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**217 East Redwood Street, 21<sup>st</sup> Floor**  
**Baltimore, Maryland 21202**  
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*[www.agtlawyers.com](http://www.agtlawyers.com)*

**EDUCATION:**

GEORGETOWN UNIVERSITY LAW CENTER  
Washington, DC  
Master of Laws - Taxation - 1978

UNIVERSITY OF BALTIMORE LAW SCHOOL  
Baltimore, Maryland  
Juris Doctor - 1974

BRYANT COLLEGE  
Providence, Rhode Island  
Bachelor of Science - Business Administration 1970

**BAR ADMISSIONS:**

Maryland, 1974  
District of Columbia, 2003  
Pennsylvania, 2006

Federal Court Admissions:

Maryland  
District of Columbia  
Eastern District Pennsylvania  
Eastern District Michigan  
Northern District Texas  
Middle District Pennsylvania

**EMPLOYMENT:**

Astrachan Gunst Thomas, P.C.  
Owner

**OTHER:**

WYPR 88.1, Midday on the Law Radio Program  
Co-Host

Legal Affairs Committee, Association of American Advertising Agencies

Chair, Daily Record Editorial Advisory Board

**TEACHING:**

University of Maryland  
School of Law  
Baltimore, MD 21201

1997 – Present Adjunct Professor, Copyright Law  
2002 - Present - Adjunct Professor,  
Trademark Law and Unfair Competition

University of Baltimore  
School of Law  
Baltimore, MD 21201

1999 - 2004 - Adjunct Professor,  
Intellectual Property and Mass  
Communications  
2009 Adjunct Professor,  
Trademark and Unfair Competition  
2010 – Present – Copyright Law

University of Baltimore  
Yale Gordon College of Liberal Arts  
Graduate Program  
Publication and Design  
Baltimore, MD 21201

1994 - 1999, 2005, 2008 - Adjunct Professor,  
Copyright and Media Law

Loyola College (MBA Program)  
Baltimore, MD 21210

1985 – 1988, Corporate Tax; Tax Controversy;  
Partnership Tax

**LEGAL TREATISES AUTHORED:**

THE LAW OF ADVERTISING AND MASS COMMUNICATIONS, James B. Astrachan and Donna M.D. Thomas, authors; George Eric Rosden & Peter E. Rosden, original editors, 6 volumes LexisNexis/Mathew Bender. 2005 - Present  
<http://bookstore.lexis.com/bookstore/product/10267.html>

INTELLECTUAL PROPERTY HANDBOOK FOR THE MARYLAND BUSINESS LAWYER AND LITIGATOR, Editor, Maryland State Bar Association. 2013 -

**LAW REVIEW ARTICLES AUTHORED:**

Astrachan, James B., J.D., LL.M., Hale, David J., J.D., John R. Michener, Ph.D., Steven D. Mohan, D.C.S., *"Snake-Oil Security Claims' - The Systematic Misrepresentation of Product*

*Security in the e-Commerce Arena," Univ. Michigan Law School Telecommunications and Technology Law Review Journal, Volume 9, Issue 2, Spring, 2003.*

**RECENT UNFAIR COMPETITION, TRADEMARK, COPYRIGHT, OR TRADE SECRET CASES:**

*Acme Pad Corp v. Warm Products, Inc.,* Case No. S98-2830 (D. Md.). (Trademark; Unfair Competition)

*American Marine PTE Ltd. and Grand Banks Yachts, Ltd. v. Composite Structures, Inc.,* Case No. 8: 99-CV-1423-T-17F (M.D. Fla.). (Trademark; False Advertising; Trade Secrets)

*C. Rayburn Production & Post, Inc. v. On Target Challenge, Inc., et al.,* Case No. WMN 02-CV-598 (D. Md.). (Copyright)

*Castle Communications, Inc. v. Stahler, et al.,* Case No. RDB-06-cv-0930 (D. Md.). (Copyright; Trade Secret; Breach of Contract; Conversion)

*CircaPoetry, LLC, et al. v. American Poets Society, Inc.,* Case No. AMD-02-CV-3161 (D. Md.). (Copyright; Trademark; Unfair Competition)

*Computer Training.com, Inc. v. Advanced Computer Technology Training, L.L.C.,* Case No. AMD-00-1742 (D. Md.). (Copyright; Trademark; Unfair Trade Practice)

*Design Collective, Inc. v. Metroventures/USA, Inc.,* Case No. CCB-06-CV-2057 (D. Md.). (Copyright)

*DSMC, Incorporated v. Convera Corporation,* Case No. 1:01-CV-02284 (D. D.C.). (Copyright; Trade Secret; Software Licensing)

*DSMC, Incorporated v. National Geographic Television Library, Inc.,* Claim in Arbitration/D.D.C. (Copyright; Trade Secret; Software Licensing)

*Leo J. D'Aleo v. Merritt Properties, et al.,* Case No. MJG-00-CV-2718 (D. Md.). (Copyright)

*Educational Commission for Foreign Medical Graduates v. Repik, et. al.,* Civil Action No.: 99-CV-1 (E.D. Pa). (Copyright)

*Educational Commission for Foreign Medical Graduates v. Teknology-Laine, L.L.C, Laine, and Madani,* Civil Action No.: 6: 99-1676-24 (D. S.C. Greenville Div.). (Internet Trademark)

*Educational Commission for Foreign Medical Graduates v. Perot Systems Corporation.,* Civil Action No.: DV99-01637 (Dallas, Texas). (Technology; Breach of contract to develop software)

*Internet Order, LLC v. Verapass Marketing, LLC, et al.,* Case No. DKC-03-CV-1501 (S.D. Md.) (Breach of Contract; Misappropriation; Copyright; Trademark; Unfair Competition; Trade Secret)

*Janice Harris Lord v. William Mosbrook and Eugene D. Wheeler and Associates, Inc.*, Civil Action No.: 03-CV-2840-D (D. Tx.). (Copyright; Publishing)

*LabWare, Inc. v. InnaPhase Incorporated*, Case No. 04-2545 (E.D. PA.). (False Advertising)

*Microsoft Corporation v. TheOpticsShop.com, Inc., etc., et al.*, Case No. L-01-3387 (D. Md.). (Copyright/Trademark)

*Cumberland Broadcasting Company, et al. v. William J. AuMiller, et al.*, Civil No. 1:2007-cv-02266, (D.Md.) (First Amendment Violation)

*National Board for Certification in Occupational Therapy, Inc. v. The Occupational Therapy Certification Board of America, Inc., et al.*, Case No. AMD-02-473 (D. Md.). (Trademark; Deceptive Trade Practices)

*Phillips v. Kidsoft, L.L.C.*, Case No. CCB-96-3827 (D. Md.). (Internet Copyright/Trademark)  
*Sandler v. Lifetime Books, Inc.*, Civil Action No.: MJG-96-4078 (D. Md.). (Copyright; Trademark)

*WB Music Corp., et al. v. Belvedere Restaurant Group, LLC, et al.*, Case No. AMD02-CV-464 (D. Md.). (ASCAP Copyright)

*The Tire Network, Inc. t/a The Tire Network v. The Goodyear Tire Rubber Company*, Case No. 1:11-cv-1531 (D. Md.). (Copyright, Trademark)

*First Mariner Bank v. Nationwide Biweekly Administration, Inc.*, Case No. 1:11-cv-1825 (D. Md.). (Trademark)

*EMI Media v. That's Great News, LLC and Robert R. Roscoe*, Case No. 1:11-cv-2089 (D. Md.). (Copyright)

*Rosebud Entertainment, LLC v. That's Great News, LLC and Robert R. Roscoe*, Case No. 1:11-cv-2085 (D. Md.). (Copyright)

*Colimore Thoemke Architects, et al. v. TranSystems, Inc.*, 2010 Case No. 2:10-cv-03903 (E.D. Pa.) (Copyright)

*1<sup>st</sup> Mariner Bank v. Resolution Law Group*, 2012 Case No. 1:12-cv-1133 (N.D. Md.) (False advertising; Defamation)

*Duffy v. Large Art Company, et al.*, 2011 Case No. 1:11-cv-01871 (M.D. Pa.) (Defamation; Breach of Contract; Right of Publicity)

*Daggett v. Landmark Community Newspapers of Maryland, LLC, et al.*, 2012 Case No. 02-c-12-169832 (Anne Arundel County Circuit Court) (Defamation)

*Rist v. Xcentrics Ventures, LLC*, Case No. 1:12-cv-3660 (D.Md.). (Defamation; Communications Decency Act immunity)

*Development Design Group, Inc. V. Michel Deller, et al.,* Case No. 1:10-cv-00053 (D.Md.).  
(Personal Jurisdiction for Foreign Citizens)

*Everest Financial Management, Inc. v. Does I and II,* Case No. 1:13-cv-01714 (Internet  
Anonymous Defamation)

**MARYLAND INSTITUTE for CONTINUING PROFESSIONAL EDUCATION for LAWYERS  
(MICPEL) SEMINARS (Presenter)(MICPEL DEFUNCT):**

Co-developed and Co-presented in conjunction with The Maryland Institute for Continuing  
Professional Education of Lawyers, Inc. ("MICPEL"), "Trademark and Copyright for the General  
Practitioner," June, 1989.

Participant and Co-developer of MICPEL, "Copyrights/Patent Law," Seminar, May, 1991.

Chair, Participant and Co-developer of MICPEL, "Trademarks, Copyrights and Trade Secrets:  
For the General Business Lawyer 1992," April 1 and 8, 1992.

"Litigation of Copyright, Trade Secrets, Trademarks and Patent Cases," Panel Chair and Co-  
developer, MICPEL, March, 1993.

Intellectual Property Program, MICPEL, April 21, 1994, - Gaithersburg, Maryland/April 27, 1994  
- Baltimore, Maryland.

"Intellectual Property Issues," Business Breakfast Forum, MICPEL, May 23, 30, 1995, Rockville  
and Baltimore, Maryland.

"Basic Copyright Law," MICPEL Spring Evening Programs/Intellectual Property, 1997, Baltimore,  
Maryland.

"Advertising Law," MICPEL Spring Evening Programs/Intellectual Property, 1997, Baltimore,  
Maryland.

"Basic Copyright Law," MICPEL Fall Evening Programs/Intellectual Property, 1998, Baltimore  
and Rockville, Maryland.

**SELECT ADVERTISING and INTELLECTUAL PROPERTY AUTHORED ARTICLES  
2000 – Present (Monthly IP Columnist, The Daily Record and Other Dolan Media  
Newspapers through 2011):**

Approximately 145 consecutive, monthly columns, Legal Advice, The Daily Record and Dolan  
Media Newspapers.

"Social Media Marketing and the FTC", The Maryland Bar Journal, November 2012.

"Pick the Best Trademarks for the Most Effective Advertising," The Maryland Bar Journal, September, 2004.

"The Playmate and the Porsche," The Daily Record, March 6, 1999; Nathan's Marketing & Trade Show Report, April, 1999.

"Advertising Law Primer," The Maryland Bar Journal, May/June, 1998.

"Advertising Law Primer for Software Developers," Journal of Software Marketing, Spring, 1998.

"Misleading Ads Extract a High Price," Software Marketing Journal, March, 1998.

"Website Contracts: Who Owns the Site, Anyway?," The Daily Record, March 12, 1998.

**SELECT SEMINARS/TALKS 2000 - Present:**

[July 2013]. "IP Valuation Issues", Maryland Association of Certified Valuation Analysts.

[May 2013]. "Ads That Shouldn't Have Run", ACC Middle Dist. Pa.

[November 2012]. "Bad Ads", Middle District, PA, Association of Corporate Counsel.

[February 2012]. "FTC's new Transparency in Social Media", Leigh Valley Adv. Association.

[April 2012]. "Bad Ads", Westchester County/Fairfield County Association of Corporate Counsel.

[October 2011]. "Copyright and the Creative Business", Washington College, Chestertown, MD.

[October 2011]. "Business Valuation Update," Maryland Association of Certified Public Accountants.

[September 2011]. "Social Media Marketing: The New Transparency", Baltimore Advertising Week, Baltimore, MD.

[June 2011]. "Loss of Trademark Rights", AACC WESFACCA CLE Presentation.

[May 2011]. "Legalities of Social Media Mktg.", Philadelphia Adv. Club.

[May 2011]. "Social Media Marketing: Testimonials and Endorsements The New Transparency", World Technology Law Conference & Annual Meeting, San Francisco, CA. – Published paper, also.

[November 2010]. "Legal Issues Surrounding Social Media", AAF Inland Empire, Rancho Cucamonga, California.

[November 2010]. "Law School in One Hour or Ads That Shouldn't Have Run", Philadelphia Advertising Club, Philadelphia, Pennsylvania.

[November 2010]. "Ads that Shouldn't Have Run", Association of Corporate Counsel of America, Wisconsin Chapter, Milwaukee, WI.

[June 2010]. "Social Media", Maryland State Bar Convention Annual Meeting.

[February 2010]. "How Shredded Wheat's Competition Got To Call Their Cereal Shredded Wheat." Maryland State Bar Association mid-year meeting, Punta Cana, Dominican Republic.

[October 2009]. "Ads That Shouldn't Have Run." Association of Corporate Counsel, Dallas/Ft. Worth Chapter, Dallas, TX.

[September 2009]. "Copyright, Intellectual Property, and Advertising: Ads That Shouldn't Have Run." Baltimore Architecture Foundation Fall Forum Series, Baltimore, MD.

[May 2009]. "Ads That Should Not Have Run." Association of corporate Counsel, Dallas/Ft. Worth Chapter, Dallas, TX.

[May 2009]. "Ads That Should Not Have Run." Katz, Abosch, Windesheim, Gershman & Freedman, P.A., Timonium, MD.

[May 2009]. "Ads That Should Not Have Run." The Advertising Federation of Hampton Roads, Norfolk, VA.

[April 2009]. "Ads That Should Not Have Run." Greater Lehigh Valley Ad Club, Allentown, PA.

[April 2009]. "Ads That Should Not Have Run." Greater Frederick Advertising Federation, Frederick, MD.

[April 2009]. "IP for CPA's." HeimLantz, PC, Annapolis, MD.

[March 2009]. "Unfair Competition." Business & Technology Case Management Program, Annapolis, MD.

[February 2009]. "Ads That Should Not Have Run." Maryland State Bar Association, Mid-Year Meeting. Principe, Jamaica.

[January 2009]. "How To Use Your Competitor's Trademarks." Diageo. Norwalk, CT.

[October 2008]. "Ads That Should Not Have Run." American Advertising Federation, District Two Fall Conference. Baltimore, MD.

[September 2008]. "Ads That Should Not Have Run." Advertising Club of New Orleans, New Orleans, LA.

[September 2008]. "How Shredded Wheat's Competition Got To Call Their Cereal Shredded Wheat." University of Baltimore School of Law, Baltimore, MD.

[June 2008]. "Occupational Fraud: Detection and Prevention of Internal Theft and Asset Misappropriation." KAWG&F. Annapolis, MD.

[May 2008]. "How Shredded Wheat's Competition Got To Call Their Cereal Shredded Wheat." The Torch Club, Baltimore, MD.

[February 2008]. "Ads That Should Not Have Run." Advertising Federation of the Desert, Palm Springs, CA.

[January 2008]. "How Shredded Wheat's Competition Got To Call Their Cereal Shredded Wheat." Friends of the Pikesville Library, Pikesville, MD.

[December 2007]. "Ads That Should Not Have Run." Jacksonville Marketing and Advertising Club, Jacksonville, FL.

[December 2007]. "Occupational Fraud: Detection and Prevention of Internal Theft and Asset Misappropriation." KAWG&F. Cambridge, MD.

[November 2007]. "Valuation Update" MICPEL, Advanced Tax Institute. Baltimore, MD.

[November 2007]. "Ads That Should Not Have Run." Orlando Advertising Federation, Orlando, FL.

[November 2007]. "Ads That Should Not Have Run." Association of Corporate Counsel NC Research Triangle Area Chapter, Raleigh, NC.

[September 2007]. "Ads That Should Not Have Run." Association of Corporate Counsel, Charlotte, NC.

[June 2007]. "Ads That Should Not Have Run." Syracuse Ad Club, Syracuse, NY.

[June 2007]. "Ads That Should Not Have Run." Education Management, LLC. Pittsburgh, PA.

[June 2007]. "Can the Environmental Graphic Designer Protect His or Her Work?" Society for Environmental Graphic Design National Convention. Boston, MA.

[February 2007]. "Ads That Should Not Have Run." St. John & Partners Advertising & Public Relations. Jacksonville, FL.

[January 2007]. "How Shredded Wheat's Competition Got To Call Their Cereal Shredded Wheat." The Lecture Group, Baltimore, MD

[November 2006]. "Ads That Should Not Have Run." American Association of Corporate Counsel, Greater New York Chapter, New York, NY.

[November 2006]. "Occupational Fraud: Detection and Prevention of Internal Theft and Asset Misappropriation." KAWG&F. Baltimore, MD.



[October 2006]. Intellectual Property Panel Member. American Advertising Federation, District Two National Convention, Washington, D.C.

[October 2006]. "Ads That Should Not Have Run." American Association of Corporate Counsel, Western Pennsylvania Chapter, Pittsburgh, PA.

[July 2005]. "Copyright for Writers," The Ninth Annual Baltimore Writers' Conference, July 2005.

[June 2005]. "Public Relations Liability Issues." PRSA Ohio Chapter, Columbus, OH.

[March 2005]. "Messenger Liability." PRSA Maryland Chapter, Baltimore, MD.

[November 2004]. "Legal Issues in Public Relations." Baltimore Public Relations Council, Catonsville, MD.

[July, 2004]. "Picking Protectable Trademarks." American Association of Corporate Counsel, Central Ohio Chapter, Dublin, OH.

[June 2004]. "Ads That Should Not Have Run, Copyright or Copywrong and Fair Use." Tyco Health Conference, Chicago, IL.

[June 2004]. "Trademark use in Advertising." American Association of Corporate Counsel, Westchester Co./Fairfield Co., CT.

[May 2004]. "The Law of the Internet." National Business Institute, Baltimore, MD.

[May, 2004]. "Trends in Judicial Valuations of Businesses." Maryland Society of CPA's, Baltimore, MD.

[June 2003]. "Messenger Liability." PRSA, Pittsburgh, PA.

[May 2003]. "What's in A Name: Seminar on Trademarks and Branding." Co-hosted with Planit Advertising, Baltimore, MD.

[April 2003]. "Advanced Copyright Law." Connecticut/Westchester Chapter of the American Corporate Counsel Association, Greenwich, CT.

[February 2003]. "Privacy on the Internet and Other Legal Goofs." Rotary Club of Baltimore, Baltimore, MD.

[December 2002]. Intellectual Property Seminar, Moderator and Panel Speaker, Emerging Technologies Center, Baltimore, MD.

[November 2002]. "Copyright or Copywrong." Baltimore Writers Conference, Towson, MD.

[November 2002]. "The Law of the Internet in MD." National Business Institute, Timonium, MD.

[October 2002]. "Why is Trademark Law So Confusing." AGT Seminar for Businesses, Baltimore, MD.

[Fall/Winter 2002]. "Role of the Financial Expert Witness in IP Cases; Calculation of Damages and Limits of Testimony." Seminar Series for CPA firms.

[April 2002]. Maryland Institute College of Art Copyright/Trademark Law Workshop, Baltimore, MD.

[March 2002]. Intellectual Property Law Society, University of Baltimore, Third Annual Current Events Symposium on Intellectual Property: Intellectual Property Audits, Baltimore, MD.

[January 2002]. Maryland Association of Certified Public Accounts, Business Valuation Section, Roundtable, Intellectual Property Valuations, Lutherville, MD.

[Winter 2001]. "5 Seminars", Advertising Association of Baltimore, Baltimore, MD.

[April 2001]. "Building Value for the Sale: Ownership of Creative and Retention of Key Players." University of Baltimore Business School, Strengthening Entrepreneurship, Baltimore, MD.

[March 2000]. "Trademarks and The Internet." University of Baltimore Law School Intellectual Property Symposium, Baltimore, MD.

[January 2000]. "Trademark and Copyright Infringement on the Internet." Cincinnati Ad Club, Cincinnati, OH.

**ELECTED:**

Fellow, Baltimore City Bar Foundation.

Life fellow, American Bar Foundation.

Life Fellow, Maryland Bar Foundation.

**BAR ASSOCIATION ACTIVITIES:**

Chair, Intellectual Property Committee of Maryland State Bar Association, 1988-1990.

Vice Chairman, Intellectual Property Committee of Maryland State Bar Association, 1994 - 1996.

Chair, Public Relations Committee, Bar Association of Baltimore City, 2001 - 2003.

Member, Maryland State Bar Association Attorney Grievance Committee Peer Review Committee, 2001 - Present.

Maryland State Bar Association, Bar Journal Editorial Committee, 2004-Present.

**ADDITIONAL:**

President, Advertising Association of Baltimore (American Advertising Federation Club) – 2004 - 2007.

Legislative Chair, Advertising Association of Baltimore (Member, American Advertising Federation) – 1989 – 2002.

Awarded the AAF Crystal Prism Award, for special contribution to the advertising industry, by the American Advertising Federation and The Advertising Association of Baltimore. – 1995

Awarded the AAF Silver Medal, for outstanding contributions to advertising and furthering the industry's standards, creating excellence and responsibility in areas of social concern, by the American Advertising Federation. – 2009

Publisher/Editor, *Legal ADvice™ Legal Counsel For The Advertising & Marketing Executive™*. A legal subscription newsletter for the advertising and communications industry. March 1992 - 1995 (Published by The Daily Record).

Listed in Baltimore Magazine, "The Verdict", as one of Maryland's top attorneys, March, 1995 (number 1, Intellectual Property).

Listed in Baltimore Magazine, "Legal Eagles", as one of Baltimore's top 30 attorneys, November, 1998 (number 1, Intellectual Property).

Developer and presenter of three-hour Certified Public Accountant CPE Program titled Intellectual Property for Accountants: What Every Business Advisor Must Know.

Co-Developer and Co-Presenter of three-hour Certified Public Accountant CPE Program titled Valuation of Intellectual Property Damages.

Named to Best Lawyers in America (Intellectual Property, Advertising Law), 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013.

Named Legal Elite by *SmartCEO* Magazine, 2006.

Named Maryland Super Lawyer, 2007, 2008, 2009, 2010, 2011, 2012, 2013 (Intellectual Property, Advertising Law) (Top 100 Lawyers 2013).

Named Best Copyright Lawyer (Maryland) by Best Lawyers in America, 2012.

Named Best Trademark Lawyer (Maryland) by Best Lawyers in America, 2013.