

David Tan

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Executive Summary

Vice Dean (Academic Affairs) and Professor of Law. Oversees all undergraduate and graduate coursework curriculum at NUS Law.

Has held visiting positions at Melbourne Law School and University of Hong Kong. Specialises in comparative copyright and trademark law, personality rights, freedom of expression and negligence law. Pioneered courses at NUS Law in Entertainment Law, Freedom of Speech, and Privacy & Data Protection Law. Impactful publishing contributions to top law journals like Yale Journal of International Law, Harvard Journal of Sports & Entertainment Law, Fordham Intellectual Property, Media & Entertainment Law Journal, Australian Intellectual Property Journal, Sydney Law Review, Law Quarterly Review and Singapore Journal of Legal Studies.

Accomplished fine art and fashion photographer having held solo exhibitions in association with Cartier and Versace (www.davidtanphoto.com); David Tan Visual Arts Studio established at Trinity College, University of Melbourne.

Selected Career Accomplishments

- Pioneered courses, each with endowed prizes, in Entertainment Law, Freedom of Speech, and Privacy & Data Protection Law at Faculty of Law, National University of Singapore
- Developed policies for Singapore government to facilitate the growth of a sporting culture in Singapore and for the sustainable development of competitive and recreational sports in Singapore
- Launched PPP (public-private partnership) tender for construction of S\$1.3 billion sports hub in Singapore which eventually bagged 9 financial awards, including the prestigious Global Deal of the Year 2010 handed out by Project Finance/Euromoney
- Produced and co-wrote lyrics for Singapore's first sports anthem *Live Our Dreams* for Team Singapore with French composer Thomas Schönberg and Australian lyricist Robert Vicencio
- Staged a 10-year retrospective solo photography exhibition – *The First Decade* – at The Photographers' Gallery in Singapore in 2015
- Led policy reviews in international talent attraction, and identifying key leverage points to promote Singapore as a global talent destination
- Managed the Contact Singapore international network of offices in Boston, Chicago, San Francisco, London, Shanghai, Hong Kong, Chennai, Sydney and Singapore
- Conceptualised and launched a successful testimonial print ad campaign "Singapore. Your World of Possibilities" in selected US, Europe and China catchments; advertisement campaign received positive editorial coverage in *Wall Street Journal – US, Europe & Asia*, and *The Straits Times*
- Initiated the *DBS Theatre Fantasy* – a triple bill of world-class productions – an annual arts festival to build corporate brand equity featuring award-winning drama, dance and musical performances presented by DBS in association with IMG
- Led the negotiations that successfully resulted in a funding endowment to establish the *DBS Arts Centre – Home of the Singapore Repertory Theatre* in 2001

Selected Appointments

2019 – present	Head (Intellectual Property), EW Barker Centre for Law & Business, NUS Law Deputy Director, Centre for Technology, Robotics, AI & the Law, NUS Law
2015 – present	Vice Dean (Academic Affairs), NUS Law Dean's Chair (Associate Professor) (July 2016-July 2018) Chair, Faculty Curriculum Committee, NUS Law Chair, Faculty Teaching Excellence Committee, NUS Law Member/Advisor, Publications Committee, Law Society of Singapore Member, International Advisory Board, <i>Persona Studies</i> , Australia Member, Advisory Board, <i>Max Planck Encyclopedia of Comparative Constitutional Law</i> International Contributing Editor, <i>Media & Arts Law Review</i> , Australia
2014 – present	Senior Fellow, Faculty of Law, University of Melbourne
2013 – present	Member, Faculty Search Committee, NUS Law
2012 – 2019	Member, Institutional Review Board, Singapore Sports Institute
2012 – 2014	Member, Inquiry Panel, Law Society of Singapore Associate Member, Media Literacy Council, Singapore

Academic Achievements

University of Melbourne, Australia, 2010

PhD (Law)

Harvard Law School, USA, 1999

LLM (Master of Laws)

University of Melbourne, Australia, 1995

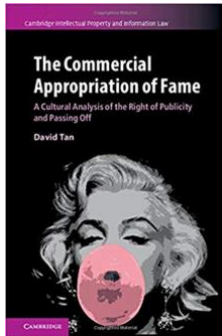
LLB (Bachelor of Laws) – First Class Honours; BCom (Bachelor of Commerce)

Career Highlights

Dec 2008 – present	<i>National University of Singapore, Faculty of Law</i> Joined NUS Law as an Assistant Professor in December 2008. Promoted to Associate Professor with tenure on 1 July 2012. Promoted to Professor on 1 July 2018. Appointed Vice Dean (Academic Affairs) in charge of teaching and LLB & LLM curriculum planning in 2015.
Feb 2006 – Dec 2008	<i>Trinity College, University of Melbourne, Australia</i> – Director of Commerce Studies & Resident Tutor in Law
Sep 2004 – Feb 2006	<i>Sports Division, Ministry of Community Development, Youth & Sports</i> – Director Managed the Sports Division of the Ministry which is responsible for developing a sporting culture and a sporting industry in Singapore. Responsibilities include: (a) overseeing the development of the Sports Hub (a new S\$1.3 billion leisure infrastructure development comprising a 55,000-seater stadium, indoor arena and an aquatic leisure centre); (b) overseeing the development of the Sports School, Sports Institute and programs to support the growth of sports.
Dec 2001 – Aug 2004	<i>International Talent Division, Ministry of Manpower – Divisional Director</i> Headed a division of over 70 employees in a global Contact Singapore network in 9 cities that is responsible for augmenting Singapore's manpower resources through facilitating the mobility of international talent so as to build up a globally competitive workforce. Responsibilities include overseeing efforts to: (a) brand & market Singapore internationally as a dynamic and attractive destination to work, study and live; (b) assist employers to recruit global talent and facilitating their relocation to Singapore; (c) engage overseas Singaporeans in value-creating relationships; (d) conduct reviews of competitor 'war for talent' strategies & refine existing policies to meet these challenges.

Publications – Law

MONOGRAPH



The Commercial Appropriation of Fame: A Cultural Analysis of the Right of Publicity and Passing Off (Cambridge University Press) (Hardcover 2017; Paperback 2018)

ARTICLES

Intellectual Property/Entertainment Law – Copyright, Trademarks and Personality Rights

‘All the World’s a Stage, but what is a Dramatic Work?’

[2020] *Singapore Journal of Legal Studies* (co-author Samuel Lim) (forthcoming 2020)

‘Intellectual Property Law’

(2019) 20 *Singapore Academy of Law Annual Review of Singapore Cases* (co-author Susanna Leong) (forthcoming 2020)

‘De(Re)constructing Narratives in Intellectual Property Law:

Transformative Play, Culture Jamming, and Poststructural Disruptions’

(2020) 32 *Law and Literature* 75-106 (32pp)

‘Intellectual Property Law’

(2018) 19 *Singapore Academy of Law Annual Review of Singapore Cases* 586-644 (59pp) (co-author Susanna Leong)

‘Intellectual Property Law’

(2017) 18 *Singapore Academy of Law Annual Review of Singapore Cases* 538-588 (51pp) (co-author Stanley Lai)

‘Semiotics and the Spectacle of Transformation in Copyright Law’

(2017) 30(4) *International Journal for the Semiotics of Law (Revue internationale de Sémiotique juridique)* 593-623

‘Intellectual Property Law’

(2016) 17 *Singapore Academy of Law Annual Review of Singapore Cases* 504-564 (61pp) (co-author Stanley Lai)

‘The Lost Language of the First Amendment in Copyright Fair Use:

A Semiotic Perspective of the “Transformative Use” Doctrine Twenty-Five Years On’

(2016) 26 *Fordham Intellectual Property, Media & Entertainment Law Journal* 311-379 (69pp)

‘The Unbearable Lightness of Fair Dealing: Towards an Autochthonous Approach in Singapore’

(2016) 28 *Singapore Academy of Law Journal* 124-171 (co-author Benjamin Foo) (48pp)

'The Extraneous Factors Rule in Trademark Infringement: Avoiding Confusion or Simply Confusing?'
(2016) *Singapore Journal of Legal Studies* 118-148 (co-author Benjamin Foo) (31pp)

'Copyright Subsistence in Contemporary Times:
A Dead Shark, an Unmade Bed and Bright Lights in an Empty Room'
(2013) *Singapore Journal of Legal Studies* 402-427 (co-author Chan Yong Neng) (26pp)

'The Semiotics of Alpha Brands:
Encoding/Decoding/Recoding/Transcoding of Louis Vuitton and Implications for Trademark Laws'
(2013) 32 *Cardozo Arts & Entertainment Law Journal* 221-252 (32pp)

'Aesthetic Functionality Back In Vogue: Clash of the Fashion Titans'
(2013) 18 *Media & Arts Law Review* 164-176 (13pp)

'Copyright in Compilations:
Embarking on a Renewed Quest for the Human Author and the Creative Spark'
(2013) 18 *Media & Arts Law Review* 151-163 (13pp)

'Going Gaga: Intellectual Property and Pop Culture'
(2012) 4 *WIPO Journal* 63-72 (10pp)

'The Transformative Use Doctrine and Fair Dealing in Singapore:
Understanding the "Purpose and Character" of Appropriation Art'
(2012) 24 *Singapore Academy of Law Journal* 832-866 (35pp)

'"Goo Goo GaGa": The Chilling Effect of the Trade Mark Monster'
(2012) 17 *Media & Arts Law Review* 82-96 (15pp)

'What Do Judges Know About Contemporary Art?:
Richard Prince and Reimagining the Fair Use Test in Copyright Law'
(2011) 16 *Media & Arts Law Review* 381-398 (18pp)

'Political Recoding of the Contemporary Celebrity and the First Amendment'
(2011) 2 *Harvard Journal of Sports & Entertainment Law* 1-52 (52pp)

'Much Ado About Evocation: A Cultural Analysis of Well-Knownness and the Right of Publicity'
(2010) 28 *Cardozo Arts & Entertainment Law Journal* 317-357 (41pp)

'Affective Transfer & the Appropriation of Commercial Value: A Cultural Analysis of the Right of Publicity'
(2010) 9 *Virginia Sports & Entertainment Law Journal* 272-311 (40pp)

'The Fame Monster Reloaded: The Contemporary Celebrity, Cultural Studies and Passing Off'
(2010) 32 *Sydney Law Review* 291-310 (20pp)

'The Art of Retelling: Harry Potter and Copyright in a Fan-Literature Era'
(2009) 14 *Media & Arts Law Review* 31-45 (co-author Prof Megan Richardson) (15pp)

'*Wood v Duff-Gordon* and the Modernist Cult of Personality'
(2008) 28 *Pace Law Review* 379-393 (co-author Prof Megan Richardson) (15pp)

'Beyond Trademark Law: What the Right of Publicity Can Learn from Cultural Studies'
(2008) 25 *Cardozo Arts & Entertainment Law Journal* 913-994 (82pp)

'Seeing Red over Stravinsky's *Firebird*'
(1996) 7 *Australian Intellectual Property Journal* 63-75 (13pp)

International Law/International Relations

'Towards a New Regime for the Protection of Outer Space as the Province of All Mankind'
(2000) 25 *Yale Journal of International Law* 145-194 (50pp)

Torts/Equity

“Internalising Externalities”: An Enterprise Risk Approach to Vicarious Liability in the 21st Century’
(2015) 27 *Singapore Academy of Law Journal* 822-852 (31pp)

‘Debunking a Myth: A Rejection of the “Assumption of Responsibility” Test for Duty of Care’
(2014) 22 *Torts Law Journal* 183-196 (14pp)

‘The Promise of Universality: The *Spandeck* Formulation Half A Decade On’
(2013) 25 *Singapore Academy of Law Journal* 510-547 (co-author Goh Yihan) (38pp)

‘The Phoenix Rises: Resurrecting Occupiers’ Liability within the Negligence Framework’
(2013) 21 *Torts Law Journal* 59-71 (13pp)

‘For Judges Rush In Where Angels Fear To Tread:
“Insofar as it is Fair, Just and Reasonable” to Impose Vicarious Liability’
(2013) 21 *Torts Law Journal* 43-58 (16pp)

‘The Salient Features of Proximity: Examining the *Spandeck* Formulation for Establishing a Duty of Care’
[2010] *Singapore Journal of Legal Studies* 459-483 (25pp)

‘Sexual Misconduct by Doctors and the Intervention of Equity’
(1997) 4 *Journal of Law and Medicine* 243-258 (16pp)

‘The Fiduciary as an Accordion Term: Can the Crown Play a Different Tune?’
(1995) 69 *Australian Law Journal* 440-454 (15pp)

Freedom of Speech

‘Free Speech, Fake News and Finding Constitutional Congruence’
(2020) 32 *Singapore Academy of Law Journal* 207-248 (42pp) (co-author Jessica Teng Sijie)

‘Revisiting the *Reynolds* Recipe for Media Freedom: *Flood v Times Newspaper Ltd*’
(2012) 17 *Media & Arts Law Review* 243-255 (13pp)

‘The *Reynolds* Privilege in a Neo-Confucianist Communitarian Democracy:
Reinvigorating Freedom of Political Communication in Singapore’
[2011] *Singapore Journal of Legal Studies* 456-485 (30pp)

‘A “Real Risk” of Undermining Public Confidence in the Administration of Justice’
(2011) 16 *Media & Arts Law Review* 191-203 (13pp)

‘Defaming a Political Leader is a Serious Matter in Singapore’
(2011) 16 *Media & Arts Law Review* 39-50 (12pp)

Constitutional Law

‘Walking the Tightrope Between Legality and Legitimacy: Taking Rights Balancing Seriously’
(2017) 29 *Singapore Academy of Law Journal* 743-773 (31pp)

‘Death of Judicial Independence: Putting the Japanese Bureaucracy on Trial’
(1996) 70 *Australian Law Journal* 125-141 (17pp)

‘Judicial Independence in the People’s Republic of China: Myth or Reality?’
(1994) 68 *Australian Law Journal* 660-669 (10pp)

Corporations Law

‘Delivering Judgment on a Statutory Business Judgment Rule in Australia’
(1995) 5 *Australian Journal of Corporate Law* 442-454 (13pp)

SHORT ARTICLES/ CASE COMMENTS

Intellectual Property/Entertainment Law – Copyright, Trademarks and Personality Rights

'Intellectual Creation in Compilations: No Sweat Required'
(2018) 40 *European Intellectual Property Review* 338-342 (5pp)

'The Celebrity Halo Effect and Passing Off'
(2017) *Singapore Law Gazette* 15-21 (July issue) (7pp)

'Navigating the Nebulous "Transformative Use" Doctrine: Key Learning Points for Australia'
(2014) 27 *Australian Intellectual Property Law Bulletin* 214-218 (5pp)

'Differentiating between Brand and Trade Mark: *City Chain v. Louis Vuitton Malletier*'
[2010] *Singapore Journal of Legal Studies* 202-210 (9pp)

'Recent Developments in Singapore: Time's Up for Louis Vuitton'
(2010) 15 *Media & Arts Law Review* 258-263 (6pp)

Freedom of Speech

'Any Risk Will Do – The New Law on Scandalising Contempt in Singapore'
(2016) *Singapore Law Gazette* 29-33 (September issue) (5pp)

'The *Reynolds* Privilege Revitalised'
(2013) 129 *Law Quarterly Review* 27-30 (4pp)

Torts

'A Modern Approach to Breach of Confidence based on an Obligation of Confidence'
(2020) 136 *Law Quarterly Review* (co-author Benjamin Wong) (forthcoming 2020)

'The End of the Search for a Universal Touchstone for Duty of Care?'
(2019) 135 *Law Quarterly Review* 200-205 (6pp)

'Taking Two Bites at the Cherry: Vicarious Liability and Non-Delegable Duty'
(2018) 134 *Law Quarterly Review* 193-198 (6pp)

'A Sufficiently Close Relationship Akin to Employment'
(2013) 129 *Law Quarterly Review* 30-34 (5pp)

BOOK CHAPTERS

Intellectual Property/Entertainment Law – Copyright, Trademarks and Personality Rights

'Logo Hacking, Downmarket Irony, Counterfeit Chic: A Study of Contemporary Fashion Trends and Implications for Trademark Law' in Barton Beebe and Haochen Sun (eds), *Charting Limitations on Trademark Rights* (Oxford University Press, 2021) (forthcoming 2021)

'Intellectual Property and Semiotics: The Signs of the Times' in Irene Calboli and Maria Lilla Montagnani (eds), *Handbook on Intellectual Property Law Research: Lenses, Methods, and Approaches* (Oxford University Press, 2021) (forthcoming 2021)

'Parody, Satire, Caricature and Pastiche: Fair Dealing is No Laughing Matter', in Shyamkrishna Balganes, Ng-Loy Wee Loon and Haochen Sun (eds), *The Cambridge Handbook of Copyright Limitations and Exceptions* (Cambridge University Press, 2021) 321-342 (19pp) (forthcoming 2021)

'Commercial Exploitation of the Human Persona in the United States: Who Needs Trademarks When You Have the Right of Publicity' in Jane Ginsburg and Irene Calboli (eds), *Cambridge Handbook on International and Comparative Trademark Law* (Cambridge University Press, 2020) 351-362 (12pp)

'Taking the Mickey out of Disney: A Cultural Approach to the Transformative Use Doctrine in Copyright Law' in Rochelle Cooper Dreyfuss and Elizabeth Ng Siew Kuan (eds), *Framing Intellectual Property Law in the 21st Century: Integrating Incentives, Trade, Development, Culture and Human Rights* (Cambridge University Press, 2018) 171-209 (39pp)

'Image Rights and Data Protection', in Simon Chesterman (ed), *Data Protection Law in Singapore: Privacy and Sovereignty in an Interconnected World* (2nd ed, Academy Publishing, 2018) 240-268 (29pp)

'Fair Use and Transformative Play in the Digital Age' in Megan Richardson (ed), *Research Handbook on Intellectual Property in Media and Entertainment* (Edward Elgar, 2017) 102-131 (30pp)

'The Transformative Potential of Countercultural Recoding in Copyright Law: A Study of Superheroes and Fair Use' in Irene Calboli and Srividhya Ragavan (eds), *Diversity in Intellectual Property: Identities, Interests and Intersections* (Cambridge University Press, 2015) 403-425 (23pp)

'Transcoding and Transformation: A Cultural Studies Approach to Copyright Fair Use Doctrine' in Graeme Dinwoodie (ed), *Methods and Perspectives in Intellectual Property* (Edward Elgar, 2013) 213-241 (29pp)

'Harry Potter and the Transformation Wand: Fair Use, Canonicity and Fan Activity' in Dan Hunter, Ramon Lobato, Megan Richardson and Julian Thomas (eds), *Amateur Media: Social, Cultural and Legal Perspectives* (Routledge, 2012) 94-102 (9pp)

'Legal and Cultural Approaches to the Protection of the Contemporary Celebrity Brand in the Asia Pacific Region' in Andrew Kenyon, Megan Richardson and Ng-Loy Wee Loon (eds), *The Law of Reputation and Brands in the Asia Pacific Region* (Cambridge University Press, 2012) 45-63 (19pp)

'The Unbearable Whiteness of Beckham: Political Recoding of Celebrity Signs in First Amendment Jurisprudence' in Vijay K Bhatia, Christoph Hafner, Lindsay Miller and Anne Wagner (eds), *Transparency, Power & Control: Perspectives on Legal Communication* (Ashgate, 2012) 217-242 (26pp)

Constitutional Law and Freedom of Speech

'Whither the Autochthonous Narrative of Freedom of Speech in Singapore?: A Guide to Defaming Politicians and Scandalising Judges in Singapore' in Jaclyn Neo (ed), *Constitutional Interpretation in Singapore: Theory and Practice* (Routledge, 2016) 210-253 (44pp)

International Law/International Relations

'Towards a New Regime for the Protection of Outer Space as the Province of All Mankind' in Charlotte Ku and Paul F Diehl (eds) *International Law: Classic and Contemporary Readings* (3rd ed, Lynne Rienner, 2009) 421-456 (36pp) ((2000) 25 *Yale Journal of International Law* 145 republished)

TREATISE

Intellectual Property/Entertainment Law – Personality Rights

'Legal Sources Defining the Rights of Publicity and Privacy – Foreign Law – Australia' in J Thomas McCarthy, *The Rights of Publicity and Privacy* (2nd ed, West Group, 2000) (2008 & 2010 updates) §§ 6:157-6:159 (19pp)

BOOK REVIEW ESSAYS

'Book Review – Data Protection Law in Singapore'
[2014] *Singapore Journal of Legal Studies* 258-262 (5pp)

'Book Review – The Law of Private Nuisance'
[2014] *Singapore Journal of Legal Studies* 256-258 (3pp)

'Book Review – *Creativity and Its Discontents: China's Creative Industries and Intellectual Property Rights Offenses*
(2014) 24 *Asian Journal of Communication* 101-104 (4pp)

'Book Review – *The Evolution of International Human Rights: Visions Seen*
(1999) 12 *Harvard Human Rights Journal* 393-397 (5pp)

OPINION ARTICLES

'Schooling's fame now comes at a price – for advertisers', *The Sunday Times*, 8 April 2018, B10

'Copyright Fair Use: Are We "Future-Ready"?', *The Straits Times*, 14 September 2016, A21

'When Copying is not Infringing', *The Straits Times*, 12 October 2013, A42

'Safeguarding Free Speech and Confidence in Judiciary', *The Straits Times*, 4 May 2013, A40

'The 10 Cyberspace Commandments', *The Straits Times*, 30 March 2013, A30