



UNIVERSITY OF
HOUSTON
LAW CENTER

INSTITUTE FOR INTELLECTUAL PROPERTY
& INFORMATION LAW

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 OKEDIJI, 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 BRAUNEIS, George Washington University Law School
- 2010** JANE K. WINN, University of Washington School of Law
- 2009** GREGORY N. MANDEL, Temple University Beasley School of Law
- 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
- 2004** DAVID J. FRANKLYN, University of San Francisco School of Law
- 2003** WILLIAM F. LEE, Hale & Dorr LLP
- 2002** HON. PAUL MICHEL, U.S. Court of Appeals for the Federal Circuit
- 2001** YSOLDE GENDREAU, Université de Montréal
- 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.

University of Houston Law Center
Institute for Intellectual Property & Information Law
4170 Martin Luther King Blvd.
Houston, Texas 77204-6060
www.law.uh.edu/ipil

0073073138



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



THE FALL LECTURE SERIES:
MADE POSSIBLE BY GENEROUS SUPPORT FROM THE
HOUSTON INTELLECTUAL PROPERTY LAW ASSOCIATION



Institute for Intellectual
Property & Information Law
University of Houston
Law Center

The University of Houston is a Carnegie-designated
Tier One public research university
and an EEO/AA institution.