

## Sara L. Edelman

**Partner**

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### Areas of Focus

Advertising + Marketing | Advertising Disputes and Challenges | Advertising Review, Production and Media | Digital and Social Media Marketing and Advertising | Intellectual Property + Media | Content Creation and Use | E-commerce and Retail Sales

"My job is to bring my client's creative vision to fruition. I view myself as a partner in producing the content they envision."

### Overview

**Sara Edelman helps content creators, advertising agencies and fashion companies navigate copyright, right-of-publicity and talent issues to produce compelling and creative content for their brands. She negotiates talent, sponsorship, artwork, music and production agreements; performs apparel clearances; and resolves copyright and intellectual property disputes.**

In the fast-paced worlds of advertising, content creation and fashion, Sara is a savvy and responsive partner ready to address her clients' content production needs quickly. She understands their business, considers their risk tolerance, and gets the job done. Content creators of all stripes and sizes count on her to meet their aggressive timelines when reviewing their advertising materials and other creative content. She negotiates their rights to produce that content with airtight agreements for high-level talent, music, artwork and props.

A visual arts enthusiast and an avid photographer, Sara uses her keen eye to evaluate her clients' work for potential copyright liability. She knows how close is "too close" to draw inspiration for content without infringing the rights of others, and how a claim will play out in litigation.

When copyright, right-of-publicity and other intellectual property claims arise, Sara embraces her clients' issues as her own. A former litigator and a tough negotiator, her solid, practical advice addresses the needs and interdependence of all parties involved. She uses creative suggestions and guidance to resolve disputes as efficiently and inexpensively as possible.

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## Representative Experience

- Assisted one of America's most trusted and beloved food brands to enter the new age of NFT's. Advised the brand on how to maintain the brand's visual identity in the newly conceived art, managed agreements with the artists, as well as advised on contest rules for consumers that allowed them to win these collectible NFT's.
- Represented a major advertising agency and its automobile manufacturing client in a copyright infringement claim by a renowned artist. The artist claimed that his graffiti art, which was posted on the client's social media account, was used without his consent. The artist sought both a substantial license fee and indirect profits from the automobile manufacturer's sales. Negotiated favorably on behalf of our clients.
- Advised an advertising agency and its technology giant client on ways to obtain consent to use third-party materials during the COVID-19 pandemic when consent could not be obtained through its usual course. These new solutions allowed our client to continue producing content for their audiences.
- Advised one of the largest entertainment platforms on an ambitious, real-time activation campaign to promote a new release. Created Real Time Marketing Guidelines and provided real-time risk assessments and marketing advice, including providing on-the-spot copyright, trademark, and right of publicity advice based on questions posed and assets provided by the marketing team who was posting social media posts in real-time from the activation.
- Resolved a music copyright claim against a leading American fashion brand in connection to its Pride Month campaign. The client was able to continue with its campaign without any interruption in the distribution of its highly popular video.

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## Insights + Events

### **Alert**

#Oscars Ready: Social Media Guidance for Brands and Advertisers  
March 6, 2024

### **Alert, Are Your Influencers Putting You at Risk?**

The Copyright Crackdown Continues: Sony Music Sues Ofra Cosmetics Over Influencer and Brand Videos  
November 20, 2023

### **Alert, Emerging Issues**

The Risks and Rewards of Generative AI  
March 31, 2023

### **Alert**

See You at the #Oscars: Social Media Guidance for Brands and Advertisers  
March 22, 2022

### **Are Your Influencers Putting You at Risk?, Trends in Marketing Communications Law**

That Post Could Cost You: Copyright Infringement Claims Continue for Social Media Posts  
October 6, 2020

## **Are Your Influencers Putting You at Risk?, Trends in Marketing Communications Law**

#Goals: Using Social Media without Getting Sued

October 6, 2020

### **Publication**

Intellectual Property Magazine | American Graffiti

September 19, 2019

### **Trends in Marketing Communications Law**

Supreme Court Settles Circuit Split on When a Plaintiff May Sue

July 10, 2019

### **Event**

Brand Activation Legal Webinar | Recent Cases in Copyright Law

April 9, 2019

### **Trends in Marketing Communications Law**

Photo Retouching: Changing Expectations for Fashion and Beauty Advertising

May 24, 2018

### **Publication**

Practical Law | Expert Q&A on Right of Publicity Claims

April 20, 2017

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## **Credentials**

### **Education**

Boston University School of Law (J.D., 1993)

Barnard College (B.A., *cum laude*, 1990)

### **Distinctions**

- *The Best Lawyers in America*® 2021-2024, Copyright Law
- *The Legal 500 United States*® 2019-2021 and 2023, Intellectual Property: Copyright

### **Bar Admissions**

New York

### **Court Admissions**

U.S. District Court Southern District of New York

U.S. District Court Eastern District of New York

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## **Associations**

Member, New York City Bar Association

— Member, Copyright and Literary Property Committee

Member, International Trademark Association