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Intellectual Property, Copyright and Trademark Litigation

Pryor Cashman is nationally recognized for its expertise in intellectual property litigation. We have litigated many such cases in federal and state courts across the country, both at the trial and appellate levels. Our Litigation Group of more than 40 litigators has won seminal trademark and copyright cases for nationally and internationally known media clients, including cases which have become the “gold standard” for addressing conflicts between intellectual property rights and the First Amendment, evaluating the rights of historical figures who are depicted or referred to in fictionalized “docudramas” and other works of entertainment, and establishing the boundary of liability in connection with the copying and distribution of copyrighted content via the Internet.

We have decades of experience litigating intellectual property cases of every stripe, including copyright, trademark, trade dress, false advertising, unfair competition, idea misappropriation and the rights of publicity and privacy. Our work in these areas involves the representation of both long-term clients and others that come to us specifically for our expertise in the field, frequently referred by other law firms. These clients hail from the widest diversity of enterprises and have included everything from major motion picture studios, television networks, film and television production companies, record labels, music publishers, authors, composers, playwrights and recording artists to major players in the textile and apparel and food and beverage industries. We have prosecuted and defended cases involving everything from blockbuster films to the packaging of products people encounter in retail establishments every day.

We have also represented major media clients and corporations in national and international programs to enforce and protect their intellectual property rights.

Of course, sometimes the most valuable counsel an attorney can provide involves helping a client avoid potential claims, and many of our litigators have years of experience in advising media clients and insurers in risk assessment and claim avoidance.

As a result of their recognized expertise in the intellectual property area, many of our litigators have served as panelists and speakers at seminars and courses presented by bar associations and continuing legal education providers.

Some of our recent intellectual property cases include:

- Represented music publishing companies in the defense and settlement of a class action lawsuit arising out of the terms of the defendants’ prior settlement with MP3.com of their copyright infringement claims based on the MP3.com

- Eric D. Dowell
- Batsheva Eadan
- Eric M. Fishman
- Madelon A. Gauthier
- Stephanie R. Kline
- Bryan T. Mohler
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- service.
- Obtained dismissal with prejudice of copyright infringement lawsuit against singer/songwriter and publishing company involving popular country and western song after single deposition.
- Obtained summary judgment for owner of famous show business establishment that defendants infringed and diluted its trademark by operating competing establishment with similar name.
- Obtained temporary restraining order against N.J. Attorney General's allegedly unconstitutional enforcement of New Jersey's newly enacted "Truth in Music Act" that had the effect of nullifying unregistered trademark rights of Pryor Cashman clients who had three music groups operating under unregistered trademarks; although 17 other states had recently enacted similar statutes, Pryor Cashman's successful motion was the first legal challenge to such laws.
- Won a rare preliminary injunction on behalf of a best-selling author preventing the publication of an anthology of mystery stories, including one by the author, with a "big book look" intended to give readers the mistaken impression that the book was the author's newest novel.
- Represented two major film studios in copyright infringement action alleging that a recent summer blockbuster infringed the copyright in a cult film made years earlier.
- Won summary judgment (affirmed on appeal) on behalf of the owner/manufacture of a line of beverages dismissing trade dress, dilution and copyright claims brought by the owner/manufacture of a line of nationally known iced tea products.
- Successfully represented major chain department store and world famous designer in copyright infringement action brought by competing designer relating to apparel designed by our client and sold by the department store.
- Successfully represented leading manufacturers of home furnishing products in protecting their designs and trademarks.