ArentFox Schiff LLP
Attorneys

Lindsay Korotkin

PARTNER

Lindsay serves as an advisor to companies and creators in the fashion & retail; art, media & entertainment; and technology industries. As a Partner in the firm's Intellectual Property department, she helps brands and creators protect and monetize their most valuable assets.



Industries

Consumer Products
Fashion & Retail Law
Media & Entertainment
Nonprofits & Associations
Sports

Practices

Advertising & Promotions
Complex Litigation
Copyright
Patent
Trademark
Patent Litigation

Education

Benjamin N. Cardozo School of Law, JD, cum laude; Head de novo Editor, Cardozo Law Review, 2013

Barnard College, BA, magna cum laude; department honors; Nancy Hoffman Award; Aileen Mejia Pratt Arts Grant, 2006

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Lindsay's practice focuses on trademark, trade dress, copyright, right of publicity, and art market litigation, prosecution, and transactions. She represents and counsels clients ranging from Fortune 10 companies to individuals and family businesses across a wide array of industries, including: fashion, beauty & retail; art, media, publishing, music & entertainment; food, alcoholic beverage & health; architecture, interior design & real estate; and technology, among others.

Litigation

Lindsay represents clients in connection with trademark, copyright, and design patent infringement, trademark dilution, defamation, breach of contract, and other related claims in federal and state court, as well as issues of trademark and copyright registrability at the Trademark Trial and Appeal Board and Copyright Office Review Board. She also works closely with foreign counsel to oversee her clients' foreign disputes and to coordinate claims and defenses when those disputes span around the world.

- Lead counsel for Warner Bros. Entertainment Inc. in defense of US and foreign law trademark infringement claims in connection with reference to a co-financing partner's name in film credits. Victories included obtaining dismissal of state and foreign law claims due to failure to state a claim and on jurisdictional grounds. *Rat Pack Filmproduktion GMBH v. RatPac Ent., LLC*, No. 2:23-CV-04790-MEMF (ASX), 2024 WL 4452483 (C.D. Cal. Feb. 15, 2024).
- Successfully represented the Alexander Wang fashion house and designer Alexander Wang in defense of copyright infringement claims, winning at the motion to dismiss stage before the district court, and, after oral argument, obtaining affirmance from the Ninth Circuit. *Jangle Vision, LLC v. Alexander Wang Inc. et al.*, No. 2:21-cv-09964, Dkt. 43 (June 3, 2022), *aff'd*, No. 22-55642, 2023 WL 7042518 (9th Cir. Oct. 26, 2023) (argued).
- Currently representing Fossil Group, Inc. and Michael Kors, L.L.C. in trademark infringement and counterfeiting claims against an ecommerce seller. Victories to date include: (i) obtaining early disposal of tortious interference, declaratory judgment, and unfair competition counterclaims; (ii) winning summary judgment on seller's defamation counterclaim; (iii) successfully excluding seller's expert under *Daubert* and FRE 702. *Fossil Grp., Inc. v. Angel Seller LLC*, No. 20-CV-

2441 (WFK) (TAM), 2021 WL 5409605 (E.D.N.Y. Aug. 27, 2021), *report and recommendation adopted*, 2021 WL 4520030 (E.D.N.Y. Oct. 4, 2021); Dkt. 375 (Jan. 8, 2024); 2025 WL 1031062 (E.D.N.Y. Apr. 7, 2025).

- Represented technology and entertainment company in defense of copyright infringement claims based on alleged digital distribution (streaming, rental, and sales) of the films *Austin Powers*, *After the Rain*, *Commander Hamilton*, and *Drop Dead Gorgeous*. Obtained early dismissal of the contributory, vicarious, and foreign law copyright infringement claims. *Hartmann v. Amazon.com, Inc.*, No. 20 CIV. 4928 (PAE), 2021 WL 3683510 (S.D.N.Y. Aug. 19, 2021).
- Key team member in the four-year long defense of athleisure brand RBX Active in a bet-the-company litigation brought by two well-known global athletic brands. Achieved numerous discovery victories, including: (i) successfully piercing privilege under the crime-fraud exception based on a finding of trademark fraud on the U.S. Patent and Trademark Office, *adidas America, Inc. v. TRB Acquisitions LLC*, No. 3:15-CV-2113-SI, 2018 WL 4600291 (D. Or. Sept. 25, 2018); and (ii) obtaining court orders waiving attorney client privilege and work product under Federal Rule of Evidence 612 due to 30(b)(6) witnesses' review of privileged documents to prepare for depositions, 324 F.R.D. 389 (D. Or. 2017). These evidentiary opinions are now cited in trademark treatises in connection with teaching best practices.
- Represented influencer and gamer in connection with trademark infringement claims and counterclaims over use of the slogan STAY PEACHY.
- Represented media company Buzzfeed, Inc. in defense of copyright infringement and Digital Millennium Copyright Act (DMCA) claims on appeal at the Second Circuit.
- Represented wine and spirits company W.J. Deutsch & Sons Ltd. in a defense of trade dress infringement and dilution claims regarding whiskey bottles.
- Successfully asserted trademark infringement claims on behalf of renowned fashion college Fashion Institute of Design & Merchandising (FIDM) against competing school that was infringing on its federally registered and incontestable name; case settled favorably and infringing school rebranded.
- Advised global sportswear brand in successfully terminating a license agreement on favorable terms and without costly litigation during the height of the covid-19 pandemic.
- Served as trademark TTAB co-counsel and successfully defended a web services company against reverse confusion trademark infringement claims in the telecommunications space.

Prosecution and Counseling

In the prosecution space, Lindsay helps clients obtain trademark and copyright registrations and manages worldwide IP portfolios in an array of fields, including for one of the largest companies in the world. She also provides day-to-day counseling and advice on issues including trademark, copyright, moral rights, and right of publicity protection and enforceability, in addition to performing high-volume global trademark clearances for names, logos, and designs.

Transactions

In the transactional space, Lindsay has extensive experience drafting and negotiating a wide array of agreements across industries, including IP licenses, joint venture agreements, gallery representation and consignment agreements, advertising services agreements, book publishing agreements, releases, production agreements, non-disclosure agreements (NDAs), and settlement and co-existence agreements. She also advises artists, creative professionals, property owners, and real estate developers on the applicability of and compliance with the Visual Artists Rights Act (VARA), 17 U.S.C. § 106(a), including in connection with site-specific artwork.

Previous Work

Before joining ArentFox Schiff, Lindsay served as a Junior Law Clerk for the Honorable Jack B. Weinstein at the United States District Court for the Eastern District of New York. Prior to law, she worked in the contemporary art world, managing high-value collections and advising artists, galleries, and nonprofit organizations.

Professional Activities

- Advisory Board Member, The Center for Art Law
- Fellow, Legal Council on Legal Diversity
- International Trademark Association (INTA), Famous Marks Committee Member
- Ladas Memorial Award, INTA, Judge
- American Mock Trial Association, Iona College Mock Trial Tournament, Judge
- ABA Committee 106 – Patent Litigation, *Ad Hoc* Subcommittee Member, 2013: prepared and submitted a report and recommendation to the United States House of Representatives on Section 3(a) of H.R. 3309

Publications, Presentations, and Recognitions

Publications

- *Moana's Legal Odyssey: Five-Year Copyright Dispute Ends With Disney Sailing Free* , JD Supra, March 27, 2025
- *Design Disputes: Unraveling the Tapestry of Legal Trends for Litigation in the Furniture and Design Worlds*, JD Supra, March 14, 2025
- *Nike and BAPE Settle Trademark Infringement Lawsuit* , JD Supra, July 2, 2024
- *US Supreme Court Holds No Limit to Number of Years for Which Copyright Infringement Damages Are Recoverable Under the "Discovery Rule"* , JD Supra, May 17, 2024
- *Making Waves: Navigating the Tide of Artistic Freedom and Trademark Protections in the Vans v. MSCHF Case*, JD Supra, February 1, 2024
- *Reflecting on the Interplay Between Real Estate and Intellectual Property in 2023 - Landmark Trademark Cases and Copyright Conundrums* , JD Supra, January 18, 2024
- *Hey! That's My Move! Ninth Circuit Remands Choreography Copyright Fortnite Case* , JD Supra, December 27, 2023
- *Painting Over Controversy: Navigating VARA and Controversial Canvases* , JD Supra, September 14, 2023
- *Updated DMCA Exemptions Are a Win for the Automotive Industry. Could Higher Education Be Next?*, JD Supra, December 10, 2021
- *Supreme Court Case to Watch: When and How Copyright Registrations Can Be Invalidated for Inaccuracies*, JD Supra, June 11, 2021
- *A Blow to Pop Art: Andy Warhol's Prince Series Not a 'Fair Use' of Lynn Goldsmith's Photograph*, JD Supra, April 15, 2021
- Ninth Circuit: Computer Fraud and Abuse Act Doesn't Block Public Profile Data Scraping , Arent Fox Perspectives, September 25, 2019
- *Supreme Court: Copyright Registration Required to Bring Suit* , Lexology, March 18, 2019
- *Finding Reality in the Right of Publicity*, ENTERTAINMENT, PUBLISHING AND THE ARTS HANDBOOK, (West 2014 ed.).
- *Introduction to China Re-Rising: Innovation and Collaboration for a Successful Twenty-First Century*, 2013 CARDOZO L. REV. DE NOVO 76.
- *Finding Reality in the Right of Publicity*, 2013 CARDOZO L. REV. DE NOVO 268.
- *E-Discovery Course Offers 'In the Trenches' Lesson for Students* , Law Technology News, May 14, 2012

Presentations

- Moderator, "Artist Corporations: A New Legal Framework for Creative Practice" (with Yancey Stricker, Sarah Darlene, and Erica Roque), Center for Art Law, October 1, 2026 (New York, NY)
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Speaker, “Intellectual Property Strategy and Brand Protection,” Barnard College – Barnard Entrepreneurs’ Network (BeNET) Startup Clinic, June 5, 2026 (New York, NY)

- Closing Remarks, “Art Law Conference 2026: What is Copy, Right?” Center for Art Law, May 27, 2026 (Brooklyn, NY)
- Roundtable Leader, “When AI Meets Trademark Prosecution: Risks You Can’t Ignore,” IP Strategy Summit, November 19, 2025 (New York, NY)
- Speaker, “The Intersection of Intellectual Property Law and Real Estate,” Beverly Hills Bar Association, September 18, 2025 (Virtual)
- Speaker, “Artist-Dealer Relationships and What Can Go Wrong,” Center for Art Law, June 24, 2025 (New York, NY)
- Speaker, “DUPE-alikes: A U.S. Perspective, Private Presentation, June 11, 2025 (Virtual)
- Speaker, “Corporate Formation 101,” Barnard College - BeNET, June 6, 2025 (New York, NY)
- Speaker, “Comparative Perspectives on Fashion Law”, The Kernochan Center for Law, Media, and the Arts, Columbia Law School, February 3, 2025 (New York, NY)
- Speaker, “Art & Copyright Law Clinic”, The Center for Art Law, November 13, 2024 (Virtual)
- Speaker, “Litigation and Damages Implications of Trademark Searching and Clearance”, Confidential Client CLE, November 8, 2024 (Virtual)
- Moderator/Panelist, “Harmonizing IP Strategies with Corporate ESG Goals: Opportunities and Challenges”, Global IP ConfEx, October 23, 2024 (New York, NY)
- Speaker, “Copyright Law and Artificial Intelligence: Considerations for Visual Artists & Appropriation Art”, Barnard College of Columbia University, February 26, 2024 (New York, NY)
- Panelist, “Beers and Careers!”, Copyright Society of the USA (CSUSA), January 25, 2018 (New York, NY)
- Moderator, “Speaking the Language of Your Clients: The Advertising Industry”, NYIPLA, March 23, 2017 (New York, NY)
- Moderator, “Speaking the Language of Your Clients: The Music Industry”, NYIPLA, September 26, 2016 (New York, NY)

Recognitions

- Lindsay is recognized as one of the leading trademark and copyright litigators in the United States by *The Legal 500*
- *Best Lawyers*: Ones to Watch, Intellectual Property Law (2023-2024)

Life Beyond the Law

Outside of the office, Lindsay enjoys collecting art, hiking, growing food, and spending time with her family.

Bar Admissions

New York

Court Admissions

US District Court, Southern District of New York
US District Court, Eastern District of New York
US District Court, District of New Jersey
US Court of Appeals, 2nd Circuit
US Court of Appeals, 9th Circuit