

Joshua Weigensberg

Partner

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Joshua Weigensberg is a member of the Litigation and Media + Entertainment Groups, where he handles disputes involving copyright, trademark, and other complex commercial matters for clients in a range of industries, including music, interactive + gaming, technology, art, and consumer goods.

Josh regularly represents IP owners seeking to enforce their rights, companies and creators accused of infringement, and parties engaged in disputes over licensing terms. Beyond litigating IP matters, he also assists clients with applying for and obtaining copyright and trademark registrations.

Josh has been working in the field of generative artificial intelligence (AI) for years, including commenting on the intersection of copyright and generative AI since 2020. He serves as a trusted advisor for clients seeking to understand their risks, rights, and opportunities with regard to generative AI, including clients navigating the deployment of generative AI within their organizations and creators concerned about unlicensed third-party uses of their works.

Josh's practice also frequently involves representing clients in complex commercial litigations, including disputes over corporate control, breach of contract, fraud, and breach of fiduciary duty. On behalf of individual clients in the entertainment field and beyond, he has also litigated numerous disputes in Surrogate's Court involving issues such as postmortem intellectual property right management, corporate control, and the disposition of works of art.

Josh's many successful representations include:

- The *Phonorecords III* rate-setting proceeding that resulted in a landmark increase in royalty rates payable by music streaming companies for 2018-2022 of nearly 44%.
- The *Phonorecords IV* rate-setting proceeding that, after extensive litigation, resulted in an historic settlement for the rates payable by music streaming companies beginning in 2023.
- In a lawsuit alleging counterfeit marks, thwarting the plaintiff's efforts to resurrect claims against a distributor-client and obtaining dismissal of the entire action.
- Obtaining summary judgment dismissal of fraud and equitable claims brought against manager of limited liability companies.
- Obtaining a summary judgment victory of over \$8.5 million for a company against a former member for conversion of funds.
- In a litigation involving copyright infringement, trade secret misappropriation, and defamation, using successful motion practice to cause opponent to withdraw all claims.
- Obtaining dismissal with prejudice for a Grammy award-winning singer-songwriter in litigation alleging copying of lyrics for a hit song.

- Obtaining dismissal of all of opponent’s claims in a copyright infringement dispute involving copying of software.

Services

- Litigation
- Intellectual Property
- Interactive + Gaming
- Media + Entertainment
- Music
- Music Litigation
- Copyright
- Trademark

Education

- University of California, Berkeley, School of Law (J.D., 2010)
 - Order of the Coif; Notes and Comments Editor, California Law Review; Assistant Editor, Berkeley Journal of International Law
- Columbia University (B.A., *magna cum laude*, 2006)

Recognition

- Recognized by *Best Lawyers in America* “Ones to Watch” in Intellectual Property Law (2026)

Admissions

- New York
- U.S. District Courts for the Southern and Eastern Districts of New York
- U.S. District Court for the Middle District of Tennessee

Professional Affiliations

- New York Intellectual Property Law Association (NYIPLA), Copyright Law & Practice Committee, Co-Chair
- The Copyright Society of the USA
- International Trademark Association

Publications

June 17, 2025

Weigensberg Comments on Key Implications of Disney v. Midjourney in Generative AI Copyright Battle
Variety

May 29, 2025

Weigensberg Comments on Key Takeaways from the Take It Down Act on Celebrity Deepfakes
Variety VIP+

May 28, 2025

The Take It Down Act Becomes Law: Combatting Revenge Porn and Deepfakes in the Digital Age

May 20, 2025

Weigensberg Discusses AI, Copyright, and Legal Grey Areas
The Hollywood Reporter

May 5, 2025

Best Practices For Companies Integrating Existing IP With AI

Law360

April 14, 2025

Weigensberg Discusses Key Takeaways from OpenAI Copyright Ruling
Managing IP

April 9, 2025

Weigensberg Discusses AI-Generated Images in the “Style” of Studios
Variety

March 28, 2025

Weigensberg Comments on AI and Copyright Concerns
Associated Press

January 2, 2025

Weigensberg Comments on “Opt-Out” Troubles For Artificial Intelligence
TechCrunch

December 12, 2024

Weigensberg Comments on Use of Video Game Footage when Developing Artificial Intelligence
TechCrunch

September 23, 2024

Pokémon vs. Palworld: 3 Immediate Questions

July 16, 2024

Weigensberg and Enkeshafi Write About IP Protection for Videogame Characters
Law360

January 10, 2024

Weigensberg and Kohn Write About Copyright and AI in 2024
Law360

June 9, 2023

Risks That Generative AI Poses to Trade Secret Protections
LegalTech News

September 25, 2017

What to Expect in the Forex Fraud Trial of Mark Johnson