ArentFox Schiff LLP
Attorneys

Michelle Mancino Marsh

PARTNER

Michelle is a member of the firm’s Executive Committee and is co-leader of the firm’s Consumer Products group. Her practice focuses on complex intellectual property clearance, acquisition, management, and litigation.



Industries

Consumer Products
Fashion & Retail Law
Life Sciences
Media & Entertainment

Practices

Complex Litigation
Copyright
Patent
Trademark

International

Europe

Education

Fordham University School of Law, JD, Moot Court Board, Editor in Chief, Dean's List, Fordham Urban Law Journal, 1996

Boston University, BA, cum laude, 1993

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New York

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Michelle is distinguished not only by the victories she has achieved for her clients but also for the wider influence and interest her cases have generated. She advises on and litigates all aspects of Intellectual Property law, including trademark, copyright, patent, unfair competition/false advertising, anti-counterfeiting/anti-piracy, advertising, internet, and social media law.

Michelle is a trusted advisor to companies navigating the complex and fast-paced marketplace. Her clients span a broad range of industries including consumer products (with a focus on fashion and retail), technology, media and entertainment, educational services, venture capital, financial and consulting services, pharmaceutical products, and agricultural products.

Client Work

She represents clients in state and federal courts in high-stakes federal and state court litigation, at the U.S. Patent and Trademark Office, and before the International Trade Commission. She has also obtained preliminary injunctions and ex parte seizure orders on behalf of her clients and works closely with U.S. Customs and Border Protection and law enforcement in coordinated anti-counterfeiting efforts. She has argued and won numerous federal and state court appeals, including the Second Circuit’s seminal famous marks case, *ITC Ltd v. Punchgini, Inc.* Michelle has also successfully represented numerous companies in connection with complex design patent disputes in industries ranging from footwear to industrial products.

Complementing her litigation work, Michelle’s practice also includes strategic IP counseling and opinions, trademark and trade dress prosecution, devising cost-effective brand protection programs, negotiating licenses and product placement deals, IP acquisitions, and co-branding agreements on behalf of clients, as well as counseling clients on the use of social media and other online platforms.

Previous Work

Michelle was a partner at a well-known intellectual property boutique for 11 years prior to joining ArentFox Schiff.

Professional Activities

Michelle is a member of the International Trademark Association, the New York Intellectual Property Association and National Association of Women Lawyers where she is an active member of the Women in Fashion Law Practice Area Affinity Group.

Publications, Presentations & Recognitions

Michelle has received recognition for excellence in practice from a number of external organizations. Notably, she won "Best in Copyright" at the 2015 Euromoney Legal Media Group's Americas Women in Business Law Awards; awards which recognize women lawyers who are influential and leading professionals in a practice area.

- She has received recognition from a number of legal publications, including the 2021, 2017, and 2015 editions of World Trademark Review 1000, which notes that she is "a trusted advisor" and an "outstanding" trademark litigator who "implements designer strategies for designer brands" and "is an authority on fashion and retail issues."
- She has been recognized by Super Lawyers as a Top Rated Intellectual Property Litigation Attorney in New York (2017).
- The Legal 500 United States (2014, 2016, 2021, and 2023), Chambers USA (2021- 2023), The International Who's Who of Trademark Lawyers (2014), and the 2014 edition of Benchmark Plaintiff which named her one of the "Top 150 Women in Litigation."
- Benchmark Plaintiff also named Michelle as a "Local Litigation Star (2014) – New York, Plaintiff."
- Additionally, Michelle has been recognized as a New York "IP Star" by *Managing Intellectual Property*.
- Her previous recognitions include being named to Benchmark Plaintiff's "Top 30 IP Litigation Stars" in the United States and "Top Local Litigation Stars" in New York (2012), as well as being recognized by IP Law and Business Magazine as one of the "Top 50 IP Attorneys" under the age of 45.
- In 2011, she was selected as an "Attorney of the Year" for growing businesses by The New York Enterprise Report. In 2016, Michelle was named a WIPR leader by World IP Review.
- Michelle has presented numerous speeches to industry professionals on a wide variety of topics, including the impact of *Star Athletica, L.L.C. v. Varsity Brands, Inc.* on the fashion industry, famous marks protection in the United States, avoiding litigation in the footwear industry, legal trends in social media, and non-traditional trademark protection.

Publications/Presentations:

- "NIL Rights in a Time of Expanded Sports Betting," *New York City Bar Association*, Webinar, June 8, 2021
- "Networking in a Pandemic: How to Stay Sane, Self-Advocate, and Be Successful in the New Normal," *Diversity in Law & Leadership Virtual Summit*, March 23, 2021
- "Social Media Law Primer for Fashion Brands: The Power and the Pitfalls," *NAWL Women in Fashion Law,* November 10, 2020
- "Sports Gambling, Fantasy Sports & Esports — The New Frontiers: Minimizing Risk/Maximizing Opportunities," March 27, 2019.
- Navigating the IP Minefield in Wearable Tech, Smart Fabrics + Wearable Technology Conference, May 2015
- "Using Numbers to Win Your Case," *World Trademark Review*, November 12, 2014.
- "Fabric Designs: A Bouquet of Thorny Legal Issues," *Intellectual Property Magazine*, April 2014.
- "Increase in Cybersquatting with the New gTLDs," March 27, 2014.
- "The Federal Circuit Extends the Doctrine of Prosecution History Estoppel to Design Patents," January 14, 2014.
- "A Primer on IP Protection for Crowdfunding Projects," *Today's General Counsel*,

December/January 2014.

Life Beyond the Law

Michelle enjoys hiking, kayaking, and lakeside campfires with her husband, son, daughter, and dog. She occasionally plays a terrible round of golf but enjoys it immensely.

Bar Admissions

New York

New Jersey

Court Admissions

US District Court, Eastern District of New York

US District Court, Southern District of New York

US Court of Appeals, 2nd Circuit

US Court of Appeals, 4th Circuit

US Court of Appeals, Federal Circuit

Supreme Court of the United States