NORTH CAROLINA JOURNAL OF LAW & TECHNOLOGY

VOLUME 25, ISSUE 1 OCTOBER 2023

Published by:



University of North Carolina School of Law Chapel Hill, North Carolina

GENERAL INFORMATION

The North Carolina Journal of Law & Technology is an exclusively online publication edited by the students of the University of North Carolina, School of Law. The North Carolina Journal of Law & Technology publishes four issues per volume: two in the fall (October and December) and two in the spring (March and May). Articles are available on the Journal's web page at https://ncjolt.org/ and through Lexis-Nexis, Westlaw, and HeinOnline subscription services. All editing and layout of the Journal is done using Microsoft Word.

The full texts and abstracts of previously published *North Carolina Journal of Law & Technology* articles can be found at https://ncjolt.org/. The site also contains general information about the *Journal*; information on how to submit articles, notes, and comments for publication; and the *N.C. JOLT Blog*, a collection of short posts about new developments at the intersection of law and technology written by the *Journal*'s staff members.

CORRESPONDENCE

Address all correspondence regarding subscriptions, address changes, claims for non-receipt, single copies, advertising, and permission to reprint to North Carolina Journal of Law & Technology, University of North Carolina School of Law, Van Hecke-Wettach Hall, 160 Ridge Road, CB #3380, Chapel Hill, North Carolina 27599-3380; me.ncjolt@gmail.com.

COPYRIGHT POLICY

Permission to make digital or hard copies of part or all of this work for personal or classroom use is granted without fee provided that copies are not made or distributed for profit or commercial advantage and that copies bear this notice and the full citation on the first page. Copyrights for components of this work owned by others than the *North Carolina Journal of Law & Technology* must be honored; copyright to each article is owned by its respective author(s). Abstracting with credit is permitted. To copy otherwise, to republish, to post on servers, or to redistribute to lists requires prior specific permission from and/or a fee paid to the copyright holder for use of the material.

Copyright © 2023, North Carolina Journal of Law & Technology. All rights reserved.

BACK ISSUES

Back issues and complete sets of the *North Carolina Journal of Law & Technology* may be ordered directly from William S. Hein & Co., 1285 Main Street, Buffalo, New York 14209-1987. Orders may also be placed by calling Hein at (800)-828-7571, via fax at (716)-883-8100, or e-mail to order@wshein.com. Back issues can also be found in electronic format on HeinOnline at https://heinonline.org/.

PUBLICATION INFORMATION

The text and citations of the *North Carolina Journal of Law & Technology* conform to The Bluebook: A Uniform System of Citation (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020). Please cite this issue of the *North Carolina Journal of Law & Technology* as 25 N.C. J.L. & Tech. ____ (2023). Materials cited "on file with the North Carolina Journal of Law & Technology" will be retained for a maximum of five years from date of publication.

SPONSORS

The North Carolina Journal of Law & Technology would like to thank the generous contributors who have helped make this journal possible:

Benefactors:



Jeffrey M. Hirsch, Geneva Yeargan Rand Distinguished Professor of Law UNC School of Law

Patrons:



This publication is funded in part by Student Fees that were appropriated and disbursed by the Student Government at University of North Carolina at Chapel Hill and the Student Bar Association of the University of North Carolina School of Law.

BOARD OF ADVISORS

ALESSANDRA L. DEIORIO — Wyrick Robbins Yates & Ponton, LLP; N.C. JOLT Managing Editor, Vol. 24

MEREDITH K. DOSWELL — Hunton Andrews Kurth LLP; *N.C. JOLT* Editor-in-Chief, Vol. 23

KAITY Y. EMERSON — Moore & Van Allen PLLC; N.C. JOLT Managing Editor, Vol. 22

AARON R. HARMON — Clinical Assistant Professor, Qatar University College of Law, Doha-Qatar; N.C. JOLT Editor-in-Chief, Vol.8; N.C. JOLT Faculty Advisor, 2011-2014

JEFFREY M. HIRSCH — Geneva Yeargan Rand Distinguished Professor of Law, University of North Carolina School of Law; N.C. JOLT Faculty Advisor

SARAH B. KIRSCHBAUM — Boyd Collar Nolen Tuggle & Roddenbery, LLC; *N.C. JOLT* Editor-in-Chief, Vol. 22

ERIN LARSON — DLA Piper; N.C. JOLT Editor-in-Chief, Vol. 19

TOD LEAVEN — Grimes Teich Anderson, LLP; N.C. JOLT Editor-in-Chief, Vol.11

JUSTIN MANN — Advanced Accelerator Applications; N.C. JOLT Managing Editor, Vol. 15

JARED A. MARK — Orrick, Herrington & Sutcliffe LLP; N.C. JOLT Editor-in-Chief, Vol. 24

MARY U. MUSACCHIA — Mary U. Musacchia, PLLC; Original Board Member

ALEX RUTGERS — Legal Aid of North Carolina; N.C. JOLT Editor-in-Chief, Vol. 21

GABBY E. SUPAK — Law Clerk to the Honorable Mark A. Davis, North Carolina Business Court; N.C. JOLT Managing Editor, Vol. 23

RANDY WHITMEYER — Morningstar Law Group; N.C. JOLT Board Member

VOLUME 25, 2023–2024

EDITOR-IN-CHIEF JULIA R. VAUGHAN-JONES

EXECUTIVE EDITOR	Managing Editor
Hayfa Ayoubi	MARGARET MCGEE ROMAN

WEB EDITORPUBLICATION EDITORCHLOE C. PICCHIOSOPHIA M. VOUVALIS

SYMPOSIUM EDITORS
ALEXIS C. BENSON
MCKENNA A. FONO

SENIOR ARTICLES EDITOR
DOROTHY E. McGee

ARTICLES EDITORS

WESTON P.A. BARKER

MORGAN E. HOYT

ANDREAS C. MYERS

MELISSA L. ZALESKI

NOTES EDITORS

RACHEL E. COUTINHO

AUSTIN D. KAMER

YASMIN M. KHODAEI

BROOKE R. SIEGAL

STAFF MEMBERS

WALEED K. ALKOOR ZHE LIU THOMAS J. BETZ ABRAHAM M. LOVEN BENJAMIN M. BROWN ALISSA M. MASINI ALBERTO R. BUFALINO OLIVIA NIERI SUZANNE M. CAMP CASEY SCOFIELD SIMON C. CAWLEY DANIEL C. SELF ETHAN L. CLARK JAY N. SHERRILL SCOTT M. FINNEY KEVIN A. SOLARI SEAN P. GAFFNEY BRYNN C. STORY JUSTIN M. GILES ANDREW M. WATERS CAROLINE G. KLOSTER

TABLE OF CONTENTS

mpossibility of Emergent Works' Protection in the U.S. and the	
E.U. Copyright Law	
By Matt Blaszczyk 1	
Iow to Remedy Post Covid Pandemic Setbacks in Bridging the	
Digital Divide	
By Rob Frieden 57	
Climate Change and Biotechnology	
By Donald T. Hornstein & Eli D. Hornstein)