

**RAYMOND T. NIMMER**

**PROFESSIONAL EXPERIENCE**

**CURRENT POSITION:**

DEAN, *University of Houston Law Center*, 2006 -

LEONARD CHILDS PROFESSOR OF LAW, *University of Houston Law Center*, Houston, Texas

CO-DIRECTOR, *Intellectual Property and Information Law Program*,  
University of Houston Law Center, 1997 –

DISTINGUISHED CHAIR IN RESIDENCE, *Universidade Catholica School of Law*,  
Lisbon Portugal, 2008-

**CURRENT ANCILLARY POSITIONS:**

CHAIRMAN, *Twenty-Second Century Foundation*, 2004-

MEMBER, *Board of Advisors*, *Internet Law and Regulation Journal*  
1998-

MEMBER, *Board of Editors*, *The Cyberspace Lawyer*, 1995-

MEMBER, *Board of Editors*, *Computer und Recht International*, 1999-

MEMBER, *Board of Editors*, *Contract Law Journal (Sydney, Australia)*,  
2008-

FELLOW, *American College of Commercial Finance Lawyers*, 1994-

FELLOW, *Texas Bar Foundation*, 1994-

**SELECTED PAST POSITIONS:**

FULBRIGHT DISTINGUISHED CHAIR in International Commercial Law,  
*Universidade Catholica School of Law*, Lisbon Portugal, 2007-2008

VISITING PROFESSOR OF LAW, *Sydney University*, Australia 2003, 2008

VISITING PROFESSOR OF LAW, *University of Maine Law School*, 2001,  
2002

ACTING DEAN, *University of Houston Law Center, 1993-95*

REPORTER, *UCC Article 2B and Uniform Computer Information Transactions Act*, National Conference of Commissioners on Uniform State Laws, 1994-2003

CO-REPORTER, Revisions of UCC Article 2, National Conference of Commissioners on Uniform State Laws, 1990-1994

CO-CHAIR, Annual Conference on Computers, E-Commerce and the Law, An International Perspective (Frankfort Germany) 1998 - 2002

CO-CHAIR, *Division on International Technology Competitiveness*, 1990-93, ABA Section of Science & Technology

CONSULTANT, U.S. State Department Legal Advisors Office, 1990-2001

COUNSEL, *Weil, Gotshal & Manges*, Houston, Texas, 1992 - 1999

CHAIR, *Annual Computer and Information Law Institute, 1986-2007*

REGENT, *Board of Regents National College of District Attorneys*, 1994-1999

MEMBER, PANEL OF EXAMINERS, *Bankruptcy Specialization*, State Bar of Texas, 1988-1996

DIRECTOR, *Board of Directors*, Computer Law Association 1994-1999

DIRECTOR, *International Law Program*, University of Houston, 1997-1999

CONSULTANT, *Law and Social Sciences Program*, National Science Foundation, 1979-1992

CHAIR, *State Bar of Texas, Computer Section*, 1991-1993

CHAIR, *Subcommittee on the Scope of the UCC*, ABA Business Law Section, 1986-1992

CONSULTANT, *U.S. Office of Technology Assessment*, 1991-1995

COUNSEL, *Sheinfeld, Maley & Kay*, 1985-91, Houston, Texas

VISITING PROFESSOR OF LAW, *University of Michigan Law School*, 1987

VISITING PROFESSOR OF LAW, *University of Texas at Austin*, 1985-86

ASSOCIATE DEAN, *University of Houston Law Center, 1978-85*

RESEARCH ATTORNEY, *American Bar Foundation, 1968-75*

## **MEMBERSHIPS AND LISTINGS**

### **ADMITTED**

ADMITTED, *Illinois State Bar*  
ADMITTED, *Texas State Bar*  
ADMITTED, *U.S. Supreme Court Bar*  
ADMITTED, *Fifth Circuit Court of Appeals*  
ADMITTED, *Eleventh Circuit Court of Appeals*  
ADMITTED, *Federal Circuit Court of Appeals*

### **LISTED**

LISTED, *Who's Who in America*  
LISTED, *Who's Who in American Law*  
LISTED, *International Who's Who of Internet and e-commerce Lawyers*  
LISTED, *International Who's who of Business Lawyers*  
LISTED, *The Best Lawyers in America* (in both Information Technology Law and Intellectual Property Law)

### **MEMBER**

MEMBER, *American Bar Association*  
MEMBER, *American Intellectual Property Law Association*  
MEMBER, *American Law Institute*  
MEMBER, *Licensing Executives Society*  
MEMBER, *Computer Law Association*  
MEMBER, *Texas Bar Foundation*

## **PRESENTATIONS**

Fifteen or more presentations *annually* on copyright, licensing, electronic commerce, DMCA, and other issues

## **AWARDS**

BEST LAWYER IN HOUSTON, Information Technology Law, 2011  
FULBRIGHT DISTINGUISHED CHAIR in International Commercial Law, 2007-2008  
RECIPIENT, Faculty Services Award, University of Houston, 2004  
RECIPIENT, Best New Book in Law, Association of American Publishers, 1985 (Law of Computer Technology)  
FELLOW, American College of Commercial Finance Lawyers, 1995  
THIRD NATIONAL PRIZE, Nathan Burkhams Copyright competition, 1968

## **PUBLICATIONS**

### **BOOKS**

MODERN LICENSING LAW (2011, West Publishing) (with Jeff Dodd)  
(Seventh edition)

MODERN LICENSING LAW (2009, 2010 West Publishing) (with Jeff Dodd)  
(Fifth and Sixth edition)

HAWKLAND, UNIFORM COMMERCIAL CODE Series [UCITA volume] (2006),  
updated annually

LICENSING OF INFORMATION ASSETS: CASES AND MATERIALS, 2<sup>ND</sup> EDITION  
(Lexis 2007; 2010)

THE LAW OF ELECTRONIC COMMERCIAL TRANSACTIONS (2003) (REVISED  
three times annually, 2011, A.S.Pratt) (with Holly K Towle)

THE LAW OF COMPUTER TECHNOLOGY, 4TH EDITION, (2009, West) (updated  
twice annually)

INFORMATION LAW (1996 updated twice a year, West)

COMMERCIAL TRANSACTIONS: SECURED FINANCING, CASES, MATERIALS,  
PROBLEMS (3d edition, 2003) (with I. Hillinger and M. Hillinger)

COMMERCIAL TRANSACTIONS: SECURED FINANCING, CASES, MATERIALS,  
PROBLEMS (2nd edition, 1999) (with I. Hillinger and M. Hillinger)

DRAFTING EFFECTIVE CONTRACTS, SECOND EDITION (1999, Aspen) (with R.  
Feldman) (annual updates)

BANKRUPTCY AND CREDITORS RIGHTS, 3D EDITION (1996, West) (with J.  
White)

THE LAW OF COMPUTER TECHNOLOGY, 2ND EDITION (1992) (Warren,  
Gorham & Lamont)

SECURED FINANCING IN PERSONAL PROPERTY (Michie Co.) (1992) (with I.  
Hillinger)

BANKRUPTCY AND CREDITORS RIGHTS (1992, West) (with J. White)

COMMERCIAL ASSET-BASED FINANCING, (4 Volumes) (1989) (Callaghan)

THE LAW OF COMPUTER TECHNOLOGY, (Warren, Gorham & Lamont) (1985)  
(recipient of Association of American Publishers award as "Best New Law Book  
Published in 1985")

CONTRIBUTING EDITOR, NORTON, BANKRUPTCY LAW AND PRACTICE  
(Callaghan, 1981-1993)

COMMERCIAL TRANSACTIONS: SALES, PAYMENT SYSTEMS, SECURED  
FINANCING (3 Volumes) (1982) (Michie Co.: Bobbs Merrill) (with J. McDonnell and  
L. Frankel)

THE NATURE OF SYSTEM CHANGE: THE PROCESS OF REFORM IN THE COURTS  
(1978, ABF Press)

Four other books relating to judicial process (1971-1980)

#### **BOOK CHAPTERS AND SELECTED ARTICLES:**

Raymond T. Nimmer, Information Wars and the Challenges of Content  
Protection in Digital Contexts, --- Vanderbilt J. Entertainment Law -- (2011)

Raymond T. Nimmer, Copyright First Sale and the Over-Riding role of  
Contract, 51 Santa Clara L. Rev. 101 (2011)

Raymond T. Nimmer, Issues in Modern Licensing of Factual Information and Databases, in *Research Handbook on Intellectual Property Licensing*, (J. De Werra ed. 2011)

Licensing Information Assets in the New Economy: A Pro-rights Perspective, *The Indian Journal of Law & Technology* (Bangalore, India, 2008)

An Essay on Article Two's Irrelevance to Licensing Agreements, *Loyola L. Review* (2007)

Legal Landscape of Electronic Commerce: Redefining Contract in an Information Era, -- *Contract Law Jnl* -- (Sydney, Australia, 2007)

Modernizing Secured Financing Law For International Information Financing: A Conceptual Framework, 2006 *Houston Business and Tax Law Journal* (with Lorin Brennan).

Google Print Library Project – Unfair Use of Copyright, 2006 *Computer Law International* (Issue 1, 2006, Munich)

“Contracts, Markets and Data Control,” *BNA International Intellectual Property Reports* (2005)

Shrinkwrap Licenses are not Preempted by Fair Use Doctrine, 2005 *Computer Law Review International* --- (2005, Munich).

First Amendment Speech and the DMCA: A Proper Marriage, in *FREE SPEECH AND COPYRIGHT* (Suthersanen, ed., Oxford University Press, 2004), reprinted in *The ICFAI Journal of Intellectual Property Rights* (India, 2005)

Licensing of Information: The Emerging Commercial Law, *DEPAUL BUSINESS & COMMERCIAL LAW J.* (2004)

UCITA and the Continuing Evolution of Digital Licensing Law, *THE COMPUTER & INTERNET LAWYER* (2004) (Reprinted in the *Licensing Law Journal* (2004)

Antitrust Online, in *INTERNET LAW AND REGULATION* (2002, West).

Licensing in the Contemporary Information Economy, 8 *WASHINGTON UNIV. JNL OF LAW & POLICY.* 99 (2002)

Revised Article 9 and Intellectual Property Asset Financing, 53 MAINE L. REV. 287 (2001) (reprinted in Intellectual Property Law Review, 2003).

Principles of Contract Law in Electronic Commerce, in FOUNDATIONS AND PERSPECTIVES OF INTERNATIONAL TRADE LAW (Fletcher, Mistells & Cremona, eds; Street & Maxwell, 2001)

Through the Looking Glass: What Courts and UCITA have to say About the Scope of Contract Law in the Information Age, 38 DUSQUENE L. REV. 255 (2000)

International information Transactions: An Essay in Law in an Information Society, 26 Brooklyn J. Int'l Law 5 (2000).

Electronic Signatures and Records: The New US Perspective, 17 COMPUTER & INTERNET LAWYER 8 (December, 2000)

Images and Contract Law - What Law Applies to Transactions in Information, 36 HOUSTON L. REV. 1 (1999)

Breaking Barriers: The Relationship Between Contract and Intellectual Property Law, 13 BERKELEY TECHNOLOGY LAW JOURNAL 827 (1998)

Licensing on the Global Information Infrastructure: Disharmony in Cyberspace, 16 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW AND BUSINESS, 224 (1996)

Software Copyright: Sliding Scales and Abstracted Expression, 32 HOUSTON LAW REVIEW 317-362, (1995) (with P.A. Krauthaus)

Intangibles Contracts: Thoughts of Hubs, Spokes and Reinvigorating Article 2, 35 WILLIAM AND MARY LAW REVIEW, 1337-1404 (1994)

Copyright on the Information Superhighway: Requiem for a Middleweight, 6 STANFORD LAW & POLICY REVIEW, Issue 1 (1994), 25-42. (with P. A. Krauthaus)

Information as Property: Databases and Commercial Property, 1 OXFORD J. INFORMATION LAW & COMP. TECHN. 2 (1993) (Oxford University Press, London) (with P. Krauthaus)

Adequate Protection, in J. QUEENAN, P. HANDEL, I HILLINGER, BANKRUPTCY REORGANIZATION LAW ch. 16 (1993)

Confirming Bankruptcy Reorganization Plans Through Cramdown, in J. QUEENAN, P. HANDEL, I. HILLINGER, BANKRUPTCY REORGANIZATION LAW ch.

31 (1993)

Effects of Bankruptcy on Foreclosure, in D. DUNAWAY. LEGAL ISSUES IN DISTRESSED REAL ESTATE (1993)

Information as a Commodity: New Issues in Commercial Law, 55 JOURNAL OF LAW & CONTEMPORARY PROBLEMS 103 (1992) (with P. Krauthaus)

Uniform Codification of Commercial Contract Law, 18 RUTGERS COMP. & TECHN. L.JNL. 465 (1992)

Globalization of Law in Intellectual Property and Related Commercial 10 LAW & CONTEXT 80 (1992) (Sidney, Australia)

United States Copyright and Software Interface and Compatibility, COMPUTER AND RECHT, (1992) (Munich)

Chapter 11 Business Governance: Fiduciary Duties and Business Judgment, 6 BANKRUPTCY DEVELOPMENTS JOURNAL 1 (1989)

Negotiated Bankruptcy Reorganization Plans: Absolute Priority and New Capital Contributions, 36 EMORY LJ 1010 (1988)

Secured Financing and Information Property Rights (with P.A. Krauthaus) 2 BERKELEY HIGH TECHNOLOGY L.J. 195 (1988)

Consumer Bankruptcy: The Law of Consumer Abuse, Planning and Misuse, 50 JOURNAL OF LAW & CONTEMPORARY PROBLEMS 89, (1987)

Classification of Computer Software: International Perspectives, 20 INTERNATIONAL LAWYER (1987)

Software Copyright Infringement: Protecting Third Party Developers (with P.A. Krauthaus), 62 INDIANA LAW JOURNAL 13 (1986)

Secured Creditors and the Automatic Stay: Variable Bargain Models of Fairness, 68 MINNESOTA LAW REVIEW, 1, 1983

Executory Contracts in Bankruptcy: Protecting the Fundamental Terms of the Bargain, 54 UNIVERSITY OF COLORADO LAW REVIEW, 507, Summer 1983

Real Estate Creditors and the Automatic Stay: A Study in Behavioral Economics, 1983, ARIZONA STATE LAW REVIEW, 281

Eight articles prior to 1980

**COURSES TAUGHT:**

Contracts  
Internet Law  
Electronic Commerce  
Bankruptcy  
Secured Financing Law  
Copyright Law  
Information Law  
Sales  
Contract Drafting  
Licensing Law

**EDUCATION**

VALPARAISO UNIVERSITY SCHOOL OF LAW  
*J.D. awarded with distinction, 1968*

VALPARAISO UNIVERSITY  
*B.A., Mathematics, 1966*