



Contact

Brendan J. O'Rourke

Partner

New York

+1.212.969.3120

borourke@proskauer.com

Brendan O'Rourke is the immediate past co-chair of the Firm's Litigation Department and chair of the False Advertising & Trademark Group. From the inception of his career, Brendan has concentrated in the field of trademark, false advertising, and unfair competition law, and has provided day-to-day trademark, false advertising, and Lanham Act counseling to many Fortune 500 clients, as well as start-up companies and entrepreneurs. He is a first-rate, first-chair trial lawyer, having successfully tried numerous trademark, trade dress, unfair competition, false advertising, copyright and entertainment cases involving diverse products and companies, and has significant experience in obtaining emergent relief, including preliminary injunctions, temporary restraining orders, seizure orders, and ex parte relief.

His experience includes all phases of trademark and false advertising counseling and litigation, including complex issues involving consumer survey research and claim substantiation, and *inter partes* proceedings before the U.S. Trademark Trial and Appeal Board and the Federal Circuit.

Brendan is also a very experienced commercial litigator and has represented a diverse array of well-known clients in state and federal courts throughout the United States.

Brendan is a frequent lecturer, has had numerous articles published in the fields of trademarks, false advertising, copyrights, and patents, and has appeared on national television to discuss trademark litigation. He has chaired INTA's advanced forum on the Trademark Law and Revisions Act, INTA's third annual "Trademarks in Cyberspace" forum, INTA's Annual Leadership Meeting, as well as INTA's Annual Basics Forum. He also has served on many INTA project teams, including the joint forum between INTA and NAD on false advertising, where he led a discussion and panel on claim substantiation. Brendan is also a frequent lecturer for the AIPLA and NYIPLA.

In addition to his vast experience trying cases, Brendan has significant experience in mediation through both the federal courts and the INTA panel of neutrals for clients such as Kraft, Estee Lauder, Madonna, Bristol-Myers Squibb, Federal Signal, and EMI. Brendan's experience includes Internet and domain name disputes, including successful ICANN proceedings for Madonna, Estee Lauder, and Shania Twain, and self-regulatory advertising arbitrations before the National Advertising Division ("NAD") and the National Advertising Review Board ("NARB") of the Better Business Bureau on behalf of clients such as Colgate-Palmolive, Bristol-Myers Squibb, SC Johnson, Mead Johnson, and Bausch & Lomb.

Brendan has tried and been involved in a variety of cases and reported decisions of interest in his field, including *Stark v. Diageo Chateau & Estate Wines*; *Taymor v. 8 Legged Production*; *Jackson Family Wines v. Diageo Chateau & Estate Wines*; *Buday v. The New York Yankees*; *Major League Baseball v. Upper Deck*; *Anheuser-Busch v. Major League Baseball*; *GlaxoSmithKline v. Colgate-Palmolive*; *Mendenhall v. Hanesbrands*; *The London Group v. SiTV*; *Lester v. U2*; *Brando Estate v. Madonna*; *Perot Government Systems v. 21CSI*; *Colgate v. P&G*; *Guinness v. Anheuser-Busch*; *Extreme Color v. Clairol*; *TT Sounds Good v. Tommy Lee*; *EMI v. Hill Holiday*; *Emergency One v. American Fire Eagle*; *RIAA v. Napster*; *Parisi v. Madonna*; *Platypus v. Bad Boy and Sean John*; *SC Johnson v. Clorox*; *Phillip Morris v. Allen*; *Elk v. GAF*; *Fabrications v. Hygenic*; *Bristol-Myers v. McNeil Labs*; *Kunycia v. Kay Bee Toy Stores*; *L.A. Gear v. Thom McAn*; *Vision Street Wear v. Melville*; *Edison Bros. v. Cosmair*, *McDonald's Corp. v. McBagels*, and *MasterCard v. American Express*.

Recognized in *Chambers USA* and *US Legal 500*, Brendan is praised for "serving

his clients aggressively and effectively” and is recommended for his “sound, practical advice.” Brendan was inducted into the inaugural class of *The Legal 500* Hall of Fame in 2017.

[Close](#)

Practices

False Advertising & Trademark, Trial Strategies, Product Liability & Consumer Litigation, Intellectual Property, Copyright, Non-Compete & Trade Secrets, Privacy & Cybersecurity

Industries

Entertainment, Health Care, Sports

Education

Fordham University School of Law, J.D.

Boston College, B.A.

cum laude

Admissions & Qualifications

New York

Court Admissions

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. District Court, Michigan, Western District

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Federal Circuit

U.S. District Court, Wisconsin, Eastern District

U.S. Court of Appeals, Ninth Circuit

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

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

Memberships

International Trademark Association (Programs Committee, Meetings Committee, Legislation Committee, Forums Committee, Education Committee, Alternative Dispute Resolution Committee)

Awards & Recognition

Chambers USA: Nationwide: Advertising Litigation 2010-2019

Chambers USA: New York: Intellectual Property: Trademark & Copyright 2014-2021

Chambers USA: Media & Entertainment: Advertising Litigation 2006-2009

Chambers Global: USA: Intellectual Property: Trademark, Copyright and Trade Secrets 2017-2022

Managing Intellectual Property IP STARS – New York 2013, 2017, 2020-2021

Benchmark Litigation Litigation Star New York 2014-2022

New York Super Lawyers 2005-2021

Best Lawyers in America 2007-2022

The Legal 500 United States Hall of Fame 2017-2021

The Legal 500 United States: Advertising & Marketing: Litigation, Transactional and Regulatory 2020-2021

The Legal 500 United States: Intellectual Property: Copyright 2018-2019

The Legal 500 United States: Intellectual Property: Trademarks: Litigation 2009-2013, 2015-2018

The Legal 500 United States: Media, Technology & Telecoms: Marketing & Advertising: 2008-2013, 2015-2021

The Legal 500 United States: Litigation: Commercial Litigation 2015-2018

The Legal 500 United States: General Commercial Disputes 2020

The Legal 500 United States: Trademarks: Litigation 2020-2021

The Legal 500 United States: Media, Technology, Telecoms: Media & Entertainment: Litigation 2020-2021

Who's Who Legal

International Who's Who of Business Lawyers

World Trademark Review 1000 – The Definitive Guide to Trademark Legal Services: Recommended Individual 2016