

## DUSTIN MARLAN

University of Massachusetts School of Law  
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### ACADEMIC APPOINTMENTS

#### **UNIVERSITY OF MASSACHUSETTS SCHOOL OF LAW, Dartmouth, MA**

*Assistant Professor of Law*, July 2018—Present

Director, Community Development Clinic

Courses: Business Organizations; Community Development Clinic; Intellectual Property

Service: Facilities, Technology, and Library Committee (Chair, 2019-2020; 2018-2019);  
Adjunct and Advising Committee (2019-2020)

#### **UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI**

*Clinical Teaching Fellow*, July 2016—June 2018

Courses: Community & Economic Development Clinic (with Alicia Alvarez)

Service: Campus Task Force on Entrepreneurship (Co-Chair, Equity & Inclusion Committee)

### EDUCATION

#### **UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, J.D., *Cum Laude*, 2012**

Senior Editor, UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW

Student Attorney, Legislative Clinic

Recipient, Distinguished Pro Bono Service Award

#### **INDIANA UNIVERSITY—BLOOMINGTON, B.A., 2007**

Major: Political Science

Minors: Psychology, Dutch Studies

Recipient, Faculty Merit Scholarship

### PUBLICATIONS

*Unmasking the Right of Publicity*, 71 HASTINGS LAW JOURNAL \_\_ (forthcoming 2020)

*Rethinking the “Consumer” Label*, 55 GONZAGA LAW REVIEW \_\_ (forthcoming 2020) (invited  
symposium article)

*Beyond Cannabis: Psychedelic Decriminalization and Social Justice*, 23 LEWIS & CLARK LAW REVIEW 851  
(2019) (invited symposium article)

*Visual Metaphor and Trademark Distinctiveness*, 93 WASHINGTON LAW REVIEW 767 (2018)

*When Does the Right of Publicity Trump a Video Game Maker’s First Amendment Rights?* 18 CYBERSPACE  
LAWYER 11 (2014) (co-authored in practice).

Comment, *Trademark Takings: Trademarks as Constitutional Property Under the Fifth Amendment Takings  
Clause*, 15 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 1581 (2013)

## WORKS IN PROGRESS

*Alchemical Trade Dress*

*Dystopian Publicity*

*Reflection Beyond Words*

## PROFESSIONAL EXPERIENCE

### **WILSON SONSINI GOODRICH & ROSATI PC**, Seattle, WA

*Associate*, October 2014—July 2016

*Trademarks, Copyrights & Advertising* and *Technology Transactions* practice groups.

Received 2015-2016 Pro Bono Service Award for outstanding contribution to firm's pro bono program.

### **K&L GATES LLP**, Pittsburgh, PA

*Associate*, January 2013—September 2014. *Summer Associate*, May—July 2011

*IP Litigation, IP Procurement & Portfolio Management* and *Commercial Disputes* practice groups.

### **UNIVERSITY OF PENNSYLVANIA**, Philadelphia, PA

*Research Assistant to Professor Louis Rulli*, August—November 2012

Provided research assistance for article, Louis S. Rulli, *Roadblocks to Access to Justice: Reforming Ethical Rules to Meet the Special Needs of Low-Income Clients*, 17 UNIVERSITY OF PENNSYLVANIA JOURNAL OF LAW & SOCIAL CHANGE 347 (2014).

### **UNITED STATES SENATE**, Washington, DC

*Legislative Intern, Office of U.S. Senator Robert P. Casey Jr.*, January—May 2012

Placement in connection with the University of Pennsylvania Law School Legislative Clinic.

### **UNIVERSITY OF PENNSYLVANIA EMPLOYMENT ADVOCACY PROJECT**, Philadelphia, PA

*Senior Advocate*, September 2011—May 2012

Pro bono representation of clients appealing denials of unemployment benefits.

### **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP**, Washington, DC

*Trademark Legal Assistant*, August 2007—July 2009

*Trademark & Copyright* practice group.

### **INDIANA UNIVERSITY—BLOOMINGTON**, Bloomington, IN

*Assistant Instructor*, May 2007—August 2007

Facilitated discussions and graded assignments for "Conversations on Race" seminar.

### **INDIANA UNIVERSITY RESIDENTIAL PROGRAMS AND SERVICES**, Bloomington, IN

*CommUNITY Educator*, January 2006—May 2007

Planned and facilitated residence hall and campus-wide educational programs on issues relating to diversity, equity and inclusion.

### PRESENTATIONS

Presenter, *Rethinking the "Consumer" Label*, 2<sup>nd</sup> Annual Center for Civil and Human Rights Conference, "Medicine, Music, and Mascots: Furthering Social Justice in the Age of Intellectual Property," Gonzaga University School of Law, Spokane, WA (September 2019).

Presenter, *Rethinking the "Consumer" Label*, 8<sup>th</sup> Annual Trademark Works-in-Progress Colloquium, American University Washington College of Law, Washington, DC (September 2019).

Presenter, *Alchemical Trade Dress*, 2019 INTA Trademark Scholarship Symposium, Boston, MA (May 2019).

Participant, *Unmasking the Right of Publicity*, Eleventh Annual Junior Scholars in Intellectual Property (JSIP) Workshop, Michigan State University College of Law, East Lansing, MI (May 2019) (blind review selection process).

Poster Presenter, *Reflection Beyond Words*, 2019 American Association of Law Schools Annual Conference on Clinical Legal Education, San Francisco, CA (May 2019).

Presenter, *Beyond Cannabis: Psychedelics and Social Justice*, "The Utopia/Dystopia Project: Speculation, Legal Imagination, Becoming, and Possibilities," Tulane Law School, New Orleans, LA (April 2019).

Moderator, Entertainment Law Panel, UMass Law Review Symposium, "Navigating a New Reality: A Multi-Platform Look at Media and the Law," University of Massachusetts School of Law, Dartmouth, MA (March 2019)

Presenter, *Unmasking the Right of Publicity*, Guest Speaker Series, Suffolk University Law School, Boston, MA (March 2018).

Guest, *Unmasking the Right of Publicity*, Ipse Dixit: A Podcast on Legal Scholarship, Hosted by Brian L. Frye (December 2018).

Presenter, *Unmasking the Right of Publicity*, Guest Speaker Series, University of Kentucky College of Law, Lexington, KY (November 2018).

Presenter, *Reflection Beyond Words*, New England Clinical Conference, Roger Williams School of Law, Providence, RI (October 2018).

Presenter, *Unmasking the Right of Publicity*, 18<sup>th</sup> Annual Intellectual Property Scholars Conference (IPSC), Berkeley School of Law, Berkeley, CA (August 2018).

Presenter, "Intellectual Property Workshop: Trademarks, Copyrights, & Advertising," UMass Dartmouth Center for Innovation and Entrepreneurship, Fall River, MA (August 2018).

Guest Speaker, "Trademark Law for Entrepreneurs and Small Businesses," Course: *IP & Innovation Strategy*, University of Michigan Law School, Ann Arbor, MI (March 2018).

Presenter, *Unmasking the Right of Publicity*, 2018 Works-in-Progress Intellectual Property (WIPIP) Colloquium, Case Western Reserve University School of Law (February 2018).

Co-Presenter, “Legal Issues for Small Businesses Overview,” LifeLine Business Consulting Services, Detroit, MI (January 2018).

Presenter, *Visual Metaphor and Trademark Distinctiveness*, Legal Theory Workshop, University of Michigan Law School (October 2017).

Presenter, *Visual Metaphor and Trademark Distinctiveness*, Seventh Annual IP Scholars’ Roundtable, Franklin Pierce Center for Intellectual Property, University of New Hampshire School of Law, Concord, NH (October 2017)

Presenter, *Visual Metaphor and Trademark Distinctiveness*, Informal Faculty Workshop, University of Michigan Law School, Ann Arbor, MI (October 2017).

Participant, *Reflection Beyond Words*, Clinical Law Review Writer’s Workshop, NYU School of Law, New York, NY (September 2017).

Presenter, *Visual Metaphor and Trademark Distinctiveness*, Ninth Annual Junior Scholars in Intellectual Property (JSIP) Workshop, Michigan State University College of Law, East Lansing, MI (May 2017) (blind review selection process).

Presenter, *Visual Metaphor and Trademark Distinctiveness*, 2017 American Association of Law Schools Annual Conference on Clinical Legal Education, Denver, CO (May 2017).

Co-Presenter, “University of Michigan Legal Matters for Small Businesses Workshop,” ProsperUS Detroit Small Business Workshop Series, Detroit, MI (February 2017).

Guest Speaker, “Boost” Workshop for Early-Stage Social Entrepreneurs, University of Detroit Mercy Center for Social Entrepreneurship, Detroit, MI (December 2016).

Presenter, “Eyes on the Prize: Regulations and New Developments in Contests, Sweepstakes, and Promotions Law,” King County Bar Association, CLE Presentation and Webinar, Seattle, WA (June 2016).

### **BAR ADMISSIONS & PROFESSIONAL AFFILIATIONS**

Admitted to State Bar of Michigan

Admitted to Practice in Massachusetts (SJC Rule 3.4)

Association of American Law Schools (AALS), Member of Section on Clinical Legal Education