



David Halberstadter

Partner

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Practices

FOCUS: Litigation

Advertising, Marketing
and Promotions

Intellectual Property

Intellectual Property
Litigation

Copyrights and
Copyright Litigation

Trademarks and
Trademark Litigation

Industries

Entertainment and
Media Litigation

Entertainment and
Media

Private Client Services

Family Offices

Recognition

Chambers USA, 2013–
2018

Super Lawyers,
Southern California,
2004–2019

Daily Journal, "Top 75
IP Litigators," 2014,
2017; Top Intellectual
Property Lawyer,
2018

*Best Lawyers in
America*, 2015–2019

David Halberstadter serves as deputy general counsel for the firm's four California offices. He is an established and well-respected presence in the entertainment industry, widely known for his clear, thoughtful advice and strategic litigation judgment in intellectual property and other entertainment matters. David represents traditional, institutional entertainment industry clients as well as new media companies, that come to him for his extensive experience, his practical, business-savvy approach, and his ability to aggressively prosecute and defend litigation relating to all aspects of motion picture, television and new media conception, development, finance, production and distribution.

David both prosecutes and defends litigation on behalf of motion picture studios and production companies, television networks and producers, and Internet/new media companies on a wide variety of issues, including: copyright infringement, fair use, parody and termination; trademark infringement and unfair competition; defamation, rights of publicity, rights of privacy and the First Amendment; rights acquisitions and transfers; contract disputes between producers and talent; and production, financing, distribution and licensing matters.

David also plays a prolific "behind-the-scenes" role in connection with motion picture, television and new media development. He regularly helps creators of entertainment content answer the question "Can we do this without getting sued?" For example, David frequently can be found at his desk reviewing books, films, screenplays, motion picture and television treatments, magazine articles and other works in order to assess and reduce the risks of third-party claims based upon motion picture and television adaptations of such works. He analyzes often byzantine rights agreements to ensure that his clients actually acquire the rights for which they are prepared to pay significant sums. He also counsels (and, if necessary, defends) his clients with respect to accounting and other claims asserted by motion picture and television profit participants. According to *Chambers USA*, David's clients say that "He has high levels of expertise across entertainment matters, and is extremely smart and a real fighter."

David frequently lectures and writes on topics relating to the rights and obligations of entertainment industry companies, and has served as an entertainment law columnist for the *Los Angeles Daily Journal* and *San Francisco Daily Journal*. Prior to joining Katten, he practiced with Troop Steuber Pasich Reddick & Tobey, LLP.



Legal 500, 2016–2018

Variety, Legal Impact Report, 2014, 2016

Hollywood Reporter, Power Lawyers List, 2010

Law360, MVP – Media and Entertainment, 2016

Education

JD, Georgetown University Law Center

BA, Cornell University

Bar Admissions

California

Court Admissions

US Court of Appeals, Ninth Circuit

Memberships

- American Bar Association
- Los Angeles Copyright Society
- Los Angeles County Bar Association

Advisories

- Profit Participation Practices Should Be Reviewed in Light of Recent Ladd Decision (May 28, 2010)
- 2009 Year-End Intellectual Property Issues Advisory (December 2009)

Articles

- Author, When Movie Research Leads to Contract or Copyright Claims, *Law360* (April 15, 2016)
- Author, 9th Circuit Confirms *The Hurt Locker* Is Fully Protected By The First Amendment (February 25, 2016)
- Author, Publicity Rights Abut Free Speech in 2014, *Daily Journal* (December 22, 2014)
- Author, And The Band Played On: Disputes Over Musical Group Names Were a Familiar Tune in 2013 (September 9, 2013)
- Author, Football and Free Speech: Third Circuit Vidgame Decision Has Broader Implications for Reality-Based Works (July 5, 2013)
- Co-author, Gimme 5: What Every Lawyer Should Know about Working with Mediators, *Los Angeles County Bar Association Update* (September 2008)

Speaking Engagements & Presentations

- Participant | 15th Annual MLRC Entertainment and Media Law Conference | Los Angeles, California (January 18, 2018)
- Facilitator | MLRC Media Law Conference | Reston, Virginia (September 21–23, 2016)
- Presenter | Putting the Right of Publicity in the *Hurt Locker*: The Status of the Right of Publicity and the First Amendment Following *Sarver v. Chartier* | Los Angeles, California (June 13, 2016)
- Presenter | Why Entertainment Royalty Audits Are Like a Box of Chocolates: Tips From the Experts | Webinar (April 26, 2016)
- Presenter | The Impact of the *Hurt Locker* Decision on Pre-Release Review of Films and Television Programs | Webinar (April 7, 2016)
- Participant | Right of Publicity Workshop | New Haven, Connecticut (October 17, 2015)
- Speaker | Right of Publicity Workshop | The Floyd Abrams Institute for Freedom of Expression at Yale Law School | New Haven, Connecticut (October 16–17, 2015)



- Session Chair | Ripped From The Headlines: Legal Risk Avoidance & Entertainment Works Derived From Real Events | 2014 MLRC/NAA/NAB Media Law Conference | Reston, Virginia (September 17–19, 2014)
- Panelist | Your Money for My Life: The Shifting Boundaries of Right of Publicity and Commercial Misappropriation | Media Law Resource Center California Chapter Quarterly Lunch Meeting | Los Angeles, California (September 18, 2013)
- Speaker | Avoiding Legal Pitfalls In Motion Picture Development | Entertainment Symposium | Los Angeles, California (April 20, 2010)
- Panelist | Viacom v. Google: Implications for Copyright Holders and User Generated Content | Webinar (August 14, 2008)
- Panelist | Facing Reality: New Paradigms in Television Law | Los Angeles, California (January 25, 2007)