

Practice Areas

- Litigation
- Intellectual Property
- Entertainment, Media and Communications

Education

- J.D., Georgetown University Law Center, 1982
- B.A., Tufts University, magna cum laude, 1979

Bar Admissions

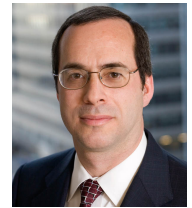
- New York (1983)
- District of Columbia (1987)
- Supreme Court of the United States (2007)
- U.S. Courts of Appeals for the Second (1990), Third (1997), Sixth (2002), Seventh (2008), Ninth (1999), Eleventh (1999) and District of Columbia (1987) Circuits
- U.S. District Courts for the Southern (1983), Eastern (1983) and Northern (1987) Districts of New York, District of Columbia (1987) and District of Arizona (1997)

Tom J. Ferber

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Tom J. Ferber joined Pryor Cashman in 1982 and has been a partner at the firm since 1991. His major practice area is litigation, including commercial, intellectual property and entertainment litigation. Tom represents a variety of clients in the entertainment, publishing and other industries in copyright infringement, trademark, trade dress, false advertising, unfair competition, right of publicity, privacy and defamation actions. He also counsels clients in risk evaluation in these areas and strategies for minimizing exposure, particularly motion picture studios and errors and omissions insurers needing to determine the insurability of potential film and television projects.

Tom has recently defended or counseled various film studios, production entities, networks and broadcasters on matters ranging from defamation to misappropriation of idea claims to a claim of producer “attachment” to a film project. Tom’s reported cases include a Lanham Act and copyright action brought on behalf of best-selling author David Baldacci in which Tom won a preliminary injunction preventing a publisher from proceeding with the publication of a mystery anthology, including a story by Mr. Baldacci, based on the book’s misleading marketing.

Tom also won affirmances in related actions from the Second Circuit and the state Appellate Division of orders granting summary judgment to the maker of “SoBe” premium beverages, brought by the makers of “Arizona Iced Tea,” alleging, among other things, a variety of trademark and trade secret violations concerning the “SoBe” brand of beverages. Tom has also won a preliminary injunction and a rare “recall order” of a record album on copyright infringement grounds.

Tom successfully served as trial and appellate counsel in a false light invasion of privacy action with important First Amendment implications concerning a “docudrama” motion picture about the early genesis of the Black Panther Party.

Tom has litigated precedent-setting cases in his field, including defending MGM/UA and Alberto Grimaldi on Ginger Rogers’ claim concerning Federico Fellini’s *Ginger & Fred*, which resulted in a seminal decision concerning the conflict between the Lanham Act and the First Amendment.

Tom has frequently represented film studios in copyright infringement actions, including cases concerning films such as *Run Fatboy Run*, *The Island*, *John Q*, *Groundhog Day*, *Ghostbusters*, *Raiders of the Lost Ark*, *The American President* and *Driving Miss Daisy*. He has also represented record labels in music copyright infringement cases and royalty disputes.

Tom has served on the faculty on PLI's *Advanced Seminar on Copyright Law* and on bar association and other panels addressing current issues in intellectual property law. Tom was also named as a top intellectual property litigator in *The Legal 500* and *New York Super Lawyers*.

For a more detailed description of cases in which Tom has won victories for his clients, please click [here](#).

Tom is a 1982 graduate of Georgetown University Law Center, where he was Topics Editor of the *American Criminal Law Review*.

Speaking Engagements

- Faculty, *Advanced Seminar on Copyright Law 2008*, Practising Law Institute (May 2008)
- Panelist, *Does Dastar Spell Disaster for Artists' Rights?*, New York State Bar Association, Entertainment, Arts and Sports Law Section Meeting (October 2004)
- Moderator, Panel on *Trademark and Publicity Rights of Athletes*, 8th Annual Symposium on Current Legal Issues in Sports, sponsored by Fordham University Law School and New York State Bar Association (March 2004)
- Panelist, *Copyrighting Content in Television*, Fordham University School of Law, Entertainment Law Society (April 2003)

Professional Affiliations

- New York State Bar Association, Member, Intellectual Property Law Association; Entertainment, Arts and Sports Law Section
- District of Columbia Bar

Distinctions

- Named as a "Super Lawyer" in the area of Intellectual Property Litigation by *Super Lawyers – Corporate Counsel Edition* magazine (2009 & 2010 editions)
- Named as a "Super Lawyer" in the area of Intellectual Property Litigation by *New York Super Lawyers – Metro Edition* magazine (2008 & 2009 editions)
- Named by *Legal 500 – Intellectual Property, Technology, Media & Telecoms US* as one of the top attorneys in the areas of Media and Intellectual Property (2007-08 editions)
- Named by *Legal 500 – Intellectual Property, Technology, Media & Telecoms US* as being among the leading Intellectual Property lawyers in the United States (2007-08 editions)

- Named by *Legal 500 – Litigation* as being among the leading Intellectual Property litigators in the United States (2007 edition)

News

- Partner Tom Ferber Named Super Lawyer In Area Of Intellectual Property Litigation
- Fourteen Pryor Cashman Partners Selected As 2009 New York Super Lawyers
- Pryor Cashman Partner Tom Ferber Speaks With MTV News About Jordan Scott/Stephenie Meyer Litigation Over "Twilight"
- Pryor Cashman Wins Affirmance Of Summary Judgment Victory Dismissing Arizona Iced Tea Claims
- Pryor Cashman Wins Dismissal of Idea Misappropriation Claim on “So You Think You Can Dance” Reality TV Series
- Litigation Partner Tom Ferber Speaks To FoxBusiness.Com About Judge Sotomayor Nomination To U.S. Supreme Court
- Super Lawyers Names Tom J. Ferber and Brad D. Rose Among Top Intellectual Property Attorneys In Business Services
- Eleven Pryor Cashman Partners Selected As 2008 New York Super Lawyers
- Legal 500 US 2008 Names Pryor Cashman as One of Top Media, Technology And Telecoms firms in U.S.
- Legal 500 US 2008 Again Names Pryor Cashman as One of Top Intellectual Property Firms in U.S.
- Pryor Cashman Partners Donald Zakarin, Tom Ferber And Brad D. Rose Named As Being Among Top Intellectual Property Litigators In The U.S.
- Five Pryor Cashman Attorneys (Ferber, Janowitz, B. Rose, Zakarin and Knight) Named Top U.S. Lawyers By Legal 500
- Pryor Cashman Partners Zakarin, Ferber And Rose Named By Corporate Counsel As Being Among Top Intellectual Property Lawyers In The U.S.
- Partner Tom Ferber Quoted in Article About YouTube and Fox Subpoena
- Pryor Cashman Wins Dismissal of Idea Misappropriation Claim on 'So You Think You Can Dance' TV Program