

Mark E. Avsec

Vice Chair, Intellectual Property Practice Group; Intellectual Property Group Lead - Copyrights; Leader, Benesch 3D Printing Legal Team

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Overview

A copyright, trademark and media lawyer by trade, as well as a litigator and business attorney, Mark focuses his practice on "old" and "new" media issues, consumer products, technotainment (including music and other entertainment-related technology licensing matters), and general mobile commerce. His practice primarily focuses on complex licensing deals involving music content, copyright, trademark, publicity rights, fair use and celebrity endorsements.

Mark provides general legal support to various types of museums, fashion, technology, consumer products, media, music, film, creative content and content distribution companies.

Before becoming a lawyer, Mark earned a living as a studio musician, producer and songwriter, writing many songs and producing or performing on many albums for, among other artists, two members of the Rock and Roll Hall of Fame: Carlos Santana ("Angel Love") and Bon Jovi ("She Don't Know Me"); as well as Donnie Iris ("Ah! Leah!" and "Love Is Like A Rock"), Mason Ruffner ("Gypsy Blood"), and Wild Cherry ("Play That Funky Music, White Boy").

Mark won a national prize in ASCAP's Nathan Burkan Memorial Competition for an article he wrote about music copyright infringement that has been cited in the Nimmer on Copyright treatise. He has taught the course, "Law of the Music Industry," at Case Western Reserve University School of Law for about 25 years. He has also regularly participated as a faculty member for the Federal Judicial Center and the Berkeley Center for Law & Technology.

Mark was named one of Cleveland State University's most fascinating alumni in connection with the school's 50th anniversary. Mark still performs as keyboard player with Donnie Iris and the Cruisers and The James Gang, featuring Joe Walsh, Jimmy Fox and Dale Peters.

On December 14, 2020, *The New York Times* reported that “Ah! Leah!” (produced and written by Mark) was named among the 2,020 greatest-ever songs according to a survey conducted by WXPN, a public radio station in Philadelphia.

Client Testimonials

“He is very personable and engaged with understanding our business and industry.” - Benesch client, Chambers USA

Recent Representative Matters:

- Represented Wrangler Jeans in negotiating a product collaboration deal with country superstar Lainey Wilson.
- Negotiated music festival agreements for big fashion brands.
- Regularly clear sync and master use licenses for big fashion brands.
- Represented several large companies accused of infringing songs and recordings in social media.
- Represented a large technology company in a trademark dispute with an AI company.
- Represented a large multinational record and publishing company in acquiring record and publishing interests.
- Routinely counsel the Rock and Roll Hall of Fame on various IP and licensing issues.
- Represented a publishing company disposing of its assets (including a worldwide number one song) to Warner Chappell Music.

Representative Matters

- Represented a global leader in labeling and packaging materials in its acquisition of a leading provider of sports apparel customization & retail experience technology.
- Represented Sunless, Inc. in worldwide trademark prosecution strategy.
- Represented several entities and artists in consummating personal management agreements.
- Represented songwriter in negotiating exclusive publishing deal with Warner-Chappell.
- Served as legal counsel to a documentary film company for documentary film about the U.S. Marines and the practice of counter-insurgency in Afghanistan.
- Routinely counsel companies on nominative trademark use.
- Routinely negotiate publisher agreements, management agreements, record company agreements, producer agreements of all shapes and sizes.
- Represented Vita-Mix Corporation in negotiating deals with Alex Guarnaschelli and other celebrity chefs.

Credentials

EDUCATION

- Cleveland State University, 1992, B.A., *summa cum laude*, Philosophy
- Cleveland State University College of Law, 1994, J.D., *magna cum laude*

BAR & COURT ADMISSIONS

- Ohio
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. Court of Appeals for the Sixth Circuit

Memberships

- Member, American Bar Association
- Member, Cleveland Metropolitan Bar Association
  - Volunteer Lawyer for the Arts (1996-2003)
- Adjunct Professor of Law, Case Western Reserve University ("Law of the Music Industry," 2003 – present)
- Faculty Member, Great Lakes Sports and Entertainment Law Academy
- Master of the Bench, The Kathleen M. O'Malley American Inn of Court
- Member, The American Society of Composers, Authors and Publishers
- Member, The American Federation of Television and Radio Artists
- Member, The Cleveland Federation of Musicians
- Member, Leadership Cleveland's Class of 2014

Awards & Recognition

- Listed, Chambers USA Leading Lawyers, Intellectual Property 2015-2026
- Listed, *Best Lawyers in America*®, 2024-2025
- Listed, Ohio Super Lawyers 2008, 2012-2015

Beyond the office

Hobbies

I still play about 10 concerts a year with Donnie Iris and the Cruisers, the band I founded and for whom I wrote and produced all songs. I became a lawyer because I myself went through an unfair copyright infringement lawsuit as a defendant for a song I wrote called “Ah! Leah!” (Donnie Iris and I won the lawsuit; I decided to go to law school as a result of the experience). I know that experience makes me a more effective, empathic, and passionate counselor.

Law and Music

I have been teaching “Law of the Music Industry” at Case Western Reserve University School of Law since 2004.

News & Insights

- Benesch Recognized as Leading Law Firm by Chambers USA 2026 with Record Growth in National and Regional Rankings
  June 4, 2026 | Press Releases
- Benesch Partners Mark Avsec and Angela Gott Mentioned in Recent Reuters Article for Representation of OverDrive in Trademark Lawsuit
  December 3, 2025 | Media Mentions
- Benesch Partner Mark Avsec Quoted in Cleveland.com Article on Rock Hall Fair Use Ruling
  December 3, 2025 | Media Mentions
- Benesch Mentioned in Law360 Article on OverDrive’s Trademark Suit Against OpenAI
  December 3, 2025 | Media Mentions
- Benesch Recognized in Chambers USA 2025 with Record Growth in National and Regional Rankings
  June 4, 2025 | Press Releases
- 40 Benesch Attorneys and 15 Practices Recognized by Chambers USA 2024, One Attorney Ranked Globally
  June 6, 2024 | Press Releases
- Supreme Court Rejects Three-Year Damages Bar in Copyright Infringement Actions
  May 16, 2024 | Client Alerts & Insights
- Tennessee Governor Signs into Law First-of-its-Kind Bill Addressing AI Misappropriation of Voices, Images, and Songs
  March 27, 2024 | Client Alerts & Insights
- Artificial Intelligence Presents Challenges for Intellectual Property Laws’ Focus on Human Creation
  March 22, 2024 | Client Alerts & Insights

- Navigating the Intersection of Intellectual Property and Artificial Intelligence
  March 8, 2024

Speaking & Events

PAST EVENTS

- Legal Issues in Museum Administration 2024 | Mark E. Avsec
  May 1, 2024 - May 3, 2024 | Speaking Engagement
- Music Copyright Infringement in The Sixth Circuit and Beyond | Mark E. Avsec
  September 7, 2023 | Speaking Engagement
- Music Copyright Infringement | Mark E. Avsec
  May 24, 2023 - May 26, 2023 | Speaking Engagement
- Music and Copyright | Mark E. Avsec
  July 30, 2021 | Speaking Engagement
- Music, Entertainment and IP | Mark E. Avsec
  September 25, 2019 - September 27, 2019 | Speaking Engagement