

Benjamin Sobel

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ACADEMIC APPOINTMENTS

University of Wisconsin Law School

Assistant Professor of Law

June 2025–

Cornell Tech

Postdoctoral Fellow, Digital Life Initiative

Fall 2023–June 2025

New York University School of Law

Program Affiliate Scholar, Information Law Institute

Fall 2023–Summer 2025

Harvard Law School

Lecturer on Law (“[Property in the Age of Artificial Intelligence](#)”)

Spring 2022

Berkman Klein Center for Internet & Society, Harvard University

Affiliate

2017–2021

Fellow and Head Teaching Fellow, [CopyrightX](#) (online copyright law course)

2016–2017

CopyrightX Fellow

2016

EDUCATION

Harvard Law School, J.D. *magna cum laude*

Awards: Project on the Foundations of Private Law Prize
Irving Oberman Memorial Prize in Intellectual Property
Project on the Foundations of Private Law Student Fellowship
Summer Academic Fellowship

Harvard College, A.B. *magna cum laude* (Literature, secondary field Comp. Sci.)

Awards: Phi Beta Kappa
Luisa Vidal de Villasante Prize (best essay in Comp. Lit.)
Detur Book Prize

ARTICLES

[Generative Misinterpretation](#), 63.1 HARV. J. ON LEGIS. __ (forthcoming 2026) (with James Grimmelmann & David Stein)

[A Real Account of Deep Fakes](#), 124 MICH. L. REV. __ (forthcoming 2026)

- ❖ Ian Kerr Award for Best Paper, Privacy Law Scholars Conference (2024)
- ❖ Reviewed in Jacob Noti-Victor, [Deepfakes Deconstructed](#), JOTWELL (July 18, 2025)

[Elements of Style: Copyright, Similarity, and Generative AI](#), 38 HARV. J.L. & TECH. 49 (2025)

- ❖ Awarded the 2023 Sponsored Scholarship Grant for Judicial Clerks by the Hon. Nancy F. Atlas Intellectual Property American Inn of Court, University of Houston Law Center

[A New Common Law of Web Scraping](#), 25 LEWIS & CLARK L. REV. 147 (2021)

- ❖ Cited in:
 - OCLC, Inc. v. Anna’s Archive, No. 2:24-CV-144, 2025 WL 1235238, at *3 (S.D. Ohio Mar. 21, 2025)

Artificial Intelligence's Fair Use Crisis, 41 COLUM. J.L. & ARTS 45 (2017)

❖ Cited in:

- COUNCIL OF ECON. ADVISERS, ECONOMIC REPORT OF THE PRESIDENT (2024)
- 2 HOWARD B. ABRAMS & TYLER T. OCHOA, THE LAW OF COPYRIGHT (2023)
- [Brief for Amicus Curiae News Media Alliance](#) and [Brief for Amicus Curiae Digital Justice Foundation](#), Google LLC v. Oracle America, 593 U.S. 1 (2021)

ESSAYS AND BOOK CHAPTERS

Copyright Accelerationism, 100 CHI.-KENT L. REV. __ (forthcoming 2025) (invited symposium essay)

❖ Reviewed in Christopher J. Buccafusco, *Copyright Maximalism for the Public Good?*, JOTWELL (June 11, 2025)

A Taxonomy of Training Data: Disentangling the Mismatched Rights, Remedies, and Rationales for Restricting Machine Learning, in ARTIFICIAL INTELLIGENCE & INTELLECTUAL PROPERTY (Reto M. Hilty, Jyh-An Lee, Kung-Chung Liu, eds.) (Oxford University Press, 2021)

CLERKSHIPS

Hon. Pierre N. Leval, United States Court of Appeals for the Second Circuit

Law Clerk 2022–2023

Hon. David J. Barron, United States Court of Appeals for the First Circuit

Law Clerk 2021–2022

Hon. Michael Boudin (Ret.), United States Court of Appeals for the First Circuit

Law Clerk 2021

OTHER LEGAL EXPERIENCE

Durie Tangri LLP

Summer Associate June 2021

Federal Trade Commission (San Francisco Regional Office)

Summer Law Clerk Summer 2020

Knight First Amendment Institute at Columbia University

Legal Intern Summer 2019

Georgetown University Law Center

Google Policy Fellow, Center on Privacy & Technology Summer 2015

Harvard Law School

Teaching Assistant, “Anatomy of a Copyright Case” Spring 2015

OTHER PUBLICATIONS (SELECTED)

On Copyright, “Facts,” & Generative AI, CORNELL DIGITAL LIFE INITIATIVE CRITICAL REFLECTIONS (Aug. 2024)

Don’t Give AI Free Access to Work Denied to Humans, Argues a Legal Scholar, THE ECONOMIST (Feb. 16, 2024)

A Protean Test, THE DRIFT (Nov. 2023) (discussing *Warhol Foundation v. Goldsmith*)
Lotus v. Borland: A Case Study in Software Copyright, HARVARD LAW SCHOOL CASE STUDIES (2015)
Algorithmic Allegories, HARVARD LAW SCHOOL CASE STUDIES (2015) (with Jonathan Zittrain & Marcus Comiter)
Facial Recognition Technology Is Everywhere. It May Not Be Legal, WASHINGTON POST (June 11, 2015)
FISA or Kafka, WASHINGTON POST (May 21, 2015) (with Alvaro Bedoya)

COMMENTS

Comments to the World Intellectual Property Organization re: WIPO Conversation on Intellectual Property (IP) and Artificial Intelligence (AI) (February 14, 2020)
Comments to the U.S. Patent and Trademark Office re: Intellectual Property Protection for Artificial Intelligence Innovation (December 15, 2019)

PRESS COVERAGE (SELECTED)

To Protect Privacy Rights on the Internet, Common Law Needs a Reboot, CHICAGO POLICY REVIEW (Jan. 14, 2021)
Resisting the Rise of Facial Recognition, NATURE (Nov. 18, 2020)
Facial Recognition: The Controversial and Nearly Ever-Present Technology that Could Replace the Fingerprint, CALIFORNIA SUNDAY (Jan. 2020)
Les Algorithmes Peuvent-Ils Vraiment Détecter un Mensonge?, BFM (Nov. 11, 2018)
Modern Copyright Law Can't Keep Pace with Thinking Machines, ENGADGET (Dec. 13, 2017)
The Dilemma of Fair Use and Expressive Machine Learning: An Interview with Ben Sobel, INTELLECTUAL PROPERTY WATCH (Aug. 23, 2017)