

[Resume & Publications](#)

Michael A. Einhorn is an economic consultant and expert witness active in the areas of intellectual property, media, entertainment, damage valuation, licensing, antitrust, personal injury, and commercial losses. He received a Ph. D. in economics from Yale University. He is the author of the book [Media, Technology, and Copyright: Integrating Law and Economics](#) (Edward Elgar Publishers), a Senior Research Fellow at the Columbia Institute for Tele-Information, and a former professor of economics and law at Rutgers University. He has published over seventy professional and academic articles and lectured in Great Britain, France, Holland, Germany, Italy, Sri Lanka, China, and Japan.

Print a copy of [PROFESSIONAL RESUME \(September, 2018\)](#)

Dr. Einhorn has provided valuation services in the following areas as a consultant or expert witness:

[Trademarks, Trade Secrets, and False Advertising:](#) *Trademarks* (Samsung Electronics, Dish Network, Madonna/Material Girl, Jakks Pacific, Kische USA, Oprah Winfrey/Harpo Productions, Avon Cosmetics, *The New York Observer*, the Kardashians/BOLDFACE Licensing + Branding, Wazu Holdings), *trade secrets* (The Weather Channel, Hasbro), and *advertising* (J. Walter Thompson/Banco Popular, Kia Motors, Coca Cola, General Automobile Insurance Company).

[Music:](#) *Recording artists* (Led Zeppelin, U2, Madonna, 50 Cent, Usher, Rascal Flatts, LMFAO, Aimee Mann, Nappy Roots, Justin Moore, Xzibit, Nelly Furtado, George Clinton, Notorious B.I.G., D.L. Byron), *record labels* (Sony Music Holdings, Universal Music Group, Disney Music, Atlantic Records, Rhino Entertainment), *producers* (P. Diddy, Timbaland), *publishers* (Major Bob Publishing, Universal Music Publishing, Bridgeport Music, Hamstein Music, Chrysalis Music, Kobalt Music), *performing rights organizations* (SESAC), *radio stations* (WPNT in Pittsburgh), *live venues* (World Wrestling Entertainment), and *estates* (Bill Graham Archives, Tasha Tudor, Bernard Lewis).

[Video:](#) *Movies* (Paramount/DreamWorks, Bold Films), *cable programs* (NBCUniversal), *musicals* (Zorro Productions) *product placement* (Paxson Productions), *treatments* (Burnett Productions), *soundtrack* (Warner Bros. Entertainment), *TV programs* (Televiscentro of Puerto Rico), *satellite programming* (Golden Channels Company of Israel), *DVD videos* (Steve Harvey), *commercials* (Gray Television Group), and *cable operations* (AT&T).

[Design, Apparel, and Art:](#) *Apparel* (Target Stores, Carol Anderson, .Forever 21, Crew Knitwear, Joyce Leslie, Anthropologie), *architecture* (Sprint PCS, Home Design LLC,

Murray Engineering, Turnkey Associates), *medical illustrations* (Pearson Education Services), *photography* (Harris Publications, Neil Zlozower, Dana Ruth Lixenberg), *sculpture* (Marco Domo), *cartoons* (A.V. Phibes, Melissa Flock), *toys* (Jakks Pacific), and *commercial marketing* (Kaufman Global).

Publicity Rights and Estate Valuations: *Names and likenesses* (Reese Witherspoon, Steve Harvey, Woody Allen, Rosa Parks, Arnold Schwarzenegger, Sandra Bullock, Cameron Diaz, Diane Keaton, Zooey Deschanel, Yogi Berra), *estate valuations* (Tasha Tudor, Marlon Brando, Bernard Lewis).

Cyberspace: *Music services* (Apple iTunes, Napster, MP3.com), *proprietary software* (Centrifugal Force, Frogsware), *open source software* (Jacobsen v. Katzer), *electronic publishing* (Pearson), *video games* (Activision), *search engines* (eUniverse), and *domain names* (eCommerce).

Patents and Technology: *Semiconductors* (General Electric v. Kodak, Great Lakes v. Sakar, *cellular* (Cellebrite v. Micro Systemation), *software* (Jacobsen v. Katzer, Centrifugal Force v. Softnet), *medical technology* (Lemper v. Legacy, Graston v. Graham), *clutch components* (Nouis Technologies v. Polaris Industries), *pet topicals* (Nite Glow Industries Inc. v. Central Garden & Pet Company) and *general patents* (DeCordova v. MCG).

Antitrust and Commercial Losses: *Antitrust, breach of contract, and commercial injury* in actions (Los Angeles Rams, AT&T, American Home Realty Network, California Scents, Safmor, Inc., Golden Channels Company of Israel, St. Joseph's Regional Hospital (College Station, Texas)).

Dr. Einhorn can be reached at 973-618-1212.

Recent Articles on Intellectual Property

- **Reasonable Royalties in Patent Litigation: Methods, Evidence, and Experts**, presented to the Knowledge Group Webinar, March 22, 2017
- **First Sale Rights at SCOTUS: Regarding *Kirtsaeng v. John Wiley & Sons***, Journal of the Copyright Society, Spring, 2016
- **Damage Valuation in Music Copyright**, Entertainment and Sports Lawyer, Spring, 2004
- **Copyright, Causality, and the Courts**, Journal of the Copyright Society, Winter, 2015
- **Settlement Strategies from a Damages Expert**, Entertainment and Sports Lawyer, October, 2007
- **Trademarks and Financial Remedies: Standards in the Common Law**
- **Trademark Valuation and Market Analysis: Using Empirical Data**
- **The Entire Market Value Rule: The Embattled Flank**, IP Lawyer, December, 2007
- **Pharmaceuticals and Compulsory Licensing**, (with Bruce Lehman)
- **Publicity Rights and Rational Valuation**, Entertainment and Sports Lawyer, March, 2006
- **Music Copyright in the Entrepreneurial Age: Transactions and Litigation**

Books

Media, Technology, and Copyright: Integrating Law and Economics (Edward Elgar, 2004) — click here to go to the publisher's website to see the Table of Contents and Selected Chapters.

Other Articles on Entertainment and Antitrust

[Gorillas in our Midst: Searching for King Kong in the Music Jungle](#), Journal of the Copyright Society, Winter, 2007.

"Digitization and Its Discontents II: How Markets are Transforming Copyright", Journal of the Copyright Society, Spring, 2007.

[Copyright at a Crossroads, Again!: The Copyright Modernization Act](#), Entertainment, Arts, and Sports Law Journal, December, 2006.

[How Advertising and Peer to Peer are Transforming Media and Copyright](#), Journal of the Copyright Society, Spring, 2007.

[Swords Into Plowshares: A Convergence of Interests in P2P](#)

[Canadian Quandary: Digital Rights Management, Access Protection, and Free Markets](#), Progress on Point 3:12, Progress and Freedom Foundation, May, 2006.

"File-Sharing at Madison and Vine: The New Convergence", Century City Lawyer, December, 2005.

"File-Sharing and Market Harm", Entertainment, Arts, and Sports Law Journal, July, 2005.

[Transactions Costs and Administered Markets: The Case of Music Performance Rights](#), Review of Economic Research in Copyright Issues, 3 (1), 37, 2006.

[Grokster v. Sony: The Supreme Court's Real Decision](#), Entertainment and Sports Lawyer, Summer, 2004.

"Peer-to-Peer Networking and Digital Rights Management: How Market Tools Can Solve Copyright Problems" (with Bill Rosenblatt), Journal of the Copyright Society, Winter, 2005.

[Music, Mantras, and Markets: Facts and Myths in the Brave New World](#),

Entertainment, Arts, and Sports Law Journal, Winter, 2004.

"Music in the Crucible: A Year in Review", Entertainment and Sports Lawyer, Summer, 2004.

[Digitization and Its Discontents: Digital Rights Management, Access Protection, and Free Markets](#), Journal of the Copyright Society, Spring, 2004.

[Vertical Merger in a High Tech Industry: Synopsys, Avant!, and the FTC](#), 2 Economics

Committee Newsletter of the American Bar Association 2, 2002.

[Tying, Patents, and Refusal to Deal: Economics at the Summit](#), 2 Economics Committee Newsletter of the American Bar Association 1, 2002.

[Intellectual Property and Antitrust: Music Performance Rights in Broadcasting](#), Columbia Journal for Law and the Arts, 2002.

“Keep Off My Privacy: How Sweet the Sound?”, Bright Ideas, 2002.

“Purple Beasts and Lewd Tunes: Economic Reasoning and Copyright”, Entertainment, Arts, and Sports Law Journal, 2002.

“How to Cure Performance Anxiety”, Entertainment, Arts, and Sports Law Journal, Summer, 2002.

“Traffic Jam on the Music Superhighway: Is it a Reproduction or a Performance?”, Journal of the Copyright Society, 2002, (with Lewis Kurlantzick).

[Miss Scarlett’s License Done Gone: Parody, Satire, and Economic Reasoning](#), 20 Cardozo Arts and Entertainment Law Journal 4, 2002.

[Art as Innovation: “The Wind Done Gone” Case](#)

[Copyright, Prevention, and Rational Governance: File-Sharing and Napster](#), Columbia Journal for Law and the Arts, 2002.

“Internet Television and Copyright Licensing”, 20 Cardozo Arts and Entertainment Law Journal 2, 2002.

[Old Friends: ASCAP and DOJ Reach a New Consent Decree](#), Entertainment and Sports Lawyer, 2002.

“Digital Rights Management and Access Protection” in Proceedings of the ALAI Congress: June 13-17, 2001, J. Ginsburg, ed., Columbia University, 2002.

“Digitalization and the Arts”, Handbook of Cultural Economics, Ruth Towse, ed., Edward Elgar Publishing Ltd., 2002.

“Internet TV and Copyright Licensing: Balancing Cents and Sensibility”, Internet Television, ed. D. Gerbarg, E. Noam, J. Groebbel, Lawrence Erlbaum Publishers, Mahwah, NJ, 2002.

“Music Licensing in the Digital Age”, Copyright in the Cultural Industries, Ruth Towse, ed., Edward Elgar Publishing Ltd., 2002.

[Search and Destroy: How to Tame a Spider](#), IPL Newsletter 1, 2001.

“Biting the Hand that Feeds”, Century City Lawyer, November, 2001, with Duncan Cameron.

“Interpreting Amended ASCAP Consent Decree: More Options to Avoid Blanket Royalties” Entertainment Law and Finance, October, 2001.

[Market Imperfections and Failed Governance: The Case of Music Performance Rights](#)
[Information Transfer in Cyberspace: Popups, Keying, and Privacy](#)
[Establishing Indirect Profits Resulting from Copyright Infringement](#)
[Indirect Profits, Causality, and Punitive Damages](#)
[Copyright Settlement Strategies from a Damages Expert](#)

[Causation and Statistical Inference: Power Tools for the Practical](#)

Other Affiliations

[Columbia Institute for Tele-Information, Columbia University, New York, New York](#)
[ecomponents Consultants, Special Consultant, Tampa, Florida:](#)
[Giant Steps Media, Affiliate, New York](#)
[Contributor to *MusicDish* E-Journal](#)