

Howard R. Weingrad

Partner

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Areas of Focus

Advertising + Marketing | Advertising Review,
Production and Media | Digital and Social
Media Marketing and Advertising | Intellectual
Property + Media | Content Creation and Use |
Entertainment and Sports

“Clients want a lawyer who understands and anticipates their business needs, a trusted adviser, a problem-solver. I strive to be that lawyer.”

Overview

Howie Weingrad is the advertising lawyer clients trust to help them navigate the complex problems and potential risk arising from all aspects of their proposed campaigns. From initial concept through production and launch, Howie advises on content review and production, celebrity endorsement and talent engagement, and pre-litigation IP and contract dispute resolution. He negotiates and structures agreements with commercial production companies and advises on social media advertising.

Howie tackles difficult, time-sensitive challenges with good judgment and confidence. Often involved in the initial concept creation, Howie partners with his many long-term clients to understand their goals, assess risk and remove obstacles, creating a path for brands and agencies to transform ideas into award-winning global advertising campaigns. In addition to advising on advertising questions, he brings extensive knowledge of intellectual property issues, including copyright, trademark, rights of privacy/publicity and unfair competition.

As one of the country's leading practitioners in matters involving the provisions and industry implications of the SAG-AFTRA Commercials Contract, Howie often negotiates with unions and guilds on behalf of agency and advertiser clients. He interprets and explains complex advertising and entertainment industry collective bargaining agreement provisions for his clients to apply to their day-to-day workforce challenges.

Howie is equally equipped to help brands and agencies with a wide variety of celebrity endorsement and music-related issues that arise in their marketing campaigns, social media challenges, live streams and

artist collaborations. A jazz pianist with a degree in music composition, he works directly with musicologists to identify potential problems and helps clients address their indemnity issues.

When IP litigation or contract disputes arise, Howie stays involved to resolve matters quickly. He understands the issues driving a copyright infringement or business dispute. He uses his litigation background and deep IP experience to devise pre-litigation strategies or support litigation teams in order to drive a successful outcome.

Representative Experience

- Represented a major advertising agency in negotiating licenses for existing film footage and rights to a featured celebrity's likeness in connection with a Super Bowl advertising campaign.
- Advised a top advertising agency and its clients on handling last-minute shoot cancellations or postponements due to COVID-19. Ensured production vendors implement and adhere to health and safety protocols consistent with laws and regulations where the production shoot occurs and helped clients re-start commercial production with a greater sense of certainty.
- Represented a major advertising agency, in an arbitration against SAG-AFTRA, the union representing on-camera advertising talent nationwide. Prevailed in the arbitration, not only securing substantial savings for our client by avoiding paying residuals to on-screen drivers, but also providing our client and other signatory agencies with more certainty when budgeting for drivers and planning shoots by establishing guideposts for future commercials featuring driving.
- Defended a global consumer goods company, along with its advertising agency and numerous major broadcasters, publishers, and streaming platforms, in a lawsuit concerning ownership of a recording of a major brand's iconic jingle. Our motions to dismiss substantially narrowed the case, leading to the dismissal and withdrawal of the plaintiff's trademark, right-of-publicity and unfair-competition claims. Settled the lawsuit on favorable terms after limiting potential copyright damages through a series of discovery rulings on "indirect profits" and filing meritorious motions for summary judgment and to amend our counterclaims to assert a fraud claim.

Insights + Events

Publication

Westlaw Today | Embracing AI's Disruption of the Music Industry: Advantages, Challenges and the Future
August 10, 2023

Alert

Unions Reach Agreement with Advertising Industry to End Mandatory COVID-19 Protocols for Commercial Productions
May 11, 2023

Alert, Emerging Issues

The Risks and Rewards of Generative AI
March 31, 2023

Alert, The Fine Print: Stay in Compliance without Losing Your Edge

How the New 2022 SAG-AFTRA Commercials Contract Affects Performers and Advertisers
June 8, 2022

Trends in Marketing Communications Law

Livestreaming Is Here To Stay
April 13, 2022

Trends in Marketing Communications Law

SAG-AFTRA's Influencer Agreement and Waiver to the Commercials Contract
April 13, 2022

Trends in Marketing Communications Law

COVID-19's Impact on Commercial Productions
April 13, 2022

Alert

SAG-AFTRA and JPC Allow for Mandatory Vaccine Policies on Production Sets
September 27, 2021

Are Your Influencers Putting You at Risk?, Publication

Westlaw | SAG-AFTRA Welcomes the Influencer
April 30, 2021

Alert

SAG-AFTRA Welcomes the Influencer
April 13, 2021

Trends in Marketing Communications Law

SAG-AFTRA's New Letter of Adherence Shakes up Advertising Industry
October 6, 2020

Trends in Marketing Communications Law

The Battle Over 'Unprotectable' Elements in Music Copyright Suits Rages On
October 6, 2020

Alert

Talent Deals and the Impact of a Pandemic: Rethinking Force Majeure
May 20, 2020

Alert

COVID-19 Impact on TV and Film Production
April 13, 2020

Alert

SAG-AFTRA and the JPC Issue Temporary Waiver Regarding Stock Footage in Commercials
April 9, 2020

Alert

Bands and Brands Come Together for Livestream Shows during COVID-19
April 9, 2020

Alert

Commercial Production Changes in Light of COVID-19
April 8, 2020

Alert

SAG-AFTRA Commercials Contract's Low-Budget Digital Waiver Updated for 2020
January 16, 2020

Event

Davis+Gilbert Counsel 2U® Advertising + Marketing Seminar | Key Talent Issues for Advertising Agencies and Brands: The Latest on Celebrity Endorsement Deals
November 20, 2019

Alert

SAG-AFTRA Imposes New Restrictions on Third-Party Signatories through New Letter of Adherence
October 24, 2019

Credentials

Education

Fordham University School of Law (J.D., 1987)
Tulane University (B.A., *cum laude*, 1981)

Distinctions

- *The Best Lawyers in America*® 2011-2024, Advertising Law
- *Chambers USA: America's Leading Lawyers for Business*® 2007-2023, Nationwide Advertising: Transactional & Regulatory
- *The Legal 500 United States*® 2009-2019 and 2021, Advertising and Marketing: Transactional and Regulatory

Bar Admissions

New York

Court Admissions

Southern District of U.S. District Court New York
Eastern District of U.S. District Court New York