

**Michael Grynberg**  
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**(312) 362-5622**

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## **APPOINTMENTS**

### **DePaul University College of Law, Chicago, IL**

*Raymond P. Niro Professor of Intellectual Property Law*

*Professor of Law (tenured). July 2017-present.*

*Associate Dean of Research and Faculty Professional Development. July 2018-May 2021.*

*Associate Professor of Law (tenured). July 2012-June 2017.*

Awards: Excellence in Scholarship Award 2023.  
Outstanding Faculty Achievement Award 2021.

Courses: Administrative Law  
Copyright  
Internet Law  
Property  
Trademark and Unfair Competition

### **Oklahoma City University School of Law, Oklahoma City, OK**

*Associate Professor of Law. August 2009-June 2012.*

*Assistant Professor of Law. August 2006-July 2009.*

Courses: Administrative Law  
Copyright  
Information Privacy Law  
Intellectual Property  
Legal Analysis  
Property  
Trademark

## PUBLICATIONS

### Law Review Articles and Essays

*Trademarks as Comics: What Can Sequential Art Teach Trademark Law?*, 16 Calif. L. Rev. Online 27 (2025).

*Trademark Free Riders*, 39 Berkeley Tech. L.J. 275 (2024).  
(Reviewed by Graeme Dinwoodie, *Free Riding as a Pro-Defendant Impulse*, JOTWELL (January 25, 2024), <https://ip.jotwell.com/free-riding-as-a-pro-defendant-impulse/>.)

*The Jack Daniel's Dialogues*, 34 Fordham Intell. Prop., Media & Ent. L.J. 307 (2024).  
(Selected for republication in INTELLECTUAL PROPERTY LAW REVIEW (Thomson Reuters (West) 2024).)

*Living with the Merchandising Right (Or How I Learned to Stop Worrying and Love Free-Riding Stories)*, 25 Yale J.L. & Tech. 1 (2023).  
(Selected for republication in INTELLECTUAL PROPERTY LAW REVIEW (Thomson Reuters (West) 2023).)

Essay, *The Trademark Problem of "TRUMP TOO SMALL,"* 46 Colum. J.L. & Arts 47 (2022).

*AI and the "Death of Trademark,"* 108 Ky. L.J. 199 (2019-2020).  
(Reprinted in 114 Trademark Rep. 695 (2024).)

Essay, *A Trademark Defense of the Disparagement Bar*, 126 Yale L.J. Forum 178 (2016).

*Thick Marks, Thin Marks*, 67 Case W. Res. L. Rev. 13 (2016).

Essay, *The Meaning of Hana; The Promise of Lexmark*, 39 Colum. J.L. & Arts 41 (2015).  
(Selected for republication in INTELLECTUAL PROPERTY LAW REVIEW (West 2016).)

*More Than IP: Trademark Among the Consumer Information Laws*, 55 Wm. & Mary L. Rev. 1429 (2014).

*The Judicial Role in Trademark Law*, 52 B.C. L. Rev. 1283 (2011).  
(Selected for republication in INTELLECTUAL PROPERTY LAW REVIEW (West 2012).)

*Property is a Two-Way Street: Personal Copyright Use and Implied Authorization*, 79 Fordham L. Rev. 435 (2010).

*Things Are Worse Than We Think: Trademark Defenses in a “Formalist” Age*, 24 Berkeley Tech. L.J. 897 (2009).

*Trademark Litigation as Consumer Conflict*, 83 N.Y.U. L. Rev. 60 (2008).

*The Road Not Taken: Initial Interest Confusion, Consumer Search Costs, and the Challenge of the Internet*, 28 Seattle Univ. L. Rev. 97 (2004).

## Book Chapters

*The Consumer’s Duty of Care in Trademark Law* in RESEARCH HANDBOOK ON TRADEMARK LAW REFORM (Graeme B. Dinwoodie and Mark D. Janis, eds., Edward Elgar 2021).

*Property Law and the Intellectual Property Agenda* in HANDBOOK OF INTELLECTUAL PROPERTY RESEARCH (Irene Calboli & Maria Lilla Montagnani, eds., Oxford University Press 2021).

## Textbooks

TRADEMARK LAW (a free casebook available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3894036](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3894036)).

Stephen Clowney, James Grimmelman, Michael Grynberg, Jeremy Sheff, & Rebecca Tushnet, OPEN SOURCE PROPERTY (available at [opensourceproperty.org](https://opensourceproperty.org)) (contributed chapters on Adverse Possession, Easements, Nuisance, and Takings to publicly available free alternative to the traditional property casebook).

## Other Publications

“Jack Daniel’s trademark court case poses a danger to free expression,” *Chicago Tribune* (March 6, 2023), available at <https://www.chicagotribune.com/opinion/commentary/ct-opinion-jack-daniels-trademark-law-supreme-court-case-20230306-iirbtv46xvegpf7gzkcowhfly-story>.

“TRUMP TOO SMALL and the Problem of Trademark Merchandising”, *World Trademark Review* (March 28, 2022), available at <https://www.worldtrademarkreview.com/article/trump-too-small-and-the-problem-of-trademark-merchandising>.

“Order in the Court,” *Grist Magazine* (March 28, 2000), available at <http://www.grist.org/news/maindish/2000/03/28/grynberg-suits>.

Note, *Silver Lining or Double Edged Sword? Equipopulation Exceptions and Environmental Protection*, 17 Va. Env’tl. L.J. 553 (1998).

## VIDEOS

Collection of videos covering doctrinal, conceptual, and policy points about property law and trademark law (Property playlist at:

[https://www.youtube.com/playlist?list=PLkCEcqpQXg8AmUMAUmwa38\\_hCCq2tCsrz](https://www.youtube.com/playlist?list=PLkCEcqpQXg8AmUMAUmwa38_hCCq2tCsrz))

(Trademark playlist at: [https://www.youtube.com/playlist?list=PLkCEcqpQXg8D0-2j1N0mypE\\_eiaNBbquN](https://www.youtube.com/playlist?list=PLkCEcqpQXg8D0-2j1N0mypE_eiaNBbquN)).

## PRESENTATIONS

Senior Commenter, Chicagoland Junior Scholars Conference, School of Law: Loyola University Chicago, September 27, 2025.

*All Brands Great and Small*, Intellectual Property Scholars Conference, DePaul University College of Law, August 7, 2025.

Panelist, *AI in the Arts: Ownership, Ethics & Artistic Control*, DePaul Symposium on AI in the Arts, DePaul University, May 9, 2025.

Invited participant, Trademark Scholars Roundtable, University of Minnesota Law School, May 2-3, 2025.

*The Paranoid Brand in American Politics*, Works In Progress for Intellectual Property Scholars Colloquium (WIPIP 2025), William S. Boyd School of Law at UNLV, January 31, 2025.

Invited participant, Trademark Scholars Roundtable, UCLA School of Law, February 24-25, 2023.

*Trademark Free Riders*, Intellectual Property Scholars Conference, Stanford Law School, August 11, 2022.

Invited participant, Trademark Scholars Roundtable, Oxford University, June 24-25, 2022.

Invited participant, Trademark Scholars Roundtable, Stanford Law School, February 28-29, 2020.

Panelist, *Campus Conversations: Academic Perspectives on Cannabis*, DePaul University, November 11, 2019.

*AI and the "Death of Trademark"* and commentator, 8th Annual Trademark Works in Progress Colloquium, American University Washington College of Law, September 13, 2019.

*Living with the Merchandising Right*, Intellectual Property Scholars Conference, DePaul University College of Law, August 9, 2019.

Invited participant, Trademark Scholars Roundtable, Harvard Law School, April 12-13, 2019.

*“Honey Badger Don’t Care<sup>TM</sup>,” Rethinking Expressive Trademark Use*, DePaul Alumni University, DePaul University, April 6, 2019.

*AI and the “Death of Trademark”*, Works in Progress Intellectual Property (WIPIP) Colloquium, University of Houston Law Center, February 8, 2019.

Invited participant, Trademark Scholars Roundtable, Notre Dame Law School—Chicago campus, April 13-14, 2018.

*The Consumer’s Duty of Care in Trademark Law*, Chicago Works in Progress Colloquium, Northwestern University Pritzker School of Law, October 27, 2017.

Invited commentator, Roundtable on the Scope of IP Rights, Notre Dame Law School, March 31, 2017.

Invited participant, Trademark Scholars Roundtable, Chicago Kent College of Law, March 23-24, 2017.

Invited participant, Trademark Scholars Roundtable, Boston University School of Law, June 9-10, 2016.

*Trademark Among the Consumer Information Laws*, John Marshall Law School, April 26, 2016.

Panelist, *Four Lanham Act Gold Records in 12 Months by the Supremes: You Keep Us Hanging On*, ABA Section on Intellectual Property Law, 2015 ABA Annual Meeting, Chicago, Illinois, July 30, 2015.

Invited participant, Trademark Scholars Roundtable, Pembroke College, University of Oxford, June 29-30, 2015.

*Thick Marks, Thin Marks*, Chicago Intellectual Property Colloquium, IIT Chicago-Kent College of Law, February 24, 2015.

Invited participant, Trademark Scholars Roundtable, University of Texas School of Law, February 28-March 1, 2014.

*Thick Marks, Thin Marks*, Works in Progress Intellectual Property (WIPIP) Colloquium, Santa Clara University School of Law, February 7, 2014.

Invited participant, Trademark Scholars Roundtable, Maurer School of Law: Indiana University, April 12-13, 2013.

*What Can Free-Range Chicken and Learning to Fight Tell Us About Consumer Information Law?*, Center for Intellectual Property Law & Information Technology, DePaul University College of Law, November 12, 2012.

*Trademark's Place Among Consumer Information Laws*, Intellectual Property Workshop, University of Michigan School of Law, September 27, 2012.

Invited participant, Trademark Scholars Roundtable, DePaul University College of Law, April 20-21, 2012.

*The Judicial Role in Trademark Law*, International Symposium on Sino-American Comparative Law, Nankai University, Tianjin, China, June 27, 2011.

Fellow (invited), "Trademark: Today and Tomorrow," Symposium by the University of Houston Law Center's Institute for Intellectual Property & Information Law, Santa Fe, New Mexico, June 4, 2011.

Invited participant, Trademark Scholars Roundtable, Maurer School of Law: Indiana University, April 22-23, 2011.

*2010 Trademark Cases and the "Mismatch" Problem*, The Latest Developments in Intellectual Property Law, Suffolk University Law School, February 4, 2011.

*The Judicial Role in Trademark Law*, Intellectual Property Scholars Conference, University of California Berkeley School of Law, August 13, 2010.

Invited participant, Trademark Scholars Roundtable, DePaul University College of Law, April 16-17, 2010.

*Property is a Two-Way Street: Personal Copyright Use and Implied Authorization*, Washington University Regional Junior Faculty Workshop, December 11, 2009.

*Implied Authorization and Personal Copyright Use*, Faculty Colloquium, Seton Hall University School of Law, September 10, 2009.

*Trademark Defenses in a Formalist Age*, Works in Progress Intellectual Property (WIPIP) Colloquium, Tulane University Law School, October 3, 2008.

*Trademark Litigation as Consumer Conflict*, Intellectual Property Scholars Conference, DePaul University College of Law, August 9, 2007.

## **PRIOR WORK EXPERIENCE**

**Wilmer Cutler Pickering Hale & Dorr LLP**, Washington, D.C.

*Associate*. April 2004-March 2006.

Practiced in the firm's communications and e-commerce group. Represented telecommunications carriers in proceedings before federal courts, the Federal

Communications Commission, and state administrative agencies. Advised clients on compliance with telecommunications and privacy regulations.

**Law Offices of Scott Hempling**, Silver Spring, Maryland.

*Of Counsel*. October 2002-March 2004.

Practiced energy law on behalf of state regulators, wind power producers, and utilities.

**Hogan & Hartson LLP**, Washington, D.C.

*Associate*. December 2000-September 2002.

Practiced in the firm's appellate group, filing briefs in the Supreme Court and courts of appeals. Completed rotations in the communications and intellectual property groups.

Represented disabled D.C. residents in *pro bono* voting rights litigation.

**The Honorable Edward R. Becker, Chief Judge of the United States Court of Appeals for the Third Circuit**, Philadelphia, Pennsylvania.

*Judicial Clerk*. August 1999-August 2000.

Assisted appeals court judge in preparation of opinions and review of pending cases.

**Public Citizen**, Washington, D.C.

*Energy Policy Analyst*. April 1994-August 1996.

Lobbied Congress, spoke with press, and wrote op-eds, fact sheets, press releases, congressional testimony, and other materials on energy policy issues. Created website for energy policy group.

## EDUCATION

**University of Virginia School of Law**, Charlottesville, Virginia. J.D. 1999.

- Order of the Coif.
- *Virginia Law Review* – Articles Editor, 1998-1999; Editorial Board, 1997-1998.
- Criminal Defense Clinic – Represented indigent defendants charged with misdemeanors in General District Court in Charlottesville and Albemarle County.
- Pace National Environmental Law Moot Court Competition – Semifinalist.
- Summer employment:
  - Department of Justice, Civil Division, Washington, D.C. 1999.
  - Morrison & Foerster LLP, San Francisco, California. 1998.
  - Proskauer Rose LLP, New York, New York. 1997.

**Carleton College**, Northfield, Minnesota. B.A. 1993.

- Graduated *magna cum laude* with distinction in major.
- Political Science major. Concentration in Media Studies.
- Managing Editor, *The Carletonian*, a financially independent, student-operated newspaper.



- Editorial Assistant, *Carleton Voice*, Carleton's alumni magazine.