POLSINELLI

Jared I. Kagan

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Jared Kagan is an experienced intellectual property litigator who represents clients in complex trademark, false advertising and other intellectual property and commercial disputes. He advises leading companies on protecting and enforcing their brands, defending against infringement claims, and navigating disputes involving significant business and reputational interests.

Jared has extensive experience litigating trademark and unfair competition matters in federal and state courts, at both the trial and appellate levels, and before the Trademark Trial and Appeal Board (TTAB). He has tried cases and conducted evidentiary preliminary injunction hearings. He guides clients through all stages of litigation, from developing case strategy and managing discovery through dispositive motions, trial and appeal. His practice spans a broad range of industries, including retail, technology, financial services, food and beverage, and media and entertainment. In addition to litigation, he counsels clients on trademark strategy, ownership, registration, and enforcement.

Jared has represented clients in significant trademark disputes before the U.S. Supreme Court and federal courts of appeals. Notably, Jared represented Booking.com before the U.S. Supreme Court in a victory establishing that a term combining an otherwise generic word with ".com" is not necessarily generic and may qualify for federal trademark registration. He also helped secure a favorable Second Circuit ruling for Costco in its trademark dispute with Tiffany & Co., overturning an adverse summary judgment decision and vacating a damages award exceeding $20 million.

In his advertising practice, Jared helps clients challenge competitors' advertising and defend their own marketing claims. He handles false advertising litigation, including class actions and trade disparagement claims, and represents clients in challenges before the National Advertising Division (NAD). He is a co-author of *The Law of Advertising, Marketing and Promotions*, a comprehensive treatise on advertising law. He also litigates copyright disputes and represents media and entertainment clients in matters involving defamation, rights of publicity, privacy and First Amendment issues.

Jared has served as co-chair of the New York City Bar Association's Trademarks and Unfair Competition Committee and has co-authored U.S. Supreme Court amicus briefs on behalf of the International Trademark Association.

Capabilities

- Intellectual Property
- Trademark, Copyright & Brand Protection
- Intellectual Property Litigation

Education

- New York Law School (J.D., *summa cum laude*, 2010)
    - Dean's Scholar; John Marshall Harlan Scholar
    - Articles Editor, New York Law School Law Review
- Cornell University (B.S., 2007)

Bar Admissions

- New York

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York

Memberships

- New York City Bar Association, Trademarks and Unfair Competition Committee
    - Co-Chair, 2020-2022
    - Member, 2012-2019

Recognition

- Chambers USA, Intellectual Property: Trademark, Copyright & Trade Secrets, 2023-2026
- The Legal 500 US, Advertising Litigation, 2022-2026
- World Trademark Review 1000, Bronze, 2023-2026
- Managing Intellectual Property, IP STARS, Rising Star, 2019-2025