



## Marsha G. Ajhar

Of Counsel | New York

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### Areas of Practice

Corporate Law | Intellectual Property | Trademark Law | Intellectual Property Litigation | Copyright Law | Advertising | Litigation/Trial Practice | Advertising Litigation

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Marsha's practice covers multiple areas in the field of IP including trademark and copyright clearance and counseling, prosecution of domestic and international applications and maintenance of registrations, IP transfers and licensing, and litigation. She has represented a wide variety of clients in the litigation of intellectual property causes before numerous federal courts including trademark and copyright infringement claims, unfair competition and false advertising as well as appeals, opposition and cancellation proceedings before the U.S. Trademark Trial and Appeal Board. Her experience extends to product branding, trademark clearance, IP-based transactions, portfolio management and domain name disputes. She represents various clients in the apparel, food and beverage, sports and entertainment, and computer and information technology fields.

Marsha's litigation experience covers a wide range of products and technologies including disc drives, cameras, plotters, chemicals, catalysts and pharmaceuticals. She litigated a trademark case involving the right to use the color blue in nitrogen-based fertilizer which was decided in her client's favor by the Eastern District Court in Pennsylvania, a decision later cited by the Supreme Court in *Qualitex Co. v. Jacobson Products Co.* Marsha participated in another often cited Second Circuit infringement case involving the famous Nikon trademark and successfully litigated a number of other cases before the Trademark Trial and Appeal Board. She also has litigated numerous copyright cases concerning the issues of authorship and ownership rights to a 1960s standard rock 'n roll song, the substantial similarity of various articles of Judaica, and pre-existing material in the design of oriental carpets.

The majority of cases, trademark, copyright and otherwise, never see the inside of a courtroom as they are settled before trial. In most instances, obtaining favorable settlement terms can be far preferable to winning a long, expensive litigation.

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Marsha has been involved in numerous settlement negotiations and mediations resulting in consent injunctions in some cases and co-existence agreements in others, such as in the recent federal case between Auricchio, an Italian cheese company, and Heinz.

Trademarks and copyrights are often immensely valuable property rights that are key in a wide variety of transactions. Marsha has been involved in conducting evaluations and due diligence analysis in the context of asset purchase and licensing agreements for Internet companies, music publishers, sports teams and fashion houses.

Marsha is a member and current President of the International Intellectual Property Society. She is also a member of the International Trademark Association, where she served on the editorial board of the *Trademark Reporter* and is also a past Chairman of the Trademark Practice Committee of the New York Intellectual Property Society.

Marsha received her B.A. and M.A. degrees in English Literature in a four-year concurrent degree program at Simmons College in Boston, Massachusetts. She received her J.D. from Vermont Law School and was a Summer Law Clerk at the Vermont Supreme Court in Montpelier. She is admitted to practice in New York and Massachusetts, as well as the U.S. District Courts for Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Second Circuit and the U.S. Court of Appeals for the Federal Circuit.

Steve Jobs was quoted as saying that “one way to remember who you are is to remember who your heroes are.” Marsha is inspired by her heroes who include the afore-mentioned Mr. Jobs (for his design aesthetic and uncanny marketing instincts), architect John Pawson (for his pure, minimalistic discipline) and Olympic medalist/swimmer Dara Torres (for her unparalleled determination).

## Admissions

Massachusetts

New York

U.S. District Court of Southern District of New York

U.S. District Court of Eastern District of New York

U.S. Court of Appeals, Second Circuit

## Memberships

President, International Intellectual Property Society

International Trademark Association