

David W. Ehrlich



Practice Description

Trademark and copyright counseling; managing U.S. trademark portfolios for major companies in electronics, toys, video games, cosmetics, pharmaceuticals, chemicals, automobiles, apparel, beverages, banking and other fields; trademark clearance and searching; prosecuting U.S. trademark applications; litigation of trademark appeals, opposition and cancellation proceedings; due diligence; infringement claims involving trademarks, copyrights, trade dress and celebrity names and images; negotiating and drafting license agreements and security agreements; recordation of trademarks and copyrights with U.S. Customs.

Education:

Cornell University (B.A., History, with distinction, 1974); Harvard Law School (J.D., 1977).

Professional Activities

Speaker: Frequent lecturer on trademark issues.

Honors:

Recognized as one of "America's top 25 pre-eminent trademark practitioners" in Euromoney's 2009 Best of the Best USA guide; Included in Who's Who Legal - Trademarks; Recognized in the 2008 edition of Guide to the World's Leading Trade Mark Law Practitioners, published by Euromoney Legal Media Group; Recognized as a copyright specialist in the 2006-2007 edition of the Legal 500 US Guide.

Admissions

New York State

United States Courts of Appeals for the Second and Federal Circuits

United States District Courts for the Southern and Eastern Districts of New York

Selected Cases

Interlego AG v. Abrams/Gentile Entertainment Inc., 63 U.S.P.Q. 2d 1862 (T.T.A.B. 2002)

Jimmy Buffett v. Chi-Chi's, Inc., 226 U.S. P.Q. 428 (T.T.A.B. 1985)

Estee Lauder, Inc. v. Cinnabar 2000 Haircutters, Inc., 218 U.S. P.Q. 191 (S.D.N.Y. 1982)

Columbia Pictures Industries, Inc. v. Miller, 211 U.S.P.Q. 816 (T.T.A.B. 1981)

Published Works

Franchisor Tort Liability: Minimizing the Potential Liability of a Franchisor for a Franchisee's Torts

Co-author with William M. Borchard, 69 Trademark Reporter 109, 1979

Functionality of Trade Dress: A Recent Case and a Proposed Analysis

71 Trademark Reporter 252, 1981

Anti-Dilution Laws Give Plaintiffs Powerful Weapon Against Copiers

National Law Journal, 1983

Toward Proposed Use: New Cases Liberalizing U.S. Trademark Application Requirements

2 Intellectual Property Journal 115, 1985

Intent-to-Use and Other New Trademark Act Amendments

4 Intellectual Property Journal 369, 1989

When Should Post-sale Confusion Prevent Use or Registration of Marks?

81 Trademark Reporter 267, 1991

Policing Gray Goods in the U.S.- If Trademark Remedies Fail, Try Copyright

Co-Author with Susan Amster, 1 Intellectual Property 43, 1994

Splitting a U.S. Mark

Thomson & Thomson Client Times, Spring 1999

Solvable Problems of Madrid Protocol Implementation in the U.S.

Trademark World, April 2001

Madrid Protocol Basics and U.S. Practice for Non-U.S. Trademark Owners

2003

U.S. Law Chapter in Treatise, Famous and Well-Known Marks: An International Analysis

INTA 2004

Co-author:Ronald J. Lehrman

Do I Need A License To Make This Toy?

Playthings, February 2006

Trade Mark Warranties in M & A Transactions

This article was published in The Journal of IP Law & Practice, August 2008, and in Wall Street Lawyer, October 2007