



Lindsay R. Edelstein

Partner



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legal expertise

Lindsay R. Edelstein is a partner in the firm's Entertainment & IP Litigation Practice Group where she represents clients in a broad spectrum of copyright, trademark, and related litigation matters in a range of industries, including fashion and beauty, luxury, travel, technology, media, publishing, music, and entertainment. She also regularly represents clients in domestic and international trademark matters, assisting with the selection, clearance, prosecution, registration, and maintenance of trademarks. Lindsay's experience includes serving as counsel in both federal and state courts, as well as before the Trademark Trial and Appeal Board.

representative matters

Copyright and Trademark Litigation

- Successfully resolved or won dismissal of many photography claims against media companies, including procuring key rulings on statute of limitations and fair use.*
- Represented online travel booking website in trademark infringement action against competitor using website's registered marks as search engine advertising keywords.*
- On motion to dismiss, defeated contract and trademark claims brought against large media company, and secured an award of costs and fees in favor of client.*
- Successfully enforced trademark and trade dress rights of top-selling card game creator against manufacturer of infringing game.*
- Following trial, procured favorable ruling on the appropriate damages calculation and the availability of attorney's fees awards in copyright cases.*

practice areas

intellectual property
entertainment & ip
litigation
trademarks & brands
litigation
commercial litigation

admissions

New York
Southern District of New
York
Eastern District of New York

education

Benjamin N. Cardozo School
of Law, J.D.
Staff Editor, *Cardozo Journal
of International and
Comparative Law*
Emory University, B.A.

other career experience

- Associate, Litigation,
Cowan DeBaets
Abrahams & Sheppard
LLP
- Associate, Mound Cotton
Wollan & Greengrass
LLP
- Judicial Intern,
Chambers of The
Honorable Harold Baer,
Jr. (S.D.N.Y.)

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- *Fourth Estate Public Benefit Corp. v. Wall-Street.com*. Filed an amicus brief on behalf of 13 artists' rights organizations in case involving interpretation of whether registration of a copyright claim "has been made" pursuant to Section 411(a) of the Copyright Act upon the filing of an application or upon the issuance of a registration certificate.*
- Prior to law school, Lindsay spent several years working in the entertainment industry, including positions at the *New York Post*, Creative Artists Agency and on the Showtime series "Californication."

Digital Media, Media Defense, and Domain Name Disputes

- Provided counseling and legal defense on behalf of various media organizations against copyright, trademark and defamation claims, including settlement negotiations and litigation defense.*
- Secured the transfer of infringing domain names from cybersquatters on behalf of music artists, television/film talent, photographers, game designers, and fashion designers through UDRP procedures.*

General Media, Entertainment and Music Litigation and Counseling

- Provided counseling and advice, and engaged in settlement negotiations on behalf of film, digital media and television producers in various contract disputes with co-producers, financiers, directors, editors, and talent in contract disputes with co-producers, financiers, directors, editors and talent.*
- Assisted musician seeking to recoup unpaid royalties for co-writing and performing on song featured in chart-topping album.*

General IP Advice and Strategy

- Conducted trademark searches, clearance, and risk assessments.*
- Registered trademarks with USPTO.*
- Applied to register copyrighted works with the Copyright Office and assisted clients in terminating grants or transfers of copyrights.*
- Provided counseling in connection with various copyright issues, including assessing public domain status of works, fair use of copyrighted works, and protectability of new works.*

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**Denotes matters handled prior to joining MSK.*

honors & awards

- "Ones to Watch," *Best Lawyers in America*® in:
 - Intellectual Property Law (2021-2026)
 - Litigation - Intellectual Property (2024-2026)
 - Commercial Litigation (2026)
- "New York Metro Rising Star," *Super Lawyers*, 2018-2024

professional, business and civic affiliations

- Chair, New York City Bar Association, Copyright and Literary Property Committee (2022-2025)
- Member, International Trademark Association (INTA), Right of Publicity Committee (2022)
- Member, New York City Bar Association, Copyright and Literary Property Committee (2018-2021)
- Member, Media Law Resource Center (MLRC), Media, Copyright & Trademark Committee
- Member, Copyright Society of the USA (CSUSA)

headlines

37 MSK Attorneys Named Among *The Best Lawyers in America*® for 2026
Best Lawyers, August 21, 2025

Mitchell Silberberg & Knupp Promotes Intellectual Property Litigator Lindsay Edelstein to Partner
December 16, 2024

7 MSK Attorneys Named to the 2024 Edition of New York Metro *Super Lawyers*
October 24, 2024

34 MSK Attorneys Named Among *The Best Lawyers in America*© for 2025
August 15, 2024

9 MSK Attorneys Named to the 2023 edition of New York Metro *Super Lawyers*
September 22, 2023

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38 MSK Attorneys Named Among *The Best Lawyers in America*® for 2024
August 17, 2023

11 MSK Attorneys Named to the 2022 edition of New York Metro *Super Lawyers*
September 29, 2022

26 MSK Attorneys Named Among *The Best Lawyers in America*® for 2022
August 19, 2021

publications

Sohm v. Scholastic: Second Circuit Schools Litigants on Key Copyright Issues
New York State Bar Association (NYSBA)
Bright Ideas, Fall 2020

The Good, the Bad, and the JPEG: Staying Safe in the Constant Showdown over Digital Content Use Online
American Bar Association (ABA)
Landslide, September/October 2018

Determining a Reasonable Licensing Fee for Purposes of Copyright Damage Awards
New York State Bar Association (NYSBA)
Bright Ideas, Spring/Summer 2018

client alerts

Not "The Kindest": Case Between Feuding Friends Over Facebook Post Thrown Out On Fair Use Grounds
MSK Client Alert, September 20, 2023

The Eleventh Circuit Rules in Favor of *Floribama Shore* Creators and Opines on the Future of the "Title-Versus-Title Exception" to the *Rogers v. Grimaldi* Defense
MSK Client Alert, December 7, 2022

MSK Obtains Win for Activision in Battle Over Use of the Title "Warzone"
MSK Client Alert, August 23, 2022

No "Fees or Forms" Required for Inclusion of Native American Tribal Insignias in USPTO Database
MSK Client Alert, May 11, 2021

events & speaking engagements

Litigation on the Music Front
NYSBA Entertainment, Arts & Sports Law (EASL) Section 2025 Annual Music Business Law Conference
November 21, 2025

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The Ownership Remix: An International Perspective On Rights In Musical Works
Amsterdam Dance Event (ADE) Conference
October 22, 2025

The *Jack Daniel's* and *Warhol* Effect: One Year Later
June 17, 2024

Unraveling AI's Impact on Intellectual Property: Expert Perspectives
April 25, 2024

Year-End Copyright Case Roundup
December 11, 2023

Hot Off the Presses! *Warhol Foundation v. Goldsmith* Decision Debrief
May 22, 2023

October 12th Post-Argument Debrief (*Warhol Foundation v. Goldsmith*)
October 12, 2022

What's the Harm? The State of the Fourth Fair Use Factor
CSUSA Midwinter Meeting
February 10, 2022

Rock of Aging: Music Artists Estates and Planning
The Copyright Society of the USA (CSUSA)
February 2, 2019