

Lindsey N. Birch

Associate

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Milwaukee

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Lindsey Birch assists organizations in navigating the complexities of domestic and international trademark, trade dress, and copyright law. She advises on issues such as clearance, portfolio management, prosecution, licensing, risk management, defense, and enforcement. Lindsey also provides support for business transactions such as mergers, acquisitions, and sales, ensuring assets are accurately assessed, valued, and protected. She frequently publishes and presents on intellectual property and advertising topics and is an active member of the International Trademark Association (INTA).

As a member of the firm's Trademark, Copyright & Advertising Counseling and Litigation Practices, Lindsey's experience also includes advising on domain name dispute resolution, including under the Uniform Domain-Name Dispute-Resolution Policy (UDRP), risk assessment and counseling concerning false advertising, and guidance on branded social networking and legal compliance for sweepstakes, skill contests, and other promotions. Lindsey has effectively represented clients in administrative proceedings before the National Advertising Division (NAD), the U.S. Patent and Trademark Office's Trademark Trial and the Appeal Board and Internet Corporation for Assigned Names and Numbers (ICANN).

Lindsey has notable experience with intellectual property issues related to the pharmaceutical, biotechnology, medical device, cannabis and supplement industries. This includes trademark, copyright and advertising experience in connection with pharmaceutical naming selection and other cutting-edge legal issues in connection with proprietary technology. To this end, she is an active member of the firm's Cannabis Industry Team and Manufacturing, Innovative Technology, and Health Care & Life Sciences Sectors.

An avid art and art history enthusiast, Lindsey also advises on a variety of art and cultural property law topics related to intellectual property, antiquities, the First Amendment, commercial art transactions, import-export regulations and compliance, and collections management due diligence and other provenance, title and ownership issues. She is a member of the firm's Fashion, Apparel & Beauty Industry Team.

Lindsey previously served as a summer associate in Foley's Milwaukee office and now serves as a member of the firm's recruiting committee. Prior to joining Foley, she interned in the General Counsel's Office for the Institute of Museum and Library Services and held research and teaching assistant positions at the University of Iowa.

Awards and Recognition

- Wisconsin Pro Bono Honor Society Honoree (2020-2022)

Presentations

- Facilitator, "The Changing Copyright Landscape," Foley's 20th Annual IP Conference (October 2024)
- Table Topic moderator, "Best Practices on Pharmaceutical Trademarks Naming and Clearances," INTA Annual Meeting, Atlanta, GA (2024)
- Presenter, "Trademark & Copyright Law Basics," On-Site (November 2022 and October 2023)
- Presenter, "Maximizing the Value of Intellectual Property (IP) Assets Through IP Marking," Wisconsin Intellectual Property Law Association (April 2023) & Milwaukee Bar Association (September 2024)
- Presenter, "Trademark Modernization Act: Implementation and Updates," Foley Academy (January 2023)
- Panelist, "Brand Management in Today's Competitive, Digital Landscape," Foley's 18th Annual IP Conference (October 2022)
- Table Topic moderator, "Trademark Modernization Act," INTA Annual Meeting, Washington, D.C. (2022)
- Presenter, "Henri Matisse and the Pedagogy of Gustave Moreau," Midwest Art History Society Conference (March 2019)
- Presenter, "Gustave Moreau and Human Form," Encountering the Body Symposium (April 2018)

Publications

- Co-author, "UNITED STATES: TTAB Decision Is "Modest Extension" of Section 18 Partial Cancellation Precedent," INTA Bulletin (October 2024)
Co-author, "UNITED STATES: Allegations of "Trademark Bullying" Insufficient to Plead Unclean Hands at TTAB" INTA Bulletin (October 2024)
- Author, "Cultural Heritage: Applicability of Intellectual Property Systems," 16 *Landslide* 27 (2024)
- Co-author, "Trademark," *Reading the Leaves: What's in Store for Cannabis in 2021*, Foley White Paper (February 2021)
- Author, "Holocaust-Era Cultural Property Looting: The United States and the Washington Principles," 24 *Art Antiquity and L.* 49 (2019)
- "Contextualizing Bring Your Own Device Policies," 44 *J. Corp. L.* 152 (2019)

Community Involvement

- Board of Directors, Artists Working in Education, Inc. (AWE) (2024-Present)

Affiliations

- Member of the International Trademark Association (INTA)
 - U.S. Roundtables Project Team (2023-Present)
 - INTA Bulletins Committee (2024-Present)
- Member of the American Bar Association
 - Patent, Trademark, and Copyright Section
- Member of the Wisconsin Bar Association
 - Intellectual Property Section
- Member of the Milwaukee Bar Association
 - Intellectual Property Section
- Member of the Milwaukee Young Lawyers Association
- Member of the Association for Women Lawyers

Languages

- French (Basic)

Sectors

- Cannabis
- Fashion, Apparel & Beauty
- Health Care & Life Sciences
- Health Tech & Genomics
- Innovative Technology
- International Trade & National Security
- Manufacturing
- Payor Provider Convergence
- Pharmaceuticals
- Racial Justice & Equity
- Smart Manufacturing
- Supply Chain
- Sustainability & Product Stewardship

Practice Areas

- IP Due Diligence
- Intellectual Property
- Trademark, Copyright & Advertising Counseling
- Trademark, Copyright & Advertising Litigation

Education

- The University of Iowa College of Law (J.D., with distinction, 2019)

- – Senior Note and Comment Editor (2018-2019), Student Writer (2017-2018), *The Journal of Corporation Law*
- – Arthur Bonfield Award for Creative Legal Scholarship
- – Bill Higgins Legal Merit Scholarship
- – Boyd Service Award
- – Equal Justice Foundation Grant
- **Tulane University in cooperation with DePaul University School of Law, Siena, Italy (2016)**
 - – International Law, Cultural Heritage, and the Arts
- **The University of Iowa School of Art and Art History (M.A., 2019)**
 - – University of Arizona Graduate Honorarium Grant
 - – University of Iowa Art History Department Grant
- **The University of Iowa (B.A., with high distinction, 2016)**
 - – Phi Beta Kappa (Honor Society)
 - – Stanley Merit Scholarship
 - – Honors in Art and Art History
 - – Studio Arts College International (SACI) (Florence, Italy (2014))

Admissions

- Wisconsin
- Wisconsin Notary Public