

Craig S. Mende

Partner
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Overview

“One of the nicest things a client said about me was that I am ‘very commercial.’ By that she meant ‘practical.’ The client knows I have the technical knowledge, but she especially appreciates that I can give her an answer that directly addresses her company’s immediate needs and takes into account its long-term business strategy.”

Craig Mende’s unique, broad practice spans trial and appellate litigation, complex transactional work, and client counseling – all relating to different aspects of intellectual property, including copyrights, trademarks, right of publicity, and diverse new media issues.

Perhaps most importantly, Craig provides sought-after counsel to clients seeking answers to new kinds of questions, frequently involving rebranding and innovative uses of social media, including issues with celebrities. He has developed guidelines on proper use of third-party materials on social media, developed a protocol for determining

when material needs to be licensed, and advised on innovative TV programming concepts.

Craig has won trial verdicts and summary judgments in federal court that have been affirmed on appeal and handled complex transactions for clients including the owners of a beloved children’s entertainment property. He drafts, negotiates, and advises on trademark and copyright licenses, as well as purchase, distribution, coexistence, music, and website agreements. Craig’s clients represent diverse industries ranging from film, television and music to hospitality, financial services, apparel, and consumer goods.

Prior to joining Fross Zelnick, Craig was a litigation associate at a large New York City law firm and an in-house lawyer at a major record company.

Representative Experience

Beyond the reported decisions listed above, Craig has worked on the following matters:

- ***Rhino Entertainment Co. v. DomainSource.com, Inc.***, Case No. D2006-

0968 (WIPO Oct. 18, 2006); **Rhino Entertainment Co. v. Suk Min Jun**, Case No. D2006-0948 (WIPO Oct. 25, 2006). Recovered BEEGEE.COM and BEEGEES.COM domain names in Uniform Domain Name Dispute Resolution Policy ("UDRP") proceedings from two parties using the names for websites linking to BeeGees-related sites (and others) of third parties to generate advertising or click through revenue.

- **Honeywell Int'l, Inc. v. Board of Trustees of the Univ. of Arkansas**, 3:04 cv 1844 (RNC) (D. Conn. 2005). Brought declaratory judgment action for Honeywell and defended against sovereign immunity claim by University of Arkansas, which objected to client's use of an AIRHOG air filter design mark alleged to infringe University's registered RAZORBACK mascot logos. Obtained favorable settlement.
- **Atari Interactive Inc. v. Frontier Developments Ltd.**, Case No. 05-CV-10300 (JES) (S.D.N.Y. 2005) (w/E. Gourvitz). Defending copyright and contract action by videogame publisher to enjoin U.K. game developer; negotiated favorable settlement to permit distribution of challenged games.
- **Wyeth v. 3D Group, Inc. et al.**, Case No. JFM02CV2034 (D. Md. 2002). Secured ex parte order to seize shipments of "Centumz" branded vitamins held to infringe client's CENTRUM mark.
- **Play Industries v. Columbia House Company**, No. CV-98-1158-GEB, aff'd 187 F.3d 648 (9th Cir. 1999). Defeated preliminary injunction motion by video technology company that owned PLAY trademark to stop client's

launch of a positive option PLAY FROM COLUMBIA HOUSE music club.

Education

Haverford College (BA, *with honors*, 1986)

New York University School of Law (JD, *magna cum laude*, 1991)

Order of the Coif; Libel Defense Resource Center (now Media Law Resource Center) Fellowship, 1990-1991; Law Clerk to Hon. Alan E. Norris, U.S. Court of Appeals, Sixth Circuit, 1991-1992

Admissions

Bar Admissions

New York

Court Admissions

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, Eastern, New York

U.S. District Court, Southern, New York

U.S. District Court, Western, New York

Focus

- Consumer Products
- Entertainment Properties

Services

- Trademark
- Copyright

- Social Media & Domain Names
- Litigation

Associations

Copyright Society of the USA (Interim Co-Chair of New York Chapter, 2020; Advisory Board of Executive Committee, 2018-present; Executive Committee Member and Trustee, 2014-2018; Co-Chair, New York Chapter, 2011-2014)

American Bar Association (Member, Intellectual Property Section)

International Trademark Association (INTA); Served as an oral argument judge in the Eastern Regional portion of INTA's Saul Lefkowitz Moot Court Competition in 2015, 2019, 2021

International Anti-Counterfeiting Coalition (IACC)

Recognition

World Trademark Review's WTR 1000 2018-21, "Aggressive yet practical, Craig can cut through what is non-essential to get to the heart of tricky matters. He advocates hard."

Managing Intellectual Property Global IP Star 2018-20

Who's Who Legal Trademarks Global Leader 2018-20

Best Lawyers - Trademark Law and Litigation - Intellectual Property 2020-21

Super Lawyers® 2009-20

Decisions

- Robert Kirkman, LLC v. The Toking Dead
- Three Thirteen Licensing, LLC v. Marshall B. Mathers III
- Sawicky v. AMC Networks Inc.

- Entrepreneur Media, Inc. v. EYGN Ltd.
- Troll Co. A/S v. Uneeda Doll Co.
- Times Mirror Magazines, Inc. v. Field & Stream Licenses Co.

Speaking Engagements

Panel moderator on copyright and right of publicity issues for brand owners, INTA annual meeting

Annual meeting moderator of panel on copyright restoration, Copyright Society of the U.S.A.

Entertainment Industry Conference panel member, California CPA Education Foundation

Corporate Counsel's Guide to Anti-Counterfeiting & Brand Integrity Protection conference speaker, American Conference Institute