

This website is written and maintained by **Patrick McKay**, a Colorado attorney with a J.D. from **Regent University School of Law**

in Virginia Beach, Virginia. Contact information and a limited *curriculum vitae*

containing my credentials are below. Because I am now a licensed attorney, I am available for phone consultations and can provide legal advice regarding copyright matters and online videos for a small fee. Please note however that because I am only licensed to practice law in Colorado, I can only provide limited legal services to clients in other states and cannot litigate or file papers with any court outside of Colorado. Should litigation result from any action you may take in disputing copyright claims online, you would need to retain an attorney licensed in the jurisdiction in question.

Bio

Patrick McKay is a Colorado attorney and 2012 graduate of Regent University School of Law in Virginia. He developed an interest in copyright and internet law in college and became an activist opposing misuses of copyright to stifle speech online. While in law school, he served as president of the Regent Intellectual Property and Entertainment Law Society for two years. He was also a member of the Regent Law Review, for which he wrote and published an article about copyright, fair use, and fan-made media including fan-fiction and fan-films. In the summer of 2011, he interned as a law clerk for the Center for Democracy and Technology in Washington D.C., during which he drafted a complaint to the Federal Trade Commission which helped expose a company that was abusing copyright law to suppress negative online reviews of physicians.

Patrick is an avid YouTube user and has enjoyed creating music videos and mashups as a hobby for many years. Since YouTube first instituted its automated Content ID copyright filtering system in 2007, he has been concerned about the potential for automated copyright enforcement systems to stifle legitimate speech which makes fair use of copyrighted material. He encountered this problem first-hand in early 2009 when YouTube blocked all videos using music from Warner Music Group during a licensing dispute. After successfully disputing copyright blocks on his own videos by arguing that they were fair use, Patrick began to help other users dispute copyright blocks on their videos.

In the spring of 2010, he created the website FairUseTube.org, designed to encourage online video creators to take advantage of their fair use rights and to provide tutorials for how to navigate YouTube's often confusing copyright dispute processes. In June 2011, he won a video contest hosted by the online civil rights group Public Knowledge, calling for responses to YouTube's mandatory "copyright school" video, which all users accused of copyright infringement were required to watch. Patrick has since dedicated his time to promoting awareness of the flaws in YouTube's Content ID system, which allows copyright claimants to

judge disputes against their own claims. He has been interviewed or cited in articles by Wired, TorrentFreak, and Ars Technica about abuses of this technology to illegitimately suppress or profit from videos which the claimant has no rights to. Patrick believes the growing abuse of YouTube's Content ID system is indicative of what happens when automated filters are substituted for human judgment when enforcing copyright laws. Without adequate safeguards and genuine opportunities for users to dispute false copyright claims, automated copyright enforcement poses a significant danger to free speech online.

Contact Information

Patrick McKay - Attorney at Law

Colorado Bar Registration #44986 (admitted October 29, 2012)

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Email: patrick@fairusetube.org

Personal blog: <http://prelator.wordpress.com>

YouTube Channel: <http://www.youtube.com/user/DarkLordofDebate/>

Flickr Photos: <http://www.flickr.com/photos/serithian/>

My Scholarly Papers on SSRN (including one on fair use and fan-made media): http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1556137#

Curriculum Vitae (CV) & Qualifications

LEGAL EXPERIENCE

- Law Office of Douglas Romero (Colorado Christian Defense Counsel) - Attorney | January 2013 - Present
- Center for Democracy and Technology – Washington, D.C. – *Legal Intern* / May 2011 – July 2011
- Law Office of Jason Head – Virginia Beach, VA – *Legal Intern* / May 2011 – August 2011
- Justice Calls – Orlando, FL – *Legal Intern* | June 2010 – August 2010
- U.S. Representative Doug Lamborn (CO-5) – Washington, D.C. – *Legislative Intern* |

January 2009 – May 2009

EDUCATION

Graduate

Regent University School of Law – Virginia Beach, Virginia

Juris Doctor (Informal concentration in Intellectual Property Law) | May 2012
3.71 GPA | Cum Laude | Final class rank: 9 of 127 (Top 7%)

Activities

- Regent Law Review – Articles Editor & Senior Editor (2011-12), Staff Editor (2010-11)
- Intellectual Property and Entertainment Law Society – President (2010-11, 2011-12)
- Dean's Student Advisory Board – Member (2010-11, 2011-12)
- Regent Trial Advocacy Board – Research Editor (2011-12), Board Member (2010-11)

Accomplishments

- Published: Student note, Culture of the Future: Adapting Copyright Law to Accommodate Fan-Made Derivative Works in the Twenty-First Century, 24 Regent Law Review 117 (fall 2011)
- 1st Place Winner (2011), Finalist (2010), The Hon. Leroy Hassell, Sr. Memorial Writing Competition (Regent Law Review) – \$500 cash prize and winning article published in the Regent Law Review
- Semifinalist and Best Opening Speech Award, Regent Intramural Trial Advocacy Tournament – Feb. 2010
- Founded website, FairUseTube.org to promote awareness of fair use rights under copyright law on user-generated video sites such as YouTube – March 2010

- Winner of Public Knowledge video contest about copyright and fair use on YouTube (\$1000 prize) – June 2011
- Interviewed for articles in Wired and TorrentFreak about YouTube's copyright policies – Fall 2011

Undergraduate

Patrick Henry College – Purcellville, Virginia

B.A. in Government with an emphasis in American Politics and Policy | May 2009
3.73 GPA | Cum Laude with High Honors

Honors and Activities:

- Who's Who Among American College Students: 2007-2008, 2008-2009
- Student Government: Student Senator, Technology Commission Chairman, Parliamentarian, Election Commissioner
- Forensics activities: American Mock Trial Association (AMTA) team captain; American Collegiate Moot Court Association (ACMA); National Educational Debate Association (NEDA); National Forensics Association (NFA).

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EDUCATION

Regent University School of Law – Virginia Beach, Virginia

Candidate for Juris Doctor (Informal concentration in Intellectual Property Law)

May

2012

3.73 GPA | Class rank: 7 of 133 (Top 6%)

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Honors and Activities

- Staff Editor, **Regent Law Review** (2010-11)
- **President**, **Intellectual Property and Entertainment Law Society** (2010-11).
- Member, **Dean's Student Advisory Board** (2010-11)
- Board member, **Regent Trial Advocacy Board** (2010-11)
- **Semifinalist** and **Best Opening** Speech Award, **Regent Intramural Trial Advocacy Tournament** – Feb. 2010.

- **Top-three finalist**, The Hon. Leroy Rountree Hassell, Sr. Writing Competition (Regent Law Review) – March 2010.

- **Copyright and IP Law**: Founded the website, **FairUseTube.org** to promote awareness of fair use rights under copyright law on user-generated video sites such as YouTube (March 2010). Regularly blog about copyright issues.

Patrick Henry College – Purcellville, Virginia

B.A. in Government with an emphasis in American Politics and Policy

May 2009

3.73 GPA (3.81 major GPA) | Graduated Cum Laude with High Honors

Honors and Activities:

- **Who's Who Among American College Students:** 2007-2008, 2008-2009
- **Student Government:** Student Senator, Technology Commission Chairman, Parliamentarian, Election Commissioner
- **Forensics activities:** American Mock Trial Association (AMTA) team captain; American Collegiate Moot Court Association (ACMA); National Educational Debate Association (NEDA); National Forensics Association (NFA).