

JESSICA M. KISER

Gonzaga University School of Law
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EDUCATION

Columbia Law School

Juris Doctor

- Harlan Fiske Stone Scholar
- Senior Editor, *Columbia Journal of Law and the Arts*
- Kirkland & Ellis Diversity Fellowship
- Fred E. & Claire R. Strine Scholar
- Kernochan Center Arts Law Summer Fellowship

Boston University

B.A., Cultural Anthropology, *Summa Cum Laude* with distinction

B.S., Communication (Advertising), *Summa Cum Laude*

- Phi Beta Kappa
- Trustee Scholarship
- Scarlet Key Award (for service to Boston University)
- College Prize for Excellence in Anthropology (top graduate in Anthropology)
- Distinguished Student Award (top graduate in Communication)

ACADEMIC EXPERIENCE

Gonzaga University School of Law, Spokane, WA

Associate Professor

2018 - Present

Assistant Professor

2012 - 2018

- Rita G. and Norman L. Roberts Faculty Scholar, 2015 – 2018
- Courses: Property Law, Business Associations, Intellectual Property Law, Advanced Trademark and Unfair Competition Law, Agency and Unincorporated Entities, Corporations, and International and Comparative Intellectual Property Law

Director, Gonzaga University Wine Institute

2019 – Present

- Founded academic institute and created online certificate program intended to educate professionals about the legal and business needs of wine-related businesses
- Successfully raised funds to cover initial costs of the new certificate program
- Manage all participant contact, track course completion, and grade all assessments

Interim Director of Academic Support and Bar Programs

2021 - 2022

Associate Dean for Faculty Research & Development

2018-2020

Loyola University New Orleans College of Law

2010 - 2012

Westerfield Fellow

- Courses: Legal Research and Writing I, Legal Research and Writing II, and Contract Drafting

LEGAL PRACTICE EXPERIENCE

Associate, Kirkland & Ellis LLP

Transactional Intellectual Property Group

Assisted clients with the management of intellectual property portfolios including the filing of copyright and trademark applications, responding to office actions from the United States Patent and Trademark Office, and the monitoring of third party trademarks. Coordinated the intellectual property due diligence and negotiations for venture capital financings and mergers and acquisitions involving pharmaceutical, biotechnology, software, manufacturing, consumer product and communications companies. Negotiated and drafted a wide range of corporate agreements, including stock and note purchase agreements, merger agreements, trademark and patent licenses, development and supply agreements, and web hosting agreements.

Intern, Thirteen/WNET-New York

Researched and drafted memoranda on sweepstakes law, defamation, copyright law, and FCC broadcast regulations. Informed client of complex New York registration requirements, which led to the complete revision of an annual promotional sweepstakes.

HONORS AND AWARDS

Fellow, American Bar Foundation, 2023 – Present

Rita G. and Norman L. Roberts Faculty Scholar, 2015 – 2018

Ladas Memorial Award – Professional Category, International Trademark Association, 2018

Professor of the Year, Gonzaga University School of Law, 2018

PUBLICATIONS & WORKS IN PROGRESS

Books and Monographs:

FUNDAMENTALS OF U.S. INTELLECTUAL PROPERTY LAW: COPYRIGHT, PATENT, AND TRADEMARK (7th ed. 2021)(co-authored with Amanda Reid & Sean Tu).

- Kluwer Law International book for a domestic audience
- Invited reviser of trademark law component

United States of America, in INTERNATIONAL ENCYCLOPEDIA OF LAWS: INTELLECTUAL PROPERTY (November 2021)(co-authored with Amanda Reid & Sean Tu).

- Kluwer Law International monograph for an international audience
- Invited reviser of U.S. trademark law component

Commentary on Donahue v. Rodd Electrotpe, FEMINIST JUDGMENTS: REWRITTEN CORPORATE LAW (Cambridge University Press, January 2023).

Law Review Articles:

The Reasonably Prudent Consumer of Alcohol (Work in Progress).

Trademark Imperialism, __ U. PITTSBURGH LAW REV. __ (forthcoming 2024).

Of Marks and Markets: An Empirical Study of Trademark Litigation, __ S. C. LAW REV. __ (forthcoming 2023) (co-authored with Benjamin Edwards and Sean Wright).

Wallpaper By Any Other Name, 68 SYRACUSE L. REV. 117 (2018).

Brandright, 70 ARK. L. REV. 489 (2017).

- This article won the International Trademark Association's 2018 Ladas Memorial Award, which is granted annually to the best law review article on the topic of trademark law.

Brands as Copyright, 61 VILL. L. REV. 1 (2016).

To Bully or Not to Bully: Understanding the Role of Uncertainty in Trademark Enforcement Decisions, 37 COLUM. J. L. & ARTS 211 (2014).

How Dykes on Bikes Got It Right: Procedural Inequities Inherent in the Trademark Office's Review of Disparaging Trademarks, 46 U.S.F.L. REV. 1 (2011).

Other Publications:

Beware of the Blog, COPYRIGHT WORLD, February 2010, at 22 (with Rita Berardino).

The Burden of Proof: Perceptions of Native Americans as an Example of Ethnic Ambiguity (May 2003) (unpublished Honors Thesis, Boston University).

PRESENTATIONS

Presenter, *Problems on the Path to Trademark Litigation*, Intellectual Property Overview: Liquor, Cannabis, and Psychedelics CLE, Washington State Bar Association – Liquor, Cannabis, and Psychedelics Law Section, Virtual, June 29, 2023.

Moderator and Emcee, *Judicial Theater: An Ethics CLE*, Spokane County Bar Association – Young Lawyers Division, Barrister Winery, Spokane, WA, May 18, 2023.

Presenter, *Trademark Imperialism*, Race & IP 2023, University of Pittsburgh School of Law, Pittsburgh, PA, April 14, 2023.

Presenter, *Trademark Bullying Goes Public?*, International Trademark Association's 2023 Trademark Scholarship Symposium, Virtual, January 25, 2023.

Presenter, *Spirits Law: Brand Building in the Alcoholic Beverage Industry*, Beverage & Hospitality Law CLE, Spokane County Bar Association, Dry Fly Distilling, Spokane, WA, September 29, 2022.

Moderator and Narrator, *Judicial Theater: An Ethics CLE*, Spokane County Bar Association – Young Lawyers Division, Barrister Winery, Spokane, WA, June 23, 2022.

Presenter, *Wine Brand Development*, Gonzaga in Walla Walla, Gonzaga University Wine Institute, College Cellars, Walla Walla, WA, April 29, 2022.

Presenter, *Collaboration and Creativity Forged in Fire*, Gonzaga in Napa, Gonzaga University Wine Institute, Napa, CA, November 6, 2021.

Presenter, *The Reasonably Prudent Consumer of Alcohol*, 2021 Works-in-Progress Intellectual Property Colloquium, co-hosted online by American University Washington College of Law, Texas A&M School of Law, and The University of Utah, S.J. Quinney College of Law, February 19, 2021.

Presenter, *Commentary on Donahue v. Rodd Electrotpe*, Feminist Judgments: Rewritten Corporate Law Workshop, hosted online by Florida State University College of Law, November 13, 2020.

Presenter and Conference Organizer, *Using Trademark and Copyright Law to Build a Strong Wine Brand*, Gonzaga University's Women Lead – Napa Valley Conference, St. Helena, CA, February 22, 2020.

Presenter, *Trademark Ownership and Value Co-Creation*, Faculty Workshop Series, at The Pennsylvania State University Law School at University Park, March 14, 2019.

Presenter, *Spirits Law: Brand Building in the Alcoholic Beverage Industry*, Gonzaga University School of Law's Sports & Spirits CLE, Las Vegas, NV, March 11, 2019.

Moderator and Discussant, *Best Practices in Teaching Sensitive and Controversial Topics*, Faculty Speaker Series, at Gonzaga University School of Law, Spokane, WA, February 14, 2019.

Presenter, *Trademark Ownership and Value Co-Creation*, Ninth Annual INTA Trademark Scholarship Symposium, at International Trademark Association's 2018 Annual Meeting, May 22, 2018.

Presenter, *Trademark Ownership and Value Co-Creation*, at 2018 Works-in-Progress Intellectual Property Colloquium, Case Western Reserve University School of Law, February 16-17, 2018.

Presenter, *Brandright*, Pacific Intellectual Property Scholars Conference IV, co-hosted by the University of Washington School of Law and Seattle University School of Law, Seattle, WA, September 30, 2017.

Panelist, *Trademark Morality: The Cultural and Expressive Implications of Regulating Immoral and Offensive Trademarks*, at the Southeastern Association of Law Schools 2017 Annual Meeting, Boca Raton, FL, August 4, 2017.

Discussant, Discussion Group: *Digital Pressures in Intellectual Property Law*, at the Southeastern Association of Law Schools 2017 Annual Meeting, Boca Raton, FL, August 4, 2017.

Presenter, *Wallpaper by any Other Name*, Syracuse Law Review's Forgotten IP Cases Symposium, Washington, D.C., April 22, 2017.

Presenter, *Brandright*, at Gonzaga University School of Law, Spokane, WA, April 5, 2017.

Presenter, *Brandright*, Junior Intellectual Property Scholars Workshop, at The Ohio State University Moritz College of Law, January 20-21, 2017.

Presenter, *Brandright: Finding a Place for Brands*, Junior Scholars Virtual Colloquium, hosted by the University of Toledo College of Law, August 12, 2016.

Presenter, *Brandright: Finding a Place for Brands*, Inland Northwest Scholars Workshop, at Gonzaga University School of Law, August 1, 2016.

Presenter, *Finding a Place for Brands*, Seventh Annual INTA Trademark Scholarship Symposium, at International Trademark Association's 2016 Annual Meeting, May 25, 2016.

Presenter, *Market Responsiveness to Trademark Litigation: Designing an Empirical Study*, at Gonzaga University School of Law, April 14, 2016.

Presenter, *Market Responsiveness to Trademark Litigation*, at 2016 Works-in-Progress Intellectual Property Colloquium, University of Washington School of Law, February 19, 2016.

Presenter, *Brands as Copyright*, at Inaugural Texas A&M Intellectual Property Scholars Roundtable, Texas A&M University School of Law, October 10, 2015.

Presenter, *Growing Your IP Business: Ethical Risks Posed by Prospective, Current and Former Clients*, at Inaugural Gonzaga Intellectual Property Merit Scholarship CLE, Gonzaga University School of Law, September 25, 2015.

Presenter, *Undercover Copyright: Brand Theory and the Evolution of Trademarks*, at Inland Northwest Scholars Workshop, University of Idaho School of Law, July 31, 2015.

Presenter, *Undercover Copyright: Brand Theory and the Evolution of Trademarks*, Junior Scholars Virtual Colloquium, hosted by the Louis D. Brandeis School of Law at the University of Louisville, July 22, 2015.

Presenter, *Quality Control, Naked Licensing, and Consumer Trademark Use*, Rocky Mountain Junior Scholars Forum, hosted by University of Utah S. J. Quinney College of Law, November 13-14, 2014.

Presenter, *Naked Licensing*, Junior Scholars Virtual Colloquium, hosted by Michigan State University College of Law, August 8, 2014.

Presenter, *Trademark's Fans*, Inland Northwest Scholars Workshop, Gonzaga University School of Law, July 14, 2014.

Participant, *Law and Economics Center's Workshop for Law Professors on Empirical Methods*, George Mason University School of Law, Arlington, VA, May 19-23, 2014.

Panelist and Guest Lecturer, *Racial Mascotting and Trademark Law*, University of Washington School of Law, Seattle, WA, May 8, 2014.

Presenter, *Trademark Law as Corporate Law*, at 2014 Works-in-Progress Intellectual Property, Santa Clara University School of Law, February 7-8, 2014.

Founder and Presenter, *Trademark Bullying and the Duty to Police Infringement*, at the Junior Scholars Virtual Colloquium, hosted by Gonzaga University School of Law, July 17, 2013.

Commenter, at the Drake Intellectual Property Scholars Roundtable, Drake University Law School, Des Moines, IA, March 12-13, 2013.

Invited participant for the inaugural University of New Hampshire IP Academics Bootcamp, Holderness, NH, June 6-8, 2013.

Moderator, *International Business & Trade: From Policy to Practice*, at the Gonzaga Journal of International Law 2013 Annual Spring Symposium, Gonzaga University School of Law, March 22, 2013.

Presenter, *Trademark Bullying and the Duty to Police Infringement*, at Seattle University School of Law, March 4, 2013.

Presenter, *Trademark Bullying and the Duty to Police Infringement*, at Gonzaga University School of Law, February 28, 2013.

Presenter, *Copyright: A Year in Review*, at the Washington State Bar Association's 5th Annual Inland Empire Intellectual Property Institute, Gonzaga University School of Law, October 12, 2012.

Presenter, *Registration of Disparaging Trademarks Under the Lanham Act*, at Emerging Legal Scholarship: Teaching Fellows Annual Conference, Loyola University New Orleans College of Law, March 25, 2011.

Presenter, *Facing Facebook: Potential Trademark Concerns*, at Kirkland & Ellis LLP KTECH Training, New York, July 2009.

Presenter, *Douglas v. Talk America*, at Kirkland & Ellis LLP KTECH Training, New York, January 2008.

ACADEMIC SERVICE

Gonzaga University School of Law

- **Curriculum Innovation Coordinating Committee**, 2023-Present
- **Diversity Committee**, Member, 2014-2015, 2022-2023, Chair, 2023-2024
- **Dean's Advisory Committee**, Member, 2013-2014, 2022-2023, 2023-2024, Chair, 2015-2018
- **Law School Pandemic Response Committee**, Chair, 2020-2021
- **Academic Committee of the Pandemic Response Task Force**, 2020
- **Ad Hoc Curriculum Reform Committee**, 2020
- **Budget Committee**, Chair, 2018-2019, 2020-2021
- **Assessment Committee**, 2018-2019
- **Building Audit Committee**, Chair, 2018-2019
- **Building Signage Audit Committee**, 2018-2019
- **Bar Exam Program Redesign Committee**, 2018-2019
- **ABA Site Visit Preparation Committee**, 2018-2019
- **Promotion, Retention and Tenure Committee**, 2018-2019, 2020-2021, Chair, 2021-2022
- **Ad Hoc CLIPS-CCHR Merger Committee**, 2018-2019
- **CCHR 1st Annual Art Competition Selection Committee**, 2019
- **Cataldo Project Board of Advisors**, 2017-2019
- **Faculty Senate**, Law School Representative, 2014-2015 & 2017-2018
- **Academic Affairs Committee**, Member, 2016-2018
- **Innovation Committee**, Member, 2016-2017
- **Honor Code Committee**, Member, Tribunal Chair (several times), 2015-2016
- **Ad Hoc Clinic Review Committee**, Member, 2015-2016
- **Student Scholarship Committee**, Member, 2014-2015, 2020
- **Admissions Committee**, Member, 2013-2015
- **Faculty Recruitment Committee**, 2012-2013, 2021-2022
- **Cannabis Law Club**, Faculty Advisor, 2017-2019, 2023-Present
- **Student Animal Legal Defense Fund**, Faculty Advisor, 2015-2019
- **Law Parenting Collective**, Co-organizer with Kim Pearson and Sarah Guzman, 2014-2018
- **DiversiTea**, Co-organizer with Kim Pearson and Inga Laurent, 2014-2018
- **Moot Court Honors Council**, Faculty Advisor, 2013-2018
- **Wine Law Society**, Faculty Advisor, 2022-Present
- **Gonzaga Intellectual Property Law Association**, Faculty Advisor, 2012-Present

Loyola New Orleans College of Law

- **Vis International Arbitration Moot Court**, Faculty Advisor, 2010-2012
- **National Moot Court**, Faculty Advisor, 2010-2012

PROFESSIONAL SERVICE

Animal Law Section, The Association of American Law Schools

Board Member, 2023-2024

Helix Bar Review

Consultant and Instructor for Property Law content, 2021

Intellectual Property Section, The Association of American Law Schools

Board Member, 2016-2017

Gonzaga Law School – Clinical Legal Programs

Member, Board of Directors, 2020-2022

Gonzaga Law School Foundation

Member, Board of Directors, 2019-2022

BAR ADMISSIONS

New York, District of Columbia, Washington