

## **PAUL C. RAPP, ESQ.**

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(licensed to practice law in New York and Massachusetts)

### **Education:**

J.D. Albany Law School 1988

B.A. (economics) The University at Albany 1977

### **Work Experience:**

2004- : Paul C. Rapp, Esq.  
copyright, trademark, art & entertainment, computer, internet  
and commercial law

2015-2016: Lifeguard, Town of Monterey, MA

2009-2011: Massachusetts College of Liberal Arts, North Adams, MA  
adjunct professor of art & entertainment law

2007-2008: Western New England College School of Law, Springfield, MA  
adjunct professor of copyright law

1999-2013: Albany Law School, Albany, New York  
adjunct professor of copyright and art & entertainment law

1996-2004: Cohen Dax & Koenig, Albany, New York

1992-1996: Whiteman Osterman and Hanna, Albany, New York

1991-1992: Hiscock and Barclay, Albany, New York

1989-1991: Federal District Court, Northern District of New York  
confidential law clerk to the Hon. Con. G. Cholakis

1988-1989: Oliver and Oliver, Albany, New York

1980- : Blotto  
music performance, production and distribution, including  
extensive touring, six self-released recordings, nationwide  
radio and MTV airplay

1978-80: New York State Public Service Commission: Senior Economist

**Other:**

- Board Member: Capital Cinema Cultural Exchange, Albany, NY

2019-present

- Board Member: Shout Out Loud Productions, Lenox, MA 2011-2013
- Advisory Board Member: WAM Theatre, Lee, MA 2011-2013
- Advisory Board Member: Schenectady County Community College  
music program: 2013-present
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- Board Member: WBCR-LP, community radio station, 2005-2012,  
Vice President, 2006-2008, President, 2008-2012
- Board Member: Storefront Artist Project, Pittsfield, MA, 2004-2008,  
Advisory Board 2008-2011
- Advisory Board Member: Music In Common / FodFest, Sheffield, MA,  
2008-2011
- Board Member: Albany / Schenectady League of Arts, 1994-2001;  
President 1998-2001
- Board Member: YATMA (Youth Advancement Through Music and  
Art), 2001-2002
- Member: Monterey Fire Company, Monterey, MA 2012-2019;  
Treasurer 2015-2019
- Presenter / panelist, Millennium Music Conference, Harrisburg,  
PA, 2015-2017
- Presenter: *Making Money Making Music*, Future of Music Coalition  
National Policy Summit 2011-2014

- Presenter, *Legal Issues for Artists*, Monterey Public Library, Monterey, MA October 2013
- Presenter, *Legal Issues for Artists*, Bascom Lodge Lecture Series, Mt. Greylock MA, August 2013, August 2016
- Panelist, *Legalese for Venues*, Northeast Region Folk Alliance Conference, Kerhonkson, NY, November 2012
- Presenter, *Copyright Boot Camp*, New York Librarians' Association Conference, Saratoga Springs, NY, November 2012
- Presenter, *Making Money Making Music in the Digital Age*, Social Science Colloquium, Bennington College, October 2012
- Panelist, *Talkback: Legal Issues in Arthur Miller's All My Sons*, Barrington Stage Company, Pittsfield, MA, August 2012
- Presenter, *Intellectual Property Non-Patented*, National Council of Entrepreneurial Tech Transfer webinar, August 2012
- Presenter, *Cyber and Data Security*, Toole Insurance Agency, Lenox, MA, April 2012
- Presenter, *IP Issues in the Music Industry*, Eastern New York Intellectual Property Law Association, Latham, NY, February 2012
- Presenter, *The Band as a Business*, Future of Music Coalition Policy Summit, Washington D.C., November 2011
- Presenter, *The Death of Copyright*, TedX Albany, November 2010
- Panelist, *The Musician's Toolbox*, Future of Music Coalition Policy Summit, October 2010
- Panelist, *Legal Issues for Artists*, Easthampton MA, March 2010
- Moderator, *What is the Future of the Music Industry?*, Albany Law School, March 2010
- Presenter, *What's Going On With The Google Settlement?*, Albany New York Chapter of the Editorial Freelancers' Association, June 2009

- Presenter, *Mash-Ups, Girl Talk, and Copyright Law*, Haddad Gallery, Hudson New York, June 2009
- Presenter, *The Future of Copyright Law*, Eastern New York Association of College Research Librarians Annual Conference, May 2009
- Presenter, *Legal Issues for Artists in the Digital Age*, Berkshire Art Kitchen, June 2009
- Presenter, *Intellectual Property for Folklorists*, New York Folklore Society, Cobleskill, NY February 2009
- Presenter, *Can I Make Another Copy of That?*, Annual Conference of The New York State Librarians' Association, Saratoga Springs, NY November 2008
- Panelist, *Has Licensing Saved the Comics Industry*, Albany Law School, November 2008
- Panelist, *2008 Presidential Election Symposium*, Albany Law School, October 2008
- Presenter: *Art Law for Artists*, Fulton Montgomery Arts Alliance, Johnstown, NY, November 2008, November 2010
- Presenter: *Music Law for Folk Artists*, Onondaga County Arts Council / New York Folklore Society, Syracuse, NY October 2008
- Presenter: *That's Entertainment*, Albany County Bar Association Continuing Legal Education, October 2008
- Moderator / Curator: *CRUMBS Night Out Music Business Lecture Series*, monthly series, Albany, NY, October 2008-present
- Panelist: *Civil Liberties in the Digital Age of "Terror"*, Sage College, Troy, New York, September 2008
- Presenter: *Intellectual Property Issues for Entrepreneurs in the Creative Economy*, Mass MOCA, Pittsfield, NY, September 2008
- Presenter, *Archives, Law & Ethics*, 2008 Middle Atlantic Folklife

Association Conference, Cooperstown, NY, April 2008

- Presenter, *Digital Copyright*, New York State Museum Seminar Series, Albany, NY, April 2008
- Panelist, *IP for Entrepreneurs*, Entrepreneurial Workshop, Western New England College School of Law, Springfield MA, March 2008
- Presenter, *Intellectual Property Issues in Academia*, SUNY Cobleskill, January 2008
- Presenter, *Legal Issues for Artists*, MCLA Gallery 51, North Adams MA, December 2007
- Presenter, *Legal Issues for Artists*, Artwell Gallery, Torrington, CT, Fall 2007
- Reviewer / Presenter, *Andrew Keen's "The Cult of the Amateur"*, Noon Book Review, William K. Sanford Library, Colonie, NY, Summer 2007
- Guest Lecturer, School for The Museum of Fine Arts, Boston, MA Fall 2007, Fall 2006, Spring 2005
- Presenter, *Intro to IP Law*, New York State Museum Seminar Series, Albany, NY, May 2007
- Presenter, *IP for Entrepreneurs*, The Berkshire Entrepreneurs Network, Pittsfield, MA, March 2007
- Panelist, *Copyright for Writers*, The New York Writers' Institute, Albany, NY, January 2007
- Panelist, *My Life in the Bush of Ghosts*, Society of Literature, Science and the Arts Annual Conference, New York, NY, November 2006
- Presenter, *Bootcamp: Legal and Business Issues for Art Professionals*, New York Volunteer Lawyers for the Arts, Lichtenstein Gallery, Pittsfield MA, October 2006
- Presenter, *Copyright Without Tears*, Video Educators of New England Annual Conference, Gardner, MA, October 2006

- Presenter, *Marketing Your Art Law Practice*, Visual Art and the Law Conference, Santa Fe, New Mexico, August 2004
- Presenter, *The Visual Artists Rights Act: Pollara v. Seymour From the Inside*, Visual Art and the Law Conference, Taos, New Mexico, August 2003
- Lecturer, *Legal Issues for Artists*, numerous locations in Massachusetts, Eastern and Central New York, 1990-present
- Presenter, *Music and the Internet*, Internet Crimes and Civil Violations Symposium, sponsored by the Albany Law Journal of Science and Technology, April 2000
- Author, *A Somewhat Legal Look at the Dawn and Dusk of the Napster Controversy*, Electronic Book Review: Music Sound Noise, (2001); [www.altx.com/ebr/ebr12](http://www.altx.com/ebr/ebr12)
- Columnist, *The Artful Mind*, regional art magazine (Great Barrington, MA), monthly column *Wherefore Thou Art*, legal issues for artists, 2002-2009
- Contributor, *Voices*, the Journal of the New York Folklore Society, 2000-2005
- Columnist / Staff Writer, *Metroland*, Albany, New York, bi-weekly column *Rapp on This*, information, technology, media and privacy issues, music reviews and feature articles, 1991-2015; [www.rapponthis.blogspot.com](http://www.rapponthis.blogspot.com)
- Columnist, *The Alt*, *Rapp On This* column 2016-2017
- Contributor, *Berkshire Living*, feature articles, 2005-2011
- Contributor, *Berkshire Business Quarterly*, feature articles, 2007-2011
- Author: *Copyright Issues for Folklorists*, Working with Folk Materials in New York State, New York Folklore Society, 1995
- Charter Inductee: Capital Area Music Association Hall of Fame, 1995

- Inductee: The Eddies Hall of Fame (Capital Region Music Organization) 2020

### **Media Appearances:**

- WAMC-FM: *VoxPop*, Copyright Forum, listener call-in show, 2002-present
- WWLP-TV, Springfield, MA: *Mass Alive*, interviews about copyright and the internet, 2010, 2012, 2014
- Berkshire Trade and Commerce Magazine: feature article, January 2006
- North Adams Transcript: feature article, August 2005
- Albany Times Union: feature article, December, 2004
- Schenectady Gazette: feature article, December, 2003
- Court TV: *Cryer Today* July 21, 2000 (featured guest discussing Blotto and Napster)
- National Law Journal/New York Law Journal: *I Wanna Be A Lawyer*, July 2000 (feature article about career transition from music to the law)
- WAMC-FM: "The Law Show", September 2000 (featured guest, two-part interview about current intellectual property, entertainment and internet law issues)
- WRGB-TV: "Sunday Morning with Liz Bishop", September 2000 and October 2003 (featured guest discussing digital file-sharing)

### **Reported Cases:**

- *Cavern City Tours, Ltd. v. Hard Rock Café Int'l* \_\_\_\_ F. Supp 3d \_\_\_\_ (MDFL 2014); TTAB Cancellation 92044795, September 29, 2011; TTAB, May 26, 2009 (trademark cancellation proceeding)
- *DA Bennett, LLC, v. Cartz*, 113 AD3d 945 (3d Dept 2014) (negligence leading to destruction of photographic archive)
- *Zamoyski v. Fifty-Six Hope Road Music Ltd*, 767 F Supp 2d 218, (DMA 2011); 718 F Supp 2d 128 (DMA 2010) (copyright infringement and ownership)
- *Axelrod v. Simon & Schuster*, 2007 WL 2412257, (SDNY 2007) (copyright and fraud)
- *MapInfo Corporation v. SRC, LLC*, 2004 WL 26350 (NDNY 2004) (breach of license, copyright infringement, commercial defamation and

Lanham Act)

- *Pollara v. Seymour*, 150 F.Supp.2d 393 (NDNY 2001); 206 F.Supp.2d 333 (NDNY 2002); 344 F.3d 265 (2d Cir 2003) (federal Visual Artists' Rights Act)
- *Dzek v. Desco Vitroglaze of Schenectady Inc.*, 285 A.D.2d 926 (3d Dept. 2001) (commercial contract)
- *United Greeks, Inc. v. Klein*, 2000 WL 554196 (NDNY 2000) (federal Anti-cyberpiracy Act)
- *Brown v. State of New York* 89 N.Y.2d 172 (1996) (the "Oneonta Blacklist" case)
- *Tough Traveler, Ltd. v. Outbound Products*, 60 F.3d 964 (2nd Cir. 1995) (trade dress and Lanham Act)
- *New York Racing Ass'n, Inc. v. Perlmutter Pub., Inc.*, 1996 WL 465298 (NDNY 1996) (trademark and trade dress)