



RAY QUINNEY & NEBEKER



Lester K. Essig

Shareholder

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Practice Areas

- Intellectual Property
- Franchising
- Business Formation, Planning and Transactions
- Hospitality
- Litigation
- Mergers and Acquisitions
- Winter Sports Practice Group

Intellectual Property Law and Cyberlaw

Mr. Essig joined the Firm in 1984 after receiving degrees from Cornell Law School and New York University Law School. He has developed a strong practice in the intellectual property and cyberlaw fields. Mr. Essig has in-depth experience in trademarks, service marks, domain names, copyrights, software, trade secrets and unfair competition. He also has significant experience with domain names, websites, e-commerce, technology and internet issues. He assists a broad array of international, national and regional clients with name availability searches, trademark and copyright registrations, renewals and administrative appeals before the United States Patent and Trademark Office and foreign and state agencies. Mr. Essig maintains hundreds of federal trademark and service mark registrations for his clients.

Mr. Essig has been involved in numerous opposition and cancellation proceedings involving registered trademarks before the United States Trademark Trial and Appeal Board, as well as cyber squatting and domain name proceedings. He has significant experience in dispute resolution, negotiation and protective measures, having been involved in many enforcement actions. He also does a significant volume of intellectual property document drafting and negotiation, including assignments, licenses, software agreements, internet agreements, development agreements, distribution agreements, confidentiality agreements, privacy disclosures and other documents. Mr. Essig is involved with protective planning, including intellectual property audits and perfection of ownership interests, start-up consultation, and property transfers relating to mergers and acquisitions.

Franchise and Distributorship Law

A second related field in which Mr. Essig has significant involvement is in the area of franchises and distributorships. He provides initial consultation on the advisability of franchising and other alternatives, he assists in preparing franchise and disclosure documents, and he provides ongoing support thereafter with respect to franchise registration renewals, dispute resolution, general contract matters and other



aspects. His transactional work includes preparation of offering circulars, franchise agreements, distributorship agreements, nondisclosure documents, risk disclosure statements and other documents. He also assists franchisors with state registration and compliance. He has represented a wide range of franchise and distributorship clients, as well as franchisees and prospective franchisees. He also has significant experience in dispute resolution and negotiation, and has represented franchise clients in Federal Trade Commission and state enforcement proceedings.

Mr. Essig maintains an AV Preeminent (5.0) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics. He has also been voted by his peers throughout the state as one of Utah's "Legal Elite," as published in *Utah Business Magazine* (2004-2010, 2012-2018).

Education

New York University, LL.M., 1984

Cornell Law School, J.D., 1983

Utah State University, B.A., Finance, 1980

- *magna cum laude*
- Co-Valedictorian, College of Business
- Phi Kappa Phi, Blue Key National Honor Fraternity

Admitted to Practice

- Utah State Bar
- United States Court of Appeals, Tenth Circuit
- United States Trademark Trial and Appeal Board
- Utah Supreme Court



Affiliations / Memberships

- Member, Intellectual Property Section, American Bar Association
- Member, Intellectual Property Section, Utah Bar Association
- Member, Cyberlaw Section, Utah Bar Association
- Member, Forum on Franchising, American Bar Association
- Chair (2001-2002), and Vice Chair (2000-2001), Franchise Law Section, Utah Bar Association
- Member, Utah State University Institutional Council (1979-1980)
- Member, Utah State University Alumni Council (1979-1980)
- President (1979-1980) and Academic Vice President (1978-1979), Associated Students of Utah State University

Professional and Civic Activities

- Board of Trustees, Globus Relief
- Board of Trustees, Humanitarian Resource Center of North America
- Member, Humanitarian Services Medical Advisory Committee
- Bill Robbins Memorial Award
- Legislator of the Year – Utah State University
- University Citizenship Award – Utah State University

Publications / Presentations

- “Service Mark, Trademark and Other Brand Protection,” Utah State Bar CLE Event
- “Advising Clients on the Advantages and Disadvantages of Franchising, and Alternatives for Avoiding Franchise Status and Qualifying for Exceptions,” Utah State Bar CLE Event
- “Proposed Amendments to the FTC Franchise Rule (16 CFR Part 436) — The Legal Impact on Attorneys and Clients,” Utah Franchise Section CLE Event
- “Protecting Company Names, Domain Names and Other Service Marks and Trademarks – Dispelling the Myths,” Corporate Seminar
- “Copyright Law Protection and Exemptions for Multimedia Educational Works,” AECT Conference