



Adam R. Bialek

Partner

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Adam Bialek is cochair of Wilson Elser's Intellectual Property & Technology practice, a member of the firm's Information Governance Leadership Committee, and a founding member of the firm's Virtual Privacy Officer service. His nationwide team of highly qualified attorneys offers clients a full range of IP and cyber/tech/media legal services. Adam is experienced with all facets of intellectual property law, internet law, art law, data security and privacy, and cyber/media risk matters, including insurance coverage pertaining to these areas. Clients rely on Adam for his extensive experience with cutting-edge internet-based issues and his success in using innovative tactics to enforce client rights. In addition, Adam combines the knowledge of an in-house counsel with his position in a leading national firm to enhance the role of outside general counsel to his IP clients.

Under Adam's leadership, Wilson Elser's IP team counsels numerous high-profile and prestigious U.S. and global clients. Additionally, they prosecute and defend lawsuits involving copyrights, trademarks, patents, trade secrets, franchise rights, rights of publicity, web accessibility, defamation/trade libel and privacy. The team also pursues trademark and domain name registration in countries around the world; prepares global trademark license agreements and registers licenses for franchisors and licensors; prepares software license agreements, development agreements and technology transfers; and performs due diligence in connection with corporate transactions. The team is adept at Internet Risk Management, performing website and social media audits, negotiating protection agreements, and working with clients and vendors to minimize the risks from operating in an online and digital environment.

Adam uses his considerable talents to operate a public charity for the prevention of neural tube birth defects and is a member of the Board of Regents for NYU Langone Hospital – Long Island, in Mineola, New York, and having served on several committees of the hospital's Board of Trustees, including the Marketing Committee and the Information Technology Committee.

Services

- Art Law
- Commercial Contracts & Agreements
- Canada
- Commercial Litigation
- Complex Tort & General Casualty
- Cybersecurity & Data Privacy
- Environmental
- Insurance & Reinsurance Coverage
- Intellectual Property & Technology
- Israel
- Latin America
- Life Sciences
- Municipal/Local Government
- Professional Liability &

Intellectual Property

In litigating IP cases, Adam effectively resolves infringement actions for both rights holders and defendants, including copyright, trademark, trade dress, trade secret and patent infringement matters; false advertising; franchise disputes; trade libel; rights of privacy and publicity; data breaches; domain name disputes; and complex international counterfeiting matters. Adam actively counsels clients in intellectual property rights planning and execution, including registration and licensing of trademarks, registering of trademark licenses, preparation of license agreements for software and other works, and brand-building. He audits company practices and websites for compliance with state and federal laws and prepares internet-related documents such as terms of use, privacy policies, terms of sale, accessibility statements and other industry required disclosures.

Technology

Data is only as good as a user's ability to retrieve and use it, and technological issues can seriously thwart that ability. Adam and his team regularly address claims involving data that is lost, stolen, compromised or unrecoverable, often through the fault of a technology provider. Adam defends claims of failed implementations of hardware or software, defects in software or firmware, and technology providers' negligence and breach of duty. In addition, Adam prepares software license agreements, cloud service provider agreements, health portal agreements and technology transfer agreements. Further, he counsels technology companies on risk and crisis management. Adam stays abreast of the new technologies under development so that his team can address issues such as NFTs, blockchain technology, cryptocurrency, virtual reality and the metaverse.

Cyber / Media

Adam and his team regularly perform proactive, detailed website audits for infringing materials and compliance with state and federal laws. They counsel clients on intellectual property-related issues, negotiate rights protection and transfer agreements, and prepare internet-related documents (Terms of Use, Privacy Policies and Terms of Sale). Adam also prepares social media policies that help ensure online communications are compliant with the law and company messaging. In addition, he counsels clients on obtaining necessary rights and clearances for content. Adam prosecutes and defends lawsuits involving reputational risks, defamation and trade libel, and addresses media and First Amendment issues arising out of internet-related communications. He also defends claims of violations of rights of privacy, publicity and promotion, data breaches, and website inaccessibility pursuant to the Americans with Disabilities Act and similar state statutes.

General Counsel Services

Adam has served as outside general counsel for several businesses, including an international networking organization, several internet companies, and manufacturing, water purification and other types of companies. Adam uses the considerable resources of Wilson Elser to expand the services he can offer these clients, from employment issues to major business decisions. Demonstrating this full-service approach, Adam has assisted in obtaining economic development grants and benefits to help grow his clients' businesses. In addition, he has resolved disputes among feuding partners, has investigated and assisted in the prosecution of embezzlement claims, and has been involved in several restructurings. When small businesses cannot afford an internal legal department, Adam works with them to help protect their assets and build value while complying with the law.

Services

- Toxic Tort
- Data Use & AI Governance

Education

- Washington University School of Law (J.D., 1991)
- University of Rochester (B.A., 1988)

Bar Admissions

- New York
- New Jersey

Court Admissions

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

Professional Affiliations

- New York State Bar Association; Committee on Media Law; Trademark Law Committee
- DRI: Intellectual Property Litigation Committee – Steering Committee Member; Chair, Right of Publicity Substantive Law Group; Chair, Trademarks Substantive Law Group
- International Trademark Association (INTA); Right of Publicity Committee, 2020-2021