



## Gabriela Rios

Associate

[gabriela.rios@wilsonelser.com](mailto:gabriela.rios@wilsonelser.com)

New York, NY – 212.915.5239

Gabriela Rios is a member of the firm's Intellectual Property & Technology Practice, focusing on trademark, copyright, and trade secret matters. She provides strategic counsel to clients across a broad range of industries, including consumer goods and services, fashion, media, and technology.

During law school, Gabriela participated in the Intellectual Property & Entrepreneurship Law Clinic, managing all aspects of trademark prosecution matters, including selection, clearance, and registration. She also gained valuable experience as a legal extern for a Fortune 500 investment and insurance company, where she provided legal insights on complex regulatory issues.

### Intellectual Property

Gabriela advises clients on a variety of intellectual property matters, including trademark and trade dress infringement, copyright infringement, trade secret misappropriation, and compliance with the Digital Millennium Copyright Act (DMCA). She also assists clients with IP-adjacent claims, including false advertising and breach of contract. Gabriela is adept at conducting trademark clearance searches and prosecuting applications for registration with the United States Patent and Trademark Office (USPTO).

### Education

- University of Connecticut School of Law (J.D., 2023)
  - Oliver Ellsworth Scholar
  - Intellectual Property Certificate
  - Assistant Managing Editor, Connecticut Journal of International Law
  - Connecticut Moot Court Board

### Services

- Intellectual Property & Technology
- Commercial Litigation
- France

- Columbia University (B.A., 2018)
  - Université Paris 1 Panthéon-Sorbonne, France, Study Abroad

## Bar Admissions

- New York

## Court Admissions

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

## Professional Affiliations

International Trademark Association (INTA)

## Languages

- Spanish
- French

# Publications

February 18, 2025

**Westlaw Today Publishes Barrett and Rios Overview of U.S. Copyright Office Report on “Copyrightability” of AI Output**

*Westlaw Today*

September 13, 2024

**Westlaw Today Publishes Barrett and Rios on Federal Rights of Publicity for AI and Digital Replicas**

*Westlaw Today*

April 30, 2024

**Law360 Publishes Barrett and Rios on Trademark Use by Resellers**

April 12, 2024

**Luxury Brands Assert Intellectual Property Rights Against Resellers**

February 8, 2024

**“Handle” with Care: Second Circuit Clarifies Ownership Test for Social Media Accounts**

# Client Wins

**Barrett and Rios Prevail on Motion to Dismiss in Trade Dress Suit in Southern**

**District of New York**

Stephen J. Barrett (Partner-New York, NY) and Gabriela Rios (Associate-New York, NY) recently prevailed on behalf of a manufacturer client on a motion to dismiss in the Southern District of New York on a trade dress case. Plaintiff brought claims under the Lanham Act for trade dress infringement and trade dress dilution, along with state law claims, related to a unique piece of farming equipment that previously enjoyed patent protection. The plaintiff sought to prevent competitors from using the design of the previously patented product under the theory that the product's non-patented elements were separately protectable under trademark law. In their motion to dismiss, Stephen and Gabriela argued that the alleged trade dress is functional and therefore not protectable, and that the trade dress is not famous, which is a separate requirement necessary for trade dress dilution. The court agreed with their arguments, stating that the complaint only offered conclusory statements that did not sufficiently plead non-functionality or the trade dress's requisite level of fame. Plaintiff attempted to bolster its arguments by referencing an expired design patent, to which the court responded that the assertion of a legal presumption of non-functionality stemming from a design patent is not supported in the caselaw.