



Marc P. Misthal

Principal, Practice Group Leader - Intellectual Property

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Marc P. Misthal is a principal attorney and leader of the firm's Intellectual Property Practice Group. With a wide range of clients worldwide, Marc provides counsel to businesses spanning diverse industries, including the fashion, apparel, computer technology, hospitality, restaurant, entertainment, jewelry, luxury goods, home goods, furniture, cosmetics, retail and consumer goods industries.

As part of his practice, Marc has represented clients in federal courts around the country, defending and prosecuting claims of trademark, trade dress, and copyright infringement and, when necessary, obtaining injunctive relief. He has also represented clients in Opposition and Cancellation proceedings before the U.S. Patent and Trademark Office (USPTO) and in proceedings under the Uniform Domain Name Dispute Resolution Policy (UDRP).

Marc's experience extends to negotiating license agreements, working with law enforcement to combat counterfeiting, filing and prosecuting trademark applications before the U.S. Patent and Trademark Office and filing applications to register copyrights with the U.S. Copyright Office. Notably, he is an appointed advisory expert at the China National Advisory Center for Overseas Intellectual Property Dispute Settlement, where he has advised on U.S. intellectual property issues.

In addition to his legal practice, Marc has served as an adjunct professor at the Benjamin N. Cardozo School of Law. He authored a noteworthy chapter on trademarks and trade dress, which appears in the Second Edition of *Fashion Law: A Guide for Designers, Fashion Executives, and Attorneys*. Marc has also contributed to a chapter within the International Anti-Counterfeiting Coalition's treatise on trademark anti-counterfeiting. His articles have also appeared in the *New York Law Journal* and *Law360*. Marc's work has garnered recognition, leading to quotes on intellectual property issues in media outlets, including *The New York Times*, *Metropolis, Inc.*, CNBC and others.

Additionally, Marc is a frequent speaker, delivering presentations on topics such as domain name disputes, the Digital Millennium Copyright Act and intellectual property issues in social media.

Services

- Intellectual Property
- International
- Trademarks and Copyrights
- Fashion and Lifestyle

Education

- Benjamin N. Cardozo School of Law (J.D., *cum laude*)
- Binghamton University, State University of New York (B.A., *cum laude*)

State Bar Admissions

- New Jersey
- New York

Court Admissions

- United States District Court for the District of New Jersey
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York

Professional Affiliations

- International Trademark Association
- New York State Bar Association

Recognitions

- Selected to New York Metro Super Lawyers® list for Intellectual Property (2014-2026)
- World's Leading Trademark Professionals - *WTR1000* (2025, 2026)
- Stand-Out Lawyers, Thomson Reuters, 2023

Representative Matters

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Multi-jurisdictional trademark protection for a pop star's fragrance line, including protection for both word marks and distinctive product configuration (trade dress).

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Protection and enforcement of trade dress rights for a sculptural coffee table that is widely regarded as one of the most iconic furniture designs of the 20th century.

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Identified and closed gaps in existing trademark coverage for a well-known food service business, filing new applications that aligned with evolving branding and expansion plans.

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Resolved trade dress/copyright infringement for major cough drop brand involving lookalike cannabis product packaging.

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Protection and enforcement of the trade dress rights for a French luxury brand's globally

recognized signature handbag.

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Secured and enforced trademark protection for a high-end lighting and design company, including trade dress protection for the distinctive configuration of a signature lighting fixture.

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Registration of original fabric patterns with the U.S. Copyright Office and enforcement of those rights against infringing uses to help a textile and home design company maintain exclusivity of its designs in the high-end interiors market.

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Expanded and maintained trademark portfolio for established juniors' fashion brand.

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Developed and managed global trademark portfolio for a heritage denim and lifestyle brand.

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Copyright registration and enforcement of plush toy and figurine designs for a collectibles company.

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Protected iconic furniture designs through configuration trademarks (trade dress) and enforcement strategy to address unauthorized reproductions.

Publications & News

May 15, 2026

Offit Kurman Attorneys Recognized in 2026 New York Metro Super Lawyers® and Rising Stars Lists

January 29, 2026

World Trademark Review Honors Offit Kurman and Principals Laura Winston and Marc Misthal in 2026 WTR 1000

October 30, 2025

Sixteen Offit Kurman Attorneys Recognized in 2025 Edition of New York Metro Super Lawyers

January 31, 2025

World Trademark Review 1000 Ranking Celebrates Offit Kurman's Client-Focused IP Practice, Principals Marc Misthal and Laura Winston

November 7, 2024

Marc Misthal Featured in American Business Magazine on Protecting IP Rights

Abroad

October 24, 2024

Thirteen Offit Kurman Attorneys Recognized in 2024 Edition of New York Metro Super Lawyers

October 11, 2024

Offit Kurman Appoints Attorneys Sidney Washington and Marc P. Misthal as New Practice Group Leaders

September 11, 2024

Intellectual Property Attorney Marc Misthal Comments on Trade Dress Protection for Food Presentation in Ongoing California Lawsuit

August 27, 2024

Attorney Marc Misthal Publishes Article in New York Law Journal on Nontraditional Trademarks in Fashion Industry

May 14, 2024

Marc Misthal and Michelle Yeung to Present CLE on Challenges of Estate Planning and Navigating Copyright Law and Preserving Creator Intent

May 7, 2024

Offit Kurman Intellectual Property Attorneys to Attend International Trademark Association (INTA) 2024 Annual Meeting

May 3, 2024

Marc Misthal Published in The Legal Intelligencer on AI Generated Works

May 3, 2024

Marc Misthal Published in World Intellectual Property Review on Trade Dress Protection

May 2, 2024

Marc Misthal Published in The Trademark Lawyer Magazine on BIRDIE Act

December 20, 2023

Offit Kurman Expands Intellectual Property Practice with Addition of Marc Misthal

Blog Posts

November 18, 2025

Common Copyright Mistakes That Can Cost Your Business Big

You learned everything you need to know about avoiding copyright infringement in elementary school: don't copy. And if you do copy, you will be called a copycat. Childish, I know, but it seemed to work. Except copying continues outside...

February 17, 2025

Navigating the USPTO's New Trademark Fees

It's finally here. After months of warnings, announcements, and uneasiness about their application, the U.S. Patent and Trademark Office implemented a number of trademark-related fee changes in January 2025. These fee changes, though, are more than just fee

increases....

January 8, 2025

Branding the Produce Aisle: Appealing to Consumer Tastes

Brands are taking over the produce aisle at the grocery store. They have already conquered the cereal aisle, the soda aisle, the chips aisle, and the cookie aisle (my favorite). While there have always been produce brands (Chiquita ®...

July 24, 2024

Protecting Your Most Important Asset: Why Trademark Registration Matters

What would you do with an asset with an almost infinite lifespan that symbolizes your company to your customers? And if that asset was your company's most valuable asset? You'd protect it, of course. If you run a business...

May 1, 2024

AI-Generated Works Dilemma: Balancing AI Terms of Service With Contractual Obligations

Like any emerging technology, AI is entangled with legal issues. These legal issues may not make for compelling entertainment, but they are important in shaping the use and potential of AI. The Legal Intelligencer Pop culture generally depicts artificial...

April 23, 2024

Elevating Your Brand: Insights from Bridgerton's Licensing Success

When Bridgerton returns, its influence won't be confined to the small screen. Now, thanks to a licensing arrangement with Ruggables, you can bring the elegance of Bridgerton into your home. Known for their diverse collaborations with iconic brands like...

March 7, 2024

Lights, Camera, Trademark: The Unsung Heroes of the Oscars

Oscar night is the most glamorous night in Hollywood. The red carpet. The gold statuettes. The gowns. The tuxedos. The stars. The trademarks. That's right, the trademarks. They are essential to the movie industry, and when we celebrate the...

February 29, 2024

Trademark Use in the U.S.

Demystifying What Constitutes an Acceptable Specimen of Use Evidence of use is, in most circumstances, essential to securing and maintaining a U.S. trademark registration. Subject to certain limited exceptions involving foreign trademarks, the U.S. Trademark Office will not issue...

February 14, 2024

Upcycling, Customization, and Trademark Infringement

With its potential environmental and sustainability benefits, upcycling is a popular trend. Likewise, product customization, allowing consumers to express their own style, is also popular. As illustrated by two cases involving watches, both can give rise to claims of...

February 7, 2024

Laughing in the Face of Copyright: The Unsettling Case of AI-Generated Comedy and Digital Immortality

George Carlin had quite the career. His seven dirty words routine was the centerpiece of litigation about the government's power to censor indecent material on the airwaves that went up to the Supreme Court. He won awards for his...

February 2, 2024

Recipes, Trademarks and Décor

Feasting on the Lessons of Il Mulino's Intellectual Property Battle When thinking about restaurants, most people think of a savory meal in a pleasant setting. I think about that, too, but more often than not, my thoughts turn to...

January 24, 2024

Decorating Danger: Pitfalls in Using Images of Rooms Decorated with Your Furnishings

Everyone does it. A light fixture is featured in a prestigious publication, or a rug is shown in a home featured by an interior design publication. The image (and perhaps an image of the publication's cover) is quickly reposted...

January 17, 2024

Trademarks in Your Cereal Bowl

A Closer Look at Post's Fruity Pebbles Trademark Application It's likely that you, your kids, or your grandchildren have eaten them. Have you ever thought, though, that you could identify what you are eating just by the fact that...

January 9, 2024

Behind the Headlines: Understanding the Nuances of Mickey Mouse's Public Domain Status

Public Domain Day is a relatively new celebratory event observed on January 1. The purpose of this day is to celebrate the entry of works that were protected by copyright into the public domain. Before Public Domain Day, articles...

Featured Works

Publications

- ["Cox v Sony could make trademark law the 'next battleground' on contributory infringement,"](#) World Trademark Review, quoted, June 15, 2026
- ["Estée Lauder claims Walmart vetting process makes it liable for third-party sellers,"](#) World Trademark Review, quoted, February 13, 2026
- ["With 'George Orwell' trademark ruling, EU, US part ways on famous names,"](#) Mlex, quoted, January 29, 2026
- ["US trademark law in 2025: key decisions and emerging trends for 2026,"](#) World Trademark Review, author, December 31, 2025
- ["US trademark pendency, backlog plummets as examination quality rises,"](#) MLex, quoted, December 3, 2025
- ["Steamboat Willie Dispute Raises Questions About Litigation Doubling as a Media Strategy,"](#) State of Streaming, author, October 2, 2025
- ["How to Spot a Knockoff: A Guide to Buying Authentic Furniture Online,"](#) Be Originals, author, September 25, 2025
- ["Florida resident seeks ALLIGATOR ALCATRAZ mark to counter 'hate merch',"](#) World Trademark Review, quoted, August 1, 2025
- ["A 'Kwantum' Leap: EU Copyright Ruling Offers US Companies a New Path for Pan-](#)

European Product Protection", The Legal Intelligencer, Apr. 2025

- "Super Mario: Costa Rican supermarket wins trademark dispute against Nintendo", The Trademark Lawyer, Mar. 2025
- "Timberland's boot fail: Trade dress protection in jeopardy?", World Intellectual Property Review, Apr. 2024
- "AI-Generated Works Dilemma: Balancing AI Terms of Service With Contractual Obligations", The Legal Intelligencer ([law.com](https://www.legalintelligencer.com)), Apr. 2024
- "From fairways to copyright claims: understanding the BIRDIE Act," The Trademark Lawyer ([trademarklawyermagazine.com](https://www.trademarklawyermagazine.com)), Apr. 2024
- "100% That Bitch is 100% a Trademark," The Trademark Lawyer, Feb. 2023
- "How To Start A Small Business: The A-Z Of It!" [Logo.com](https://www.logo.com), Oct. 2022
- "Top Lawyers: Marc P Misthal on The 5 Things You Need To Become A Top Lawyer In Your Specific Field of Law," Authority Magazine/ Medium, Sept. 2021

Speaking Engagements

- Guest Speaker, Be Original Americas' Annual Meeting, March 5, 2026
- Guest Speaker, "State of the Mark: Recapping 2025's Biggest Trademark Headlines," Alt Legal Webinar, Dec. 2025
- Guest Speaker, "Protecting Creativity: Intellectual Property and Business Considerations of Technology in the Fashion Industry", World Intellectual Property Organization (WIPO), Mar. 2025
- Guest Speaker, "Attorney Marc Misthal on the Intersection of Intellectual Property Law and Social Media," Law to Fact podcast, Feb. 2021
- Guest Speaker, "Intellectual Property brief overview for entrepreneurs with Marc P. Misthal @ GRR NY," CJ GTK via YouTube, Apr. 2020
- Guest Speaker, "Episode 25: Unauthorized Trademark Use in Artistic Mediums (Part II)," Fordham Intellectual Property, Media & Entertainment Law Journal, Apr. 2017
- Guest Speaker, "Things Every Business Should Do to Protect Their Intellectual Property," Manhattan Chamber of Commerce | Business, Jan. 2016