

Partner David Halberstadter Quoted in Law360 Article on Katy Perry "Left Shark" Design

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David Halberstadter, a partner in the Entertainment and Media group, was quoted in a Law360 article on the copyright litigation threat from Katy Perry's attorneys against a man selling designs for 3D-printed figurines of the popular "Left Shark" backup dancer from the Super Bowl halftime show. The creator of the design received a cease-and-desist letter from Perry's attorneys, and the design was later removed from the 3D printing website where it was made available. Following the removal of the design, some questioned whether Perry could really use intellectual property law to protect the shark costume the way her lawyers claimed she could. David noted that the shark does not seem to be used in a trademark sense, and that unless the distributor is falsely suggesting that Perry endorses the product, there is not much of a claim to be made there. He believes the cease-and-desist letter was a way to make the design creator weigh the benefits of continuing to distribute his item against the cost of defending litigation. "It would seem that the letter may have its desired *in terrorem* effect," said David. ("[Katy Perry Gets 3D 'Left Shark' Design Pulled After Threats](#)," February 6, 2015)

CONTACTS

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