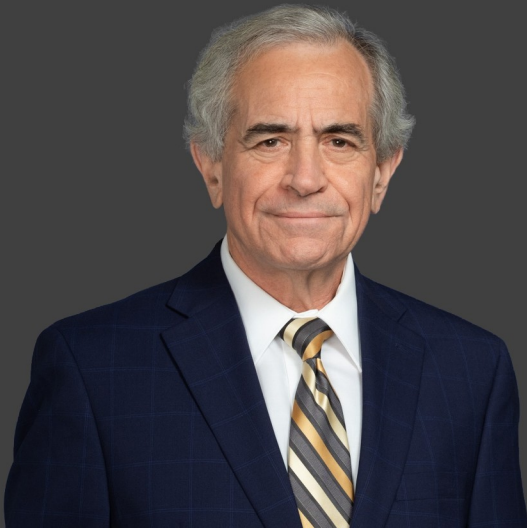




David Rabinowitz

PARTNER



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David Rabinowitz, a partner in Moses Singer's Litigation, Intellectual Property and Law Firms practices, has been a partner with the firm since 1985.

Within a broad commercial litigation and litigation counseling practice, David has focused in the substantive areas of financial industry litigation, including corporate trusts and letters of credit, trusts and estates, intellectual property, contracts and employment.

David has represented major financial institutions in matters relating to indenture trusts, letters of credit, negotiable instruments and electronic transfers, real estate and cross-border judgment enforcement.

In the trusts and estates area, David has represented fiduciaries and beneficiaries in fiduciary accountings, will and trust construction and trust and estate administration. These have included representing large financial institutions in major Surrogate's Court litigations including claims ranging up to \$2 billion for mismanagement of trusts. He has represented individuals and charitable institutions in disputes over dispositions from estates. He has represented individuals in will contests, claims to restore allegedly alienated property to estates, and other claims against estates. He has represented individuals as fiduciaries in claims of improper estate administration and claims to enforce dispositions under wills.

In the area of intellectual property, David has represented entertainment, sports and media companies, talent and rights owners in litigated and non-litigated matters concerning contracts and licenses, copyright, trademark and unfair competition, right of publicity, and defamation and related free speech issues, including infringement claims and inter partes proceedings in the US Patent and Trademark Office.

In the healthcare industry, Mr. Rabinowitz has assisted healthcare provider organization, HMOs and other healthcare institutions with both dispute resolution, including litigation, and counseling. He has helped resolve disputes concerning provider reimbursement, commissions to third parties for recruiting HMO members, privileged communications relating to information concerning facility compliance analysis, physician board certification

Practices / Industries

- Corporate Trust and Loan Agency
- Litigation
- Intellectual Property
- Technology
- Entertainment & Media
- Ethics & Law Firms
- Trusts & Estates
- Real Estate & Land Title Litigation
- Intellectual Property, Entertainment/Media & Technology
- Consumer/Luxury Goods
- Private Clients
- Philanthropy and Charitable Organizations
- Trusts & Estates and Family Law Litigation
- Banking Litigation
- Bankruptcy Litigation
- Complex Commercial Litigation
- Employment Litigation
- Entertainment Litigation
- Fiduciary Duty Litigation
- Intellectual Property Litigation
- Maritime & Admiralty Litigation

removal proceeding relating to cheating scandal, whistleblower claims relating to privacy breaches, claims of pharmacy in insurer receivership, commissions to employees for recruiting HMO members, removal of provider from HMO network, employment discrimination, and disability discrimination against a disabled patient. On the counseling side, he has assisted institutions with designing a research information collection survey and an investigation into possible hospital security breaches, HIPAA compliance programs, including analysis of requirements of regulations and assessments of institutional compliance and compliance with research rules, analysis of the law governing release of protected health information to doctors or their malpractice counsel or experts in court cases without the consent of the patient, under both HIPAA and state law, interaction between electronic privacy laws and HIPAA, deductions from physicians' wages by hospitals and analysis of liquidated damages clauses in researcher agreements.

- Antitrust Litigation
- AI & Data Law

David has also represented both employers and employees in disputes concerning employment agreements, termination of employment and employment discrimination, as well as negotiations of employment agreements.

David represents clients in arbitrations and other alternative dispute resolution procedures as well as state and federal courts throughout the United States.

David is a regular speaker on legal ethics. He has lectured and participated on panels before The Association of the Bar of the City of New York, the American Bar Association, the Practising Law Institute, The Institute of International Banking Law & Practice, New York Women In Film & Television, The Copyright Society of the U.S.A., the Licensing International Annual Convention and the Massachusetts Software Council. He has taught Copyright Law at Seton Hall Law School as an adjunct professor. He is a member and former trustee of The Copyright Society of the U.S.A. David has published articles which have appeared in Advertising Age, Entertainment Law Reporter, The Entertainment Publishing and the Arts Handbook, the Journal of The Copyright Society of the U.S.A. and Practical Lawyer. He has written a series of articles on Internet Law entitled "Web Site Story," which appeared in American Lawyer's Corporate Counsel magazine.

David is recognized as a New York Metro Super Lawyer. He is an AV® Preeminent™ Rated lawyer and one of New York's Top Rated Lawyers in his field according to Martindale-Hubbell.

Prior results do not guarantee a similar outcome.

Education

- Columbia University School of Law (J.D.)
 - Harlan Fiske Stone Scholar
- Massachusetts Institute of Technology (B.S.)

Bar/Court Admissions

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, District of Colorado
- U.S. Supreme Court
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, Western District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York

- U.S. District Court, Eastern District of New York
- New York

Professional Affiliations

- New York Super Lawyers
- New York State Bar Association
- Member, Former Trustee and Co-Chair of the 1999 Annual Meeting, The Copyright Society of the U.S.A.
- The Association of the Bar of the City of New York

Recognition

David is recognized as a New York Metro Super Lawyer. He is an AV® Preeminent™ Rated lawyer and one of New York's Top Rated Lawyers in his field according to Martindale-Hubbell.

- Super Lawyers: 2006, 2008 - 2025
- 2026 Lawdragon 500 Leading Litigators in America

Presentations

- "How to Go Where Angels Fear to Tread: Fair Use of Copyright, Trademark and Rights of Publicity," New York Women in Film & Television, October 2022
- "Copyright 101," Media Law Resource Center, 2022
- "The Pitfalls And Practicalities Of Intellectual Property Protection," Volunteer Lawyers for the Arts, 2022
- "“Buzz And Infringement: Staying Out Of Court In One Easy Lesson”" New York Women In Film & Television, 2022
- "As Artificial Intelligence Expands, So Do Legal Protections," Bloomberg Law, August 20, 2021, <https://news.bloomberglaw.com/ip-law/as-artificial-intelligence-expands-so-do-legal-protections>
- "In Re Citibank August 11, 2020, Wire Transfers," ABA Letters of Credit Subcommittee, 2021
- "IP, Data Use and Data Sharing," Webinar, 2021
- "Contracts in the Time of COVID," MSI Global Alliance 2020
- "Is This Thing Copyrightable?," Volunteer Lawyers for the Arts 2020
- "The Pitfalls & Practicalities of Intellectual Property Protection," New York Women In Film & Television, 2018
- "Ethical Issues in Licensing," Practising Law Institute, Understanding the Intellectual Property License, 1997-2021
- "Ethical Considerations In Licensing," Practising Law Institute, Advanced Licensing Agreements, 2007-2022
- "Ethics for the Negotiating Lawyer," Practising Law Institute, 2011-2022
- "Negotiation Ethics," The Association of the Bar of the City of New York, 2017-2022
- Panelist, Institute of International Banking Law & Practice, NY Standby & Guarantee/Law Summit 2015-2019
- "Ethics Issues in IP Practice," New Jersey Intellectual Property Association 2016
- "Negotiation Ethics," New Jersey Intellectual Property Association, 2014
- "Show Me the Money: The Essentials of Valuation of Copyrights in Transactions and Litigation" The Copyright Society of the U.S.A., New York Chapter, 2014
- Entertainment & Technology Law Series, National Association of Recording Merchandisers, 2013

- "Negotiation Ethics," The Copyright Society of the U.S.A., New York Chapter, 2012
- "Negotiating...Ethically," Moses & Singer In-House Counsel CLE Program, 2012
- "Ethics for the Negotiating Lawyer," Practising Law Institute, Ethics in Context, 2008, 2010-2011
- "Ethics in Negotiations," WebCredenza Professional Education Broadcast Network Live Teleseminar, 2010
- "Ethical Issues for the Entertainment Lawyer," The Association of the Bar of the City of New York, 2008
- "Winning Ethics in Licensing," Licensing International, 2008
- "Legal Bases for Civil Remedies-The Mid-Winter Meeting," The Copyright Society of the U.S.A., 2008
- "Non-Traditional Fee Arrangements; Doing Business with Your Client," Current Ethical Issues for the Entertainment Lawyer in Music, Film, Television & Theater, New York City Bar, 2008
- "Non-Traditional Fee Arrangements and Doing Business with Clients," The Copyright Society of the U.S.A., 2007
- "Ethical Considerations in International Patent Licenses," Practising Law Institute, 2006
- "Know Your Boundaries! The Unauthorized Practice of Law," Practising Law Institute, 2005
- "Ethics for the IP Practitioner," The Association of the Bar of the City of New York, 2003
- "Internet Law Institute," Practising Law Institute, 2003, 2004
- Adjunct Professor, Copyright Law, Seton Hall Law School, 2001-2004
- "Trademark Basics for Attorneys," The Association of the Bar of the City of New York, 2000-2003
- "Get Wired 2000: Practicing Arts, Entertainment, Media & Sports Law in the Digital Age," The Association of the Bar of the City of New York, 2000
- "Basic Ethics for the Negotiating Lawyer," The Copyright Society of the U.S.A., 2000, 2002
- The Copyright Society of the U.S.A., 2000 Annual Meeting
- "Internet Law," guest lecturer at Fordham University School of Law, 1998-2002
- "Fair Use-Real, Virtual and Totally Virtual," Trademark Committee, The Association of the Bar of the City of New York, 1997
- "Legal Issues in the Agency Business," American Association of Advertising Agencies, 1997
- "Understanding The Intellectual Property License," Practising Law Institute, 1997-2001
- "Look-Alikes and Sound-Alikes, the Legal Implications," American Corporate Counsel Association, 1996
- "Dispute Resolution Provisions in Copyright Related Contracts," The Copyright Society of the U.S.A., 1994
- Section of Patent, Trademark & Copyright, American Bar Association, Annual Meeting, 1993
- "How to Handle Basic Copyright and Trademark Problems," Practising Law Institute, 1990.

Publications

June 1, 2025

David Rabinowitz Served as One of the Chairs of PLI's Ethics in Context: June 2025 Course Handbook, and an Author of the Handbook Chapter Titled, "Basic Ethics for the Negotiating Lawyer"

May 12, 2025

Can Artificial Intelligence Itself Be Copyrighted?

New York Law Journal

April 2, 2025

Anti-SLAPP – Defamation Plaintiffs Beware!

Client Alert

March 28, 2025

FinCEN Publishes New Interim Rule- U.S. Domestic Companies are no longer Reporting Companies and are exempt from Corporate Transparency Act (CTA) reporting requirements; U.S. Beneficial Owners of Foreign Reporting Companies have no reporting requirements under the CTA

Client Alert

March 4, 2025

The CTA's Scope and Enforcement is Likely to be Greatly Diminished, and to No Longer Apply to US Reporting Persons, Based on New Announcements from FINCEN and the US Department of Treasury

February 21, 2025

Injunction In Smith v. The Department of The Treasury Lifted Pending Fifth Circuit Appeal; CTA Beneficial Ownership Reports Must Be Filed By March 21, 2025 For Most Reporting Companies

February 10, 2025

U.S. Department of Justice Files Notice of Appeal and Motion to Stay the Injunction in Smith vs. the Department of the Treasury; FINCEN Announces 30-Day Filing Deadline if Stay of the Injunction is Granted

January 30, 2025

Nationwide Corporate Transparency Act Enforcement Injunction Remains in Effect Despite Supreme Court Ruling to Stay the Injunction in Texas Top Cop Shop, Inc. v. McHenry (Formerly, Texas Top Cop Shop v. Garland)

Client Alert

December 27, 2024

Full 5th Circuit Reinstates Injunction Suspending Corporate Transparency Act

December 24, 2024

Corporate Transparency Act Injunction is lifted -FinCEN extends most filing

deadlines to January 13, 2025

December 17, 2024

Government Files Motions to Lift District Court Stay of CTA January 1, 2025 Filing Deadline

November 12, 2024

International Copyright Law: Infringer in Canada But Not in the United States

November 12, 2024

Fair Use and Tattoos

June 11, 2024

Takedown Notices Are Not Free Shots

May 6, 2024

Judicial Power Over Trademark Applications Before Registration? The 9th Circuit Says Yes

April 11, 2024

Copyright Office Refusal to Register Copyright in Sculpture Upheld – But It Doesn't Finally Determine Copyrightability

January 16, 2024

Using Copyrighted Works in AI Training Data May Infringe Even if the AI Output Doesn't

Moses Singer Client Alert

October 11, 2023

Federal Court Upholds Copyright Office Refusal to Register AI Output

September 13, 2023

AI and IP: Examining Legal Rights over AI-Generated Output

July 26, 2023

AI Output – Gold Mine Or Minefield?

Moses Singer Client Alert

June 15, 2023

Warhol Foundation v. Goldsmith: No Special Fair Use Privilege For Fine Art. Or Is There?

April 13, 2023

Easy Cases Can Make Bad Law: Copyright Authorship of Photographs

December 14, 2022

Court Avoids Absolutes as Stream-Ripping Service Runs Afoul of Anti-Circumvention Act

October 19, 2022

French Copyright Infringement Judgment Enforceable Despite Absence of Fair Use Defense in France

September 14, 2022

Court Extinguishes Firework Co.'s Copyright, But Decision Sparks Debate on the Future of Copyrightability of AI

July 20, 2022

Design and Structure of Computer Programs and Associated Databases Can Be Protected by Copyright

June 9, 2022

Author's Family Fails to Recover Copyright Renewal Term When Author Dies Before Renewal

June 9, 2022

Patent Holders Beware: Enforcement Efforts May Lead to Personal Jurisdiction

August 20, 2021

As Artificial Intelligence Expands, So Do Legal Protections
Bloomberg Law

April 8, 2021

Courts Issue Multiple Decisions Restating Scope of Copyright Fair Use

February 1, 2021

Gross Negligence Allegation Doesn't Defeat Sole Remedy Clause: Pool-Trustee's Damage Claims Against Sponsor Dismissed

January 25, 2021

Recent Corona Relief Act Includes Updates to Trademark and Copyright Laws

December 29, 2020

Free Speech Gets New Protection in New York

December 18, 2020

New York State Expands Right of Publicity Protections, Including to Deceased Persons

November 27, 2020

Important Holdings for Letter of Credit Users and Issuers from Recent New York Cases Involving Natixis Funding Corp. and Natixis, New York Branch
Documentary Credit World, November/December Issue

March 31, 2020

The Payroll Tax Credit – How Employers Get Reimbursed for Federally Mandated Paid Leave

March 11, 2020

Led Zeppelin Wins Appeal in 'Stairway to Heaven' Copyright Lawsuit

May 8, 2017

Are Communications Between an Indenture Trustee and its Attorneys Privileged? Pre-Default Communications Held to Be Privileged

April 27, 2017

How Privilege Applies to Multinationals' In-House Counsel

Law360

April 26, 2017

Collateral Manager Cannot Enforce Trustee's Promise to Indemnify for Expenses In Excess of Indenture Waterfall