

Queens

BAR BULLETIN

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December 2025 | Volume 93, No. 3



Lessons from a Trademark Portfolio (Taylor's Version)

BY TANEEM KABIR

From completing a record-setting international concert tour, to winning seven Grammys, to sparking a bipartisan congressional investigation into Ticketmaster, Taylor Swift is certainly having a big decade.¹ Her music, her name, and her overall brand are instantly recognizable and immensely influential. Her success in vigorously defending her trademark rights has played a major role in that aspect. This article explores some lessons that intellectual property practitioners can learn from reviewing Ms. Swift's impressive trademark portfolio.

I. Consent may be required to trademark one's own name.

Chapter 15 of United States Code ("U.S.C.") Section 1052(c) provides that a trademark

cannot consist of a name, portrait, or signature identifying a particular living individual except by their written consent, or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow.

This section prohibits trademarks containing not only full names but also surnames, shortened names, stage names, and nicknames if the name identifies a particular living individual (See, e.g., *In re Richard M. Hoefflin*, 97 U.S.P.Q.2d 1174, 2010 WL 5191373 (T.T.A.B. 2010) (where the Trademark Trial and Appeal Board ("TTAB") rejected an applicant's attempt to register the marks "OBAMA PAJAMA," "OBAMA BAHAMA PAJAMAS" and "BARACK'S JOCKS DRESS TO THE LEFT" because they

all impermissibly identified President Barack Obama)).²

Section 813.01(a) of the Trademark Manual of Examining Procedure ("TMEP"), the practice guide by which trademark examining attorneys at the United States Patent and Trademark Office ("USPTO") review trademark applications, provides: "If a mark comprises the name or likeness of a living individual and consent to register is of record, a statement to that effect must be published [and] included on the registration certificate" (TMEP 813.01(a)).

Ms. Swift applied for at least two trademark applications utilizing her name: one for the plain word mark "TAYLOR SWIFT"³ and another for the stylized depiction of her name⁴ as such:

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The Docket

Being the official notice of the meetings and programs listed below. Due to unforeseen events, please note that dates listed in this schedule are subject to change. More information and changes will be made available to members via written notice and brochures. Questions? Please call 718-291-4500.

CLE Seminar & Event listings

DECEMBER 2025

- Tuesday, December 9 **CLE:** Cyber Security Pt 2 – 6:00 pm
- Wednesday, December 10 Meet the Judge Series Pt 7:
Hon. Cassandra A. Johnson – 1:00 pm
- Thursday, December 11 **Event:** Holiday Party at Jericho Terrace - 5:30 pm to 9:30 pm
- Wednesday, December 17 Academy of Law Meeting – 1:00 pm
- Thursday, December 25 *Christmas Day – Office Closed*
- Friday, December 26-31 *Christmas Week – Office Closed*

JANUARY 2026

- Thursday, January 1 *New Year's Day – Office Closed*
- Friday, January 2 *New Year's Holiday – Office Closed*
- Thursday, January 8 **CLE:** How Proper Legal Planning & Home Ownership Can Help Your Clients Age in Place Safely – 1:00 pm
- Tuesday, January 13 LGBTQ+ Committee Meeting – 1:05 pm
- Tuesday, January 13 **CLE:** The Trial-Pt 6: Closing Arguments & Post-Trial Motions
- Thursday, January 15 **CLE:** New FinCEN Rule to Safeguard Residential Real Estate – 1:00 pm
- Monday, January 19 *Martin Luther King, Jr. Day – Office Closed*
- Wednesday, January 21 Family Court Lunch & Learn – Our Family Wizard – 1:00 pm
- Wednesday, January 21 Nominating Committee Meeting – 5:00 pm

FEBRUARY 2026

- Wednesday, February 4 **CLE:** Marijuana/Cannabis – 1:00 pm
- Thursday, February 12 *Lincoln's Birthday – Office Closed*
- Monday, February 16 *President's Day – Office Closed*

MARCH 2026

- Wednesday, March 4 Judiciary, Past Presidents & Golden Jubilarian Night at St. John's Law School – 5:30 to 8:00 pm

APRIL 2026

- Friday, April 3 *Good Friday – Office Closed*

MAY 2026

- Thursday, May 14 Annual Dinner & Installation of Officers at Terrace on the Park – 5:30 pm
- Monday, May 30 *Memorial Day – Office Closed*

*If you are unable to attend a CLE that you are interested in, you may purchase it to view at home by contacting Sasha at cle@qcba.org.

More on upcoming seminars, CLE's and events, go to qcba.org/CLE-Courses

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Editor's Note

Federalism – The Solution

By Paul E. Kerson

The Federal Government has adopted policies to restrict immigration to the United States, and to make it harder for citizens and residents alike to obtain health insurance.

The public policy of the City and State of New York is exactly the opposite. For the first time in my memory, the New York City and State Governments have begun an advertising campaign against the Federal Government's policies on these points.

See the adjacent photograph of a large billboard posted by the City and State in the Sutphin Blvd. F subway station. The text is as follows:

“Medical equipment you need to live your life. In New York City, health care is for everyone. Health care access regardless of your ability to pay or your immigration status”

In the upper left hand corner is an artist's rendering of the Statue of Liberty, her torch beaming light to a beleaguered troubled world of people as if to say: “No matter where you come from, no matter who you are, no matter what you believe, we in New York City and State will take care of you, no matter what.”

The artist draws a picture of an African-American man with a West Indian hairstyle in a wheelchair, carefully wheeled by another man who could be his twin brother. The clear message: We welcome everyone here.

The billboard concludes:

“NYC Delivering for you. Every day. Everywhere. NYC Health + Hospitals. NYC Care.”

Let us review the nature and extent of the New York City Health and Hospitals Corporation (HHC), the backbone of the health of our nation, now that the Federal Government has abdicated its responsibility on this point.

HHC maintains more than 70 hospitals and clinics, serves 1.1 million patients per year, employs 43,000 health professionals (doctors, dentists, nurses, pharmacists, physicians' assistants) and speaks more than 200 languages in our five boroughs. See Google, NYC HHC.

Wikipedia puts HHC's annual revenue at \$10.9 billion and its annual patients served at 1.4 million, including 475,000 uninsured patients, a glaring failure of the Federal Government. See Google, NYC HHC, Wikipedia

No one is turned away. No matter if you have been here for one day or ten generations. No matter if you are beyond wealthy or do not have a red cent and are loaded with debt. No matter how sick you are, or just need a consultation.

There is nothing even remotely like this anywhere on this planet. Why?

The City's first public hospital, Bellevue, was founded in 1736, 53 years before the Federal Government was founded in 1789. Other public hospitals were built by the City Government over the years. By 1969, The NYC Department of Hospitals had run out of money. The State reorganized the Department into a separate public benefit corporation, NYC HHC, in 1969, with separate budgetary and bonding authority.



NYC HHC subway poster showing NYC and NYS health care and immigration policy superseding Federal policy to the contrary

Who runs this massive effort to take care of everyone and anyone who shows up, no matter how sick and needy? There is a 16-member Board of Directors:

- The NYC Commissioner of Health, the NYC Director of Community Mental Health

Services, The NYC Administrator of Human Resources, and the NYC Deputy Mayor-City Administrator are ex-officio members

- Ten Directors are appointed by the NYC Mayor, with five directors designated by the NYC Council, and
- The President and CEO of HHC, chosen by the other 15 members and serving at their pleasure.
- Each HHC hospital has its own Executive Director, Medical Board and Community Advisory Board. See Google, NYC HHC Governance

NYC HHC will never run out of money like the old NYC Department of Hospitals did before 1969. In that year the Governor and State Legislature set up HHC as a public benefit corporation separate from its parent municipal Corporation, “the City of New York”. Think of all the stakeholders interested in the bonds of HHC – medical supply companies, drug companies, 43,000 health professionals as employees, and the State of New York Itself. See Google, NYC HHC bonding authority.

Can a vindictive, mean-spirited Federal Administration ever mess with a state and city political and financial structure like this? In any potential legal battle between HHC and the Federal Government, who would win?

The Founders of the nation gave us the gift of federalism – each state of the United States has its own government and treasury and is free to go its own way, within limits that are the subject of constant litigation.

What is the lesson from NYC – the nation's largest and wealthiest and most successful city and its only five county federation?

In a time when the Federal Government is abdicated its responsibility for the health care needs of all of our American citizens and residents, every one of our other 49 states must set up an HHC independent public benefit corporation in each one of its cities and counties.

A healthy population means a healthy economy full of start-up new companies and carefully preserved old ones. Healthy individuals means a healthy, wealthy nation.

My very first law job was as a Legislative Assistant for the NYC Council Health

CONTINUED ON PAGE 6

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President's Message

Giving Thanks

By Kristen J. Dubowski Barba

As we approach the holidays, we reflect on our gratitude for what we have and on the importance of giving to those in need. The Queens County Bar Association has continued its commitment to service throughout this year.

In October, we participated in the Breast Cancer Walk at Flushing Meadows–Corona Park during Breast Cancer Awareness Month. Our members helped raise funds for breast cancer research and marched to support increased awareness.



We also provided turkeys for the soup kitchen at P.S. 07, a public elementary school in Queens. This donation helped feed students and families a home-cooked Thanksgiving meal as part of the school's annual program.



In partnership with Mount Sinai, we hosted a Mammovan Screening Event that offered free mammogram screenings for both our members and the community. The Mammovan provides convenient access to digital 3D mammogram technology and artificial intelligence tools that support more precise breast cancer diagnosis.

For Veterans Day, our members wrote more than 200 cards that were delivered to hospitals and to service members in the Queens courts, thanking them for their service and sacrifices. This was a small but heartfelt acknowledgment of those who have served our country and fought to keep us safe and free.

Most recently, the Queens County Bar Association held our sixth annual Friendsgiving event, organized by our Young Lawyers Committee. The event took place at One Station Plaza and welcomed more than 70 attendees who came together in support of a meaningful cause. The proceeds from Friendsgiving were donated to Dancing Dreams, a Queens-based nonprofit organization that supports children with disabilities—including cerebral palsy, muscular dystrophy, and Down syndrome—by pairing them with helpers who guide them through dance classes. This year's donation will exceed

\$8,000. The event was attended by several dignitaries and supporters, including dancers, helpers, and family members, as well as special guests Assemblyman Edward Braunstein; Chief Administrative Judge of the New York State Courts, Hon. Joseph Zayas; Associate Justice of the Appellate Division, Second Judicial Department, Hon. Valerie Brathwaite Nelson; and judges from the Queens County Supreme, Civil, and Criminal Courts.

These efforts reflect the Queens County Bar Association's unwavering commitment to service, leadership, and community engagement. We are proud of what we have accomplished together this year, and we are energized to build on this momentum as we enter the new year. Thank you to all who participated and helped advance our mission of supporting both the legal community and the broader Queens community.

To discuss ideas and needs
or to get involved, you can reach
Kristen through
president@qcba.org

Editor's Note

Federalism – The Solution

CONTINUED FROM PAGE 4

Committee back in 1974, 51 years ago. While in law school, I was sent to interview Dr. John Holloman, then the President and CEO of HHC, about the possibility of expanding HHC clinics for drug addicts, which the City Council was then considering.

On his desk, Dr. Holloman had a large engraved gold sign which simply stated what should be obvious to every human being: "Health care is a right".

He truly believed that.

So do I.

So should we all.

This should be an Amendment to the US Constitution and to every State Constitution. Each state should consider passing it until there is such momentum that the US Constitution is also so amended. This plan should protect us from mean-spirited Federal administrations in the future, administrations that do not care about the health of their citizens and residents.

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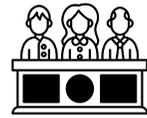
UPCOMING EVENTS

DECEMBER 2025

TUE 2 CLE: PROTECTING YOUR PRACTICE AND YOUR CLIENTS- A PRACTICAL GUIDE FOR SMALL TO MEDIUM LAW FIRMS, 2-PARTS



WED 3 COMMITTEE MEETING ~ TECHNOLOGY & THE LAW COMMITTEE MEETING



THU 4 MOTIONS AND MOTHERHOOD



THU 4 CLE: PRENUPS: WHAT YOU NEED TO KNOW!



TUE 9 COMMITTEE MEETING ~ WOMEN IN THE LAW COMMITTEE MEETING



TUE 9 CLE: PROTECTING YOUR PRACTICE AND YOUR CLIENTS- A PRACTICAL GUIDE FOR SMALL TO MEDIUM LAW FIRMS, 2-PARTS



WED 10 MEET THE JUDGE SERIES- PART 7: SURROGATE HON. CASSANDRA A. JOHNSON



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Friendsgiving

TUESDAY, SEPTEMBER 9, 2025

PHOTOS BY JUDY VINCENT



On Thursday, November 20, the Queens County Bar Association held our sixth annual Friendsgiving event, organized by our Young Lawyers Committee and co-sponsored by many of the Queens County affinity bar associations. The event was held at One Station Plaza in Bayside and welcomed more than 70 attendees, including special guests Assemblyman Edward Braunstein; Chief Administrative Judge of the New York State Courts, Hon. Joseph Zayas; Associate Justice of the Appellate Division, Second Judicial Department, Hon. Valerie Brathwaite Nelson; judges from many of Queens' courthouses; and the Presidents of at least five Queens County bar associations.

We were also joined by Nancy Maurice, Secretary of the American Bar Association's Young Lawyers Division, who announced Friendsgiving was selected as the winner of the ABA's Embracing Diversity Challenge, which includes a \$3,000 grant. That grant, and all other proceeds from Friendsgiving were donated to Dancing Dreams, a Queens-based nonprofit organization that supports children with disabilities by pairing them with helpers who guide them through dance classes. This year's total donation will exceed \$8,000, a record for QCBA.



Friendsgiving

TUESDAY, SEPTEMBER 9, 2025

PHOTOS BY JUDY VINCENT





PS 7 Queens-The Louis F. Simeone School

Robert Aiello, Principal

Bridget Ruggiero, Assistant Principal
Panagiota Tzorzis, Assistant Principal
Tanya Melito, Parent Coordinator

Cheralene Kondel, Assistant Principal
Lisa Gandolfo, Assistant Principal



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Queens County Bar Association

Dear Members of the Queens County Bar Association,

On behalf of the entire PS7 school community, I would like to extend our heartfelt thanks for your generous donation of frozen turkeys for our upcoming Community Thanksgiving Event. Your thoughtfulness and commitment to supporting local families truly embody the spirit of giving and community care.

At PS7, our mission extends beyond the classroom. We believe in building a strong sense of community, kindness, and civic responsibility in our students. Through projects like our Elmhurst beautification efforts and family-centered events, we teach our students what it means to give back and take pride in where they live and learn.

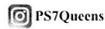
Your contribution directly supports this mission by helping us provide a warm and joyful Thanksgiving experience for families who might otherwise go without. The timely delivery of the turkeys ensured that our preparations could run smoothly, and your support has made a real impact on our ability to make this event successful.

We are deeply grateful for your partnership and generosity, and we look forward to continuing to build this positive connection between the Queens County Bar Association and our PS7 community.

With gratitude,

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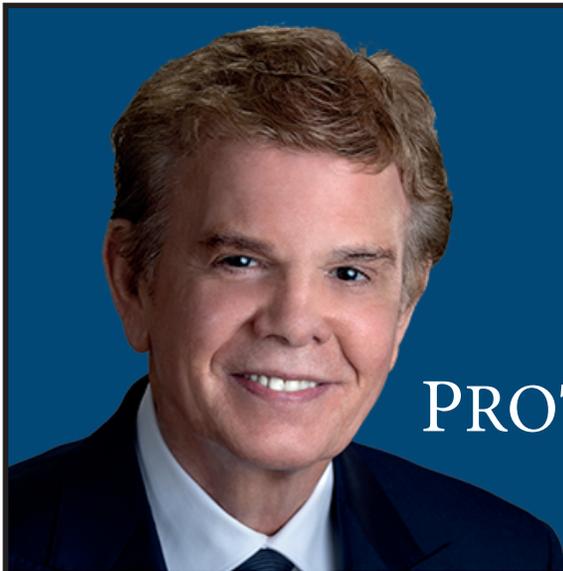


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The Practice Page

Dismissal For The Absence Of Necessary Parties: It Doesn't Look Like The Others

BY HON. MARK C. DILLON

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One of the best known provisions in our procedural rules is the motion to dismiss statute, CPLR 3211(a). It has eleven categorized subdivisions of defenses under which defendants may move to dismiss complaints in lieu of an answer. If we play the game of “Which Doesn't Look Like the Other,” all of the eleven subdivisions permit a court to grant the outright dismissal of complaints except for one — CPLR 3211(a)(10), which regards the plaintiff's alleged failure to name a necessary party in the action.

CPLR 3211(10) is governed by unique standards and burdens of proof. The specific statutory language addresses whether “the court should not proceed in the absence of a person who should be a party.” The statute cannot be understood without also taking into account CPLR 1001. A necessary party is defined in CPLR 1001(a) as “[p]ersons who ought to be parties if complete relief is to be accorded between the persons who are [already] parties or who might be inequitably affected by a judgment in the action.”

The court's decision on a dismissal motion for the absence of a necessary party is not a simple grant or deny. The court, in deciding a CPLR 3211(10) motion, must engage in a singularly-unique three-step analysis. The first step of the analysis is to determine whether a particular non-party is, in fact, “necessary” for complete relief to be accorded in the action. If the non-party is not necessary, the court's analysis ends and the defendant's CPLR 3211(a)(10) motion should be denied (*U.S. Bank Trust, N.A. v Gaines*, 189 AD3d 1312 [2d Dep't. 2020]).

If the court determines that the non-party is necessary as defined by CPLR 1001(a), it must then examine whether the non-party is subject to the jurisdiction of the court. If a necessary non-party is subject to the court's general or specific jurisdiction, the defendant's CPLR 3211(a)(10) motion will be denied in favor of having the non-party “summoned” into the case (*Deutsche Bank National Trust Company v Bandalos*, 173 AD3d 1136 [2d Dep't. 2019]). Indeed, CPLR 1001(b) provides that any such non-party subject to the court's jurisdiction “shall” be summoned, which has the effect of shutting down any notion of dismissing the action for the absence of the necessary party. In other words, CPLR 3211(10) and 1001(b) are designed to preserve actions and avoid dismissals, if the absence of the necessary party can be cured by bringing that party into the case. But CPLR 1001(b) does not circumvent the protections afforded to necessary parties by the statute of limitations (*Matter of Mount Pleasant Cottage School Union Free School Dist. v Sobol*, 163 AD2d 715 [3d Dep't. 1990]).

If the necessary party is not subject to the jurisdiction of the court and cannot be summoned into the court, CPLR 1001(b) provides the court with a binary choice: it may deny the dismissal motion and allow the action to proceed without the necessary party, or it may dismiss the action because of the necessary party's absence. In making that determination, CPLR 1001(b) requires the court to consider five factors; namely, 1) whether the plaintiff has another effective remedy if the action is

dismissed, 2) the degree of prejudice to the defendant or the non-party, 3) whether prejudice may now or in the future be avoided, 4) the feasibility of a protective order or judgment to mitigate the necessary party's absence, and 5) whether an effective judgment may be rendered in the absence of the necessary party. No single factor is determinative (*Red Hook/Gowanus Chamber of Commerce v New York City Bd. of Standards and Appeals*, 5 NY3d 452 [2005]). A dismissal of the action is to be a last resort (*JP Morgan Chase, National Association v Salvage*, 171 AD3d 438 [1st Dep't. 2019]).

The foregoing demonstrates that defendants may only obtain an action's dismissal for the absence of a necessary party if all of three requirements are first established — that the non-party is truly “necessary,” that it not be subject to the jurisdiction of the court, and that upon the balancing of factors the action should not proceed anyway without the necessary party. These burdens and hurdles significantly limit the number of instances where the dismissal of complaints under CPLR 3211(a)(10) are actually granted.

The absence of a necessary party is not among the defined affirmative defenses that are waived if not timely asserted in an answer or in a CPLR 3211(a) dismissal motion. Indeed, CPLR 3211[e] provides that the necessary party defense may be raised “at any time or in a later pleading, if permitted, or even by the court at its own initiative” (*Migliore v Manzo*, 28 AD3d 620 [2d Dep't. 2006]).

If there are two parallel actions commenced by the same plaintiff against two separate defendants, involving the same occurrence with common questions of fact and law, a joinder of the actions under CPLR 602(a) may cure the absence of one defendant as a necessary party in the other action (*Ashwood v Uber USA, LLC*, 219 AD3d 1289 [2d Dep't. 2023]). This also underscores how necessary party dismissals are truly a last resort for the courts.

The dismissal motion under CPLR 3211(a)(10) is a zebra among horses, similar but different. It's standards and considerations are unique.

Mark C. Dillon is a Justice of the Appellate Division, 2nd Dep't., is an Adjunct Professor of New York Practice at Fordham Law School, and is a contributing author of the “CPLR Practice Commentaries in McKinney's”.

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SWSWSWSW...

Success Is A Numbers Game

BY FRANK BRUNO, JR.

"The unexamined life is not worth living."

— Socrates

As we round the corner into the year-end stretch, it feels natural to pause and reflect on our experiences over the previous eleven months. The moments that have shaped us, the events that have challenged us, the joys that were gifted or hard-won.

Here are a few reflection questions for you to support this process. The more that we can engage our curiosity over the past, the more wisdom we can uncover that can be used to shape our futures. Discuss these questions with a loved one, journal about them, or just bring them to mind as you go about your days.

What did I learn about myself (my personality, my values, my hopes, or my behaviors) this year? Are there ways I might want to apply or honor this knowledge in the year ahead?

When I think back over the past year, when did I feel 1) the most alive? 2) the most connected? 3) the most myself? What were the characteristics of those moments, so I might consciously create more of them? When did I feel 1) lonely? 2) scared? 3) anxious? And how could I steady my nervous system to limit those moments?

If I was able to tell my 2024 self about this year, and what was in store for them, what would they be most surprised by? What would they be most proud of me for?

Where did I encounter limits of my compassion or patience for myself and others this year? What would help me to move past them and expand my capacity and love to more people in more ways?

Which people most shaped my experiences this year? Have I let them know their impact and how much it meant to me? If not, how could I do so?

I charged the wrong fee. I quoted too low. Routinely. My practice has a mix of hourly and transactional practice work. Divorce and Guardianship litigation is billed hourly. Trust, Will and uncontested probate are billed as a fixed price. Infrequently but too often, I will charge a flat fee for an uncontested divorce/custody matter or even Article 81 Guardianship. Sometimes I think a matter will be uncontested or only slightly contested and I charge a flat fee. I believe that the other parent will consent without turmoil. I think I can handle the matter, absorb the grief, endure the hostility from opposing counsel and client alike and I get stuck. I have trouble charging enough when I quote flat fees.

I started my own practice in 1997 and there was no fee schedule and no real communication

about what to charge for services. I remember handling real estate closings for \$750 and to give a different frame: my parents purchased their home in Queens County in 1974 for \$40,000 and they paid their attorney \$400. It was common practice for an attorney to charge one percent of the sale price. More than twenty years later I only charged a few hundred dollars more. I went to \$850 then \$950 and think I stayed at \$1250 for a while even as house prices skyrocketed. I was not expensive but I was not the cheapest either. I was in the uncomfortable middle.

I do not know any Queens attorney that charges hourly for a residential real estate closing because with the number of hours obligated to the tasks, clients would pay thousands.

For matrimonial litigation I charge an hourly fee, and for a number of years I kept at a number and then in 2021 I saw that a Manhattan based attorney in a Queens Supreme Court case was billing nearly double for each hour. I have since raised the rate.

I want to charge flat fee for litigation or for semi-contested matters or even Probate. I still make mistakes when it comes time to name one big number, I cannot get my mouth to make the noise.

I state a fee that felt safe and easy. Clients would say "yes" and then there would be instant regret. Too low, too soon a yes. The worst would be when I stated a low fee and the prospective client would say "that's too high" so I would second guess my already pretty low fee.

Looking for the Sweet Spot: an optimum point or combination of factors or qualities.

"The market may have reached its sweet spot, with prices high enough to encourage sellers but still low enough to promise a good return"

Pricing is delicate. The cheapest lawyer can make a living with volume but needs systems. The most expensive lawyer may be wildly successful or may not have enough clients to survive. Think McDonald's versus John-Georges. For every Momofuku Ko there are thousands of failed restaurants.

An opinion, one that I need to value personally. If they hire you instantly, then too cheap. If they storm out, probably too expensive (although I objectively know that I have quoted very reasonable fair to low fees and have gotten that response). If the prospective client says, "I need to think about it," you are in the sweet spot.

This moment will test you. Prospect leaves. Just me remaining with my thoughts wondering if they will come back. I have had people come back the next day, the next month and even four years later. However, in the moment, there is anxiety percolating up because you want to handle the

case, you want to help them (I really do and I want to solve their problem), and I want the money.

Then my left brain and right brain discuss the situation. Well, how much work is it really to... fill in the blank. Do I really need to charge \$1,800 to prepare a new deed and transfer documents including filing or is \$750 ok with them paying the filing because I can do it in an hour and \$750 for an hour's work is amazing. How about the value? How about the years of education and continuing education and knowing that by including a life estate in the new deed that the real estate tax exemptions, Senior or Stars and abatements can stay with the elderly person. That could save thousands per year for years. That's probably worth more than \$750.

It is tempting to send an email offering a deal. To chase them. To lower your quote. Do not do it.

Silence is the feedback you need, on the edge of being respected and being dismissed.

Some of them will come back. Some won't. I am a big fan of Jack Canfield and he offers, "Whenever you ask anyone for anything, remember the following: SWSWSWSW, which stands for 'some will, some won't; so what—someone's waiting.'" This encourages persistence and the belief that success is a numbers game, where you may need to keep asking until you get a yes. Same with dealing with prospective clients.

Be your own Judge. You could be crazy. Charging \$1,750 for an uncontested divorce is too low and possibly charging \$17,500 is too high for even non-price conscious buyers. What can you do?

Standfast. Let the prospect think. Let them shop. I suggest they speak to a few other lawyers. We are not commodities, fungible items. Let them decide.

Sometimes, a prospective client will tell me a low quoted fee they obtained. Often I will tell them to use that attorney. "You should go with that firm because I cannot do the work for that fee". I do not know how they are charging so low. I then ask, "Are you sure they are doing that work for a flat fee? Or what are they not doing?" Or maybe the client thinks it is a flat fee and they later find out it is a FAT fee.

Let's finish this article in a nice way. Moving through the holiday season, let us reflect on our inner gratitude and outward expression. Slow down long enough to notice the meaning behind traditions. Certain moments—lighting a candle, decorating our homes, sharing a meal, giving a gift, or sitting in stillness generates gratitude. With awareness, (we have to consciously think and feel) to cause us to be

CONTINUED ON PAGE 19

Cooperative and Condominium Law Committee Legislative Update

The Queens County Bar Association's Cooperative and Condominium Law Committee is pleased to report that a hearing was held before the New York City Council Committee on Housing and Buildings on December 2, 2025. At this hearing, three critical bills affecting cooperatives in New York City were discussed. The most significant among them is Intro 407, commonly referred to as the "Reasons Bill." This proposed legislation would require boards of directors to provide written reasons for the denial of a prospective purchaser's application.

The bill includes several provisions that the cooperative and condominium community strongly opposes. Among the most concerning are: a requirement that all rejection letters be provided as sworn statements; civil penalties up to \$25,000 for statutory violations; a newly created right of action, allowing applicants to sue based on the board's decision; and a legal fee provision that could further expose cooperatives to substantial monetary liability.

In response to these significant concerns, Co-Chairperson Mark Hankin submitted written testimony to the Council in opposition to this bill. A copy of this testimony is attached hereto. In addition, Co-Chairperson Geoffrey Mazel provided in person testimony at the hearing, which can be heard at <https://tinyurl.com/mazel-testimony>.

Finally, the latest episode of the Co-op & Condo Insider, where Geoffrey Mazel discusses the problems with Intro 407 at length. The podcast can be viewed at <https://tinyurl.com/insider-podcast>.

We hope you find this update both interesting and informative. Should you require any additional details or wish to discuss the legislation further, please feel free to contact Mr. Hankin (mhankin@hankinmazel.com) or Mr. Mazel (gmazel@hankinmazel.com).



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Attention: Council Member Pierina Sanchez, Chair
Committee on Housing and Buildings

Dear Members of the Housing Committee:

I am the co-chairperson of the Queens County Bar Association Cooperative and Condominium Law Committee and a member of the law firm of Hankin Mazel. Our firm's practice is almost exclusively devoted to the representation of cooperatives and condominiums in the City of New York, with over 25,000 units represented by our client base.

I submit this testimony in strong opposition to Intro 407, the so-called "Reasons Bill." Intro 407 is, in our view, one of the most severe and punitive anti-co-op-board-member legislative proposals ever introduced before this esteemed body. The bill purports to offer a solution where no demonstrated or pervasive problem exists in the operations of New York City's cooperatives.

The problems with this bill are manifold, including but not limited to the following:

The bill mandates burdensome written explanations for board decisions, turning ordinary business judgments into legalistic disclosures that invite conflict, misinterpretation, and litigation.

New York courts have long upheld the Business Judgment Rule, which protects boards acting in good faith and in the best interests of the cooperative. Intro 407 directly conflicts with this well-established legal standard, weakening a foundational protection for volunteer board members.

Co-op boards rely on unpaid volunteers. By exposing them to heightened scrutiny, potential liability, and mandatory justification of routine decisions, the bill will discourage qualified residents from serving, harming building governance.

By requiring detailed "reasons" for board decisions, the bill creates a litigation roadmap for disgruntled applicants or shareholders seeking to challenge denials, thereby raising legal costs for buildings — costs ultimately borne by residents.

Co-op boards evaluate applications holistically, considering sensitive financial and interpersonal factors. Forced written reasoning risks exposing confidential information and undermines the ability to make candid, responsible decisions.

Despite its sweeping impact, the bill is not supported by data showing systemic abuse by cooperative boards. Legislation should address real, demonstrated issues — not impose broad mandates based on isolated anecdotes.

Boards — many of which operate with limited resources — would face increased paperwork, legal review requirements, and governance strain, all without improving fairness or efficiency in the admissions process.

It is for these reasons that we respectfully request that Intro 407 be withdrawn or allowed to die a quick and quiet death, and that any future proposals aimed at addressing concerns in co-op admissions take a more reasonable, balanced, and evidence-based approach.

Thank you for your consideration of this testimony.

Sincerely,

Mark Hankin

Mark Hankin
Co-Chairperson, Queens County Bar Association
Cooperative & Condominium Law Committee

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The Nominating Committee is accepting applications to serve on the Queens County Bar Association Board of Managers

Please take notice that those members who wish to be considered for nomination as Directors or Officers of the Board of Managers must submit written requests and resumes highlighting your activities in the Association and community by Friday, January 9, 2026.

A virtual meeting of the Committee will take place on Wednesday, January 21, 2026, beginning at 5:00 P.M. All candidates must attend at their designated interview time.

You may recommend individuals other than yourself for consideration by the Nominating Committee. QCBA staff will contact all such suggested individuals.

Sitting judges are ineligible to serve on the Board of Managers.

A. Camila Popin
Secretary

Please submit your requests by email to jruiz@qcba.org or in writing to the attention of the:

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Queens County Bar Association
88-14 Sutphin Blvd, 3rd Fl
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The annual election of Officers and Managers will be held on March 6, 2026. The newly elected Officers and Managers will assume their duties on June 1, 2026 and will serve for a three (3) year term.

Dated: December 2, 2025
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Lessons from a Trademark Portfolio (Taylor's Version)

BY TANEEM KABIR

CONTINUED FROM PAGE 1

Ms. Swift's trademark over the graphical mark seen here (registration #3812830) was approved by the USPTO on July 6, 2010.

(Source: USPTO)

In both, Ms. Swift's legal team filed an unnotarized executed consent form in which she unequivocally gave permission for her name to be trademarked. The form does not designate the permittee of Ms. Swift's consent and does not refer to the specific application under which it is filed, but does delineate the specific classes of goods that can be sold using her name. Although a consent form does not have to be submitted at the same time that an application is filed, Ms. Swift's legal team did so anyway to obviate later having to respond to any request by the USPTO examiner for the same.

II. A trademark application can be filed before there is evidence of its use in commerce.

Ms. Swift is known by her fans for infusing clues about her music in her social media posts, lyrics, music videos, and album art. For example, her latest album titled *The Life of a Showgirl* is the 12th album in her discography, and she released it for pre-orders at exactly 12:12 am on the 12th day of August after she posted a video on Instagram in which she took 12 steps into a stadium seating area labeled "A12."



Ms. Swift, seen here with her now-fiancé Travis Kelce, announced the release of her album, *The Life of a Showgirl*, on the popular *New Heights* podcast two days after her legal team had filed a corresponding trademark application.

(Source: YouTube)

Under 15 U.S.C. § 1051, every trademark applicant must disclose the date they first started using their trademark in commerce ("First Use Date"). But Ms. Swift's legal team filed a trademark application for the word mark TLOAS ("TLOAS Application"), representing the abbreviation of her album's title, on August 11, 2025, two days before she publicly announced the album's release, and also without specifying a First Use Date.⁵

How did she get around this requirement? Her legal team filed under the basis of 15 U.S.C. § 1051(b)(1)(B) which provides, in relevant part, that: "A person who has a bona fide intention... to use a trademark in commerce may request registration [by filing an] application and a verified statement [specifying] the applicant's bona fide intention to use the mark in commerce." Such types of applications are called "Intent-to-Use" or "1(b)" applications.

In her TLOAS Application, Ms. Swift checked the box on the declaration and signature page that indicates she "has a bona fide intention to use the mark in commerce...as of the application filing date on or in connection with the goods/services in the application." Doing so allowed her to submit the Intent-to-Use application without providing the otherwise required photographic evidence of advertising the album on her marketing platforms.

Generated on: This page was generated by TSDR on 2025-09-18 22:24:58 EDT

Mark: TLOAS

US Serial Number: 99331569

Application Filing Date: Aug 11, 2025

Filed as Base Application: Yes

Currently Base Application: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TMS Common Status Descriptor:

LIVE/APPLICATION-Awaiting Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.

Status: New application awaiting assignment to an examining attorney. See current trademark processing wait times for more information.

Status Date: Aug 11, 2025

Ms. Swift's TLOAS Application as it appears on the USPTO's public Trademark Status and Document Retrieval ("TSDR") directory, filed two days before she announced the release of her latest album *The Life of a Showgirl*.

(Source: USPTO)

To ultimately satisfy the requirements of § 1051, Ms. Swift's legal team will need to file either an "Allegation of Use" statement under 15 U.S.C. § 1051(c) or a "Statement of Use" under 15 U.S.C. § 1051(d) that states her TLOAS mark is being used in commerce via her legitimate control over it as of a certain date. They will also need to provide photographic evidence of same.

Although filing her TLOAS Application as an Intent-to-Use application required Ms. Swift to

pay an additional filing fee for each of the fourteen (14) classes of goods she plans to sell, including "entertainment services," "sound recordings," "jewelry," "beverage ware," and "writing journals" (adding up to a measly \$1,400 for the recently-turned billionaire), the advantage of doing so far outweighed the cost. Her brand gained certain protections as of her TLOAS Application's August 11 filing date, and that allowed her to freely announce her album's release to her fans' delight.

III. A formal trademark assignment preempts any ambiguity that is not addressed by the automatic transfer doctrine.

Trademarks and trademark applications can be assigned between parties like any other business asset. Under 15 U.S.C. § 1060 "an assignment shall be void as against any subsequent purchaser [unless] it is recorded in the [USPTO] within three months after the date thereof or prior to such subsequent purchase." The TTAB has interpreted this to mean that memorializing a trademark assignment is permissible, but not required (See, e.g., *Airport Canteen Servs. v. Farmer's Daughter, Inc.*, 184 U.S.P.Q. 622 (T.T.A.B. 1974) (no written assignment agreement required where the owner of the word mark "FARMER'S

DAUGHTER" transferred ownership of his business to a buyer without disturbing its operations or giving rise to any adverse claim of that mark's ownership by any entity within his business organization). This is known as the "automatic transfer doctrine" whereby the sale of an entire business that utilizes a trademark to a purchaser automatically passes the registered trademark (or its pending application) to the purchaser, provided that the transfer does not lead to two separate entities using the same mark in commerce.

Ms. Swift, who released her first major album in 2006 when she was only 16 years old, initially filed trademark applications with herself listed as the owner. Shortly after she released her 6th major album in 2017 titled *Reputation*, she assigned her entire interest in her trademark portfolios to TAS Rights Management, LLC, presumably an entity that she controls as it is named after her full name, Taylor Alison Swift.

The USPTO's online Electronic Trademark Assignment System ("ETAS"), a repository of

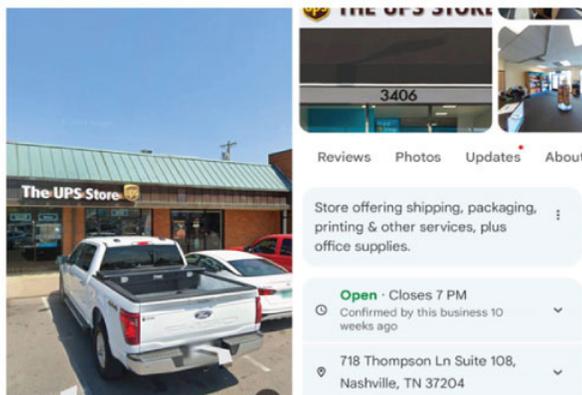
CONTINUED ON PAGE 18

Lessons from a Trademark Portfolio (Taylor's Version)

BY TANEEM KABIR

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trademark assignments, shows that one of her assignments involved a 41-trademark portfolio for word marks like "TAYLOR SWIFT" and "TAYLOR SWIFT FEARLESS."⁶ Another transfer involved a 43-trademark portfolio for word marks like "CAUSE WE NEVER GO OUT OF STYLE," "SPEAK NOW," "SWIFTSTAKES," and "THIS SICK BEAT."⁷ For both assignments, Ms. Swift's legal team filed a simple one-page assignment document identifying her as the assignor and TAS Rights Management LLC in the recitals, and two paragraphs in the body regarding the parties' exchanges. Only Ms. Swift's un-notarized signature appears at the bottom of the document, which is prefaced by the standard USPTO cover form identifying each trademark by its serial/registration number and status.



Ms. Swift manages her massive trademark portfolio through TAS Rights Management, LLC, an entity that indicates this unassuming UPS mailbox as its main business address on the Tennessee Secretary of State website.

(Source: Google Maps)

Importantly, for all the Intent-to-Use applications in her portfolio, Ms. Swift's legal team will have to carefully monitor the deadlines for filing the aforementioned Allegation of Use or Statement of Use forms. That is because 15 U.S.C. § 1060(a)(1) provides that Intent-to-Use applications cannot be assigned without first filing these requisite forms (See *Central Garden & Pet Co. v. Doskocil Mfg. Co.*, 108 U.S.P.Q.2d 1134 (T.T.A.B. 2013) (where the TTAB held actual use of a trademark was irrelevant if the Allegation of Use form had not been filed).

Before those filings are made, Intent-to-Use applications can only be assigned to a brand owner's successor if the brand owner's business is ongoing and the assignee buys the whole 'business' associated with the mark (See, e.g., *Vacation Rental Partners, LLC v Vacaystay Connect, LLC*, 2017 US Dist LEXIS 45753 (ND Ill Mar. 28, 2017, 15-CV-10656) (assignor's assignment of their intent-to-use application for the mark "VACAYSTAYS," which was used to sell online vacation booking services, was valid where assignor actively used the mark on their website and the assignor's assets, business location, and employees ultimately rolled into the assignee's business)). Due to her unparalleled star power and the scale of her enterprise, however, Ms. Swift will likely never see her business absorbed or subsumed by another. She is simply too dominant to be bought out.

Ms. Swift's trademark portfolio is a great example of how the diligent and strategic prosecution of trademarks can play a major role in a brand owner's successful expansion and influence.

AUTHOR BIO: Taneem Kabir currently serves as Principal Law Clerk to Hon. Leonard Livote in the Commercial Division of Queens County Supreme Court. He previously operated his own law practice focused on guiding business owners on civil litigation, transactional issues, and intellectual property matters. All opinions expressed in this article are his own.

¹ *Taylor Swift's 'Eras Tour' Smashes All-Time Touring Record, Surpasses \$2 Billion* (Pollstar Dec. 9, 2024), <https://news.pollstar.com/2024/12/09/taylor-swifts-eras-tour-sets-all-time-touring-record-breaking-2b/> (last visited Sept. 30, 2025); Sian Baldwin, *All the Grammys Won by Taylor Swift* (The Standard February 3, 2025), <https://www.standard.co.uk/culture/music/taylor-swift-grammys-history-b1208758.html>; Arwa Mahdawi, *Swifties Know: The Ticketmaster Fiasco Shows America Has a Monopoly Problem* (The Guardian Nov. 19, 2022), <https://www.theguardian.com/commentisfree/2022/nov/19/taylor-swift-ticketmaster-week-in-patriarchy>.

² In *Vidal v Elster*, 602 US 286 (2024), the Supreme Court upheld the constitutionality of § 1052(c) by rejecting a brand owner's argument that the TTAB's refusal of the mark "TRUMP TOO SMALL" violated his First Amendment rights.

³ United States Patent and Trademark Office, *Trademark Status and Document Retrieval (TSDR) U.S. Application #77141387*, <https://tinyurl.com/mryt-kub2> (last visited August 30, 2025).

⁴ United States Patent and Trademark Office, *Trademark Status and Document Retrieval (TSDR) U.S. Application #77734737*, <https://tinyurl.com/2m-w2c9j9> (last visited August 30, 2025).

⁵ United States Patent and Trademark Office, *Trademark Status and Document Retrieval (TSDR) U.S. Application #99331569*, <https://tinyurl.com/ycx2f-pa2> (last visited Aug. 30, 2025).

⁶ United States Patent and Trademark Office, *Trademark Assignment Cover Sheet ETAS ID: TM522950*, <https://assignments.uspto.gov/assignments/assignment-tm-6642-0329.pdf> (last visited Sept. 30, 2025).

⁷ United States Patent and Trademark Office, *Trademark Assignment Cover Sheet ETAS ID: TM455397*, <https://assignments.uspto.gov/assignments/assignment-tm-6232-0017.pdf> (last visited Sept. 30, 2025).

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WHAT HAS HAPPENED TO PRELIMINARY CONFERENCE AND COMPLIANCE CONFERENCE ORDERS?

I have been practicing civil litigation for almost 40 years.

There is a systematic disregard of Preliminary Conference and Compliance Conference Orders. It is as if they do not exist. My office spends a significant part of the day trying to enforce Preliminary Conference and Compliance Conference Orders against the opposing party. As result, I have to resort to motion practice or further conferences to get compliance. Some courts have set up a compliance part to enforce compliance with the previous Ordered compliance. No disrespect to the compliance parts, but why should they have to deal with matters that already have multiple Orders. The compliance judges in Queens and their staff are doing wonderful work, but they could be trying cases which would reduce the trial calendar in Queens to six months.

What happened to the caselaw that says that a Preliminary Conference Order and the Compliance Conference Order is in fact an "Order of the Court."

I guarantee you that any New York attorney who files cases both in New York State Court and Federal Court would say that defying even one Federal Court Order is perilous.

In my opinion, there should be a "three strike rule". If a party violates a Court Order three times on the same issue, there should be severe consequences; ie, preclusion or striking part of or all of a pleading unless that noncompliant party can demonstrate a valid medical or family issue.

Until such time as trial court judges are backed up by the Appellate Divisions in enforcing such rule, we will continue to have motion and compliance after compliance. What a waste of resources!

Michael A. Cervini
 Michael A. Cervini, P.C.
 3312 86 Street
 Jackson Heights, NY 11372

SWSWSWSW... Success Is A Numbers Game

BY FRANK BRUNO, JR.

CONTINUED FROM PAGE 14

reminded of what truly matters and connect us with others and ourselves.

Year end is the perfect time to reflect on who you have been and who you are becoming. Human Be-ing. Who am I being? I am my only problem and I am my only solution. If I like who I am being then I stay that way and if there are a few things to work on then I take those steps. Cue the music. "I have the Power" Inside me and within you. All it takes is one spark. An idea, one insight, one conversation to re-ignite your inner flame. Find your own inner brilliance. This season, consider giving yourself the gift of inner insight. Feel the gratitude, let it lead you into a new year filled with hope and joy to the world.

"Gratitude is the single most important ingredient to living a successful and fulfilled life." – Jack Canfield
 nowhere. The tears spill before you can st

Frank Bruno, Jr. is Past President of the QCBA, a Member of the Board of Managers, a regular contributor to the Bar Bulletin and a practicing attorney for more than 26 years.

HOLIDAY PARTY THURSDAY, DECEMBER 11, 2025

5:30 pm - 9:30 pm

JERICHO TERRACE
 249 Jericho Tpke., Mineola, NY 11501

- Valet Parking
- Continuous Open Bar
- Elaborate Cocktail Hour Reception
- Butler Style Passed Hors d'oeuvres
- Gourmet Buffet Dinner
- Deluxe Dessert Display
- Glatt Kosher dinner available (\$ 25 additional)

LIVE Band! Music by Vinyl Revival

\$120 per person, through December 5th
 (\$145 after/ \$150 day of)

Table packages available - *Have your office party with us!*
\$1,080 per table of 10, through December 5th
 (\$1,305 after)
 (Buy nine get one free!)

Party Sponsorship:
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