

AMY KAPCZYNSKI

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EMPLOYMENT

Yale Law School, New Haven, CT, Jan. 2012 – present

Professor of Law
Faculty Director, Global Health Justice Partnership

University of California at Berkeley Law School (Boalt Hall), Berkeley, CA, July 2007 - Dec. 2011

Assistant Professor of Law

SELECTED COURSES TAUGHT

Intellectual Property
International Intellectual Property
Global Health Justice Practicum (with Alice Miller and Gregg Gonsalves)
Property
International Trade Law
Designing Strategies for Neglected Disease Research
Globalization and the Regulation of Knowledge: From IP to A2K
Law and Social Movements (with Reva Siegel)
The Politics of Method (with Reva Siegel and David Grewal)
Constitutional Law

CLERKSHIP EXPERIENCE

United States Supreme Court, Washington, DC, 2005-2006
Law Clerk to Hon. Sandra Day O'Connor and Hon. Stephen G. Breyer

United States Court of Appeals for the Second Circuit, New Haven, CT, 2003-2004
Law Clerk to Hon. Guido Calabresi

EDUCATION

Yale Law School, New Haven, CT • JD 2003
Yale Law Journal, Articles Editor
Yale AIDS Network, Co-Founder and Advocacy Director

Universities Allied for Essential Medicines, Co-Founder
 Michael Egger Prize for Best Student Note on Current Social Problems in the Yale Law Journal

Queen Mary and Westfield College, University of London, UK • MA in Literature, Culture and Modernity, awarded with distinction, 1998

Cambridge University, Cambridge, UK • M.Phil in the Sociology and Politics of Modern Society, awarded with distinction, 1997

Princeton University, Princeton, NJ • AB, *summa cum laude*, Politics with a Certificate in Women's Studies, 1996

Marshall Scholar

Honorary Mellon Fellow

Phi Beta Kappa

New York Herald Prize in Politics (for senior thesis)

Suzanne M. Huffman Memorial Senior Thesis Prize in Women's Studies

ARTICLES

A Prescription for Excessive Drug Pricing: Leveraging Government Patent Use for Health, forthcoming, YALE J. L. & TECH. (2016) (with Hannah Brennan, Christine Monahan & Zain Rizvi)

Order Without Intellectual Property Law: The Flu Network as a Case Study in Open Science, forthcoming, CORNELL L. REV. (2016)

'Government Patent Use': A Legal Approach to Reducing Drug Spending, 35 HEALTH AFFAIRS 791 (2016) (with Aaron Kesselheim)

Innovation Sticks: The Limited Case for Penalizing Failures to Innovate (with Ian Ayres), 81 CHICAGO L. REV. 1781 (2015)

The Continuum of Excludability and the Limits of Patents, 122 YALE L. J. 1900 (2013) (with Talha Syed)

Polymorphs and Prodrugs and Salts (Oh My!): An Empirical Analysis of "Secondary" Pharmaceutical Patents, 7 PLOS e49470 (Dec. 2012) (with Bhaven Sampat and Chan Park)

The Cost of Price: Why and How to Get Beyond Intellectual Property Internalism, 59 UCLA L. REV. 970 (2012)

Access to Knowledge: A Conceptual Genealogy, in ACCESS TO KNOWLEDGE IN THE AGE OF INTELLECTUAL PROPERTY (Zone Press 2010, Gaëlle Krikorian and Amy Kapczynski, eds.)

Harmonization and its Discontents: A Case Study of TRIPS Implementation in India's Pharmaceutical Sector, 97 CALIF. L. REV. 1571 (2009)

The Access to Knowledge Mobilization and the New Politics of Intellectual Property, 117 YALE L. J. 804 (2008)

Addressing Global Health Inequities: An Open Licensing Approach for University Innovations, 20 BERKELEY TECH. L.J. 1031 (2005) (with Samantha Chaifetz, Zachary Katz, & Yochai Benkler)

Historicism, Progress, and the Redemptive Constitution, 26 CARDOZO L. REV. 1041 (2005)

EDITED BOOKS

ACCESS TO KNOWLEDGE IN THE AGE OF INTELLECTUAL PROPERTY (Zone Press 2010, Gaëlle Krikorian and Amy Kapczynski, eds.), available at <http://mitpress.mit.edu/catalog/item/default.asp?ttype=2&tid=12589>.

SELECTED COMMENTARIES AND ESSAYS

Amy Kapczynski, *Free Speech and Pharmaceutical Regulation: Fishy Business*, JAMA INTERNAL MEDICINE, Mar. 2016

David Singh Grewal and Amy Kapczynski, *Resist Pressure at Any Price*, BUSINESS TODAY (India), Jan. 17, 2016

The Trans-Pacific Partnership — Is It Bad for Your Health? 373 NEW ENG. J. MED. 201 (2015) (invited “Perspective”)

No Fast Track for Unfair Trade Deals, HUFFINGTON POST, June 11, 2015 (with Judith Resnik)

Intellectual Property's Leviathan, 77 LAW & CONTEMPORARY PROBLEMS 131 (2014)

Going Local in the Era of TRIPS Implementation, in BALANCING HEALTH AND WEALTH: THE BATTLE OVER INTELLECTUAL PROPERTY AND ACCESS TO MEDICINES IN LATIN AMERICA 263 (Rochelle C. Dreyfuss and Cesar Rodriguez-Garavito eds., 2014) (Spanish edition published 2016)

Engineered in India: Patent Law 2.0, 369 NEW ENG. J. MED. 497 (2013) (invited “Perspective” analysis)

Going It Alone: The Anti-Counterfeiting Trade Agreement as a Sole Executive Agreement, ASIL Insights, Aug. 24, 2011 (with Oona A. Hathaway)

The Story of the TAC Case: The Potential and Limits of Socio-Economic Rights Litigation in South Africa, in HUMAN RIGHTS ADVOCACY STORIES (Foundation Press 2009) (with Jonathan Berger)

Commentary: Innovation Policy for a New Era, 37 J. OF LAW, MEDICINE & ETHICS 264 (June 2009)

Is Bayh-Dole Good for Developing Countries? Lessons from the US Experience, 6 PLOS BIOLOGY e262 (Oct. 1, 2008) (with Anthony D. So, Bhaven N. Sampat, Arti K. Rai, Robert Cook-Deegan, Jerome H. Reichman, and Robert Weissman)

The Access to Knowledge Mobilization and the New Politics of Intellectual Property, 117 YALE L.J. POCKET PART 262 (2008), <http://thepocketpart.org/2008/06/01/kapczynski.html>

Linking Ideas to Outcomes: A Response, 117 YALE L.J. POCKET PART 289 (2008), <http://thepocketpart.org/2008/08/19/kapczynski.html>

POLICY PAPERS

Submission to UN Secretary General's High Level Panel on Access to Medicines, "Realizing the Right to Health in the Context of Intellectual Property" (Feb. 26, 2016)

ACCESS TO MEDICINES: THE ROLE OF INTELLECTUAL PROPERTY LAW AND POLICY, Working Paper for the Global Commission on HIV and the Law, convened by UNDP on behalf of UNAIDS (with Mohammed El Said), available at <http://www.hivlawcommission.org/index.php/working-papers/edocman-page-2>.

SELECTED CONFERENCES AND PRESENTATIONS

New School, Conference: "Rules, Rights and Resistance: The Battle over TTP and TTIP"
New York City, NY, Apr. 29, 2016
Panel presentation: "The TPP and Health"

St. John's Law School, Conference: "Values, Questions, and Methods in Intellectual Property"
New York City, NY, Apr. 22, 2016
Panel Presentation: "Values in Intellectual Property Law"

Northeastern Law School, Conference: "The Future of Public Health"
Boston, MA, Apr. 15, 2016
Plenary Panel Presentation: "Fishy Business: The 'Free Speech' Attack on Drug Regulation"

Yale Law School, YLS Executive Board
New Haven, CT, Apr. 8, 2016
Presentation: "A Prescription for Excessive Drug Pricing: Leveraging Patent 'Eminent

Domain' for Health"

UN Secretary General's High-Level Panel on Access to Medicines, Hearing and Global Dialogue, Thought Leaders Forum on "Promoting Innovation and Access in the Context of Human Rights: Perspectives on Current Challenges and Future Possibilities"

London, UK, Mar. 9, 2016

Presentation on Panel on "Human Rights Driven Contributions" (by Skype)

Harvard Law School, Petrie-Flom Center, Conference: "Health Law Year in P/Review"

Boston, MA, Jan. 29, 2016

Presentation: "Trade Law's Impact on Health"

Yale Law School, Rebellious Lawyering Conference

New Haven, CT, Feb. 19, 2016

Presentation on panel, "What You Can Do *Before* Your Law Degree: Views From Health, Human Rights, and Immigration Law"

New York University Law School, Center for Human Rights and Global Justice

New York City, NY, Feb. 12, 2016

Paper presentation: "The Right to Medicines in an Age of Neoliberalism"

Arizona State University Law School, Conference: "Pharmaceutical Pricing & Marketing: Markets versus Regulation"

Tempe, Arizona, Jan 16-17, 2016

Presentations on panels about drug pricing and off-label drug promotion

Yale Law School and Yale School of Public Health Alumni Event

Washington D.C., Dec. 1, 2015

Presentation: "Public Health in the Shadow of the First Amendment"

Yale Law School, ACS Conference on "Law and Inequality"

New Haven CT, Sept. 17, 2015

Paper presentation: "Intellectual Property and Inequality"

SELA Meeting

Rio de Janeiro, June 13-14, 2015

Paper Presentation: "Intellectual Property and Inequality"

University of Pennsylvania Law School, Center for Technology, Innovation, and Competition
Philadelphia, PA, Oct. 14, 2015

Paper presentation: "Government Patent Use: How a Little-Known Statute Can Bring Down Drug Prices and Transform Health"

Yale Law School, Law and Inequality Conference

New Haven, CT, Oct. 16, 2015

Panel presentation: "Intellectual Property and Inequality"

Northeastern Law School, Faculty Workshop

Boston, MA, Mar. 6, 2015

Paper Presentation: “Access to Medicines in an Age of Neoliberalism”

Cardozo Law School, Intellectual Property Workshop

New York City, NY, Apr. 13, 2015

Paper Presentation: “Order Without Intellectual Property Law: A Case Study in Influenza”

George Washington Law School, Intellectual Property Workshop

Washington DC, Mar. 2, 2015

Paper Presentation: “Innovation Sticks: The Limited Case for Penalties for Failures to Innovate”

UCLA Law School, Faculty Workshop

Los Angeles, CA, Feb. 27, 2015

Paper Presentation: “Order Without Intellectual Property Law: A Case Study in Influenza”

University of Southern California, Global Health Lecture Series

Los Angeles, CA, Feb. 26, 2015

Lecture: “Prescription Politics: How Far Have We Come in the Fight for Access to Medicines?”

Harvard Law School, Petrie Flom Health Law Workshop

Cambridge, MA, Feb. 23, 2015

Paper Presentation: “Order Without Intellectual Property Law: A Case Study in Influenza”

Duke Law School, Faculty Workshop

Durham, NC, Jan. 30, 2015

Paper Presentation: “Access to Medicines in an Age of Neoliberalism”

Yale Law School, Human Rights Workshop

New Haven, CT, Dec. 4, 2014

Paper Presentation: “Access to Medicines in an Age of Neoliberalism”

University of Minnesota Law School, Public Law Workshop

Minneapolis, MN, Oct. 2, 2014

Paper Presentation: “Order Without Intellectual Property Law: A Case Study in Influenza”

Yale Law School, Innovation Law Beyond IP Conference

New Haven, CT, Mar. 29-20, 2014

Keynote Presentation: “Innovation Law”

Paper Presentation: “Innovation Sticks: The Limited Case for Penalizing Failures to Innovate”

Buffalo Law School, Faculty Workshop

Buffalo, NY, Mar. 7, 2014

Paper Presentation: “Order Without Intellectual Property Law: A Case Study in Influenza”

NYU Law School, Tri-State IP Scholars Workshop

New York, NY, Jan. 10, 2014

Paper Presentation: “Order Without Intellectual Property Law: A Case Study in Influenza”

Columbia Law School, Legal Theory Workshop

New York, NY, Nov. 12, 2013

Paper Presentation: “Intellectual Properties: A Case Study in Influenza”

Chicago-Kent Law School, Faculty Workshop

Chicago, IL, Oct. 15, 2013

Paper Presentation: “Intellectual Properties: A Case Study in Influenza”

Emory Law School, Faculty Workshop

Atlanta, GA, Oct. 9, 2013

Paper Presentation: “Intellectual Properties: A Case Study in Influenza”

Dalhousie University Health Law Workshop

Halifax, Canada, Sept. 20, 2013

Paper Presentation: “Intellectual Properties: A Case Study in Influenza”

ANAFAM VECTORPharma Conference

Mexico City, June 4, 2013

Presentation: “Human Rights in the Context of Patents on Medicines”

Loyola Law School Intellectual Property Law Workshop

Loyola Law School, Feb. 18, 2013

Paper presentation: “The Continuum of Excludability and the Limits of Patents”

University of Michigan Intellectual Property Law Workshop

University of Michigan Law School, Oct. 3, 2012

Paper presentation: “The Continuum of Excludability and the Limits of Patents”

Brooklyn Law School Faculty Workshop

Brooklyn Law School, Sept. 20, 2012

Paper presentation: “The Continuum of Excludability and the Limits of Patents”

UCLA Legal Theory Workshop

UCLA Law School, Feb. 16, 2012
 Paper presentation: “Nonexcludability and the Limits of Patents”

York University (Canada), The Changing Global Landscape for International Trade and Human Rights Linkages

York University, Oct. 13-14, 2011
 Paper presentation: “The Tectonics of TRIPS, and Why It Matters”

Center for Law and Society, Speaker Series

UC Berkeley School of Law, Sept. 26, 2011
 Paper presentation: “A Present Absence: Locating Social Movements Inside of Legal Discourse”

University of California at Los Angeles, Annual Symposium of the Journal of International Law and Foreign Affairs

UCLA Law School, Feb. 18, 2011
 Paper presentation: “The Enforcement Agenda and Democratic Principles in the Global Arena”

Washington University School of Law, IP Colloquium and Faculty Workshop

Washington University School of Law, Feb. 14, 2011
 Paper presentation: “The Cost of Price”

University of California at Los Angeles, Entertainment, Media & IP Colloquium

UCLA Law School, Nov. 7, 2010
 Paper presentation: “The Cost of Price”

Intellectual Property Scholars Conference

Berkeley Law School, Aug. 12-13, 2010
 Paper presentation: “The Cost of Price”

University of Colorado Law School, Faculty Workshop

University of Colorado Law School, Apr. 9, 2010
 Paper presentation: “The Cost of Price”

Loyola University Law School IP Workshop

Loyola University Law School, Mar. 29, 2010
 Paper presentation: “The Cost of Price”

New York University Law School, IP Colloquium

New York University Law School, Mar. 11, 2010
 Paper presentation: “Harmonization and Its Discontents: A Case Study of TRIPS Implementation in India’s Pharmaceutical Sector”

A2K4: Access to Knowledge and Human Rights

Yale Law School, Feb. 12-13, 2010

Panel presentation: “The Right to Health: Promoting Innovation and Equity”

Access to Knowledge Workshop

George Washington Univ., Institute for Global and International Studies, June 8, 2009

Panel presentation: “Access to Knowledge: Inventing a Politics for the Informational Age”

Columbia Law School, Intellectual Property Workshop

Columbia Law School, Apr. 7, 2009

Paper presentation: “Harmonization and its Discontents: A Case Study of TRIPS Implementation in India’s Pharmaceutical Sector”

Delivering Medicines to the Developing World

Harvard Journal of Law and Technology Symposium, Harvard Law School, Boston, MA, Mar. 17, 2009

Panel presentation, “Creating Incentives for Delivering Essential Medicines and Healthcare Innovation to the Developing World: Barriers, Solutions, and the Future”

Stanford Law School Faculty Workshop

Stanford Law School, Palo Alto CA, March 11, 2009

Paper presentation: “Harmonization and its Discontents: A Case Study of TRIPS Implementation in India’s Pharmaceutical Sector”

Stanford University, Access and Delivery of Essential Medicines Lecture Series

Stanford Medical School, Palo Alto, CA, Feb. 17, 2009

Presentation, “The Role of Universities in the Access and Innovation Crises”

Yale Law School Information Society Project 2008 Alumni Reunion and Conference

Yale Law School, New Haven, CT, Nov. 16 2008

Presentation, “Access to Knowledge”

U.C. Berkeley Law School, Intellectual Property Workshop

UC Berkeley Law School, Berkeley, CA, Nov. 13, 2008

Paper presentation: “Policy Levers in TRIPS Implementation: A Case Study of India’s Pharmaceutical Policy”

Universities Allied for Essential Medicines Annual Conference

University of California at Berkeley School of Law, Oct. 18, 2008

Presentation: “The Problem: An Introduction to the Access and Innovation Gaps”

Free Culture 2008

University of California at Berkeley School of Law, Oct. 11, 2008

Presentation, “Access to Knowledge and Free Culture”

Intellectual Property Scholars Conference,

Stanford Law School, Palo Alto, CA, Aug. 7, 2008

Paper presentation, “Emerging Strategies for Implementing TRIPS Obligations: A Case Study of India’s Pharmaceutical Policy”

Global South Dialogue on Trade, IPR, and Access to Medicines and Treatment

Lawyers Collective, New Delhi, India, Apr. 19, 2008

Presentation, “Beyond TRIPS: Access to Public Sector R&D”

Medical Innovation Prizes as a Mechanism To Promote Innovation and Access

United Nations University (UNU) - Maastricht Economic and social Research and training center on Innovation and Technology (MERIT), and Knowledge Ecology International (KEI), Maastricht, the Netherlands, January 28-29, 2008.

Presentation, “Two Pathologies of Patents and How Prizes Might do Better”

BOARD MEMBERSHIPS

Universities Allied for Essential Medicines, Member of Board of Directors, 2007-2009; Member of Advisory Board, 2009-present.

BAR MEMBERSHIPS

Member of California Bar