



Joseph Lawlor

Partner | New York

joseph.lawlor@haynesboone.com

+1 212.659.4985

PRACTICES Intellectual Property Litigation, Advertising, Marketing, and Promotional Law, Trademark and Advertising, Litigation, Intellectual Property, Copyright, Employment Litigation, Trademark Litigation, Sports Law, Trials

Joe is a trusted advertising and IP lawyer with a practice that covers all aspects of marketing and branding, including disputes, transactions, and compliance. Joe litigates high-stakes advertising, trademark, and media disputes in federal court, the National Advertising Division (NAD), and the Trademark Trial and Appeal Board (TTAB). He also counsels clients on advertising claims and substantiation, marketing and sponsorship agreements, IP licenses, social media, endorsements, and influencers. Clients turn to Joe for guidance on cutting-edge advertising and social media issues because of his deep substantive knowledge and unique skillset that spans from counseling and transactions to trials and appeal. His clients include well-known brands in consumer goods, telecommunications, higher education, media, pharmaceuticals, professional sports, and fintech.

Joe relies on sound judgment and an analytical business-focused approach as he represents clients through all phases of litigation in federal court, the NAD, and the TTAB. Joe has tried and won trials in both federal and New York state court. Joe has also successfully tried appeals to the Second and Third Circuit Courts of Appeal. Joe's recent experience includes the successful representation of a global skin care brand in a federal jury trial and complete victory before the Third Circuit Court of Appeals in a trademark dispute to protect one of its most well-known brands.

Joe is an experienced practitioner before the NAD representing both advertisers and challengers. Joe's NAD experience includes the representation of a national grocery chain against the leading international wholesale club and the representation of a publicly-traded global medical company specializing in eye care against one of its primary competitors. In the TTAB, Joe's range of experience includes representing one of the largest wireless telecom companies in a dispute relating to a mark for one of its core cellular business lines.

Joe often represents journalists, media outlets, and public figures in federal court. For example, Joe represented a journalist wrongfully detained by the U.S. Government after exercising his First Amendment rights to provide an interview to PBS. In a widely-publicized matter, Joe also successfully secured complete dismissal of charges against an individual indicted on multiple counts of securities fraud in the Southern District of New York after a ruling that his client's Fourth Amendment rights were violated by the FBI and U.S. Attorney's Office.

Joe is an active member of the Association of National Advertisers (ANA) and International Trademark Association (INTA), where he is a member of the Alternative Dispute Resolution Committee and Chair of the Online Dispute Resolution Subcommittee. When not practicing law, Joe can likely be found hiking or fishing in the Catskills with his family and Westie or fervently following college basketball.

QUALIFICATIONS

EDUCATION

- J.D., Fordham University School of Law, 2012, Member, *Fordham Journal of Corporate & Financial Law*
- B.S., Legal Studies, St Johns University, 2009

ADMISSIONS

- New York

COURT ADMISSIONS

- U.S. Court of Appeals for the Second Circuit
 - U.S. Court of Appeals for the Third Circuit
 - U.S. District Court for the Eastern District of New York
 - U.S. District Court for the Southern District of New York
 - U.S. District Court for the Western District of New York
-

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- “[FTC’s New Click to Cancel Rule – What Brands Need to Know](#),” co-author, *AdAge*, October 22, 2024.
- “[Retail Leaders Weigh in on the FTC’s Proposed Updates to the Green Guides](#),” co-author, *Total Retail*, March 25, 2024.
- “Shaking up the Separation of Powers: Collateral Effects on the FTC and Advertisers,” speaker, 2023 National Advertising Division Conference, September 20, 2023.
- “[JLM, Hayley Paige Again Spar Over Instagram Account Control](#),” quoted, *Bloomberg Law*, September 19, 2023.
- “Unanimous Supreme Court Finds *Rogers* Test Does Not Apply When Trademark Is Used As Source Identifier,” co-author, Haynes Boone client alert, June 8, 2023.
- “Guidance for ‘Sustainable’ Claims After Dismissal of H&M ‘Greenwashing’ Class Action,” co-author, *Westlaw Today* and *Reuters*, June 02, 2023.
- “[Surprise Twitter Checkmarks Open Complicated Path to Liability](#),” quoted, *Bloomberg Law*, April 28, 2023.
- “Deceptive Marketing-How To Avoid Brand Damage and Regulatory Scrutiny,” co-author, *AdAge*, March 22, 2023.
- “[Dressmaker can block designer Hayley Paige from using her own name trademark, court says](#),” quoted, *Reuters*, January 26, 2022.
- “Mediation Is Here to Stay: Post-Pandemic Considerations for the Present and Future of In-Person and Virtual Mediation (During the Pandemic and Beyond),” speaker, International Trademark Association (INTA) webcast, December 15, 2021.
- “Endorsement and Testimonial Guidance as FTC Paves the Way to Impose Fines on More than 700 Companies,” co-author, *Mobile Marketing Magazine*, October 27, 2021.

- “What Brands Should Know About TikTok’s Ban on Sponsored Crypto Content,” co-author, *AdAge*, August 3, 2021.
 - “3 Tips For Compliance With FTC’s New Made In USA Rule,” co-author, *Law360*, July 7, 2021.
 - “Facebook to More Quickly Remove Misleading Ads through New Partnership with the NAD,” co-author, Haynes and Boone client alert, December 4, 2020.
 - “Copyright Office Finds Aspects of the DMCA ‘Unbalanced’ in Favor of Online Service Providers,” co-author, *Intellectual Property & Technology Law Journal*, September 2020.
 - “Copyright Office Finds Aspects of the DMCA ‘Unbalanced’ in Favor of Online Service Providers,” co-author, Haynes and Boone client alert, May 27, 2020.
 - “5 Tips for Brands Advertising in the COVID-19 Era,” co-author, *AdAge*, May 13, 2020.
 - “Three Takeaways from Supreme Court Ruling that Trademark Infringer’s Profits May Be Awarded Without a Showing of ‘Willful’ Infringement,” author, Haynes and Boone client alert, April 24, 2020.
 - “A Deep Dive Into the Tiger King Trademark Lawsuits,” author, *World Trademark Review*, April 22, 2020.
 - “FTC Is Scrutinizing COVID-19 Advertising As Consumer Complaints Soar,” co-author, Haynes and Boone client alert, April 13, 2020.
 - “Running a Micro-Influencer Campaign at Scale Is Not for the Faint-Hearted,” author, *Mobile Marketing Magazine*, February 27, 2020.
 - “Sponcon Disclosure Lessons from Teen Vogue’s Facebook Article Controversy,” author, *Folio*, January 8, 2020.
-

PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- Association of National Advertisers (ANA)
 - International Trademark Association (INTA), Chair of Online Dispute Resolution Subcommittee (ADR Committee)
-

SELECTED CLIENT REPRESENTATIONS

- S.D.N.Y.: Represented the Hechinger Institute on Education and the Media, Teachers College, Columbia University, against Plaintiff’s claims of defamation. The claims arose from an article in the Hechinger Report concerning published allegations that Plaintiff forced black students in her middle school class to lie on the floor and engage in other demeaning activities during a lesson on slavery. We successfully argued that the article is protected opinion under the First Amendment, leading to dismissal of the claims. Plaintiff filed an Amended Complaint and dismissal was again secured.
- Third Circuit and E.D. Pa.: Represented the skin care company Galderma Laboratories in a trademark dispute relating to its Cetaphil Restoraderm brand against an inventor who alleged ownership over the Restoraderm trademark. Plaintiff sought \$68 million in damages and a permanent injunction barring Galderma from selling Cetaphil Restoraderm. After a ten-day jury trial, secured dismissal of claims that Galderma infringed any trademark and contract rights. After appeal by the plaintiff, secured a complete victory before the Third Circuit Court of Appeals dismissing all claims against our client.
- NAD: Representing a telecommunications company in advertising disputes.
- NAD: Represented a medical company specializing in eye care products in an advertising dispute between major market players with customer loyalty and trust at stake in a multibillion-dollar industry that seeks to improve lives by bettering vision.

- NAD: Represented an award-winning supermarket chain, in a series of false advertising claims asserted by a competing club store.
- TTAB: Represented Revolution Resource Recovery Inc. in a trademark cancellation dispute over the brand name for its bottled water product.
- TTAB: Represented a telecommunications company in defending an opposition proceeding brought by a leading competitor.
- S.D.N.Y.: Represented One Jeanswear Group in a trademark infringement dispute relating to its well-known Gloria Vanderbilt Amanda Jeans brand.
- C.D. Ca.: Represented a Japanese consumer electronics and video game company in a copyright and trademark infringement dispute in the Central District of California.
- C.D. Cal.: Brought claims against competitors for allegedly knocking off the product design and branding of client Benebone, a leading dog chew toy brand. The claims at issue included trade dress infringement, design patent infringement, and violations of California state unfair competition laws.
- C.D. Cal.: Represented Table De France in a multi-district trade dress infringement dispute relating to the swirl design on rolled wafer cookies.
- D. Del.: Served as lead counsel for Galderma and Nestle Skin Health in this ANDA patent infringement action. The case involved Galderma's branded Oracea Product, a treatment for rosacea, and a proposed generic product called Zenavod, and involved novel issues relating to the purchase of the generic product by the branded company and various alleged license obligations, in addition to typical patent infringement issues. The case has been resolved on terms highly favorable to our client.
- S.D.N.Y.: Represented an international private label apparel manufacturer in a contract dispute with a U.S.-based distributor.
- E.D.N.Y.: Represented Pacific Northwest College of Art against claims of copyright infringement arising from the use of music on a number of YouTube videos.
- N.Y. Supreme: Represented Galderma Laboratories in a patent license agreement dispute relating to its Oracea treatment for rosacea.

AWARDS AND RECOGNITIONS

- Selected for inclusion in *New York Super Lawyers Rising Stars*, Thomson Reuters, for Intellectual Property Litigation, 2017-2023