



## → Theodore C. Max

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Theodore C. Max is a partner in the Entertainment, Technology and Advertising and Intellectual Property Practice Groups in the New York office.

### Areas of Practice

Theodore focuses on counseling clients on intellectual property issues and litigation. He is leader of the firm's Fashion and Apparel team. Theodore combines his skill and experience as a trial attorney with his knowledge of copyright, trademark and intellectual property law in servicing the firm's diverse clientele.

Theodore has counseled clients on and litigated numerous cases involving issues on the cutting edge of copyright and trademark law. He has assisted clients in identifying, protecting and preserving their intellectual property assets, including seeking registration of rights in the United States and internationally and taking action against infringements of copyrights, trademarks and trade dress. He also has experience developing and implementing anti-counterfeiting programs and pursuing civil and criminal enforcement remedies. Theodore has actively litigated intellectual property issues, as well as licensing and franchise disputes, and the rights of publicity and privacy. He successfully has represented clients in all types of civil litigation, including alternate dispute resolution proceedings and mediation, trials and appeals.

### Honors

Copyright Law, Best Lawyers in America, *Best Lawyers*, 2020  
Leading Trademark Professional, *World Trademark Review*, 2015-2019  
Intellectual Property Star, *Managing Intellectual Property*, 2015-2019  
Intellectual Property, Media and Advertising, *Legal 500*, 2013-2019  
New York Super Lawyer - Intellectual Property Litigation, *Super Lawyers*, 2008-2019  
Named as one of the "Legal Elite Litigation List," *Avenue Magazine*, 2011-2012

### Books

International Comparative Legal Guide to: Copyright 2017: Chapter 1  
10.2016

The International Comparative Legal Guide to: Copyright 2016 (2nd ed.): Chapter 30- U.S.A.  
12.2015

## Media Mentions

'Detox' Tea Marketer Settles FTC Lawsuit Over False Promises  
*Healthline*, 03.11.2020

In Network: Ted Max  
10.18.2018

## Speaking Engagements

"Advertising and Promotion in the 21st Century Global Market." Brands and Fashion Conference, March 22-23, 2017

"Designing a Greater System of Protection for Fashion: The Future of Fashion Law," New York University School of Law, February 19, 2015

"Hot Topics for 2013: What You Need to Know to Avoid Fashion Jeopardy?" New York, February 13, 2013

"IP Enforcement and Litigation 2011: Civil and Criminal Update" Practising Law Institute, March 30, 2011

## Events

U.S. Mexico Fashion Industry: Dressing Up with Innovation & Evolution in North America  
Join Sheppard Mullin and The United States - Mexico Chamber of Commerce for the U.S. - Mexico Fashion Industry Commerce Conference  
Sheppard Mullin New York, 02.27.2020

Retail on the Brink: Crisis Management and Communications  
You Will Participate In A Day-By-Day Week of Crisis Befalling A Retail Company  
Sheppard Mullin New York, 11.19.2019

Advertising and Social Media: Understanding the Legal Implications  
French American Chamber of Commerce Webinar  
11.19.2019

Webinar: Advertising on the Cutting Edge: Social Media, Influencers and Native Advertising  
04.25.2019

The Digital Economy: What you need to Know to Compete  
Sheppard Mullin New York, 10.18.2018

Retail Compliance Bootcamp and Interactive Breakouts: Avoiding The Retail Apocalypse  
12.14.2017

Model Behavior – A Primer on How to Draft & Negotiate Agreements With Models & Influencers  
Via Webinar, 07.20.2017

Social Media Branding and Advertising and the Future of Luxury  
Third Thursday Emerging Company Webinar Series  
via WebEx, 11.17.2016

Retail in Flux  
What You Need to Know About Brexit, the Changing Legal Landscape Regarding Privacy and Data Protection,  
and US-UK Tools for Online IP Enforcement  
09.14.2016

Retail's Tectonic Digital Disruption: What Every Retailer Needs to Know to Survive and Compete  
Sheppard Mullin New York, 06.15.2016

Brilliant! Fashion Advice from the Bespoke Brief - CLE Program  
A Day in the Life of an In-House Fashionista: "Fashion Beat the Clock"  
11.04.2015

Accommodating Disabilities with Acumen, Protecting Data with Diligence, and Avoiding Class Actions with  
Class  
Retail Best Practices  
09.29.2015

Brand Protection and the Future of Luxury  
Third Thursday Emerging Company Webinar Series  
via WebEx, 07.16.2015

ACC-GNY Seminar  
Retail Practice Group CLE: Best Practices for Retail Counsel  
04.29.2015

Facing a Blizzard of Legal Challenges as In-House Counsel  
Spring 2015 New York Fashion Week  
02.17.2015

How to Protect Your Brand  
Third Thursday Emerging Company Webinar Series  
via WebEx, 08.21.2014

Crisis Management in the Fashion and Retail Industry  
Sheppard Mullin's Fashion Week Seminar  
02.18.2014

It's All About the Brand!  
New York Fashion Week Seminar - Fall 2013  
09.12.2013

Branding Your Company in the World of Social Media, Instant Celebrity and Virtual Reality  
Third Thursday Emerging Company Webinar Series  
via WebEx, 07.18.2013

Breakfast With Your Finance and Bankruptcy Lawyers  
Intellectual Property Issues in Bankruptcy: Assumption and Assignment, Distinctions Between Patents,  
Copyrights and Trademarks, Distressed Acquisitions and How to Protect Your IP  
Sheppard Mullin New York, 06.11.2013

How to Legally Protect Your Brand  
Third Thursday Emerging Company Webinar  
WebEx, 11.17.2011

Got GOTS?  
Sheppard Mullin, New York, 06.28.2011

How to Legally Protect Your Brand in the New Millennium  
Third Thursday Emerging Company Webinars  
WebEx, 10.21.2010

Digital Media Law Forum: Building Brands In a Digital World  
Silicon Valley Bank, 3005 Tasman Dr, Santa Clara, CA 95054, 09.22.2010

## Memberships

Amicus Committee, International Trademark Association

Past Chair, Publications Committee, International Trademark Association

Past Editor-in-Chief, The Trademark Reporter®, 1999-2001

Previous United States Original Articles Editor

Previous International Original Articles Editor

SubCommittee Chair, "International Annual Review of Developments in Trademark Law and Practice," The Trademark Reporter®

## Practices

Entertainment and Digital Media

Intellectual Property

Litigation

## Industries

Emerging Company & Venture Capital

Fashion, Apparel and Beauty

Hospitality

Retail

Social Media and Games

## Education

J.D., New York University School of Law, 1983, Editor-in-Chief, *New York University Review of Law and Social Change*, Won NYU Moot Court Competition, *Mendes Herschmann Prize*

B.A., Hobart College, 1980, *summa cum laude*, *high honors*, *Rhodes Scholar Finalist*, *Student Trustee*

## Admissions

New York