Competition Law Center at George Washington University Law School (February 28, 2009)

Moderator, “Emerging Antitrust Regimes,” Section on Antitrust and Economic Regulation, Association of American Law Schools, San Diego, CA (January 9, 2009)

2008

“WikiOrder without WikiLaw?” Virtual Worlds, Social Networking and User-Generated Content Conference, Vanderbilt Law School (November 14, 2008)

“WikiOrder without WikiLaw?” GikIII: Law, Technology and Popular Culture Conference, Oxford Internet Institute, Oxford University (September 24, 2008)

“WikiOrder without WikiLaw?” Eighth Annual IP Scholars Conference, Stanford Law School (August 6, 2008)

“Haley’s Lesson on Form and Function,” *festschrift* for John Haley, Washington University Law School, (May 9, 2008)

“Wikireality and Truthiness,” Temple Law School Faculty Workshop (April 14, 2008)

2007

“The iPod Tax,” Symposium of the Clarke Program in East Asian Law and Culture, Cornell Law School, (November 19, 2007)

“Digital Fraud,” The Fifth Conference on Law and Technology of the International Society for Law and Development, University of California at Berkeley (September 25, 2007)

“The iPod Tax,” Seventh Annual IP Scholars Conference, Chicago, IL (Aug. 9-10, 2007)

“What is Asian Law?” Law & Society Meeting, Berlin, Germany (July 29, 2007)

“Online Libel in Japan,” Japanese Law Seminar, Harvard Law School (April 16, 2007)

“Online Libel in Japan,” Workshop in Japanese Law, Columbia Law School (March 29, 2007)

2006

“Post a Message and Go to Jail: Criminalizing Internet Libel in Japan and the United States,” University of North Carolina at Chapel Hill Faculty Workshop (September 29, 2006)

"Post a Message and Go to Jail: Criminalizing Internet Libel in Japan and the United States,"
University of Michigan Law School/ American Society of Comparative Law Workshop
(April 21, 2006)

2005

"Criminalizing Cyberdefamation: Lessons and Warnings from Japan," Japan Law Research
Workshop, University of Washington Law School (October 22, 2005)

2004

"(Mis)Handling Contributory Copyright Infringement in Japan and the United States,"
Reischauer Institute of Japanese Studies, Harvard University (October 1, 2004)

"Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content,"
Japanese Legal Studies Conference, Cornell Law School (May 15, 2004)

"Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content,"
Japanese Law: Current Issues and Controversies Symposium, University of Illinois Law
School at Champaign (April 30, 2004)

"More is Less: Antitrust, Settlement Dynamics, and Foreign Plaintiffs in U.S. Courts," Loyola
Chicago Law School Symposium (February 20, 2004)

2003

"Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content," Penn
State/Dickinson School of Law Faculty Colloquium (November 20, 2003)

"Comics and Copyright in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are
Japanese Imports?" University of Chicago Law School, Japanese Law Society (October
20, 2003)

"Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content,"
Harvard Law School, East Asian Legal Studies Program (October 3, 2003)

"Comics and Copyright in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are
Japanese Imports?" Asian Law Conference, Harvard Law School (May 18, 2003)

"'A' is for Anachronism: The Foreign Trade Antitrust Improvement Act and the World Trade
Regime," Annual Meeting of the Association of American Law Schools (January 4, 2003)

2002

“Comics and Copyright in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are Japanese Imports?” Research Seminar in Japanese Law, Harvard Law School (September 19, 2002)

“Private Rights of Action Under the Foreign Trade and Antitrust Improvements Act of 1982,” Spring Meeting of the American Bar Association’s Section on Antitrust Law, Washington, DC (April 25, 2002)

1999

“*Kodak, California Dental* and Information in an Antitrust Age,” University of Chicago Legal Forum Symposium (October 30, 1999)

GOVERNMENT PRESENTATIONS

“Standardization and Antitrust Today,” Japan Fair Trade Commission, Competition Policy Research Council, (December 2, 2010).

“Digital Fraud,” US Federal Trade Commission hearing on Digital Rights Management technology, Seattle, WA (March 25, 2009)

“Lessons from 25 Years of America’s Merger Guidelines,” Japan Fair Trade Commission, Competition Policy Research Council, Tokyo, Japan (July 19, 2006)

“Private International Antitrust Litigation in the United States,” Japan Fair Trade Commission Institute, Tokyo, Japan (June 13, 2006)

“How Open a Courthouse Door? Global Cartels, U.S. Courts, and Foreign Plaintiffs,” Japan Fair Trade Institute, Tokyo, Japan (May 22, 2003)

SELECTED MEDIA INTERVIEWS

Newspapers

New York Times

Philadelphia Inquirer

Washington Post

Associated Press

Christian Science Monitor

Magazines

Time

Sports Illustrated

Radio and Television

NPR, *Marketplace*

WPVI 6-ABC, *Action News*

Comcast News, *Your Morning*

Bloomberg News

PROFESSIONAL EXPERIENCE

WACHTELL, LIPTON ROSEN & KATZ, New York, NY

Litigation associate, 1997-2000. Represented clients in antitrust, constitutional law, mergers, acquisitions and corporate governance matters. Significant trial experience.

UNITED STATES DEPARTMENT OF JUSTICE, ANTITRUST DIVISION, Washington, DC
Trial Attorney, Justice Honors Program, 1996-1997

THE HONORABLE JUAN R. TORRUELLA, UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT
Judicial Clerk, 1995-1996

EDUCATION

UNIVERSITY OF CHICAGO LAW SCHOOL, J.D. with honors, 1995
Editor, *The University of Chicago Law Review*; Order of the Coif; John M. Olin Fellow

UNIVERSITY OF CALIFORNIA AT BERKELEY, M.A., 1992
Concentration on Asian Studies, Northeast Asia – Japan

HARVARD UNIVERSITY, A.B., *magna cum laude*, 1991
Dual major of Economics and East Asian Languages and Civilizations

FELLOWSHIPS AND GRANTS

ABE FELLOWSHIP, Social Science Research Council/Japan Center for Global Partnership
Funding for research in Japan and U.S., 2009-2011

SHORT-TERM RESEARCH GRANT, Japan Foundation
Funding for research in Japan, 2006

GRANT, Association for Asian Studies, Northeast Asia Council, Japanese Studies
Funding for travel to Japan, 2003

PROFESSIONAL ACTIVITIES

Executive Committee, Section on Antitrust and Economic Regulation, Association of American Law Schools, 2002 to 2009 (Chair, 2008 to 2009)

Academic Liaison, American Bar Association, Antitrust Section Leadership, 2008 to 2009

Director, American Society of Comparative Law, 2005 to present

Member, Amicus Committee, North American South Asian Bar Association, 2008 to present

Member, Law and Society Association, Asia Collaborative Research Network, 2006 to present

Non-Governmental Advisor, International Competition Network, 2008 to present

Member, Advisory Board, Loyola-Chicago Consumer Law Review, 2009 to present

Peer reviewer, Oxford University Press, since 2006.

Peer reviewer, Australian Journal of Asian Law, since 2009.

Peer reviewer, Pacific Rim Law and Policy Journal, since 2007.

OTHER

Language Ability:

- Excellent reading and speaking Japanese; able to conduct primary language research
- Mandarin Chinese study, Temple University, 2005 to 2009
- Good French
- Moderate Spanish

Admitted to practice in New York State

Three-time finisher of the New York City Marathon

Gender: Male Citizenship: USA Date of Birth: Sept. 8, 1969