The Thirtieth Annual Fall Lecture
Sponsored by
Houston Intellectual Property Law Association

Virtual Influencers
Victoria L. Schwartz
Professor of Law and Director, Entertainment, Media, and Sports Law Program
Pepperdine University Caruso School of Law

Thursday, November 2, 2023
2023 Venue:
The Houston Club
910 Louisiana, Suite 4900, Houston, Texas

Reception 5:30 p.m. • Lecture 6:15 p.m.
One Hour of CLE Credit

Kindly RSVP to ipil@uh.edu. For more information, call 713.743.2180.
The Fall Lecture
Sponsored by Houston Intellectual Property Law Association
Celebrating 30 Years of Serving
Houston’s Intellectual Property & Information Law Bar

PAST PRESENTERS

2022  JAMES GIBSON, University of Richmond School of Law
2021  AMELIA SMITH RINEHART, West Virginia University College of Law
2020  JORGE L. CONTRERAS, The University of Utah College of Law
2019  SARAH BURSTEIN, The University of Oklahoma College of Law
2018  TIMOTHY R. HOLBROOK, Emory University School of Law
2017  JOHN R. THOMAS, Georgetown University Law Center
2016  DANIEL C.K. CHOW, The Ohio State University Moritz College of Law
2015  RUTH OKEDIDIJ, University of Minnesota Law School
2014  DENNIS D. CROUCH, University of Missouri School of Law
2013  ELIZABETH A. ROWE, University of Florida Levin College of Law
2012  HON. JIMMIE V. REYNA, U.S. Court of Appeals for the Federal Circuit
2011  ROBERT BRAUN, George Washington University Law School
2010  JANE K. WINN, University of Washington School of Law
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2008  MARGO A. BAGLEY, University of Virginia School of Law
2007  CLARISA LONG, Columbia University School of Law
2006  JOHN F. DUFFY, George Washington University Law School
2005  DAN L. BURK, University of Minnesota Law School
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2003  WILLIAM F. LEE, Hale & Dorr LLP
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2000  JERRE B. SWANN, Kilpatrick Stockton LLP
1999  JOSEPH STRAUS, Max Planck Institute for Innovation and Competition
1998  JOHN R. THOMAS, George Washington University Law School
1997  HON. NANCY LINCK, U.S. Patent and Trademark Office
1996  HON. GLENN ARCHER, HON. PAULINE NEWMAN, AND HON. EDWARD SMITH, U.S. Court of Appeals for the Federal Circuit
1995  DONALD S. CHISUM, Author, CHISUM ON PATENTS
1994  JOHN PEGRAM, Davis, Hoxie, Faithfull & Hapgood LLP
Victoria L. Schwartz, Professor of Law at Pepperdine University Caruso School of Law, teaches and writes in the fields of intellectual property, copyright, entertainment, and privacy law. Her work has been selected for the prestigious Harvard/Stanford/Yale Junior Faculty Forum, and awarded the competitive Dukeminier Award.

Professor Schwartz was the proud recipient of Pepperdine University’s 2017 Howard A. White Award for Teaching Excellence. She is currently teaching Intellectual Property as a Visiting Professor at UCLA School of Law.

Professor Schwartz joined the Pepperdine faculty from the University of Chicago Law School where she was a Bigelow Fellow. She previously worked at O’Melveny & Meyers LLP, where her practice included intellectual property and entertainment law and she co-authored an article about areas of uncertainty in trademark law.

Professor Schwartz clerked on the U.S. Court of Appeals for the Ninth Circuit for the Honorable Jay S. Bybee. She graduated from Stanford University where she received a B.A. in Political Science with departmental honors and distinction, a B.A. in Slavic Languages and Literatures with distinction, and a B.S. in Mathematics with distinction. She graduated cum laude from Harvard Law School.

Selected Publications Include: Leveling up to a Reasonable Woman’s Expectation of Privacy, 93 U. COLO. L. REV. 115 (2022); The Celebrity Stock Market, 52 U.C. DAVIS L. REV. 2033 (2019); Corporate Privacy Failures Start at the Top, 57 B.C. L. REV. 1693 (2016); Overcoming the Public-Private Divide in Privacy Analogies, 67 HASTINGS L. J. 143 (2015)

Virtual Influencers

Virtual creations are increasingly life-like, leading to the recent phenomenon of social media influencers who appear to be real people, but in fact are CGI creations. Often these CGI creations even have endorsement deals with well-known brands. This poses numerous legal and ethical questions, including various intellectual property and entertainment law implications such as whether a virtual influencer can have a right of publicity? Issues of copyright and branding are also implicated when virtual influencers are not wholly original creations but instead borrowed from other content. Does the answer to any of these challenging questions change if the virtual influencer is created by a human creator versus created by artificial intelligence? This talk discusses the intellectual property and entertainment law implications and other legal/ethical implications for this growing area of virtual influencers.
The Fall Lecture Series:
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Houston Intellectual Property Law Association

2022 FALL LECTURE
JAMES GIBSON (LECTURER)
AND GREG R. VETTER