

Brian Focarino

Partner



bfocarino@cooley.com

+1 617 937 2347

Boston

Trademark, Copyright and Advertising
Intellectual Property Litigation
Sponsorships, Endorsements and Promotions
Internet and Social Media
Digital Media and Entertainment
Food and Beverage
Retail and Consumer Products

Brian's practice focuses on reputation and creativity, and he represents established and emerging companies across a full range of trademark, copyright and advertising matters. He also teaches Trademark Law at Suffolk Law School.

Brian has a vibrant and international intellectual property practice and represents emerging companies and iconic brands across diverse industries and geographies. He has significant experience in complex matters relating to trademarks, trade dress, copyright, false advertising, unfair competition, cybersquatting and counterfeiting. Brian advises companies on worldwide brand selection, development and protection; provides strategic counsel for IP enforcement and disputes; builds and manages global IP portfolios; and partners on strategic corporate transactions and diligence matters. Companies preparing for strategic transactions or anticipating critical corporate inflections turn to him to strategically secure, scale and leverage critical IP protection.

In 2022, Brian was a Leadership Council on Legal Diversity Pathfinder and currently helps lead Cooley's efforts to attract and advance exceptional, underrepresented legal talent.

Before joining Cooley, Brian interned at Google and Verizon, where he focused on trademark, copyright and internet law matters, and for Chief Judge Randall R. Rader of the US Court of Appeals for the Federal Circuit.

During law school, Brian was awarded the Warnement Scholarship in Intellectual Property Law and was president of the Student Intellectual Property Society, executive editor for the William & Mary Business Law Review, and a member of the Appellate and Supreme Court Clinic. He is the current vice president of the Alumni Association at William & Mary – his undergraduate and law school alma mater – where he fosters connections and opportunities for alumni and students.

Publications and citations

- Author, "Volunteer Spotlight: Peter Brody, Ropes & Gray," International Trademark Association Bulletin, December 1, 2018
- Author, "Committee Spotlight: Leadership Development – Diverse Messengers With Diverse Messages," International Trademark Association Bulletin, October 15, 2018
- Author, "Committee Spotlight: Impact Studies Committee Hits Its Stride," International Trademark Association Bulletin, July 2, 2018
- Author, "[Tackling 'Tokenism' in Legal Departments and Law Firms \(It's Not Just a Virtual Currency\)](#)," Association of Corporate Counsel, March 26, 2018

- Author, "[C-Suite Executives More Aware of Trademark Portfolio Risk and Reward](#)," IPWatchdog, April 18, 2017
- Author, "[Disparaging Marks: The Question of Offensiveness](#)," World Trademark Review, January 2, 2017
- Co-author (with John W. Crittenden), "[Supreme Court to Consider 'Disparaging' Trademarks](#)," IPWatchdog, October 2, 2016
- Author, "[Trader Joe's and Extraterritorial Application of the Lanham Act](#)," IPWatchdog, September 21, 2016
- Author, "[Associates Can Lead Diversity Efforts, Too \(Perspective\)](#)," Bloomberg Law, July 1, 2016
- Author, "[Brand Owners Watch as Smoke Clears on Plain Packaging Efforts](#)," IPWatchdog, June 16, 2016
- Author, "[Social Media and the Rise of Opportunistic #Trademark Filings](#)," IPWatchdog, April 14, 2016
- Co-author (with John W. Crittenden), "[Federal Circuit Strikes Ban on 'Disparaging' Trademarks](#)," Cooley, December 29, 2015
- Author, "[Napa Valley Vintners First Wine Group in US to Receive Certification Mark Registration](#)," IPWatchdog, December 27, 2015
- Author, "[Unconstitutional – CAFC Rules PTO Cannot Deny Registration for Disparaging Trademarks](#)," IPWatchdog, December 23, 2015
- Co-author (with Renée C. Quinn), "['Happy Birthday to You' Now in the Public Domain \(Sort Of\)](#)," IPWatchdog, October 28, 2015
- Author, "[Trademark Tea Leaves: Balancing Product Secrecy With Public Trademark Registration](#)," IPWatchdog, October 8, 2015
- Author, "[To the Batmobile! Copyright Saves the Day in Gotham City](#)," IPWatchdog, September 24, 2015
- Author, "[Dancing Baby Center Of Test Case Over Bad DMCA Takedowns](#)," IPWatchdog, September 21, 2015
- Author, "[The Trademark as a Novel Innovation Index](#)," The Report (New York Intellectual Property Law Association), August/September 2015
- Author, "[Big Tobacco Heads to Court Over Cigarette Plain Packaging Laws](#)," IPWatchdog, July 19, 2015
- Author, "[Bad News for the Redskins Trademark – Registration Exempt From First Amendment Scrutiny](#)," IPWatchdog, July 14, 2015
- Author, "[Free Speech or Scandal? The Slants Case and the Future of Disparaging Trademarks](#)," IPWatchdog, July 5, 2015
- Author, "[The Trademark as a Novel Innovation Index](#)," Pepperdine Journal of Business, Entrepreneurship & the Law, June 25, 2015
- Author, "[Patent Law's Unexceptional Future](#)," Journal of the Patent and Trademark Office Society, April 30, 2015

Media and podcasts

- Speaker on practicing trademark, copyright, intellectual property and related areas of law, "Making Connections in Boston's IP Community," Boston Patent Law Association, February 2020
- Quoted, "[Arch-Conservative Political Pundit Obtains 'Media Malpractice' Trademark](#)," IPWatchdog,

October 3, 2016

- Guest, Episode 332: [Drones Without Borders](#), "This Week in Law" podcast, January 8, 2016
- Quoted, "[Trademarks May Make for a Better Innovation Index in China](#)," World Trademark Review, July 15, 2015

Panels and presentations

- Invited moderator, "Visit America's National Marks!," International Trademark Association Annual Meeting, Houston, Texas, November 2020
- Guest lecturer, Trademark Law Course, William & Mary Law School, Williamsburg, Virginia, April 16, 2020
- Panelist, "Making Connections in Boston's IP Community," Boston Patent Law Association, Boston, Massachusetts, February 4, 2020
- Panelist, "Navigating Disruptive Technologies," American Bar Association IP West Conference, Long Beach, California, October 11, 2017
- Moderator, "Nominative Fair Use: How Much Is Too Much?," International Trademark Association Annual Meeting, Barcelona, Spain, May 24, 2017
- Panelist, "Geek Law 101: Intellectual Property Law Basics," Silicon Valley Comic Con, March 20, 2016

Education

William & Mary Law School
JD, 2015

University of Edinburgh
MSc, 2012

College of William & Mary
BA, 2011

Admissions & Credentials

California

Massachusetts

Rankings & Accolades

- 2018 Douglas N. Morton '62 Young Alumni Service Award, William & Mary Alumni Association (Sept. 2018)
- Rossman Memorial Award – Honorary Mention, US Patent and Trademark Office Society (Feb. 2017)
- 1st Place, Georgia State University Intellectual Property Writing Competition (Sept. 2015)
- 2nd Place, IDEA Student Intellectual Property Writing Competition, University of New Hampshire School of Law (June 2015)
- 1st Place, Hon. William C. Conner Intellectual Property Law Writing Competition, New York Intellectual Property Law Association (May 2015)
- Outstanding Member Award, William & Mary Business Law Review (May 2015)
- Thalia V. Warnement Scholar in Intellectual Property Law, William & Mary Law School

(2013 – 2015)

- Lawrence W. l'Anson Scholar, William & Mary Law School (2012 – 2015)

Memberships & Affiliations

William & Mary Alumni Association, Board of Directors (July 2020 - Present)

Young Practitioners Committee of the International Trademark Association

Pathfinder for the Leadership Council on Legal Diversity

Bulletin Committee of the International Trademark Association January 2018 December 2021

Editorial board of Landslide magazine October 2017 March 2018

Board of directors of William Mary Libraries July 2017 June 2020

International Trademark Association, Impact Studies Committee (January 2016 - December 2017)

American Bar Association, Section of Intellectual Property Law, Young Lawyer Fellow (June 2016 - June 2019)

Fellow of the Internet Law and Policy Foundry September 2015 September 2018