

# Pamela M. Deese

PARTNER

Pam is a Partner in the Intellectual Property group.



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## Industries

Fashion & Retail  
Hospitality  
Life Sciences  
Media & Entertainment  
Nonprofit  
Sports

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## Practices

Advertising & Promotions  
Complex Litigation  
Copyright  
Corporate & Securities  
Customs & Import Compliance  
International Trade  
Patent  
Trademark

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## Education

American University, Washington College of Law JD, 1983  
American University BS, political science, 1980

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## Offices

Washington, DC

## Phone

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## Email

pamela.deese@arentfox.com

Pam's practice focuses on intellectual property licensing, brand management, sweepstakes, and advertising.

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## Client Work

Pam's intellectual property representation includes counseling patent pools and other IP owners in developing and maintaining strategic licensing programs as well as maintaining IP portfolios. Her work also includes advertising review and litigation for consumer products companies. Among other things, she provides counsel with respect to the creation, negotiation and enforcement of licenses and related agreements, management of worldwide IP rights, as well as representation involving counterfeiting issues, privacy, sweepstakes and promotions, celebrity endorsements, and litigating related business disputes.

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## Professional Activities

Pam also serves as an adjunct member of the faculty of American University's Washington College of Law, where she teaches IP Licensing. She is active in numerous professional associations. She holds membership in the American Bar Association's Science and Technology and Intellectual Property Law sections, the District of Columbia Bar Association, and the Pennsylvania Bar Association. Additionally, she is a member of the NY Intellectual Property Lawyers Association, the Intellectual Property Owner's Association, and the Licensing Industry Merchandisers Association. She served as Vice Chair of the ABA Section of Science and Technology, Committee on Technical Standardization and Infrastructure for a decade and on the *Licensing Journal's* Editorial Board and as the Trademark Licensing Columnist for nearly twenty years.

## Publications, Presentations & Recognitions

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Pam is rated as a *Super Lawyer*, recommended in *Who's Who* and recognized as an "IP Star" by *Managing Intellectual Property*.

She has received notable awards, including: American Lawyer Media and Martindale-Hubbell Washington DC's Women Leaders in the Law (2013), Managing Intellectual Property IP Stars - Top 250 Women in IP (2013 and 2014), Martindale-Hubbell Bar Register of Preeminent Women Lawyers (2013 Edition), International Asset Management -IAM's Top 250-The World's Leading Patent & Technology Licensing Lawyers (2010 and 2011), Washington College of Law's Women in Law Leadership Award (2008), the American University Alumni Recognition Award (2000) as well as the DC Women's Bar Association Recognition Award for Mentoring (2000).

Pam's presentations include:

- ACI's Digital Advertising Law & Compliance Summit - June 25, 2018 "Limiting Exposure: Exploring Privacy Concerns for 2018 and Avoiding Unnecessary Risk" - New York, NY
- Society for Professional Licensors Committed to Excellence - May 21, 2018, "Reducing Conflicts in Licensing to Avoid Litigation" - Las Vegas, NV
- Licensing Industry Merchandisers Association - Licensing University - May 22, 2018, "Reaching New Generations with Classic Icons" - Las Vegas, NV
- "Minimizing Risk in the Global Marketplace," Licensing Industry Merchandiser's Association (LIMA) Licensing Expo 2017 May 25, 2017 (Las Vegas)
- "Capsules, Collaborations, and Limited Editions," Licensing Industry Merchandiser's Association (LIMA) Licensing Expo 2017 May 23, 2017 (Las Vegas)
- "Common Marketing Funds-5 Points to Consider," Society for Professional Licensors Committed to Excellence (SPLiCE) Licensor 2017 Licensors Summit May 2, 2017 (Las Vegas)
- "Protecting the Brand," Licensing Industry Merchandiser's Association (LIMA) Licensing Expo 2016, Licensing University Session; June 22, 2016 (Las Vegas, NV)
- "Distinguishing Between Native Advertisement and Editorial Content," American Conference Institute's (ACI) 2015 Summit on Digital Advertising Compliance: Social Media, Sweepstakes & Promotions; October 20, 2015 (New York, NY)
- "Co-Branding Considerations from the Lawyer's Desk," Society of Product Licensors Committed to Excellence (SPLiCE) 2014 Licensors Summit; June 16, 2014 (Las Vegas, NV)
- "Understanding Social Media: What You Need To Know From a Marketing and Legal Perspective," International Licensing Industry Merchandisers' Association (LIMA) Annual Meeting; June 17, 2014 (Las Vegas, Nevada)
- "Many Will Enter, Few Will Win: Developing Best Practices for Sweepstakes and Promotions Rule Drafting," American Conference Institute: Digital Advertising Compliance: Social Media, Sweepstakes, & Promotions, September 9, 2013 (New York, NY)
- "Minimizing IP Liabilities and Legal Risks When Conducting User Generated Contests," ACI's 5th Annual Focus on Sweepstakes, Contests and Promotions, September 26-27, 2011 (New York, NY)
- "Licensing Your Brand in the International Market," Licensing Industry Merchandiser's Association annual meeting; June 13, 2011 (Las Vegas, NV)
- "Creating Workable and Adaptable Procedures for Claim Substantiation,"

ACI's 24th National Advanced Forum on Advertising Law; January 26, 2011  
(New York, NY)

- "Implementing a Social Media Strategy that Promotes Sweepstakes, Contests, and Promotions: Adhering to Specific Guidelines for Different Platforms," ACI's 4th Annual Focus on Sweepstakes, Contests and Promotions; September 24, 2010 (New York, NY)
- "Patent Licensing for Standards: How the Deal is Done," ABA Section of Science & Technology Law, Intellectual Property Law Section, Teleconference and Live Audio Webcast, May 25, 2010
- "Patent Licensing for Standards: How the Deal is Done," 25th Annual Intellectual Property Law Conference; April 7-10, 2010 (Arlington, VA)
- "Monitoring and Enforcing Compliance with the Terms of the License Agreement," 2d Advanced Legal Forum on Technology License Agreements; Presenter and Conference Co-chair; March 23-24, 2010 (Washington, DC)
- "Aggressive Anti-Counterfeiting In Action: Auditing and Attacking," The 2009 Trademark, Anti-Counterfeiting and Gray Market Fraud Mitigation Summit; June 23-24, 2009 (Arlington, VA)
- "Examining the Relative Danger of Utilizing Product Endorsements within a Fluctuating Regulatory Environment," ACI's Second Annual Regulatory Summit for Advertisers and Marketers; June 17-18, 2008 (Washington, DC)
- "The Legal Aspects of Auditing Licensees," Licensing Industry Merchandiser's Association (LIMA); June 9-12, 2008 (New York, NY)
- "Increasing IP Leverage and Mitigating Risks With Careful and Thorough Negotiations and Contracting," ACI Conference; February 27-28, 2008 (Scottsdale, AZ)
- "Tighten the Reins on Your Nonprofit!" Aronson & Company; May 24, 2007 (Washington, DC)
- "Overview of Licensing Portal," Arent Fox; December 8, 2006 (Washington, DC)
- "Playing by the Rules: Avoiding Legal Pitfalls in Online Sweepstakes, Contests and Promotions," Retail Counsel's Summit on E-Sales & Marketing Law; October 4-5, 2006 (New York, NY)
- "Legal 201: Licensing Agency and Non-Disclosure Agreements," Licensing Industry Merchandiser's Association (LIMA); June 22, 2006 (New York, NY)
- "The Anatomy of an Agreement," LIMA - Corporate Brand Licensing; March 16, 2006 (New York, NY)
- "Legal Foundations of Licensing - International Issues," LIMA; June 18, 2005 (New York, NY)
- "Maximizing the Value of License Agreements," Cause Marketing Forum - Licensing for Nonprofits; June 17, 2004 (New York, NY)
- "International Issues in Licensing," LIMA - Legal 101 Seminar; June 7, 2004 (New York, NY)
- "Corporate and Brand Licensing Agreements," NY Intellectual Property Lawyers Association (NYIPLA) and LIMA - Anatomy of a License Agreement; March 4, 2004 (New York, NY)
- "International Licensing Issues," LIMA - 2003 Licensing Show; June 9, 2003 (New York, NY)
- "Corporate and Brand License Agreements," Anatomy of a License Agreement - A Clause-by-Clause Analysis of a License Agreement, sponsored by LIMA, Aspen Publishers and NYIPLA; March 21, 2003 (New York, NY)

Pam's publications include:

- "Safeguarding Your Brands on Social Media," *Thomson Reuters*, December 2015
- "Product Endorsements: Beware of New FTC Guides," *Entertainment & Sports Lawyer* Spring 2011 (Vol. 29, No.1)
- "Leveraging Your Brand Enforcement Efforts through Coordination with US Customs," Part 2, *The Licensing Journal*; June-July 2010
- "Leveraging Your Brand Enforcement Efforts through Coordination with US Customs," Part 1, *The Licensing Journal*; February 2010
- "Quality Controls Assume Greater Importance in License Agreements," *LIMA's Bottomline*; Winter 2008 (Page 2)
- Trademark Licensing columnist with Henry Huffnagle, "Properly Allocating Risk in Trademark Licenses," *The Licensing Journal*; June/July 2008 (Vol. 28, No. 6)
- Trademark Licensing columnist, "Crisis Management for Trademark Licenses: Can a Licensor Minimize Its Risk," *The Licensing Journal*; November/December 2007 (Vol. 27, No. 10)
- Trademark Licensing columnist, "The Shop-in-Shop Concept," *The Licensing Journal*; October 2004 (Vol. 24, No. 9)
- Trademark Licensing columnist, "Limitations on Channels of Distribution in Trademark Licensing," *The Licensing Journal*; September 2004 (Vol. 24, No. 8)
- Trademark Licensing columnist, "Term and Termination Provisions of a Trademark Licensing Agreement," *The Licensing Journal*; August 2004 (Vol. 24, No. 7)
- Trademark Licensing columnist, "Negotiating the Royalty Rate," *The Licensing Journal*; June/July 2004 (Vol. 24, No. 6)
- Trademark Licensing columnist, "The Importance of Trademark Clearance and Selection in a Strategic Licensing Program," *The Licensing Journal*; May 2004 (Vol. 24, No. 5)
- Trademark Licensing columnist, *Licensing Journal*; 2003 - Present
- "Managing Intellectual Property in Licensing Agreements," *Franchising World*; September 2001 (Vol. 33, No. 5)
- "International Licensing: Structuring Deals Worldwide," *International Quarterly*; July 2000 (Vol. 12, No. 3)
- "Negotiating and Structuring a Character License Agreement that Successfully Defines the Business Relationship," *The Licensing Journal*; 1999 (Vol. 19, No. 6)
- "What Licensors and Licensees Want Most from Merchandising License Agreements," *The Licensing Journal*; 1996 (Vol.16, No. 8)
- "The Related Party Loophole: An Analysis of the Valuation of Related Party Transactions for the Purposes of Calculating Constructed Value," *The George Washington Journal of International Law and Economics*; 1988 (Vol. 21, No. 3)
- "Impact of the United States International Trade Commission on Commercial Transactions," *Dickinson Journal of International Law*; 1985 (Vol. 3, No. 2)
- Other intellectual property papers submitted at numerous seminars

## Life Beyond the Law

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Pam is married to another Washington attorney and they have three children. She is conversant in Spanish. Pam is serving her fifth term as a member of the

Board of Trustees of American University. She is also a member of the Kennedy Center Circles Board where she has been able to play a role in arts education, one of her passions. Additionally, Pam is an elder in the Lewinsville Presbyterian Church and is active on various committees.

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### **Bar Admissions**

District of Columbia

Pennsylvania

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### **Court Admissions**

US Court of International Trade

Supreme Court of the United States

US District Court, District of Maryland

US Court of Appeals, District of Columbia Circuit

US Court of Appeals, 8th Circuit

US Court of Appeals, Federal Circuit

US Court of Appeals, 4th Circuit

US District Court, District of Columbia