



# Robert C. Cumbow

 Partner

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**“My ability to recognize and clearly explain the challenges to establish, distinguish, protect, and enforce unique intellectual property assets has positioned me as a trusted advisor and enthusiastic advocate of businesses and entrepreneurs.”**

Bob Cumbow counsels domestic and international businesses and entrepreneurs on intellectual property registration, agreements, licensing, due diligence, and protection for advertising, publishing, and internet issues. His practice includes matters relating to trademark search, clearance, prosecution, and policing; copyright and publicity right clearance; licenses, assignments, contracts, releases, and publishing agreements; alcoholic beverage branding, labeling and advertising; communications and media law; intellectual property dispute resolution; domain name disputes; advertising compliance; and promotional contests and sweepstakes.

His clients have included wineries, breweries, and distilleries; beverage and specialty food companies; telecommunication and wireless companies; news and entertainment media; computer hardware and software companies; video and board game developers; cannabis and cannabis-related businesses; advertising agencies; a major league baseball team; an international evangelist; artists, arts organizations, independent film makers, playwrights, authors, and musicians; and major international retailers, manufacturers, and distributors of books, appliances, clothing, pharmaceuticals, and food products.

Bob has been a revered adjunct law professor for more than 20 years, teaching the foundations of IP law and sharing the passion for popular culture, language, and history that informs his practice, fuels his appreciation for client’s brands and creations, and enhances his ability to help clients protect their businesses.

## Professional Activities

- Seattle University Law School and University of Washington School of Law, Adjunct Professor of Law
- Washington Lawyers for the Arts, Volunteer
  - Past Board Member
  - Past President

## Education

University of Puget Sound School of Law, J.D., *summa cum laude*, 1991

Seattle University, M.A., English, 1969

Seattle University, B.A., English, 1967

## Bar Admissions

Washington, 1992

- Washington State Bar Association
  - Intellectual Property Section, Member
- International Trademark Association, Member
- Copyright Society of the USA, Member

### Civic Activities

- Lecturer on films
  - Seattle International Film Festival, 2016-present
  - Women’s University Club, Seattle, 2015-present
  - Northwest Film Forum, Seattle, 2010-2016
- Seattle University Film Studies Program, 2010-2016

### Representative Experience

#### Intellectual Property Advocacy

- Coordinated team efforts in building and maintaining worldwide trademark portfolios for a major computer-network control provider and three global computer-game development companies.
- Organized copyright management, licensing, and sponsorship programs for black history website.
- Achieve federal registration of certification mark for regional certifier of Skagit Valley agricultural goods and services
- Conducted trademark and IP due diligence for major craft brewery acquisition.
- Overcame United States Patent and Trademark Office (USPTO) objections to achieve registration for brewery brands on short turnaround.
- Represented commercial fisherman featured in television series, “The Deadliest Catch,” in protecting and licensing trademarks and personal-image branding.
- Assisted cannabis-related clients in obtaining intellectual property protection consistent with the differing standards of state and federal law.
- Protected a maker of t-shirts and other apparel from infringing activity by two competitors.
- Achieved trademark registration for beverage bottle and label design, overcoming USPTO objections.
- Negotiated coexistence agreements between wine and beer labels using similar trademarks.
- Reviewed dispute and overcame competitor demand, enabling client brewery to continue use of challenged trademark.

#### Expert Witness

- Expert witness in three cases involving disputes over trademark law, practice, and policy.
- Court-appointed expert witness in two international software-licensing disputes.

#### Mediation

- Mediation practice focusing on trademark and copyright dispute resolution.
- *Headspace Corp. and Clear Cannabis, Inc. v. Podworks Corp.* (Mediation, King County Superior Court, Washington, 2020)

#### Legal Advisor

- Served as legal advisor on numerous independent films.

## Publications

Bob is a prolific writer on various topics. Following is a listing of publications since 2015. A complete list is available upon request.

- “The Most Important Trademark Fact You Probably Don’t Know,” Miller Nash, *IP & Technology Law Trends* (Dec. 2023)
- “‘Wavy Baby’ Case Tests Definition of an Expressive Work,” Wolters Kluwer, *IP Litigator* (Nov./Dec. 2022)
- “Second Time Lucky? Supreme Court Grants Cert in Jack Daniel’s Dog Toy Case,” Miller Nash, *IP & Technology Law Trends* (Nov. 2022)
- “Supreme Court to Clarify Internet Safe Harbor Provisions,” Miller Nash, *IP & Technology Law Trends* (Oct. 2022)
- “‘Wavy Baby’ Case Tests Definition of an Expressive Work,” Miller Nash, *IP & Technology Law Trends* (Oct. 2022)
- “Supreme Court May Review Trademark Territoriality,” Miller Nash, *IP & Technology Law Trends* (Oct. 2022)
- “‘Flanax’ TM Case Could Bring High Court Clarity On 2 Issues,” *Law360* (Nov. 2021)
- “U.S. Supreme Court Denies Cert in Three IP Cases,” Miller Nash, *IP & Technology Law Trends* (July 2021)
- “Supreme Court Denies Cert in Jack Daniel’s Dog Toy Case” Case; Netflix Settles Sherlock Holmes Case,” Miller Nash Graham & Dunn, *IP Law Trends* (Jan. 2021)
- “Ninth Circuit Rejects Fair Use Defense in Seuss/Star Trek “Mash-Up” Case; Netflix Settles Sherlock Holmes Case,” Miller Nash Graham & Dunn, *IP Law Trends* (Dec. 2020)
- “New York Takes the Stage with New Publicity Right Law,” Miller Nash Graham & Dunn, *IP Law Trends* (Dec. 2020)
- “What They Do for a Living: The Right of Publicity in Video Games and Movies,” American Bar Association Intellectual Property Section, *Landslide* (Sept. 2020)
- “Beer™,” Washington Beer Blog, quoted (Sept. 2020)
- “Lights, Camera...Legal Action?” *Washington State Bar News* (July/August 2020)
- “Animated IP: A Series of Answers to Your Questions from Rose City Comic Con,” Miller Nash Graham & Dunn, *IP Law Trends* (Oct. 2019)
- “What Everyone Can Learn From the \$300 Million Deal That Taylor Swift Claims ‘Stripped Me of My Life’s Work,’” *MarketWatch*, quoted (July 2019)
- “Supreme Court Denies Cert in de Havilland Case,” Miller Nash Graham & Dunn, *IP Law Trends* (Jan. 2019)
- “Supreme Court Grants Cert in Brunetti Appeal,” Miller Nash Graham & Dunn, *IP Law Trends* (Jan. 2019)
- “Washington Court Allows California Cannabis Business to Sue for Trademark Infringement,” Miller Nash Graham & Dunn, *IP Law Trends* (Nov. 2018)
- “Federal Circuit’s Converse Ruling Provides Useful Secondary Meaning Guidelines,” Miller Nash Graham & Dunn, *IP Law Trends* (Nov. 2018)
- “Supreme Court Asked to Review De Havilland Case,” Miller Nash Graham & Dunn, *IP Law Trends* (Nov. 2018)
- “U. S. Supreme Court Will Decide What It Means to ‘Register’ a Copyright,” Miller Nash Graham & Dunn, *IP Law Trends* (Oct. 2018)
- “Two New Right of Publicity Decisions Heighten First Amendment Tension,” Miller Nash Graham & Dunn, *IP Law Trends* (Mar. 2016)
- “Government Concedes that Recent Federal Circuit Ruling on Registration of ‘Disparaging’ Trademarks Applies to ‘Scandalous and Immoral’ Marks As Well,” Miller Nash Graham & Dunn, *IP Law Trends* (Jan. 2016)
- “Naughty or Nice, ‘Offensive’ Trademarks Are Entitled to Registration: In re Tam,” Miller Nash Graham & Dunn, *IP Law Trends* (Dec. 2015)
- “Latest Football Video Game Decision Prompts Concerns Over Constitutional Analysis in Right of Publicity Cases,” Miller Nash Graham & Dunn (Jan. 2015)

## Presentations

Bob is a frequent speaker on various topics. Following is a listing of presentations since 2015. A complete list is available upon request.

- “Trademark and Right of Publicity Year in Review,” Washington Lawyers for the Arts, Art Law Institute 2022 (Dec. 2022)
- “What They Do for a Living: The Right of Publicity in Video Games and Movies,” King County Bar Association IP Section CLE (June 2020)
- “Art Law in the Time of COVID-19,” Washington State Bar Association, webinar CLE, co-presenter (Oct. 2020)
- “Q&A Session With #PopCulture Lawyers,” Rose City Comic Con, panelist (Sept. 2019)
- “Copyright Basics for Artists,” University of Washington Annual Course (2007-present)
- “Moral Rights of Artists and VARA,” Washington State Bar Association, Art Law CLE (Aug. 2019)
- “IP Mistakes Start-Ups Make,” Seattle University School of Law (June 2019)
- “Fundamentals of Copyright Law & Publishing Contracts,” University of Washington School of Law (May 2019)
- “Advertising Law: Contests & Sweepstakes,” Washington State Bar Association, Maybe They’re Born with It: Maybe it’s Marketing Seminar (Apr. 2019)
- “Trademark Year in Review,” Washington State Bar Association, Intellectual Property Section, Annual Intellectual Property Institute (Apr. 2018)
- “Right of Publicity,” Washington Lawyers for the Arts, CLE Seminar (Oct. 2017)
- “Trademark Registrability Analysis Discussion,” Seattle Intellectual Property Inns of Court, monthly meeting (Oct. 2017)
- “Moral Rights and the Visual Artists’ Rights Act,” Washington State Bar Association, Legal Frames for Visual Arts CLE (Sept. 2017)
- “Right of Publicity: How Recent Cases Suggest an Uneasy Future for First Amendment Jurisprudence,” King County Bar Association, Intellectual Property Section (Feb. 2017)
- “Recent Developments in the Right of Publicity,” King County Bar Association, Intellectual Property Section (Apr. 2016)
- “Right of Publicity,” Washington Lawyers for the Arts, Art Law Institute (Dec. 2015)
- “Beverage Law: Intellectual Property, Labeling, and Advertising,” Washington State Bar Association, New Lawyer Education Webcast Series: Beverage Law in Washington (Aug. 2015)

## Recognition & Honors

- Recognized as a “Trade mark star” by Managing Intellectual Property IP STARS, 2021-present
- Recipient of the Master of BrandScience Award, presented by BrandStrategy, Inc., 2021
- Selected for inclusion in *The Best Lawyers in America*<sup>®</sup> (Seattle, WA)
  - Information Technology Law, 2001-present; “Lawyer of the Year,” 2013, 2015, 2018
  - Trademark Law, 2012-present; “Lawyer of the Year,” 2014
- Selected for inclusion as a Washington Super Lawyer, 2003-present
  - Top 100 Washington Super Lawyers, 2014-2019, 2021
- Recognized as a “Leader in Their Field” by *Chambers USA* for Intellectual Property—Washington
- Selected for inclusion in WTR 1000 and named to the Gold level of recognition by the *World Trademark Review*
- Rated AV<sup>®</sup> Preeminent<sup>™</sup> by Martindale-Hubbell<sup>®</sup>
- Seattle University School of Law’s Outstanding Adjunct Faculty Award, 2008
- Graham & Dunn’s “Open Door Award” recipient for accessibility and assistance to the firm’s junior lawyers, 2002, 2006, 2010