

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

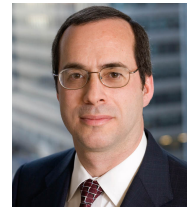
Bar Admissions

- 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'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 an affirmance from the Second Circuit of an order 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 dress violations concerning the "SoBe" bottle. 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 *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.

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 for 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

News

- 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 Wins Motion For Summary Judgment Dismissing Arizona Iced Tea Claims
- 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

Events

- Partner Tom Ferber To Speak At PLI Advanced Seminar on Copyright Law 2008