

DUSTIN MARLAN

University of North Carolina School of Law
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ACADEMIC APPOINTMENTS

UNIVERSITY OF NORTH CAROLINA SCHOOL OF LAW, Chapel Hill, NC

Assistant Professor of Law, July 2022—Present

Courses: Intellectual Property Clinic (Director); Privacy Law Survey

Committees: Speakers; Admissions; Community

UNIVERSITY OF MASSACHUSETTS SCHOOL OF LAW, Dartmouth, MA

Assistant Professor of Law, July 2018—June 2022

Courses: Community Development Clinic (Director); Intellectual Property (Survey); Business Organizations; Trademark and Advertising Law; Contracts II

Committees: Library, Technology & Facilities (Chair); Curriculum; Diversity and Inclusion; Appointments; Service-Learning Faculty Fellow (university-wide)

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI

Clinical Teaching Fellow, July 2016—June 2018

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

Committees: Campus Entrepreneurship Taskforce (Co-Chair, Equity & Inclusion Committee)

EDUCATION

UNIVERSITY OF PENNSYLVANIA CAREY 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

ARTICLES AND ESSAYS

[*Servicing Trade Dress*](#), 58 UC DAVIS LAW REVIEW __ (forthcoming 2025)

Reviewed in Alexandra Roberts, *Service Dress: Trademark Law's Secret Third Thing*, JOTWELL (September 4, 2024).

Selected for Harvard/Penn/NYU Trademark and Unfair Competition Scholarship Roundtable.

[*The Nightmare of Dream Advertising*](#), 65 WILLIAM AND MARY LAW REVIEW 259 (2023)

Selected for the 2023 AALS Annual Meeting Emerging Voices in IP Panel.

[*Psychedelic Capitalism and the Perceptual Threshold*](#), 103 BOSTON UNIVERSITY LAW REVIEW 643 (2023) (invited response)

[*The Dystopian Right of Publicity*](#), 37 BERKELEY TECHNOLOGY LAW JOURNAL 803 (2022)
Selected as one of the year's best entertainment law articles and reprinted in the
ENTERTAINMENT, PUBLISHING AND THE ARTS HANDBOOK (Thomson Reuters 2023).

[*Is the Word "Consumer" Biasing Trademark Law?*](#), 8 TEXAS A&M LAW REVIEW 367 (2021)
Excerpted in Barton Beebe, TRADEMARK LAW: AN OPEN ACCESS CASEBOOK.
Discussed in *Prescod v. Celsius Holdings, Inc.*, 2021 WL 5234795, Cal. Super. (Trial Motion,
Memorandum and Affidavit).

[*Unmasking the Right of Publicity*](#), 71 HASTINGS LAW JOURNAL 419 (2020)

[*Rethinking Trademark Law's "Consumer" Label*](#), 55 GONZAGA LAW REVIEW 422 (2020) (invited essay)
Selected as one of the year's best intellectual property articles and reprinted in the
INTELLECTUAL PROPERTY LAW REVIEW (Thomson Reuters 2021).

[*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)

[*Trademark Takings*](#), 15 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 1581
(2013) (comment)

Cited in *Ass'n of Equip. Manufacturers v. Burgum*, 495 F. Supp. 3d 803, 824 (D.N.D. 2020).

Cited in *Clemente Properties, Inc. v. Urrutia*, 693 F. Supp. 3d 215, 247 (D.P.R.2023).

SHORTER WORKS

[*Junior Use of a Trademark*](#), in ELGAR ENCYCLOPEDIA OF INTELLECTUAL PROPERTY LAW (forthcoming
2024)

[*Branding Dreams*](#), HARVARD LAW SCHOOL PETRIE-FLOM CENTER BILL OF HEALTH BLOG (Oct. 4,
2022)

[*What Macro dosing Can Learn From Micro dosing*](#), HARVARD LAW SCHOOL PETRIE-FLOM CENTER
BILL OF HEALTH BLOG (April 6, 2022)

[*A Sensible, Evidence-Based Proposal for Kratom Reform*](#), HARVARD LAW SCHOOL PETRIE-FLOM CENTER
BILL OF HEALTH BLOG (Jun. 8, 2021)

[*The Myth of Psychedelic Exceptionalism*](#), HARVARD LAW SCHOOL PETRIE -FLOM CENTER BILL OF
HEALTH BLOG (Mar. 24, 2021)

[*The Movement to Decriminalize Psilocybin, Explained*](#), THE APPEAL (Mar. 1, 2021) (invited)

[*Neurodiversity and Psychedelics Decriminalization*](#), HARVARD LAW SCHOOL PETRIE-FLOM CENTER BILL OF HEALTH BLOG (Oct. 29, 2020) (invited)

[*When Does the Right of Publicity Trump a Video Game Maker's First Amendment Rights?*](#), 18 CYBERSPACE LAWYER 11 (2014) (with James Kyper)

WORKS IN PROGRESS

Disclosing the Trademark Bargain

Metaphysical Trademark Fora

The Right of Publicity as Criminal Law

PROFESSIONAL EXPERIENCE

WILSON SONSINI GOODRICH & ROSATI PC, Seattle, WA

Associate, October 2014—July 2016

Trademarks, Copyrights & Advertising and Technology Transactions practice groups.

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

Drafted legislation and provided policy recommendations for member. 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

Invited Participant, *The Right of Publicity as Criminal Law*, Akron Law Annual IP Scholars Forum, Akron School of Law Center for Intellectual Property & Technology, Akron, OH (December 2024).

Selected Participant, *Tertium Quid Unveiled*, Trademark and Unfair Competition Scholarship Roundtable, Harvard Law School, Cambridge, MA (scheduled October 2024).

Invited Panelist, “Legal Status of Hemp and Psychedelics,” Third National Interdisciplinary Cannabis Symposium, New York Law School, New York City, NY (scheduled September 2024).

Presenter, *Disclosing the Trademark Bargain*, Intellectual Property Scholars Conference (IPSC), UC Berkeley School of Law, Berkeley, CA (August 2024).

Moderator, “Intellectual Property and Social Justice” Panel, Southeastern Association of Law Schools (SEALS), Fort Lauderdale, FL (July 2024).

Invited Presenter, *Tertium Quid Unveiled*, Saint Louis University School of Law Faculty Workshop Series, St. Louis, MI (April 2024).

Invited Panelist, “IPLS Lunch and Learn: False Advertising and Unfair Competition,” Duke University School of Law, Durham, NC (April 2024).

Invited Presenter, *The Right of Publicity as Criminal Law*, NC JOLT Symposium: “Reframing IP Rights in the Age of AI,” UNC School of Law, Chapel Hill, NC (January 2024).

Invited Panelist, “Psychedelics and Intellectual Property” CLE, Mitchell Hamline School of Law, St. Paul, MN (October 2023).

Presenter, *Disclosing the Trademark Bargain*, Intellectual Property Scholars Conference (IPSC), Cardozo Law School, Yeshiva University, New York, NY (August 2023).

Participant, *Tertium Quid Unveiled*, Junior IP Scholars Workshop (JIPSA), Fordham Law School, New York, NY (August 2023).

Moderator, “Intellectual Property and Social Justice” Panel, Southeastern Association of Law Schools (SEALS), Boca Raton, FL (July 2023).

Presenter, *Disclosing the Trademark Bargain*, Richmond Law School Junior Scholars Conference, Richmond, VA (May 2023).

Selected Panelist, *The Nightmare of Dream Advertising*, “Emerging Voices in Intellectual Property,” AALS Annual Meeting, San Diego, CA (January 2023).

Participant, *The Nightmare of Dream Advertising*, Junior/Senior Faculty Workshop, Florida State College of Law, Tallahassee, FL (December 2022).

Panelist, *The Nightmare of Dream Advertising*, “IP Boundary Dynamics,” IP Mosaic 2022, Conference, Virtual (October 2022).

Panelist, *The Nightmare of Dream Advertising*, “Regulation of Online Communications,” 2022 SEALS Conference, Miramar, FL (August 2022).

Invited Speaker, *Tertium Quid Unveiled*, Intellectual Property and Innovation Inn of Court Annual Dinner, Albany, NY (April 2022).

Presenter, *The Dystopian Right of Publicity*, 10th Annual IP Scholars’ Roundtable, Franklin Pierce Center for Intellectual Property, University of New Hampshire School of Law, Concord, NH (October 2021).

Invited Moderator, “Introducing POPLAR: The Future of Psychedelics Law and Regulation,” Panel on Psychedelics Advocacy and Expertise, Harvard Law School—Petrie Flom Center (Virtual) (October 2021).

Presenter, *The Dystopian Right of Publicity*, 2021 Intellectual Property Scholars Conference, Cardozo Law School (Virtual) (August 2021).

Invited Panelist, *The Dystopian Right of Publicity*, “New Perspectives in Technology Law and Intellectual Property,” 2021 SEALS Annual Conference, Amelia Island, FL (July 2021).

Participant, *The Dystopian Right of Publicity*, Junior Intellectual Property Scholars Association Summer Workshop, Virtual (July 2021).

Discussion Leader, Small Business/Transactional Clinics, AALS Conference on Clinical Legal Education, Virtual (May 2021) (with Prof. Komal Vaidya).

Invited Presenter, *Is the Word “Consumer” Biasing Trademark Law?*, Faculty Workshop Series, Albany Law School (Virtual) (February 2021).

Invited Panelist, “Can Psychedelics Help Save America?”, Harvard Law School—Petrie Flom Center, (Virtual) (October 2020).

Invited Panelist, *Beyond Cannabis*, “Controlled Substances Law 2020” Panel, Gonzaga University School of Law (Virtual) (October 2020).

Co-Presenter, *Intellectual Property Liability Relief in a Pandemic Era*, BYU Trademark and Copyright Symposium, Virtual (August 2020) (with Prof. Kimberly Vu-Dinh).

Discussant, *Post-Market Capitalism* (by Kiel Brennan-Marquez and Daniel Susser), Privacy Law Scholars Conference, Virtual (June 2020).

Participant, *The Dystopian Right of Publicity*, “The Utopia/Dystopia Project: A Paper Workshop,” UNLV William S. Boyd School of Law, Las Vegas, NV (February 2020).

Invited Panelist, *Rethinking Trademark Law’s “Consumer” Label*, 2nd 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, *Is the Word “Consumer” Biasing Trademark Law?*, 8th Annual Trademark Works-in-Progress Colloquium, American University Washington College of Law, Washington, DC (September 2019).

Presenter, *Tertium Quid Unveiled*, 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).

Poster Presenter, *Reflection Beyond Words*, 2019 AALS Conference on Clinical Legal Education, San Francisco, CA (May 2019).

Presenter, *Beyond Cannabis*, “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, “A Multi-Platform Look at Media and the Law,” UMass School of Law, Dartmouth, MA (March 2019).

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

Invited Speaker, *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*, 18th Annual Intellectual Property Scholars Conference (IPSC), UC Berkeley School of Law, Berkeley, CA (August 2018).

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

Presenter, *Visual Metaphor and Trademark Distinctiveness*, Seventh Annual IP Scholars' Roundtable, University of New Hampshire School of Law, Concord, NH (October 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).

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

MEDIA

Vice/I-D Magazine ([scholarship featured](#))

The Harvard Crimson ([quoted](#))

The Regulatory Review ([scholarship featured](#))

World Trademark Review ([scholarship featured](#))

UNC Media Hub ([quoted](#))

Gizmodo ([quoted](#))

Harvard Law Today ([quoted](#))

The Oregonian ([quoted](#))

The Crime Report ([scholarship featured](#))

The Stranger ([quoted](#))

The Street ([quoted](#))

Green Market Report ([scholarship featured](#))

WPTF-AM ([quoted](#))

Ipsé Dixit: A Podcast on Legal Scholarship ([interviewed](#))

RECOGNITIONS

Project Affiliated Researcher, Harvard Law School Petrie Flom Center's "Project on Psychedelics Law and Regulation" (POPLAR) (2022-2024)

Top 200 Global Psychedelic Lawyers and Policy & Regulatory Experts (2021-2022, 2022-2023, 2023-2024)

Southcoast Chamber Educational Leadership Award (2019)

UMass Law New Faculty Recognition Award (2019)

Wilson Sonsini Pro Bono Service Award (2015-16)

Penn Law Toll Public Interest Center Award for Distinguished Pro Bono Service (2012)

BAR ADMISSIONS

Admitted to State Bars of North Carolina (active), Pennsylvania (inactive), Massachusetts (inactive), Michigan (inactive)