

# James D. Silberstein

Senior Counsel

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## Overview

**“My practice extends to a wide range of copyright and trademark issues. As a professional, recorded jazz musician, I have particular knowledge regarding copyright protection for, and infringement of, musical compositions.”**

James Silberstein protects and enforces clients’ intellectual property rights and counsels clients on a wide range of copyright and trademark-related issues. His enforcement and dispute resolution practice also extends to trade name, unfair competition, false advertising, rights of privacy and publicity, parody, First Amendment, new media, and internet-related matters.

On behalf of numerous longtime clients, James enforces clients’ rights against third-party infringers and negotiates and drafts assignments, licenses, and other agreements, in addition to conducting searches and handling clearance and due diligence matters. James also advises clients in connection

with transactional matters, including corporate acquisitions of intellectual property.

## Representative Experience

On behalf of client, created a musical transcription of a famous yodel for purposes of trademark registration.

On behalf of clients:

- Provided advice on protectability of certain musical compositions and helped assess whether such compositions infringed third-party compositions or were infringed by third-party compositions
- Assisted in seeking to clear music rights
- Drafted and sent in the thousands of demand letters persuading many third-party infringers to cease improper use of clients’ marks and/or copyrights
- Assisted in determining strength of clients’ claims versus third parties and advised on appropriate action



- Worked with U.S. Customs to prevent third parties from importing infringing merchandise into the U.S.

## Education

New York University School of Law (JD, 1989)

*Annual Survey of American Law*, Member, 1987-1988, Editor, 1988-1989

New York University (BA, *cum laude*, 1974)

## Admissions

### Bar Admissions

New York

### Court Admissions

U.S. District Court, Eastern, New York

U.S. District Court, Southern, New York

## Focus

- Entertainment Properties
- Hospitality & Hotels
- Jewelry & Watches
- Consumer Products

## Services

- Transactions
- Litigation