



April L. Besl

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More of a partner than a legal adviser to her clients, April focuses her practice on intellectual property matters, including trademarks, copyrights, social media, Internet law, advertising, design patents, and trade secrets. She services a large and diverse portfolio of trademarks and copyrights, domestic and worldwide, for a variety of clients ranging from Fortune 100 companies to individual entrepreneurs.

She has experience assisting clients with emerging issues related to the impact of social media, the web and technology on their business and marketing strategies. April helps clients protect and enforce their trademarks, copyrights and other intellectual property from misuse via social networking sites, search engine optimization strategies, and keywords, as well as against misuse on mobile devices and other emerging technologies. In addressing these evolving issues and technologies, she provides a direct, strategic and thoughtful approach tailored to the culture and goals of each individual client.

While April believes in working with both sides of a matter to find collaborative solutions to legal matters facing her clients, she knows when and how to vigorously defend her clients' rights. She frequently appears in federal court and before the Trademark Trial and Appeal Board to defend clients' non-patent intellectual property rights. She has successfully resolved cases in favor of her clients including in multi-million dollar intellectual property trademark disputes, Digital Millennium Copyright Act disputes, copyright ownership disputes, and licensing disputes.

Clients appreciate April's personable style and her responsive communication. She has been called "a pleasure to work with" and a "trademark guru" by her clients and peers. She approaches issues holistically – from both a legal and business perspective. Her family's business and education in business management and organizational leadership enable her to see the bigger picture when a client is facing a trademark-related issue.

April served as the president of CincyIP, an organization of intellectual property professionals from around the region, for an unprecedented five year term before serving as past president in 2017. She currently sits on the board of CincyIP as an elected member. She is also a member of the Trademarks and Domain Name and Social Media Committee of the Intellectual Property Owners association. April was recently asked to join the Women United (formerly known as WINGs) Steering Committee through the United Way overseeing the Women United

program. In addition, she serves as the chair of CincyBrand, a highly successful conference for legal practitioners, marketers and business owners on the subject of branding and licensing that first debuted in April 2014.

Services

- Intellectual Property
- COVID-19 Business Strategies Hub
- Trademark Procurement/Management & Copyright
- Intellectual Property Acquisitions
- Intellectual Property Litigation
- Privacy, Data Protection & Internet Technologies
- Entertainment Industry
- Beer, Wine & Spirits Industry

Education

- University of Dayton School of Law (J.D., *cum laude*, 2007)
 - Walter H. Rice Moot Court Competition, finalist
 - Saul H. Lefkowitz Moot Court Competition, competitor
 - CALI Awards for Excellence in Copyright, Trademark, and Cyberspace Law
- Miami University (B.S., 2004)
 - Management

Bar Admissions

- Ohio

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Southern District of Ohio

Affiliations/Memberships

- C-Change, Class 11
- Cincinnati Bar Association, Intellectual Property Litigation Committee
- Intellectual Property Owners Association, Trademarks and Domain Names and Social Media Committee
- CincyIP
 - Board member (2018 - present)
 - Past president (2017)
 - President (2012 - 2016)
 - Interim president

- Vice president (2011 - 2012)
- bizwomen, cabinet member
- Women United (formerly known as WINGs) (2013 - present)
 - Steering Committee (2018 - present)
- International Trademark Association, former member of U.S. Subcommittee of the Non-Traditional Marks Committee and Law Firm Committee
- CincyBrand, Planning Committee, chair (2014 - present)
- Pro Bono Partnership, volunteer (2016 - present)
- Ursuline Academy Mock Trial, coach (2012 - present)
- 100 Wise Women, Wise Woman (2017)
- Boardway Bound, Class 1 (2010 - 2011)
- WE Lead (2018 - 2019)

Distinctions

- Peer Review Rated AV in *Martindale-Hubbell*
- Ohio *Rising Stars*® Intellectual Property (2016 - Present)
- *World Trademark Review's* edition of *WTR 1000 Bronze tier* (2021)
- Leading Lawyers Power 100, *Cincy Magazine* (2021)

Experience

Counseled Brewery through Trademark Challenge

Our client, Moonlight Brewing Company, filed an application with the U.S. Trademark Office for their brand MOONLIGHT for their beer. A restaurant named Moonlite BBQ filed a surprise opposition to try to stop Moonlight Brewing from registering their name. Though the restaurant had not sold a beer branded MOONLIGHT, it aggressively pushed forward with the opposition. The restaurant also claimed their name recognition entitled them to our client's trademark. We worked closely with and guided Moonlight Brewing through a lengthy and hard fought proceeding before the Trademark Trial and Appeal Board, including a rare oral argument before the board. We ultimately received a complete and favorable ruling for Moonlight, including on a Request for Reconsideration filed by the restaurant to try to overturn the decision.

Providing Freedom to Focus on Business

Hiring Dinsmore means the partners of HealthScape Advisors could focus on their business instead of worrying about whether the legal needs of their company were being handled properly. HealthScape is a health care consulting firm that has to stay up to speed with constant changes in health care and intellectual property laws. They've continued working with Dinsmore since 2014 because we understand these changes and what they

mean for HealthScape's business. We also assisted HealthScape when they decided to split part of their business off into a new company, Pareto Intelligence, which handles analytics and technology services.

"They truly understand our business and what we're trying to accomplish," said Managing Partner John Steele.

Outside General Counsel to a Growing Brand

When Kenny McNutt, Brady Duncan and Jeff Hunt had a dream to open their own craft brewery, they sought legal guidance from Dinsmore. By the time Cincinnati's MadTree Brewing opened in 2013, our attorneys had already played a significant role in its development – from helping to raise the original capital to structuring and executing loan financing.

"Dinsmore gives peace of mind and guides us through murky waters," said McNutt. "They're reputable, and I always know I get the best answer for the information available at the time."

Today, Dinsmore serves as MadTree's outside general counsel, advising on contracts, real estate, trademark, employment matters, securities and other legal needs as they arise.

"They have every facet we need, and they're super easy to work with," added McNutt. "I recommend them whenever anyone asks. They're trustworthy, really, really good and well worth the peace of mind."

MadTree was the first modern craft brewery to can its beer in Ohio, and, within four short years, the brewery had grown so significantly they opened an \$18 million facility to accommodate larger crowds and increased demand for production. Dinsmore attorneys were with them every step of the way.

Trademark Infringement Litigation

We brought a lawsuit against an infringer in the energy industry for use of our client's decade old state trademark. We ultimately were able to successfully negotiate a resolution of trademark dispute after the infringer agreed to change the name of its entity operating within our client's geography.

Trademark Rights

Successfully defended trademark rights of clients' internationally known celebrity name via a UDRP complaint with WIPO to compel transfer of infringing domain name to client.

Digital Millennium Copyright Act Enforcement

Successfully enforced Digital Millennium Copyright Act takedown through federal litigation to protect client's copyrighted content on YouTube.

IP Licensing/Agreement Experience

Our attorneys have drafted a wide variety of agreements for clients to help them protect their intellectual property. Since 2011, we have drafted more than 575 total agreements, which can be broken down as follows:

Development Agreements (70)

- Independent Contractor Agreements (15)
- Talent Agreements (15)
- Presenter Agreements and Content Provider Agreements (10)
- Joint Ownership Agreements (10)
- Production Agreements (10)
- Employee Invention Policy and Agreements (5)
- Joint Development Agreements (5)

Litigation-related/Dispute Agreements (55)

- Pre-Litigation Settlement Agreements (15)
- Trademark Trial & Appeal Board Settlements (15)
- Co-Existence Agreements (10)
- Litigation Settlement Agreements – Patent Disputes (5)
- Litigation Settlement Agreements – Trademark Disputes (5)
- Joint Defense Agreements (5)

License Agreements (155)

- Software License Agreements (35)
- Patent License Agreements (35)
- Trademark License Agreements (20)
- End User License Agreements (15)
- Subscription Agreements (10)
- Software as a Service (SaaS Agreements (10)
- Channel Partner Agreements (10)
- Pilot Agreements (10)
- Copyright License Agreements (5)
- OEM License Agreements (5)

IT-related Agreements (170)

- Terms of Use and Privacy Policy (35)

- Healthcare-related IT Agreements (30)
- Software IT Agreements (25)
- Hardware IT Agreements (25)
- Master Client/Service Agreements (25)
- Support and Maintenance IT Agreements (15)
- Reseller Agreements (15)

Research Agreements (55)

- Advanced Research Agreements (25)
- Materials Transfer (20)
- Cooperative Research and Development Agreements (10)

Misc. Agreements (55)

- Non-Disclosure Agreements (25)
- Participant Agreements (10)
- Exclusive Sales Representation Agreements (5)
- Termination Agreements (5)
- Domain Purchase Agreements (5)
- Domain Escrow Agreements (5)

Partnership Agreement between Maker Studios and Tribeca Enterprises

Within the entertainment industry, Tribeca Enterprises is synonymous with success. The company behind the annual Tribeca Film Festival was founded in part by Academy Award-winning actor Robert De Niro, and is world-renowned for its innovative ventures and willingness to think outside the box. In early 2012, seeking to expand its reach into the younger, more Internet-savvy audience, Tribeca began preliminary negotiations with Maker Studios, a quickly-growing internet production company out of Los Angeles specializing in monetizing and creating content for YouTube talent. In a role unique to Midwestern law firms, Dinsmore represented Maker throughout the negotiations of a strategic

partnership agreement between Tribeca and Maker aimed at creating a new YouTube channel featuring original content. The channel, "Picture Show," currently features a number of original videos, including the web series "Jurassic Park REMIX: Kitchen Confessions," a comedic parody blending elements of the hit movie and popular web show, and "Remix the Movies," a web series featuring classic scenes from blockbuster movies with alternate humorous dialogue. Such programming seeks to attract movie lovers who appreciate off-beat humor and new media entertainment platforms.

Since Picture Show's launch in April of 2013, Dinsmore has continued to provide counsel to Maker on talent and other production agreements which implicate intellectual property issues that are at the forefront of the entertainment industry. We also have advised Maker on a number of other intellectual property issues, including providing clearance, fair use and trademark opinions.

This partnership, which blends Maker's avant-garde style with Tribeca's traditional cinematic focus, represents a landmark step in the digital media world for actors, content creators and viewers alike. Dinsmore is proud to have played a role in helping Maker take this monumental step.

New Media Enforcement Actions

Ongoing representation of a production and marketing company that manages YouTube talent. We handle a variety of new media matters for the client, including negotiating and drafting talent and independent contractor agreements, including details surrounding production services, marketing, revenue splits, IP ownership and placement of content. We also provide fair use analysis and content reviews to proactively identify potential infringement issues, as well as monitoring federal copyright laws and any applicable state laws, including rights of publicity and privacy. Additionally, we handle a variety of enforcement actions for the client relating to copyright infringement under the Digital Millennium Copyright Act, including the filing of takedown notices, drafting cease and desist letters, and performing routine monitoring checks on social media sites and smart phone applications. Our work enables the client to avoid infringement concerns, grow its business and produce innovative content via the YouTube platform.

New Media Enforcement Actions

Ongoing representation of a financial services provider that created a prepaid debit card from Visa. We have handled a large number of enforcement actions relating to the infringement and unauthorized use of our client's trademarks, copyrights, and other proprietary information, via the internet through search engine optimization tools, keywords, metadata, and other internet marketing tools. Our actions have included the filing of takedown notices with domain registrars, and sending of cease and desist letters to the infringers. Additionally, we have recently filed two lawsuits within the Southern District of Ohio to combat trademark infringement. We also manage their trademark portfolios and frequently strategize with their in-house counsel regarding the best ways to monitor and address the internet infringement and misuse. Our work enables the client to protect their valuable trademarks, copyrights and proprietary rights from potential infringement and avoid potential financial harm or damage to the goodwill associated with the marks.

Rebranding of Name

We conducted extensive reviews of potential names for the organization and actively worked with our client to narrow down its options and eventually select its new name. Once selected, we successfully prosecuted an application for the new logo with the US Trademark Office to registration.

Trademark Infringement Litigation

We represented our client's organization in a lawsuit filed against his brother and his brother's company for infringement of a trademark. After successfully defending through trial against a counterclaim that our client's brother was a partner in our client's business empire, the Court granted summary judgment in our client's favor on the trademark claims in October 2011. A permanent injunction was entered against our client's brother and his organization shortly thereafter.

Trademark Portfolio Management

Procurement, maintenance and management of worldwide trademark portfolios for various clients in numerous industries.

User Agreement for Smart Phone Application

We negotiated and drafted a user agreement for an individual who designed a smart phone application designed to work in conjunction with local clothes retailers. The application focused on digital shopping by enabling consumers to create avatars of themselves and try on clothes. We put together two separate agreements for the application. The first was a user agreement that contained provisions addressing privacy rights, intellectual property rights and issues, and general guidelines for appropriate usage of the application. The second was an agreement for the actual vendors whose clothing would be featured in the application, containing provisions that addressed intellectual property rights, usage guidelines and cost structuring. The agreements offered protection to the client and enabled her to move forward with her innovative idea.

Worldwide Rebranding

We conducted extensive, worldwide searches and reviews of potential names selected by our client for its rebranding. We then coordinated the filing and prosecution of applications for the new name 15 different countries, including the United States, where we successfully defended the marks against claims of a potential likelihood of confusion with another mark.

Publications

July 27, 2021

Navigating the Uneven Bars: When Are Companies Allowed to Use the Olympic Trademarks?

March 29, 2021

EFFECTIVE IMMEDIATELY - Type 23 – Beer Manufacturers in CA Renewal Fees Waived

February 2, 2021

How Your Intellectual Property Can Make or Break a Merger

Beverage Master: Craft Spirits & Brew Magazine

December 29, 2020

Intellectual Property Measures Included in Spending and Coronavirus Relief Omnibus Bill

November 19, 2020

US Trademark Office Announces New Fees for 2021

June 24, 2020

US Trademark Office Waives/Refunds Fees for Reviving Applications and Registrations Abandoned Due to COVID-19

December 13, 2019

USPTO Attorney Fee Rule Deemed Contrary to the American Way

May 23, 2019

Canadian Trademark Law is Changing This Year – What You Need to Know Now

August 2, 2018

UKIPO Reveals Plan to Convert EU Trademarks to UK Register Post-Brexit

June 24, 2016

Impact on European and UK IP Protection After the Brexit Vote

June 23, 2014

Redskins' trademark decision ushers in more questions

July 23, 2012

The Fate of the Music Industry is Jeopardized by Copyright Decision

May 8, 2012

5 Things Attorneys Need to Know About Social Media