

Ashima A. Dayal

Partner

212 468 4912

adayal@dglaw.com



Areas of Focus

Intellectual Property + Media | Entertainment and Sports | Content Creation and Use | Intellectual Property Litigation | Advertising + Marketing | Advertising Review, Production and Media | Advertising Disputes and Challenges

“Legal issues should not be approached like a law school exam. I assess legal risk within the broader context of real, practical risk, to cut through noise and give clients concise, well-informed and actionable guidance.”

Overview

Ashima Dayal has more than 25 years of experience guiding clients through legal challenges in their media and marketing activities. She works closely with book and magazine publishers, authors, filmmakers, consumer goods companies, advertising agencies, designers and other individual creative professionals to protect their content and defend their use of third-party material when disputes arise.

Ashima's clients need practical answers. When considering the use of third-party content in a book, film, commercial or other production, she weighs legal issues against business realities. Her thorough, meticulous research informs tailored and concise responses that equip busy in-house teams to make smart decisions. She understands the vast difference between whether a proposed action is permissible and whether it's advisable, and helps clients quantify the real risk at hand.

When claims arise, publishers, authors, filmmakers, consumer goods companies and advertising agencies benefit from Ashima's effectiveness in guiding clients through copyright, right of publicity and defamation disputes. She draws on her knowledge and experience to position clients to act efficiently and strategically. Her skillful negotiation tactics settle claims favorably; in fact, she's been known to shut down claims with a single masterful letter.

Before becoming a lawyer, Ashima gained invaluable television and film industry insight working for a network news division, a network marketing division, and an entertainment PR company. Her academic background in art history gives her an edge when advising clients on the risks posed by their art-infused creative content, and when defending copyright claims.

Representative Experience

- Advised a magazine publisher on the migration of print subscribers to digital-format editions. Guided the publisher in growing its digital readership, while avoiding the subscriber drop-off, reputational harm and litigation experienced by other publishers who undertook similar print-to-digital subscriber migrations.
- Guided a specialty magazine publisher in its expansion into book publishing. Also provided counsel on a wide range of traditional publishing law matters, ranging from pre-publication review, to content licensing, to distributor, supplier and other vendor agreements.
- Represented a major financial services company that holds a portfolio of media assets, in drafting and negotiating multiple agreements with U.S. and international publishers to restructure and transfer those assets.
- Represented a television producer and broadcaster in licensing its acclaimed unscripted series for U.S. and international television reboots and for theatrical production. Structured terms that protect the reputation and integrity of the original series, while providing ample creative control to the licensees.
- Advised a streaming device manufacturer on the risk posed by integrating onto its platform a channel offering unlicensed live local broadcast programming. Analyzed the potential liability for direct and contributory copyright infringement.
- Represented a global consumer products company, its advertising agency and a music production company in defending a claim by a music publisher alleging that the company's commercial infringed the publisher's smash hit song. Worked closely with a musicologist to argue that the allegedly infringed song consisted largely of commonplace and non-copyrightable musical features.
- Represented a luxury goods manufacturer and distributor in drafting and negotiating distributor and retailer agreements. Also provided guidance on marketing law matters, and brought and responded to third party intellectual property, false advertising and regulatory challenges.
- Advised an advertising agency whose client roster includes several manufacturers of sports-related goods, on navigating the International Olympic and Paralympic Committees' Rule 40 Guidelines, which govern the sponsorship of Olympic and Paralympic athletes by non-sponsors of the Olympic and Paralympic Games. Rule 40 was substantially rewritten for the Tokyo Olympics and Paralympics, which created unique challenges and opportunities for sponsors in promoting their athlete relationships during the Games.

Insights + Events

Event

Practising Law Institute (PLI) | Hot Topics in Advertising Law Conference 2024
June 13, 2024

Event

Practicing Law Institute (PLI) | Advertising Law Institute 2024 | Ethical Issues in Advertising
February 9, 2024

Event

Practising Law Institute | Hot Topics in Advertising Law Conference 2023
June 20, 2023

Press Mention

Global Data Review | Section 230 Google Case Could Transform Digital Advertising
October 5, 2022

Event

Practising Law Institute Advertising Law Institute 2022 | Ethics of Advertising
September 30, 2022

Event

Copyright and Technology 2022 | Thank You for Your Service: The Future of the Server Test
September 13, 2022

Event

Practising Law Institute | Hot Topics in Advertising Law Conference 2022
July 13, 2022

Press Mention

Bloomberg Law | 'Game of Life' Copyright Fight Tests Who Owns Old Creative Works
February 7, 2022

Event

Practising Law Institute's Hot Topics in Advertising Law Conference 2021
June 21, 2021

Trends in Marketing Communications Law

The Legal Loophole for Online Political Advertising (Barely) Starts to Close
October 6, 2020

Event

Practising Law Institute's Hot Topics in Advertising Law 2020
July 23, 2020

Press Mention

PR Daily | When It Comes to Copyright Law, Don't Assume You Know
August 6, 2019

Trends in Marketing Communications Law

Lawsuits by the Disabled Against Websites Spike
July 10, 2019

Event

Practising Law Institute's Hot Topics in Advertising Law Conference 2019 | Contract Drafting Redux: Key Clauses and Practice Pointers, Did You Know? Advertising Law Issues You Might Not Have on Your Radar and Ethics for Advertising Lawyers
June 20, 2019

Event

Practising Law Institute 2018 | Publisher Liability, DMCA, and CDA Issues
September 13, 2018

Event

Practising Law Institute's Hot Topics in Advertising Law Conference 2018
June 26, 2018

Event

The Copyright Society of the USA | The Copyright Society of the USA Best Practices and Lessons Learned in Digital Image Licensing
May 30, 2018

Trends in Marketing Communications Law

Inline Links to Unlicensed Third-Party Content Now May Be Copyright Infringement
May 24, 2018

Event

PRSA National Capital Chapter (NCC) Annual Public Relations | Issues of the Day
January 25, 2018

Event

Practising Law Institute's Hot Topics in Advertising Law Conference 2017
June 27, 2017

Credentials

Education

Columbia Law School (J.D., 1996)

- Senior Editor, *Columbia Law Review*
- James Kent Scholar (1995-1996)
- Harlan Fiske Stone Scholar (1993-1995)

Columbia University (B.A., 1989)

Distinctions

- *The Best Lawyers in America*® 2020-2024, Advertising Law
- *Chambers USA: America's Leading Lawyers for Business*® "Recognized Practitioner" 2018-2019, New York Intellectual Property: Trademark, Copyright & Trade Secrets
- *Media Law International*® 2015-2023, Media Law
- *The Legal 500 United States*® 2014-2023 Intellectual Property: Copyright
- *The Legal 500 United States*® 2017-2019, Advertising and Marketing: Transactional and Regulatory

Bar Admissions

New York

Court Admissions

U.S. District Court Southern District of New York

Associations

Member, New York State Bar Association
— Member, Entertainment, Arts and Sports Section
— Member, Intellectual Property Law Section

Board of Advisors, Columbia Law School, Kernochan Center for Law, Media and the Arts