

# intellectual property

McGlinchey has counseled clients on intellectual property laws and regulations, competitive business practices, and a vast array of IP issues for decades.

Our attorneys advise clients where innovation and creativity meet commercialization, and are particularly skilled at protecting and monetizing rights in entertainment and digital media. Our team draws on a deep reservoir of institutional knowledge to serve clients nationwide, while still applying innovative thinking and technology to create cutting-edge strategies in this complex and dynamic area of law.

While our lawyers bring an extensive understanding of both the wide-angle perspective and the detailed nuances of clients' IP business strategies and day-to-day operations, three important traits distinguish us.

First, our attorneys have “walked the walk” in the entertainment industry, bringing practical knowledge and perspective to every project. Our practice is informed by hands-on experience ranging from music, comedy, film, and TV to sports, gaming, and digital marketing.

Second, clients tell us we handle complex IP issues in multiple jurisdictions as effectively as the largest law firms – and we do it more nimbly and efficiently. Our large, multi-national clients value our deep experience as well as the resolution of complex IP issues and litigation. And our creative individual and small business clients welcome our industry knowledge and attention to detail. All of our clients appreciate the diverse skills we apply to protecting and pursuing trademarks, closing deals, securing and defending vital copyright, digital, licensing, endorsement, and publicity rights, and helping them establish, extend, monetize, and defend IP assets and portfolios.

Finally, we serve clients in a wide array of economic sectors, including those involving hybrid applications of digital media, network, and information technologies in everything from managing art and creative content to developing individual and company brands. Further, McGlinchey's national platform, extending from California to New York and New Orleans to Nashville, affords comprehensive representation for our clients from any industry with needs in a multitude of dynamic markets.

## related people

Hillel Frankel  
Heejoong Kim  
Michelle M. McCliman  
Colvin Norwood, Jr.  
Adina Pollan  
Heidi Urness

## related industries

Auto Finance  
Cannabis  
Chemical and Industrial Services  
Construction  
Education  
Energy  
Financial Services  
Insurance  
Real Estate  
Retail, Restaurants, and Recreation  
Technology  
Transportation and Logistics

## related services

Appellate  
Aviation and Aerospace  
Cannabis  
Class Action Defense  
Commercial Litigation  
Consumer Financial Services  
Compliance  
Corporate and M&A  
Cybersecurity and Data Privacy  
FinTech  
Litigation  
Tax

Our range of IP services anticipates the burgeoning need of today's creators and asset holders. When appropriate, we collaborate with firm colleagues in other practice areas to provide comprehensive IP counsel and services, which include:

**Trademarks.** Every business needs trademark protection and our attorneys are highly experienced in evaluating and strategically managing trademark assets. We provide comprehensive counsel on U.S. and foreign trademark/service mark applications, prosecution and appeals, and trademark and trade name availability searches.

**IP Litigation and Enforcement.** Experienced and effective at both defending and enforcing protections, our IP attorneys act aggressively against threats to our clients' assets. We also represent clients in trademark, trade secret, and unfair competition litigation matters, and have achieved favorable litigation outcomes in all resolution forums, including mediation and arbitration.

**Copyrights.** We counsel clients on issues that arise in U.S. and foreign copyright applications, publishing, and related contracts.

**Licensing, Transfers, and IP Portfolio Management.** We bring extensive knowledge about technology transfers, novelty and validity searches, legal opinions, and counseling to our practice. Our experience includes negotiating pharmaceutical licenses and highly complex, international licensing agreements for music, video, and film, and technology, including wireless technology used by the blind.

**Acquisitions and Sales of IP Assets.** We offer opinions and provide due diligence during commercial transactions and have extensive experience working with venture capital investors in IP asset evaluations.

**IP Advice and Counsel.** Our opinions and advisory experience includes matters involving antitrust and IP issues, non-compete agreements, and insurance coverage for IP matters. Additionally, we advise on structuring businesses, IP holdings, and agreements within an IP-focused, protective, and practical framework.

**Trade Secret Protection Counseling.** When seeking a patent, our clients may have to reveal valuable trade secrets and other proprietary intelligence. Also, some business models require consideration of trade secret protection strategies as a viable alternative to patent protection. Our attorneys provide

strategic counsel on achieving critical protections while commercializing IP assets with trade secret implications.

#### Client Industries

- Art, design, and fine arts
- Cannabis, CBD, hemp, and marijuana business owners and operators, and related businesses
- Digital Media, including licensing, publishing, and streaming
- Education and academic institutions
- Entertainment, including
  - music: artists, record labels, managers, producers, music catalogues, and publishers
  - film and television: talent, directors, production companies, and financing companies
  - sports: athletes and brands
- Financial services
- Franchise organizations
- Governmental entities and contracting
- Hospitality
- Insurance and brokerage
- Internet commerce
- Publishing
- Real estate development
- Software and Computing
- Tax issues relating to R&D, film, and other incentivizing tax credits and planning

#### What We See on the Horizon

Contact the McGlinchey Intellectual Property team for our latest insights about the following:

**AI Developments Bring Forth Change.** We're also closely monitoring the influence of artificial intelligence (AI) on innovation, the classification of who and what constitutes an inventor and how that will change over time, and adaptation of patent laws to keep pace with the continued emergence and advancement of AI. Our lawyers believe changes are coming sooner rather than later, as we've recently seen many new developments in that space that will affect both AI users and developers.

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