

PETER J. KAROL

Suffolk University Law School
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EDUCATION

HARVARD LAW SCHOOL, Cambridge, MA
J.D., 2004, Cum Laude

AMHERST COLLEGE, Amherst, MA
B.A., 1999, English, Magna Cum Laude

ACADEMIC APPOINTMENTS AND POSITIONS

SUFFOLK UNIVERSITY LAW SCHOOL, Boston, MA
Professor of Law (July 2025 – present)
Visiting Professor of Law (Fall 2024)

- Teach Property, Trademark Law

UNIVERSITY OF NEW HAMPSHIRE

FRANKLIN PIERCE SCHOOL OF LAW, Concord, NH
Professor of Law and Faculty Director

Franklin Pierce Center for Intellectual Property (2023 - 2025)

- Teach Property, Law & the Visual Arts, Fundamentals of Intellectual Property
- Co-chair, Faculty Appointments Committee (2024-2025)
- Director, Intellectual Property Certificate
- Law Review Advisor

NEW ENGLAND LAW | BOSTON, Boston, MA

Associate Dean (2022 - 2023)

Professor of Law (2018 - 2023)

Associate Professor of Law (2013 - 2018)

Visiting Associate Professor of Law (2012 - 2013)

Adjunct Lecturer on Law (2010 - 2012)

- Director, Intellectual Property Law Certificate Program
- Taught Property I and II, Law & the Visual Arts, Trademarks & Unfair Competition, Copyright Law, Current Issues in Intellectual Property
- Chair, Academic and Faculty Rules Committee
- Co-Coordinator, Business and Intellectual Property Clinic
- Advisor to Saul Lefkowitz and Giles Sutherland Rich Memorial Moot Court Intellectual Property Competition Teams
- Onsite Director, Galway Summer Program on International and Comparative Human Rights Law (*Summer 2014*)
- Advisor to IP Law Association and Art & Fashion Law Society
- Liaison to Boston American IP Inn of Court

SOUTH TEXAS COLLEGE OF LAW SUMMER PROGRAM ON INTERNATIONAL AND COMPARATIVE LAW, AS OFFERED THROUGH CHARLES UNIVERSITY, Prague, Czech Republic

- *Visiting Professor (Summer 2016)*

LEGAL AND WORK EXPERIENCE

SUNSTEIN LLP, Boston, MA

Of Counsel (January 2013 – Present)

Partner (January 2012 – December 2012)

Associate (September 2004 - August 2011)

Member of the Patent and Intellectual Property Litigation, Trademark, Copyright and Business Practice Groups

PUBLICATIONS

Full-Length Books

FROM DÜRER™ TO JUDD(R): CENTERING THE ARTIST IN TRADEMARK LAW (NYU Press)
(under contract, work in progress)

POSTHUMOUS ART, LAW AND THE ART MARKET: THE AFTERLIFE OF ART (Sharon Hecker and Peter J. Karol, eds., Routledge April 2022)

Law Review Articles and Book Chapters

What's the Use? The Structural Flaw Undermining Warhol v. Goldsmith, 71 J. Copyright Soc'y 107 (2024) (identified as one of the best works of recent scholarship relating to Intellectual Property Law, in a review by Christopher Buccafusco in Jotwell)

Albrecht Dürer's Enforcement Actions: A Trademark Origin Story, 25 Vand. J. Ent. & Tech. 421 (2023)

The Cost of Decommissioning, in POSTHUMOUS ART, LAW AND THE ART MARKET: THE AFTERLIFE OF ART (Sharon Hecker and Peter J. Karol, eds., April 2022)

Mapping and Critiquing the Legal Landscape in the United States, in INTERNATIONAL PERSPECTIVES ON DISABILITY EXCEPTIONS IN COPYRIGHT LAW AND THE VISUAL ARTS: FEELING ART (Jani McCutcheon and Ana Ramalho, eds., Routledge 2020)

Permissive Certificates: Collectors of Art as Collectors of Permissions, 94 Wash. L. Rev. 1175 (October 2019) (Judged one of the best law review articles of the year related to Entertainment, Publishing or the Arts by Thomson Reuters (West))

The Threat of Termination in A Dematerialized Art Market, 64 J. Copyright Soc'y U.S.A. 187 (Spring 2017)

Trademark's eBay Problem, 26 Fordham Intell. Prop. Media & Ent. L.J. 625 (2016)

The Constitutional Limitation on Trademark Propertization, 17 U. Pa. J. Const. L. 1065 (2015)

Fair Use, Meet Ex parte Young, 89 Pat. Trademark & Copyright J. 689 (2015)

Hey, He Stole My Copyright! Putting Theft on Trial in the Tenenbaum Copyright Case, Spring Symposium, 47 New Eng. L. Rev. 887 (Summer 2013)

Affixing the Service Mark: Reconsidering the Rise of an Oxymoron, 31 Cardozo Arts & Ent. L.J. 357 (2013) (Judged one of the best law review articles of the year related to IP Law by Thomson Reuters (West))

Trademark Terminations: A Lesson from the Music Industry? 82 Pat. Trademark & Copyright J. 666 (2011)

Who's at the Helm? The Federal Circuit's Rule of Deference and the Systemic Absence of Controlling Precedent in Matters of Patent Litigation Procedure, 37 AIPLA Q. J. 1 (2009)

Other Articles

Ghosts in the Machine: Inside the bizarre world of AI copyright law, Aperture No. 257 (Winter 2024)

After Warhol, The transformative impact of Warhol v. Goldsmith, Artforum (June 5, 2023)

Royalty Check, Artforum (April 5, 2021)

Why Did the Guggenheim Decommission a Donald Judd? Hyperallergic (May 31, 2020)

Extraction Point: Copyright Termination and Dematerialized Art, Artforum (September 21, 2017)

How Do You Solve a Problem Like Redigi? Law360 (April 12, 2013)

SELECTED PRESENTATIONS, PANELS, PODCASTS AND QUOTES

WBUR's *Radio Boston*

What to know about the lawsuit against Milton over noncompliance with a housing law, Radio Boston (WBUR, October 4, 2024)

Record labels accuse Cambridge AI startup Suno of massive copyright infringement, Radio Boston (WBUR, June 26, 2024)

Unpacking the Law Surrounding "The Holdovers" Plagiarism Allegations, Radio Boston (WBUR, March 18, 2024)

Donna Summer's Estate Takes on Kanye West in Copyright Battle, Radio Boston (WBUR, February 21, 2024)

How the Supreme Court's ruling on a Jack Daniel's-inspired dog toy intersects with an old Cape Cod canine case, Radio Boston (WBUR, June 21, 2023)

How a Supreme Court ruling on an Andy Warhol piece could shape the future of art, Radio Boston (WBUR, May 23, 2023)

An Intellectual Property Law Expert on Warhol, Whiskey, and the Red Sox, Radio Boston (WBUR, April 3, 2023)

Quoted in, Google, Apple Drive 'Black Box' IP Policing with App Store Rules, Jorja Siemons and Aruni Soni, Bloomberg (Nov. 4, 2024)

Panelist, Panel Discussion on Posthumous Art, Law and the Art Market, Center for Art Law (Virtual event, June 11, 2024)

Co-Organizer, Commentator and Presenter, First, Second, Third, Fourth and Fifth Annual Art Law Works-in-Progress Colloquia (held virtually, April 3, 2020, May 7, 2021, June 9, 2022, June 7, 2023, May 30, 2024)

Presenter, Professor Panel, To Infinity and Beyond: What is the Proper Scope of Trademark Protection for Characters After Their Copyrights Expire, International Trademark Association Annual Meeting (Atlanta, GA, May 20, 2024)

Panelist, Cardozo Arts Entertainment and Law Journal Symposium (Cardozo School of Law, Feb. 16, 2024)

Presenter, Works in Progress Intellectual Property (Santa Clara University School of Law, Santa Clara, CA, Feb. 2/3, 2024)

Organizer and Moderator, Section Two Small: Exploring the New Constitutional Limits on Trademark Law (UNH Franklin Pierce, Nov. 3, 2023)

Presenter, Fifth Annual Intellectual Property & Innovation Conference, IP Scholars Workshop (Suffolk Law School, Oct. 13, 2023)

Commentator on Sonia K. Katyal's work in progress, A Trademark Theory of Rebranding (International Trademark Association's Trademark Scholarship Symposium, held virtually, January 24-25, 2023)

Panelist, Reframing Fair Use: Warhol, Transformative Visual Art, and the new Supreme Court (Association of American Law Schools 2023 Annual Meeting, January 7, 2023)

Presentation on Posthumous Art and the Costs of Decommissioning, Institute of Art & Law Study Forum (held virtually, March 19, 2022)

Panelist, Who Should Own the Course Content Created for Online Delivery?
(Association of American Law Schools 2022 Annual Meeting, *held virtually* January 7, 2022)

Speaker, Restoring, Conserving, Replicating, Fabricating (International Catalogue Raisonné Association 2021 Annual Meeting, *held virtually* December 1, 2021)

Moderator, Professor v. Practitioner Debate (2021 International Trademark Association Annual Meeting Virtual+, *held virtually*, November 17, 2021)

Moderator, Posthumous Production—Why, When, How and Who Decides (Aspen Institute Artist-Endowed Foundations Leadership Forum, The Jewish Museum, New York, NY, Nov. 6, 2019)

Interview, Peter J. Karol on Conceptual Art Certificates (Ipse Dixit Podcast #186, March 13, 2019)

Panelist and Co-Chair, Beyond Copyright (NYU Law, *in conjunction with the* College Art Association Annual Conference, New York, NY, Feb. 15/16 2019)

Presenter, Works in Progress Intellectual Property (University of Houston Law Center, Houston, TX, Feb. 8/19 2019)

Moderator, The Afterlife of Sculptures: Posthumous Casts in Scholarship, the Market, and the Law (Catalogue Raisonné Scholars Association, New York, May 1-2, 2018)

Presenter, Copyright and Artist Control (UMass Dartmouth, March 27, 2018)

Interview, What's in a Color, Knowledge@Wharton Interview Radio Show (Wharton Business Radio, Feb. 14, 2018)

Co-Organizer and Presenter, New England Regional Journal Faculty Scholarship Workshop (New England Law | Boston, Feb. 3, 2018)

Presenter, Dematerialization, Termination and Artist Control, UNH School of Law Lunch & Learn Series (Concord, NH September 26, 2017)

Quoted in Chris Sweeny, *Scene of the Crime: How an unsolved murder in Lynnfield sparked a war over Airbnb*, Boston Magazine (June 2017)

Commentator, Int'l Trademark Association Trademark Scholarship Symposium (Barcelona, Spain, May 23, 2017)

Panelist, Other People's Footage: Copyright & Fair Use in Documentary Film (Boston, MA Feb. 22, 2017)

Presenter, Works in Progress Intellectual Property (BU School of Law, Boston, MA, Feb. 10/11 2017)

Presenter, Copyright Termination From an Estate Planning Perspective (Boston Probate and Estate Planning Forum (February 1, 2017)

Presenter, The Surprising Reach of Copyright Termination, Arts Entertainment & Sports Law Committee, Boston Bar Ass'n (October 19, 2016)

Participant, Junior IP Scholars Ass'n Spring Workshop (UNH Law, Concord, NH, June 10/11, 2016)

Participant, Trademark Scholars Roundtable (BU School of Law, Boston, MA, June 9/10, 2016)

Participant, Art≠Law? Creative Responses to Intellectual Property in the Twenty-First Century (Radcliffe Institute for Advanced Study, Cambridge, MA October 29/30 2015)

Presenter, Apple v. Samsung: What You Need to Know Now (ABA IP Law Section Webinar, Sept. 24, 2015)

Presenter, Works in Progress Intellectual Property (USPTO, Alexandria, VA, Feb. 6/7 2015)

Presenter, UNH Law IP Scholars Roundtable (Concord, NH, Nov. 20/21 2014)

Panelist on American Broadcasting Company v. Aereo, Supreme Court Review, New England Law | Boston, Boston, MA, September 10, 2014

Interview with New England Law Review On Remand Podcast (Nov. 22, 2013)

Presenter, UNH Law IP Scholars Roundtable (Concord, NH, Nov. 8/9 2013)

Moderator, CBL Colloquium on Pharmaceutical Trademarks (Boston, MA, Nov. 6, 2013)

Panelist on Assoc. for Molecular Pathology v. Myriad Genetics, Supreme Court Review: The High Court's Historic 2012-2013 Term (New England Law | Boston, Boston, MA, Sept. 17, 2013)

Commenter, International Trademark Association Scholarship Symposium (Dallas, TX, May 2013)

Moderator, New England Law Review Spring Symposium, "Redefining Theft Law in the Information Age" (New England Law | Boston, Boston, MA, March 18, 2013)

Commenter, International Trademark Association Scholarship Symposium (San Francisco, CA, May 2012)

Panelist on Trademark Law, Boston Bar Ass'n Practical Skills Event (April 2011)

Book Banned or Infringement Averted? Reflections on the J.D. Salinger / 60 Years Copyright Case, Arts Entertainment & Sports Law Committee, Boston Bar Ass'n (October 31, 2009) (with Prof. Joseph Liu of Boston College Law School)

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

November Magazine

- Board Member

Association of American Law Schools

- Chair, Art Law Section (2025)
- Chair Elect, Art Law Section (2024)
- Executive Committee, Art Law Section (2020- present)

International Trademark Association

- Member of Academic Committee (2014-2017, 2020-present)
 - o Co-Chair of Trademark Scholarship Symposium Subcommittee
- Member of the Trademark Reporter Committee (2018-2019)

Boston Intellectual Property Law Association

- Co-Chair of the Law School Committee (2021-22)

Boston IP American Inn of Court

Boston Bar Association

American Bar Association

BAR ADMISSIONS

United States Court of Appeals for the Federal Circuit

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the First Circuit

Commonwealth of Massachusetts

United States District Court for the District of Massachusetts

United States District Court for the Eastern District of Texas

EXPERT WITNESS ENGAGEMENTS

Rat Pack Filmproduktion GmbH v. RatPac Entertainment LLC

OTHER

Justice of the Peace of the Commonwealth of Massachusetts (2016 – 2023)