

Holly Pekowsky Partner



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Holly Pekowsky's encyclopedic knowledge of trademark law and the technicalities, processes and precedents of the U.S. Trademark Office is the foundation for her singular and can-do approach to protecting and enforcing clients' trademark rights. She has an unusual grasp of the peculiarities of the law, and the creativity to successfully challenge the Trademark Office's rules as applied to her client's specific circumstances.

She works on all aspects of trademark law, including conducting trademark searches to clear marks, prosecuting trademark applications, and strategically managing trademark portfolios, as well as defending and asserting clients' rights in the Trademark Office and in court, and UDRP web domain name disputes. She has repeatedly prevailed in the face of strong opposition. With a realistic view of what is possible, she acts purposefully and cost-effectively.

Ms. Pekowsky has been involved in disputes concerning issues such as the family of marks doctrine, the protectability of color as a trademark, keyword advertising, likelihood of confusion and secondary meaning surveys, and the sale of gray market and reconditioned products. She has represented a diverse range of clients including luxury fashion brands, restaurateurs, brick and mortar and online retailers and sellers of consumer electronics products.

Representative cases include successfully cancelling a Registration for a mark which was confusingly similar in appearance to a luxury brand's mark despite the fact that the marks were not phonetically similar, prevailing on summary judgment to stop a jewelry company from using a mark which was confusingly similar to her client's mark, despite the fact that the company claimed the mark was descriptive, and reaching a successful resolution in a case involving competing restaurants with similar names in Manhattan and the Hamptons.

In addition to her involvement in litigations and proceedings before the Trademark Office, Ms. Pekowsky also counsels clients on trademark and false advertising issues for packaging and marketing materials, provides opinions regarding unfair competition, rights of publicity and copyright law, and negotiates numerous type of agreements, including sponsored research agreements and technology license agreements for medical universities and research institutions, work for hire agreements and coexistence agreements.

BAR ADMISSIONS

- New York, 1995
- U.S. District Court Southern District of New York
- U.S. District Court Eastern District of New York

EDUCATION

- Brooklyn Law School, Brooklyn, New York J.D.
- University of Michigan, Ann Arbor, MI, B.A., English Literature

REPRESENTATIVE CASES

- *Christian Dior Couture, S.A. v. Empioneer Corp., Cancellation No. 92057252 (TTAB May 13, 2015)*
- *Perfect Pearl Co. v. Majestic Pearl & Stone, Inc., 887 F. Supp. 2d 519 (S.D.N.Y. 2012)*
- *In re Matsushita Electric Corporation of America, Serial No. 76/021,398, Trademark Trial and Appeal Board, 2002 TTAB LEXIS 488 (July 29, 2002)*
- *Dan-Dee Int'l, Ltd. v. Kmart Corp., 99 Civ. 11689 (DC), 2000 U.S. Dist. LEXIS 13411; Copy.L.Rep. (CCH) P28, 169 (September 18, 2000)*

PUBLISHED WORKS

- **ARE Trademark Law Alert: Fourth Circuit Revives Rosetta Stone Case Against Google's Keyword Searching**
April 13, 2012
- **Tiffany (NJ) Inc. v. eBay Inc.: Guidelines for Online Retailers to Police Third Party Sales of Counterfeit Goods**
- Common Law Journal, July 29, 2008
- **Tiffany v. eBay: Trademark Owners Beware**
- IP Law360, July 16, 2008
- **Recent Changes To Trademark Trial And Appeal Board Rules**
- NYIPLA, January/February, 2008