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PRACTICE AREAS:

[Intellectual Property](#)

[Intellectual Property Litigation](#)

[International](#)

STATE ADMISSIONS:

New York

COURT ADMISSIONS:

U.S. District Court for the
Northern District of New York

U.S. District Court for the Western
District of New York

U.S. Court of International Trade

U.S. Court of Appeals for the
Federal Circuit

U.S. Patent and Trademark Office

EDUCATION:

J.D., State University of New York
at Buffalo Law School, 1990

B.A., Franklin & Marshall College,
1987

Candace Lynn Bell

MEMBER

Candace Lynn Bell focuses her practice on intellectual property matters for United States-based companies and individuals as well as foreign-based individuals and companies doing business in the United States. She has more than 20 years of experience in working with clients to develop and manage trademark and domain name portfolios on a national and international basis, including developing brands, policing marks, and portfolio and registration management. She advises clients in a broad range of industries including software, insurance, entertainment, food service, bakeries, consulting, aviation, construction, precious metal refining, and retail. Candace also has an active trademark litigation practice representing clients in front of the Trademark Trial and Appeal Board of the United States Patent and Trademark Office and in federal courts.

She has served as lead counsel for her clients in jurisdictions around the globe directing local counsel in connection with trademark disputes. Based in Buffalo, New York, Candace has more than 25 years of experience counseling Canadian businesses expanding into the United States on intellectual property cross-border legal issues, including U.S. customs and corporation matters.

REPRESENTATIVE MATTERS

- Represents a global performance consulting company as outside intellectual property counsel and manages the clients worldwide trademark portfolio and worldwide trademark litigation. By consolidating management of its worldwide portfolio and litigation with Candace and the Eckert Seamans IP team, the client is able to ensure its marks are protected worldwide in a uniform and cost-effective manner. Candace also manages the client's trademark litigation across the globe, using extensive foreign local counsel contacts, so the client itself has not had to find reliable foreign local counsel in various jurisdictions worldwide.
- *Kistner Concrete Products, Inc. v. Contech Arch Technologies, Inc.*, No. 92048733, TTAB (2011). Represented a concrete construction company in a cancellation proceeding against a trademark registration for a concrete arch shape. In a precedential decision, the Trademark Trial and Appeal Board cancelled the registration on the grounds the mark was functional and therefore not entitled to registration. Upon successful cancellation, the registrant could no longer pursue trademark infringement claims against a company using the

concrete arch shape.

- *Avenza Systems Inc. v. Avencia Incorporated*, No. 92046736, TTAB (2009). Represented a geospatial software company in a combined cancellation and opposition proceeding against a trademark registration and a pending trademark application for geospatial software on the grounds of a likelihood of confusion with the client's already registered mark and trade name. The Trademark Trial and Appeal Board cancelled the registration on the grounds the mark of the subject registration was likely to cause confusion with the client's already registered mark. A second application for a nearly identical mark was successfully opposed on the same grounds.
- Represented several different online retailers and service providers in a number of domain name disputes regarding domain names that are likely to cause confusion with the clients' registered trademarks in disputes under the Uniform Domain Name Dispute Resolution Policy.

PROFESSIONAL AFFILIATIONS

- Erie County Bar Association, Intellectual Property, Computer and Entertainment Law Committee
- New York State Bar Association, Intellectual Property Law Section
- American Bar Association, Intellectual Property Section

COMMUNITY INVOLVEMENT

- Parkside Community Association, a nonprofit group working on behalf of Parkside, a National Register of Historic Places neighborhood, Immediate Past President
- Darwin D. Martin House Complex Restoration Corporation, Member of the Near Neighbors Committee
- Temple Beth Zion, Member of the Annual Fund Campaign Committee

AWARDS AND RECOGNITION

- *Business First* and *Buffalo Law Journal* "Who's Who in Law"

NEWS AND INSIGHTS

PUBLICATIONS

- "[Tips to Leverage and Protect Trademarks in Challenging Times](#)," Artisan Spirit, Summer 2020, (see pages 74 & 75).
- "[Supreme Court's Opinion in Booking.com Case Suggests Trademark Registration May be Available for Certain Generic.com Marks](#)," Eckert Seamans' Intellectual Property Alert July 15, 2020.
- "[Protecting Creative Works After Fourth Estate v. Wall-Street.com](#)," co-authored, IP Watchdog.com, January 2020.

- [“Your Label, Your Bottle, Your Story, Your Copyright: How copyrights can protect your craft alcohol’s unique vibe,”](#) Artisan Spirit Magazine, Winter 2020.
- [“INSIGHT: Tips for Protecting Creative Works Following SCOTUS Copyright Ruling,”](#) co-author, Bloomberg Law, August 2019.
- [“Four Steps to Take Today to Protect Your Copyrights,”](#) co-authored, PhotoPXL, July 2019.
- [“‘What do you mean I can’t name my artisanal gin after my dog?’ It’s not that simple: Do’s and don’ts for trademarking your craft beer, spirit, or wine,”](#) Artisan Spirit Magazine, March 2019.
- [“IP Update: New Guidance – File Copyright Applications Routinely for Important Works,”](#) Eckert Seamans’ Intellectual Property Update, March 2019.
- [“What’s in a name? Trademark considerations when using your name as your brand,”](#) Eckert Seamans’ Construction Law Update, Spring 2019.
- [“A Primer on Trademarks for the Construction Industry,”](#) Breaking Ground Magazine, January/February 2019.
- [“A primer on trademarks for the construction industry,”](#) Eckert Seamans’ Construction Law Update, Fall 2018.
- “Considerations When Taking an Appeal from the United States Patent and Trademark Office Trademark Trial and Appeal Board,” Eckert Seamans’ Legal Update, March 2014.
- [“Protecting Your Valuable Brand: The Importance of Trademarks,”](#) Internet Marketing Association Newsletter, February 2013.
- “Functionality as a bar to registration – Recent cases before the United States Patent and Trademark Office Trademark Trial and Appeal Board,” Eckert Seamans’ Legal Update, Fall 2012.

MEDIA COVERAGE

- [“Can a Wine Ever Really be ‘Clean’?”](#) Wine Enthusiast Magazine, August 2020.

SPEAKING ENGAGEMENTS

- [“Copyright Registration – A Must Have for Infringement Litigation,”](#) presenter, Eckert Seamans’ Continuing Legal Education Seminar, August 2019.
- “Google AdWords Update: What You Need to Know,” moderator, Internet Marketing Association IMPACT 2013 conference, September 2013.