



→ Robert E. Hough II

Associate

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Robert Hough is an associate in the Intellectual Property Practice Group in the firm's Dallas office. He is the lead associate of the Advertising Team.

Areas of Practice

Robert litigates nationwide to protect, enforce and leverage his clients' valuable intellectual property rights. Outside the courtroom, he counsels clients on copyright, trademark, trade dress, advertising, sports and publicity law.

In addition to federal court actions, Robert protects his clients' brands in proceedings before the Trademark Trial and Appeal Board (TTAB) of the U.S. Patent and Trademark Office and the National Advertising Division (NAD), and through enforcement actions under the Digital Millennium Copyright Act (DMCA). He has also led over 50 trademark enforcement proceedings under the Uniform Domain Name Dispute Resolution Policy (UDRP) before the World Intellectual Property Organization (WIPO), as well as proceedings under various other international dispute resolution policies.

Robert is especially experienced in matters unique to the sports and entertainment industry. He counsels clients on intellectual property rights in connection with arenas and event centers, professional, semiprofessional and amateur sports teams, athletes and artists.

Robert brings years of experience in the advertising industry to his advertising law practice, having led brand activation initiatives for a global agency in the shopper marketing space. Today, his advertising practice focuses on agency and ad tech partner engagements, influencer campaigns; endorsements and sponsorships; promotional licensing; social media activations; and risk management in the administration of sweepstakes, contests and other promotions. Robert has structured more than 200 brand promotions across 12 countries, and has successfully commercialized more than \$18 million in intellectual property rights for his clients through licensing programs including naming rights, publicity, co-branding, product placement and affiliate arrangements. Robert also counsels brands and agencies on state and federal regulatory compliance issues related to claim substantiation and consumer protection, and provides on demand service as primary, overflow, and escalation counsel for compliance review of national advertising content across all platforms.

Experience

Representative Matters

- Defend national in-home fitness brand against \$37 million infringement claims in Southern District of New York (prevailed on summary judgment)
- Defend leading national accessories retailer against copyright infringement claims in the Central District of California
- Enforce startup real estate brand's federal trademark rights against infringer in the Northern District of Texas
- Try trademark infringement case to jury on behalf of leading online education provider (plaintiff) in the Northern District of Texas
- Defend ice hockey team in trademark opposition proceeding before the U.S. Trademark Trial and Appeal Board
- Negotiate major airline brand placement in national television reality series
- Negotiate talent engagement and content production agreements for the development and promotion of original music and companion music video for leading online dating services provider
- Negotiate co-branding and promotional license agreements on behalf of major airline in connection with feature film release
- Develop internal and external social media influencer policies for national financial services company
- Draft and provide counsel regarding artwork donation and copyright license agreements on behalf of former U.S. President
- Negotiate intellectual property rights for production of original music video and special edition card game for technology company's advertising campaign in India
- Negotiate multi-year integrated marketing campaign with e-sports team operating in the NBA 2K League.
- Negotiate multi-year National Basketball Association jersey patch sponsorship for digital marketplace service provider
- Provide counsel on the development and operation of new Kansas sports and special events arena
- Negotiate multi-year brand ambassador agreement with professional athlete in the National Basketball Association
- Negotiate licenses and operating agreement in connection with national soccer hall of fame museum and event center
- Provide counsel in connection with the re-branding of a National Collegiate Athletic Association Division I Football Bowl Subdivision sporting event
- Draft and provide counsel on licenses and operating agreement in connection with professional football hall of fame
- Provide counsel to new owners of ice hockey team in North American Hockey League on re-branding efforts and negotiation of stadium rights
- Provide counsel and draft licenses in connection with Major League Baseball stadium naming rights sponsorship

Articles

- Right of Publicity
The Licensing Journal (Wolters Kluwer), Volume 39, Number 9, 10.2019

- New York's Right of Publicity Statute at Center Court in Esports Dispute
Sports Litigation Alert, 08.16.2019
- Headline Issues for Brands to Consider When Negotiating Athlete Publicity Licenses
LawInSport, 04.17.2019
- "Faces and Names: Modern Issues in Publicity Licensing," *Journal of NCAA Compliance*, March/April 2019

Covering Your Ads Blog Posts

- "California's Fair Pay to Play Act: This is Only The First Quarter," October 4, 2019
- "NAD Recommends Improvements to Baby Monitor Performance Disclosures," August 6, 2019
- "CARU Takes Action Against Two More Mobile Apps," (Part II), June 25, 2019
- "Faces and Names: Modern Issues in Athlete Publicity Licensing," April 9, 2019

Eye on Privacy Blog Posts

- "Utility Provider Settles Call Recording Lawsuit for \$3.7 Million," August 6, 2019
- "CARU Takes Action Against Two Mobile Apps," (Part I) June 19, 2019

Intellectual Property Law Blog Posts

- "Easier Copyright Registration Coming for Blogs and Social Media Posts," August 10, 2020
- "Celebrity Entertainer Sues Over Video Game Avatar," August 22, 2019

Speaking Engagements

Panelist, "Hot Topics in Esports Advertising from Both Sides: Brands and Esports Organizations," 2022 ANA Masters of Marketing Law Conference, November 8, 2022

"Basics of Promotions, Sweepstakes, Skill Contests and Gaming," 2020 ANA/BAA Marketing Law Conference, November 10, 2020

Moderator, "Protecting & Enforcing Your Brand in the Intellectual Property, Domain Name, and Mobile App Arenas," 2017 ANA/BAA Marketing Law Conference, November 14, 2017

"Top Advertising and Marketing Issues Facing Retailers Today," Consumer Products, Retail, and Franchise Industry Group, June 21, 2017

Events

2021 ANA/BAA Marketing Law Conference
Basics Of Promotion, Sweepstakes, Contests And Gaming
San Diego, CA and Virtual, 11.15.2021

Memberships

Member, American Bar Association

Member, Dallas Bar Association

Member, International Trademark Association (INTA)

Board of Directors, Bluegrass Heritage Foundation

Member, Brand Activation Association

Member, United States Practical Shooting Association

Practices

Intellectual Property

Copyrights

False Advertising, Lanham Act and Unfair Competition

IP Licensing, Technology and Commercial Transactions

Trademark Applications and Prosecution

Trademarks and Trade Dress

Advertising

Industries

Entertainment, Technology and Advertising

Esports & Games

Retail, Fashion & Beauty

Sports

Education

J.D., Southern Methodist University Dedman School of Law, 2016, *magna cum laude*, *Order of the Coif*

B.S./B.A., University of Arkansas, 2008, *cum laude*, Honors Program

Clerkships

Judicial Extern, Hon. Elizabeth Lang-Miers, Court of Appeals for the Fifth District of Texas

Admissions

Texas

Arkansas

U.S. District Court for the Northern District of Texas
U.S. District Court for the Southern District of Texas
U.S. District Court for the Eastern District of Texas
U.S. District Court for the Western District of Texas