



Prof. Orit Fischman Afori
College of Management Academic Studies

Date: **December 2019**

CURRICULUM VITAE

1. Personal Details

Office Telephone Number: 972 -3-9634126

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2. Higher Education

A. Undergraduate and Graduate Studies

1992–1996 **Hebrew University of Jerusalem, Faculty of Law – L.L.B. (cum Laude).**

1996–1999 **Hebrew University of Jerusalem, Faculty of Law – L.L.M. studies, direct course for Doctor Degree (cum Laude).**

B. Doctoral Degree and Post-Doctoral Studies

2003 **Hebrew University of Jerusalem, Faculty of Law – L.L.D. Doctor of Philosophy. Approval of doctoral thesis: “The Derivative Work in the Law of Copyright”, carried out under the supervision of Prof. J. Weisman.**

3. Academic Ranks and Tenure in Institutes of Higher Education

Dates	Institution and Department	Rank/Position
2003-2007	College of Management Academic Studies, Law School	Lecturer
2007	School of Law, (Boalt Hall) University of California, Berkeley	Visiting Scholar
2008 - 2015	College of Management Academic Studies, Law School	Senior Lecturer



2013	School of Law, Cambridge University, UK	Visiting Researcher (Faculty Visitor) at the CENTER OF INTELLECTUAL PROPERTY AND INFORMATION LAW
2015 -	College of Management Academic Studies Law School	Associate Professor

4. Offices in Academic Administration

1/2016 – 10/2019	College of Management Academic Studies, Law School	Dean
2013-2015	College of Management Academic Studies, Law School	Vice Dean
2008 - 2013	College of Management Academic Studies, Law School	Head and Academic Manager of the LLM program.
2009-2019	College of Management Academic Studies, Law School	Member of the Nomination Committee and the Teaching Committee (LLB and LLM).
2003-2008	College of Management Academic Studies, Law School	Member of the Library Committee
2009-2012	College of Management Academic Studies	Member of the institute's Academic Steering Committee
2012	College of Management Academic Studies	Member of the Board of Directors
2010-2014	College of Management Academic Studies	Chairperson of the institute's Copyright Committee



2013-2019	College of Management Academic Studies	Member of the Board of Trustees
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5. Scholarly Positions and Activities outside the Institution

Membership in Professional Societies:

1997 - Israeli Lawyers' Bar.

2009 - ATRIP - International Association for the Advancement of Teaching and Research in Intellectual Property.

2009 - Israeli Forum of Intellectual Property Scholars.

Membership in Legal Journals

2006 -2007 - The College of Management Academic Studies, Law School. Editor in Chief, "Hamishpat" Law Review.

2007-2008 - The College of Management Academic Studies, Law School. Member of the Advisory Board, "Hamishpat" Law Review.

2012-2019 – Reviewer - INTERNATIONAL REVIEW OF INTELLECTUAL PROPERTY AND COMPETITION LAW (Max Planck, IIC) .

Public Activities

1. 2009-2019 — Israeli Forum for Accessible Education — Co-Founder and Co-Director of the Higher Education Institutions' Forum for the Promotion of Access to Knowledge (with Prof. Niva Elkin-Koren). Last meeting held February 2018 at the College of Management.

2. Evaluation of papers submitted for the Excellent Work Competitions — The Patent Authority.

3. Submission of comments on and review of various bills issued by the Ministry of Justice concerning intellectual property topics (such as the Israeli Intellectual Property Scholars Letter, regarding the Copyright Bill — Protection of Technological Measures and Information



Management, 2012; comments on the Industrial Design Bill).

4. Membership in the Israeli Intellectual Property Scholars Forum; participation in the steering committee of the Forum's annual workshops in the years 2010–2019; organization and hosting of the Forum's annual workshop in October 2014.

5. Lecturing on a regular basis at the Institute for Qualification of Judges, Institute for Qualification of Lawyers in The Court System and Public Sector, and the Institute for Qualification of Lawyers.

6. Lecturing in various conferences, including conferences for non-lawyers, on various intellectual property topics (such as, in 2014, Israeli Bar Conference on IP, key note, "Developments in Israeli Copyright Law"; MEITAL Annual Conference, Israel, key note, "The Battle over Accessibility to Copyrighted Works").

7. Evaluation of PhD dissertations and proposals for PhD dissertations, as well as LLM thesis.

8. Frequent reviewer for Israeli peer-reviewed journals, including; Tel Aviv University Law Journal, Hebrew University Law Journal, Israel Law Review, Bar Ilan University Law Journal, Haifa University Law Journal, IDC Law Journal.

9. Member of the Israeli Science Fund Committee for the evaluation of research proposals in law - 2015.

10. Board Member – The Israeli National Science Museum, Haifa, 2017 - Current.

11. Member of the Nomination Board for the Head of the Patent Authority, Israel, March 2017.

12. Member of the Anti-Trust Tribunal (District Court, Jerusalem), Israel, 2017 - Current.

6. Participation in Scholarly Conferences

a. **Active Participation** (the list refers to selected conferences only, as from 2003, all of them as invited speaker)

Participation in Scholarly Conferences and Key Lectures in Israel

Date	Name of Conference	Place	Subject of Lecture/Discussion	Role
December 2019	The Institute for Qualification of Judges	Neve Ilan	Developments in Israeli Copyright and Design Laws	speaker



October 2019	Annual Conference of the Israeli Intellectual Property Forum	Tel Aviv University	Comments on the Nespresso Case Holding	speaker
April 2019	The Institute for Qualification of Judges	Neve Ilan	Blocking Orders – New Developments	speaker
February 2019	AI and IP	Tel Aviv University	“AI and IP – The broad Picture”	speaker
October 2018	Annual Conference of the Israeli Intellectual Property Forum	Interdisciplinary Center Law School, Herzeliya	“Copyright Court Decisions in 2017-2018”.	speaker
April 2018	3D Printing	Tel Aviv University	Copyright and Industrial Design Implications of 3D printing	speaker
December 2017	Educational Copyright	Tel Aviv University	“Fair Use Best Practices – The Israeli Experience”	speaker
November 2017	Intellectual Property and Morality –	Tel Aviv University	“Copyright Protection for Pornographic Works”.	speaker
October 2017	Annual Conference of the Israeli Intellectual Property Forum	Haifa University		Moderator
October 2016	Annual Conference of the Israeli Intellectual Property Forum	Hebrew University Jerusalem		Moderator
October 2015	The Institute for Qualification of Judges	Neve Ilan	"Injunctions and Blocking Orders in Copyright Cases"	speaker
June 2015	Conference on Open Textbooks: Challenges for Policy	Haifa University, School of Law	"Licensing Barriers to Access"	speaker
October 2014	Israel, Annual workshop of the Israeli Forum of IP Scholars	College of Management Academic Studies	"Developments in Israeli Intellectual Property Law"	speaker
July 2014	Israeli Bar Conference on IP	Tel Aviv	"Developments in Israeli Copyright Law".	speaker
June 2014	MEITAL Annual Conference, Israel, key note	Tel Aviv	"The Battle over Accessibility to Copyrighted Works"	speaker



March 2014	Conference on The Measure of Intellectual Property New Principles, Future Dilemmas	Interdisciplinary Center Law School, Herzeliya, Israel	"Towards a Paradigm Shift in Design Law"	speaker
January 2014	Israeli-British Roundtable Conference on Fair Copyright	Tel-Aviv University	"Taking Users' Rights to the Next Level: The Role of Fair Use Best Practices in Legal Analysis".	speaker
November 2012	The Institute for Qualification of Judges	Neve Ilan	"Civil Remedies in Copyright Cases".	speaker
May 2012	Internet Intermediaries Liability	Haifa University	"Indirect Liability in Copyright Law and the Missing Element of Intention"	speaker
December 2011	Conference on Internet Intermediaries and Copyright	The College of Management Academic Studies Law School	"Policy Making for Internet Intermediaries in Israel"	speaker
October 2011	Israel, Conference on Intellectual Property Law and Development – Traditional Knowledge and Access to Knowledge	Ono Academic College	"Cultural Expression and the International Arena"	speaker
June 2011	Conference on the Interdisciplinary Dimensions of Intellectual Property	Bar-Ilan University	"Intellectual Property and Human Rights – "Diversity of Cultural Expression and Cultural Governance"	speaker
May 2011	A New Era of Law, Business and Society	Haifa University	"E- Libraries and Restrictive Contracts"	speaker
June 2010	MEITAL Annual Conference	Open University,	" Fair Use Best Practices for Higher Education"	speaker



		Israel	Institutions: The Israeli Experience"	
September 2009	The 5 th Annual Conference of the Israeli Society for Law and History	Yad Ben Zvi, Jerusalem	"Copyright Law in Historical Perspectives: Old Wine in New Bottles"	speaker
January 2008	Conference on the New Copyright Law	University of Haifa Law School	"Judicial Discretion to Deny Injunctive Relief "	speaker
December 2007	Conference on the New Copyright Law	Interdisciplinary Center Law School, Herzeliya	"Judicial Discretion in Designing the Rights and the Remedies in the New Copyright Law"	speaker
December 2007	MELI – ExLibris Forum in Israel - Annual Conference	Ben-Gurion University of the Negev	"The Fair Use Doctrine in the New Copyright Law – Implications for Libraries".	speaker
May 2006	Conference on Law and Medicine	Interdisciplinary Center Law School, Herzeliya,	"Intellectual Property and Human Rights: The Right to Enjoy the Benefits of Scientific Progress and its Applications".	speaker
December 2005	Conference on Intellectual Property and The Working Place	Interdisciplinary Center Law School, Herzeliya	"Employees' Moral Rights: The Ongoing Dilemma".	speaker
June 2005	20 th Annual Conference on Information	Tel-Aviv	"Fair Use and Libraries"	speaker
March 2004	Conference on the Copyright Bill	The College of Management Academic Studies Law School	"Exemptions to Copyrights and the Fair Use Doctrine".	speaker
June 2004	19 th Annual Conference on Information,	Tel-Aviv	"Cultural Rights and Copyright".	speaker
November	The Institute for	Court System,	"Introduction to Copyrights	speaker



2004	Qualification of Lawyers	Jerusalem	Law”.	
December 2003	Tel-Aviv Bar Winter Conference	Tel-Aviv	“The Derivative Right and Protection of Ideas in Copyright Law”.	speaker
June 2003	The Institute for Qualification of Lawyers in the Public Service System	Jerusalem	“Protection of Ideas In Copyright Law”	speaker

Participation in Scholarly Conferences and Key Lectures Abroad

Date	Name of Conference	Place	Subject of Lecture/Discussion	Role
September 2019	European Law Institute Annual Conference	Vienna University	Harmonization of Patent Remedies + Injunctions in Israeli Patent Cases	Panelist, speaker
October 2018	Exploring Remedies – Impulses for a German and European ‘Law of Remedies’	Friedrich-Alexander-Universität Erlangen-Nürnberg, Germany	“The Principle of Proportionality – Balancing Interests in Private Law Via Remedies”.	speaker
September 2018	ALAI Annual Conference	University of Montreal, Canada	Remedies and Fairness in Copyright Law	speaker
August 2018	37 th ATRIP Conference	University of Helsinki, Finland	Remedies and Fairness in Copyright Law	speaker
May 2018	Pluralism or Universalism in International Copyright Law	University of Cyprus, Cyprus	Proportionality – An International Copyright Norm?	speaker
April 2018	Copyright and Documentary and other Non-Fictional Audiovisual Works	University Pompeu Fabra, Barcelona, Spain	Best Practices and Fair Use Rulification	speaker
March 2017	– Copyright Balance in International Trade	American University,	Rulifying Fair Use — The Israeli Experience	speaker and webcasted



	Law	Washington College of Law		panelist
June 2016	35 th ATRIP Conference	Jagiellonian University, Krakow	"Rulifying Fair Use"	speaker
November 2015		University of Cyprus, Cyprus	"Proportionality - A New Mega Standard in European Copyright Law	speaker
September 2015	ATRIP Conference 2015	Cape Town University, South Africa	"The Participation of Society in IP Rule-making	speaker
August 2015	IP Scholars Conference	DePaul University, Chicago USA	"Rulifying Fair Use"	speaker
July 2014	ATRIP Conference 2014	Montpellier University, Scholl of Law, France	"Accommodating Copyright Exceptions to Technological Developments through Bottom-Up Norms".	speaker
June 2013	ATRIP Conference 2013	Oxford University, UK, Scholl of Law,	"Flexible Remedies as a Means to Counteract Failures in Copyright Law".	speaker
February 2013	Cambridge University, UK, School of Law	Intellectual Property Seminar Series	" Fair Use Best Practices for Higher Education Institutions: The Israeli Experience"	speaker
March 2012	Conference on the Future of Intellectual Property Law in the Next Decade	Georgia University, Athens, USA	"The Future of Copyright Law"	speaker
October 2010	Free Culture Research Conference 2010	Free University of Berlin, Germany	"Facilitating Access to Knowledge in Education via Fair Use Best Practices"	speaker
November 2009	The Fordham Intellectual Property, Media & Entertainment Law Journal's 20th Anniversary Symposium - "Functionality: At the Crossroads of IP"	Fordham University Law School, New York, USA	"The Non-Functionality Requirement in Industrial Design Law".	speaker



September 2009	ATRIP Conference 2009	Vilnius University, Lithuania	"A General "Fair Use" Clause – A Workable Concept in Copyright Law"	speaker
February 2009	Intellectual Property Scholars Roundtable	Drake University, Iowa, U.S.A	"Judicial Discretion in Granting Injunctive Relief in Cases of Copyright Infringement: A Call for Action"	speaker
July 2008	International Conference on Innovation and Communications law	University of Turku Faculty of Law, Finland	"The Implied License Doctrine and Copyright Conflicts in the Digital Age"	speaker
April 2007	Fordham's 15th Annual Conference on International Intellectual Property Law and Policy	Fordham University Law School, New York, USA	"Intellectual Property and Human Rights"	speaker
June 2006	Symposium on Questions of Comparative Private Law, Law of Conflicts and the Protection of Relevant Human Rights	University of Saarlands, Saarbruecken, Germany	"Employees' Moral Rights: The Ongoing Dilemma"	speaker

b. Organization of Conferences or Sessions

Date	Name of Conference	Place	Subject/Role of Conference, Comments	Role
2007	Conference for the Launch of a special issue on Children's Rights – "Hamishpat" Law Journal	College of Management Academic Studies	Organization of the conference as the Editor in Chief.	
2009-2019	Israeli Forum for Accessible Education	College of Management Academic Studies and Haifa University	Organization of seven conferences of the Forum, as the Forum's founder and director	
2011	Conference on Internet Intermediaries and Copyright	College of Management Academic Studies	Organization of the conference	
2014	Israel, Annual workshop of the Israeli Forum of IP Scholars	College of Management Academic	Organization of the conference	



		Studies		
2008-2012	Year Opening Lecture, for LLM Students	College of Management Academic Studies	Organization of four conferences	

8. Scholarships, Awards and Prizes

- 2004 University of Tel- Aviv Law School. Excellent Lecturer (according to students' feedbacks).
- 2007 The College of Management Academic Studies, Law School. Research Scholarship.
- 2008 The College of Management Academic Studies. Prize for the Law School's Excellent Lecturer.
- 2009-2011 The College of Management Academic Studies. Research Scholarship for Excellent Researcher.
- 2010-2011 The College of Management Academic Studies. Prize for Excellent Lecturer (according to students' feedbacks).
- 2012 The College of Management Academic Studies. Prize for the Law School's Excellent Faculty Member.
- 2012 Hebrew University of Jerusalem, Faculty of Law. Excellent Lecturer (according to students' feedbacks).
- 2013 The College of Management Academic Studies, Law School - The Haim Strik Fund. Research Scholarship.
- 2015 The College of Management Academic Studies. Prize for Excellent Lecturer (according to students' feedbacks).

9. Teaching

a. Courses Taught in Recent Years

Year	Course Name	Type: Lecture/Seminar/Workshop/ High Learn Course/Introduction	Degree	No. of Students
2019	The Internet and the	Seminar (with Dr. G. Yadin)		



	Law			
2003-2019	Corporate Law	Compulsory for L.L.B students		
2003-2019	Introduction to Intellectual Property Law	Compulsory for L.L.M. students		
2003-2016	Copyright Law	Elective course		
2003-2018	"Copyright Law in the Technological Age"	Seminar		
2007-2009	Trademark Law	Seminar		
2009-2010	Intellectual Property and Law and Technology	Clinical Seminar		
2011 - 2013	"Selected Topics in Intellectual Property Law"	Seminar		

10. Professional Experience

1995-1996 - State Attorney's Office – Administrative Law Department, Internship.

1996 - 1997 - Calderon Attorneys at Law, Internship.

1997-1999 - Gilat & Co. Attorneys at Law/Reinhold Cohn & Co., Patent Attorneys' Firm, Lawyer.

PUBLICATIONS

A. Ph.D. Dissertation

1. Orit Fischman Afori, THE DERIVATIVE WORK IN THE LAW OF COPYRIGHT (Nevo Pub., 2005). (Hebrew)
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B. Scientific Books (Refereed)

1. Orit Fischman Afori, INTELLECTUAL PROPERTY LAW IN ISRAEL, KLUWER LAW INTERNATIONAL, (International Encyclopedia of Laws, Prof. H. Vanhees, Editor, 2013, republished 2016) (English) (*co-authored with David Gilat, Eran Bareket and Tamir Afori*). (Published as a monograph and as a book).

C. Edited Journal Issues – Published

1. Hamishpat Law Review, 22 Issue, March 2006 (Hebrew).
2. Hamishpat Law Review, 23 Issue, July 2006, on "Children Rights" (Co-edited with Dr. Tamar Morag) (Hebrew).
3. Hamishpat Law Review, Volume 9 (Partial Editing) (Hebrew).

D. Articles in Refereed Journals

- 2004 “The Right to Prepare Derivative Works and the Protection of Ideas in Copyright Law”, 17 HAMISHPAT (The College of Management Academic Studies Law Review) 34 (2004). (Hebrew)
- 2004 “Human Rights and Copyright: The Introduction of Natural Law Considerations into American Copyright Law”, 14 FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL, 497 (2004).
- Available at: <http://ssrn.com/abstract=1089376>
- 2006 “Cultural Rights and Human Rights: A Proposal For A Balanced Way To Develop Israeli Copyright Law”, 37 MISHPATIM 499 (Hebrew University Law Review) (2007). (Hebrew)
- 2007 “Copyright Infringement without Copying – Reflections on the *Theberge* Case”, 39 OTTAWA LAW REVIEW 23(2008).



Available at: <http://ssrn.com/abstract=1015453>

2007 "Reconceptualizing Property in Designs", 25 CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL 1105 (2008).

Available at: <http://ssrn.com/abstract=1015212>

2008 "Employees' Moral Rights: The Israeli Solution to an Ongoing Dilemma", 30 EUROPEAN INTELLECTUAL PROPERTY REVIEW 521 [2008].

Available at: <http://ssrn.com/abstract=1322003>

2008 "Implied License – An Emerging New Standard in Copyright Law", 25 SANTA-CLARA COMPUTER AND HIGH TECHNOLOGY LAW JOURNAL 101 (2008).

Available at: at: <http://ssrn.com/abstract=1266083>

2010 "The Role of the Non-Functionality Requirement in Design Law", 20 FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL, 841 (2010).

Available at: at: <http://ssrn.com/abstract=1648341>

2010 "Fair Use Best Practices for Higher Education Institutions: The Israeli Experience", JOURNAL OF THE COPYRIGHT SOCIETY OF THE USA 501 (2010), with Amira Dotan, Niva Elkin-Koren and Ronit Haramati- Alpern.

Available at: <http://ssrn.com/abstract=1648408>

2011 "Flexible Remedies as a Means to Counteract Failures in Copyright Law", 29 CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL, 1 (2011).

Available at: <http://ssrn.com/abstract=1832749>

2012 "The Evolution of Copyright Law and Inductive Speculations as to Its Future", 19 JOURNAL OF INTELLECTUAL PROPERTY, 231 (2012) (English).



Available at: <http://ssrn.com/abstract=2152646>

2012 "Contributory Infringement in Israeli Copyright Law", 52 HAPRAKLIT LAW JOURNAL (Lawyers Bar Law Journal), 3 (2012) (Hebrew).

2013 "The Battle over Public E-Libraries: Taking Stock and Moving Ahead", 44 INTERNATIONAL REVIEW OF INTELLECTUAL PROPERTY AND COMPETITION LAW (Max Planck, IIC) (2013) (English).

Available at: <http://ssrn.com/abstract=2500205>

2014 "Proportionality - A New Mega Standard in European Copyright Law" (English) 45 (8) INTERNATIONAL REVIEW OF INTELLECTUAL PROPERTY AND COMPETITION LAW, 889-914 (Max Planck, IIC) (2014).

Available at: <http://ssrn.com/abstract=2500232>

2015 "Taking Users' Rights to the Next Level: A Pragmatist Approach to Fair Use" (English) (with Prof. Niva Elkin- Koren), 33 (1) CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL, 1 (2015).

Available at: <http://ssrn.com/abstract=2483939>

2017 "Rulifying Fair Use", 59 ARIZONA LAW REVIEW 161 (2017), (English) (with Prof. Niva Elkin- Koren).

Available at: <http://ssrn.com/abstract=2755051>

E. Articles or Chapters in Scientific Books (Refereed)

(which are not Conference Proceedings)

2009 "The Silent Revolution: Judicial Discretion in Granting Injunctive Relief", in CREATING RIGHTS – ESSAYS ON THE NEW COPYRIGHT ACT IN ISRAEL, (Nevo Pub., Editors Michael Birnhack and Guy Pessach, 2009)



(Hebrew).

2011 "Copyright Law in Historical Perspective: Old Wine in New Bottles", *in* LAW AND INFORMATION TECHNOLOGY, 321 (Ramot Pub., Editors Michael Birnhack and Niva Elkin Koren) (Hebrew).

2015 "Intellectual Property and Human Rights: UNESCO and the Protection and Promotion of the Diversity of Cultural Expression", *in* INTERDISCIPLINARY VIEW OF INTELLECTUAL PROPERTY LAW (Bar-Ilan University Press, 2015) (Hebrew).

2019 "A Manifesto on Proportionality and Copyright Law: 'Taking Remedies Seriously'", *in* LAW OF REMEDIES (Franz Hofmann and Franziska Kurz Editors), (Intersentia 2019).

2019 "Universal Measures in the Service of Global Challenges: Proportionality, Blocking Orders, and Online Intermediaries as Hybrid Bodies", *in* PLURALISM OR UNIVERSALISM IN INTERNATIONAL COPYRIGHT LAW (Tatiana Eleni Synodinou ed.), (Kluwer Law 2019).

Forthcoming

2020 "Injunctive Relief in Israeli Patent Law", *in* INJUNCTIONS IN PATENT LAW: TRANS-ATLANTIC DIALOGUE ON FLEXIBILITY AND TAILORING (Jorge L. Contreras and Martin Husovec eds.), (Cambridge University Press, forthcoming, 2020).

F. Articles in Conference Proceedings

2007 "Copyright and Human Rights: External Balance for Internal Benefit", *FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL* (2008). (Conference Lecture)



- 2010 "The Global Contours of IP Protection for Trade Dress, Industrial Design, Applied Art, and Product Configuration", 20 FORDHAM INTELLECTUAL PROPERTY, MEDIA & ENTERTAINMENT LAW JOURNAL 783 (2010) (Conference Lecture).
- 2019 "Proportionality - A New European Standard for Calibrating Site Blocking Orders", ALAI (Conference Lecture).

G. Other Publications

- 2007 "An Open Standard "Fair Use" Doctrine: A Welcome Israeli Initiative", 30 EUROPEAN INTELLECTUAL PROPERTY REVIEW 85 [2008]. (Opinion)
- 2010 "Stop the Neglect of Industrial Design Law", THE LAWYER – THE ISRAELI LAWYERS BAR JOURNAL, July 2010.
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