

14 Staniford Street, Newton, Massachusetts 02466 (617) 461-7581 david@herlihylaw.com

EXPERIENCE

**Northeastern  
University**

Boston, MA  
1997 – present  
Adjunct Faculty  
1997-2004

Assistant Academic  
Specialist  
2004-2009

Associate Academic  
Specialist  
2009-2015

Full Teaching  
Professor  
2015-Present

College of Art, Media & Design,  
D'Amore-McKim School of Business

- Develop curriculum and teach four-credit undergraduate courses, including *Copyright Law for Musicians; Artist Management; Record Industry; Special Topics in the Music Industry; Multi Media Capstone Project; Music Industry I & II* and *Running an On Line Music Company*
- Develop new *Master of Science of Music Industry Leadership Program* (MMIL), and serve on Admissions Committee; Develop curriculum and taught classes in MMIL, including *Intellectual Property for Music Management* and *Advanced Licensing*
- Develop a Media Licensing Laboratory (ML-Lab) to support entrepreneurialism, foster intellectual property strategies and explore new technology-based business models
- Supervise *Green Line Records*, Northeastern University's student-run record label

**Law Office of  
David Herlihy**

Newton, MA  
Attorney At Law  
1993 – present

Intellectual Property, New Media and Entertainment Law

- Evaluate clients' intellectual property concerns and identify, organize, secure, develop, exploit, protect and defend intellectual property rights
- Conduct intellectual property audits, solicit and secure venture capital investment
- Maintain copyright and trademark infringement litigation, serve as Expert Witness in intellectual property litigation, conduct discovery and research, depose witnesses, draft complaints, briefs, motions, privilege logs, settlements
- Develop trade secret protection policies, including employee handbooks, employee agreements, non-disclosure and confidentiality agreements and invention assignments, and defend claims of misappropriation of trade secrets, proprietary information and unfair competition
- Negotiate and draft intellectual property instruments, including work for hire agreements, assignments, licenses, literary options, collaboration agreements, exclusive services agreements, concurrent use and consent agreements
- Protect marks in cyberspace, evaluate domain name disputes, research Uniform Domain Name Dispute Resolution Policy ("UDRP"), prepare UDRP complaints, negotiate and draft domain name assignments
- Prosecute applications at the USPTO, draft responses to Office Actions, file and maintain copyright applications and recordings of transfer at the United States Copyright Office

## EDUCATION

**Juris Doctor**  
**Boston College**  
**Law School**  
Newton, Ma  
1979 – 1982

- Co-Founded, co-edited *Alledger*, Boston College Law School Newspaper
- Ranked highest individual advocate in *Grimes Moot Court Competition*
- Created, produced, engineered and performed a variety of weekly, on-air music, comedy and public-affairs programming on WZBC, FM 90.3
- Wrote frequent articles covering arts, music, current events and politics, *The Heights*, Boston College Newspaper, 1979-1984

**Bachelor of Arts**  
**Boston College**  
Chestnut Hill, MA  
1975 – 1979

- Political Science, Honors Program, Cum Laude
- Created, produced, engineered and performed a variety of weekly, on-air music, comedy and public-affairs programming on WZBC, FM 90.3
- Wrote frequent articles covering arts, music, current events and politics, *The Heights*, Boston College Newspaper, 1977-1979

## ADDITIONAL EXPERINCE

**President,**  
**Lead Vocalist,**  
**Songwriter,**  
**Guitarist**  
**O Positive**  
Boston, MA  
1983 – 1995

- Co-founded major label recording group
- Wrote, composed, and recorded musical compositions for six commercially released phonorecords
- Achieved chart positions in *Billboard Magazine*, *Rolling Stone Magazine* and *College Media Journal*
- Performed thousands of live engagements throughout the United States
- Received numerous awards, including Boston Music Awards, “Outstanding Male Vocalist”, “Outstanding Songwriter” and Boston Phoenix/WFAX Best Music Poll, “Best Local Male Vocalist”

**President**  
**Smashing Records**  
Boston, MA  
1992 – 2004

- Established and operated independent record label; developed and implemented regional and national marketing, promotion, publicity and distribution campaigns

**Founder/Chairman**  
**Freedom**  
**Festival, Inc.**  
Boston, MA  
1991 – 1994

- Established non-profit educational organization celebrating the First Amendment
- Directed efforts with hundreds of volunteers working in cooperation with city officials and community leaders
- Organized events, including Freedom Festival forums at the Kennedy Library, Interactive “Expressway Through the First Amendment” at Quincy Market, “How Free Are We?” forum at Faneuil Hall, Black Tie Gala and presentation of “Friend Of Freedom” Awards

**Board Chair**  
**47 Palmer, Inc.**  
**Club Passim**  
Cambridge, MA  
1996 – 2002

- Served as Board Chair and in-house counsel to legendary performance venue/non-profit organization dedicated to cultivation and preservation of folk music and performing arts
- Established and developed new programs, including school of music, historical archive and multi-cultural children’s programs

**Media Consultant,  
Moderator,  
Presenter,  
Instructor, Mentor,  
Lecturer, Panelist**  
1994 – present

- Participated in 2014 Copyright Music Licensing Roundtables for *The Department of Commerce's Internet Policy Task Force*, the *United States Patent and Trademark Office (USPTO)*, in conjunction with the *National Telecommunications and Information Administration (NTIA)* at *Harvard Law School*
- Moderated Panels at *Future of Music Coalition Policy Summit 2014*, 2015, Washington, CD, "Transparency in the Music Industry", "The Power of Yes, The Wisdom of No"
- Delivered Keynote Address to First Music Industry Forum at the Communications University, Beijing, China
- Presented "Hot Topics in Copyright Law: Content Creation and Distribution and the Prospects for Copyright Reform", Continuing Legal Education, Boston Bar Association
- Presented "Unhappy Together: Copyright Battles over Digital Music Royalties" for Copyright Society of the USA, addressing the recent lawsuits by Flo and Eddie against SiriusXM and their wider implications for the music industry
- Presented "Dance This Mess Around. The Past, Present and Future of Copyright in the Music Industry" at the Boston College Law School Intellectual Property and Technology Forum
- Appeared frequently as entertainment law consultant on "Greater Boston" News Show, *PBS/ WGBH*
- Presented at *Boston Bar Association's* "14th Annual Intellectual Property Year In Review 2013"
- Participated in panels at *South By Southwest Music Conference* Moderated Panel, "The Impending Legal Battle over Termination of Copyrights" for IPLSA, Suffolk Law
- Presented panels, Massachusetts Continuing Legal Education Intellectual Property Basics Plus-Filing Trademark Applications", Intellectual Property Basics Plus-Filing Copyright Applications", "Termination of Copyright" and "Maintaining an Entertainment Law Practice"
- Appeared as entertainment law consultant on NBC's "Today Show"
- Co-founded, developed content, marketed and presented seminar series, "How To Start and Grow Your Own Record Label or Music Production Company"
- Presented panels at *Berklee College of Music*, including, "Negotiating Recording Contracts", "Music Publishing Overview", "Recent Developments in Copyright Law" and "Grammy™ In The Schools"

PROFESSIONAL  
AFFILIATIONS

- Admitted to practice before Supreme Judicial Court of Massachusetts
- Admitted to practice before U.S. Federal District Court for the District of Massachusetts
- Member, American Society of Composers, Authors and Publishers