



Kurt B. GERSTNER

Affiliated Counsel

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Practice Area

- Intellectual Property
- International Litigation/Arbitration
- Litigation Discovery/E-Discovery
- Trade Remedies
- Government Investigations
- Pharmaceuticals/Medical/Supplies/Foods/Cosmetics
- Aviation

Experience

- Affiliated Counsel, Lee International IP & Law (2014~Present)
- Campbell Campbell Edwards & Conroy (1989~2014)
- Peabody & Arnold LLP (1984~1988)
- Modrall Sperling Law Firm (1982~1984)

Education

- Boston College Law School (J.D., cum laude, 1982)
- University of Rochester (B.A., 1979)

Qualifications

- Admitted to the bar, New York; District of Columbia; Massachusetts; New Mexico

- U.S. District Courts New York; Massachusetts, Connecticut, Michigan, Vermont, New Mexico

Membership

- International Association of Defense Counsel (IADC)
 - Past Chair of Business Litigation Committee
 - Member of Product Liability, Intellectual Property, Transportation, Medical Device and ADR Committees
- Defense Research Institute (DRI)
 - Product Liability Committee member
 - Commercial Litigation Committee Steering Committee member
 - Intellectual Property Committee member
- Transportation Lawyers Association
 - International Trade and Transportation Committee Co-Chair

Publications / Presentations

< Publications >

- "Korea promotes a new regulatory 'sandbox' system to fuel innovation," Asian-MENA Counsel Magazine (May 2019)
- "Korea Developments in Patent Practice," Asian Business Law Journal (August 2018)
- "Product Liability Defence 2018 : Roundtable," Who's Who Legal (July 2018)
- "Defending Against Economic Damages Claims," International Association of Defense Counsel (IADC) Trial Techniques and Tactics Committee Newsletter (May 2018)
- "Strategies for Keeping Foreign Defendants Out of 'Discovery Trouble,'" DRI (April 2018)
- "New Liability Imposed by U.S. Government for U.S. Dollar Transactions Made with Business Partners in U.S.-Sanctioned Countries," DRI: Corporate Integrity Newsletter (September 2017)
- "Foreign Government Agencies May Restrict U.S. Companies from Exercising Their IP Rights in the United States," The Defense (a DRI publication), Co-author (August 2017)
- "Obtaining Statutory Damages For Trademark Infringement – A Cross Border Approach Under The Trademark Act Of The Republic Of Korea," DRI Intellectual Property Committee Newsletter, Vol.4, Issue 1 (April 2017)
- "Hanjin Shipping's Bankruptcy: Is it sailing toward liquidation?," ASIAN MENA COUNSEL MAGAZINE FOR THE IN-HOUSE COMMUNITY (2017)
- "Defending Damages Claims Involving Foreign Plaintiffs," International Association of Defense Counsel (IADC) Trial Techniques and Tactics Committee Newsletter (March 2017)
- "Staying Afloat When There is an International Shipping Company Bankruptcy - Hanjin Shipping: A Case Study," The Transportation Lawyer, Vol. 18, No. 3 (December 2016)
- "The New Normal: International Litigation and Its Implications for Trial Lawyers," DEFENSE COUNSEL JOURNAL (July 2016)

- "Turning a Sow's Ear into a Silk Purse: Converting Software Copyright Infringers into Paying Licensees," DRI: The IP Update (December 2015)
- "Proof of Patent Damages: A Korean Approach," International Association of Defense Counsel (IADC) Intellectual Property Committee Newsletter (June 2015)
- "Transportation Lawyers: Anticorruption Statute Violations Can Stop Your Client Cold," The Transportation Lawyer, Vol. 16, No. 4 (February 2015)
- "Foreign Companies – Beware of Violating Korean Criminal Laws That You Didn't Know Existed," Business Korea (Nov 2014)
- "Class Action Lawsuits in the US Related to Food and Beverage Mislabeling," Global Window, KOTRA-Korea Trade-Investment Promotion Agency (2014)
- "How to 'Bet the Company' Without Even Trying," For the Defense, DRI (July 2014)
- "The FBPA: South Korea's Act to prevent bribery of foreign officials," ASIAN MENA COUNSEL MAGAZINE FOR THE IN-HOUSE COMMUNITY (2014)
- "Ten Tips for Obtaining Expert Discovery, The Business Suit," DRI Commercial Litigation Committee Newsletter (July 2013)
- "Jury Focus Groups Without Breaking the Bank: Alternatives to Jury Consultants," International Association of Defense Counsel (IADC) Business Litigation Committee Newsletter (June 2013)
- "Shocking News: Absence of a Defibrillator May Lead to Liability for Failure to Treat Victims of Sudden Cardiac Arrest," Medical Defense and Health Law Committee Newsletter, International Association of Defense Counsel (2010)
- "Accident Investigations by the National Transportation Safety Board," Aviation and Space Law Committee Newsletter, International Association of Defense Counsel (2009)

< Presentations >

- "U.S. Discovery in Competition Cases: Tips for Asian Companies to Manage Discovery Obligations and Avoid Sanctions," 8th Annual Korea Summit 2019 on Competition Law, Seoul (2019)
- "Internet of Things: Risks and Tips to Manage Them," International Association of Korean Attorneys, Annual Meeting, Seoul (2019)
- "The Ties That Bind: Tariffs and Trade Wars and Their Impact on Supply Chains and the Transportation Industry," Transportation Lawyers Association, Annual Conference, Austin, TX (2019)
- "The Sun Never Sets on Product Defect Claims: Worldwide Liability – An Asian Perspective," International Association of Defense Counsel (IADC), Asia Meeting, Hong Kong (2018)
- "Help! I'm Representing an Asian Company in US Litigation - What Do I Need to Know," International Association of Defense Counsel (IADC), Annual Meeting, Quebec City (2017)
- "Internet of Things: The Risks and How to Manage Them," AMCHAM Legal Affairs Committee Meeting (2017)
- "Potential Liability Arising from Mass Epidemics," International Association of Defense Counsel (IADC), Midyear Meeting, Scottsdale, Arizona (2017)
- "The Challenges Faced by Transportation Lawyers When Clients Are Shipping Goods Worldwide: 'We're Not in Kansas Anymore!'," Transportation Lawyers Association Annual

- Conference, Destin, FL (2016)
- "Around the World: How Litigation Strategy is Going Global," International Association of Defense Counsel, Mid-Year Meeting, Pebble Beach, CA (2016)
- "Criminalization of Corporate Conduct in Asia," Asia Regional Meeting of the International Association of Defense Counsel, Hong Kong (2015)
- "IP Law in Korea: Patent Infringement Litigation and Trademark and Copyright Enforcement," Asia Regional Meeting of the IADC, Hong Kong (2014)
- "The 9/11 Attacks: Defending Complex Commercial and Property Damage Claims," International Association of Defense Counsel, Annual Meeting, Maui, Hawaii (2013)
- "Risk Management Best Practices for College Fraternities," Sigma Phi Society, University of Vermont, Burlington, VT (2013)
- "Defending Commercial Class Actions: Recent Cases May Be Giving the Defense an Edge," International Association of Defense Counsel, Mid-Year Meeting, Boca Raton, FL (2013)
- "Innovative Techniques for Defending Damages Claims in High Stakes Commercial Litigation," International Association of Defense Counsel, Mid-Year Meeting, Boca Raton, FL (2013)
- "Identifying, Managing and Insuring the Risk of Sexual Abuse of Minors on Campus," University Risk Management and Insurance Association Annual Conference, Providence, RI (2012)
- "Imbuing Effective Risk Management Practices in Today's Millennial Students," University Risk Management and Insurance Association Annual Conference, Providence, RI (2012)
- "Mock Trial: Smart Strategies for Managing Difficult Risks - Student Group Alcohol Use and Hazing," University Risk Management and Insurance Association Annual Conference, Portland, OR (2011)
- "Risk Management: Alcohol and Hazing Mock Trial," Balfour Leadership Training Workshop, Sigma Chi International Fraternity, Chapel Hill, NC (2011)
- "Fraternity Legal Liabilities: How to Stay Out of Trouble," Kappa Eta Chapter, Sigma Chi Fraternity, Harvard University (2010)
- "New Reporting Requirements under the Medicare Secondary Payer Statute," International Association of Defense Counsel Midyear Meeting, Naples, FL (2010)
- "Alcohol/Drug Risk Mitigation, Sigma Chi Fraternity Connecticut/ Rhode Island Province Conference," New Haven, CT (2010)
- "International Discovery: Do You Need It and How Do You Obtain It.," American Bar Association, Washington, D.C. (2009)
- "Behind The Curtain: Insight into the Aviation Practice from Go-Team to Trial," Aviation & Space Law Committee, Tort Trial & Insurance Practice Section, American Bar Association, Washington, D.C. (2009)
- "Avoiding Legal Liabilities for Fraternities," Sigma Chi Fraternity North Atlantic Province Conference, Boston, MA (2009)
- "Party Risk Management: Mock Trial," Balfour Leadership Training Workshop, Sigma Chi International Fraternity, Chapel Hill, NC (2009)
- "New Reporting Requirements under Medicare Secondary Payer Statute: Settling/Paying Party Beware," IADC Webinar (2009)
- "Damages in Complex Commercial Litigation", Program Chair, DRI, Boston, MA (2008)

- "Consumer Surveys in False Advertising and Trademark Infringement Cases," DRI Annual Meeting, Chicago, IL (2008)
- "Electronic Presentations Prior to and During Trial," Kansas Association of Defense Counsel Annual Conference, Kansas City, KS (2008)
- "Party Risk Management: Mock Trial," Balfour Leadership Training Workshop, Sigma Chi International Fraternity, Columbia, MO (2008)
- "Consumer Confusion under the Lanham Act and the Use of Survey Evidence," Intellectual Property Litigation, DRI, Chicago, IL (2008)
- "Where and How to Use Electronic Presentations Prior to and During Trial," Linking Technology to Victory, Massachusetts Continuing Legal Education, Boston, MA (2008)
- "Complex Commercial Litigation, Smart Strategies for Hard Cases", Program Chair, DRI, Phoenix, AZ (2007)
- "Practicing in the District Court," District Court Survival Guide Seminar, Massachusetts Bar Association, Boston, MA (2006)
- "September 11th Litigation after Closure of VCF and Issuance of Kean Commission Report: What's Left and What's Next," DRI Annual Meeting, Washington, DC (2005)
- "Prosecution and Defense of False Advertising Claims under the Lanham Act," DRI Intellectual Property and Litigation Seminar, Chicago, IL (2004)
- "Developments In Professional Malpractice Litigation Part II: Accountant Auditor Malpractice Litigation," D&O and E&O Liability: The New Environment (Defense Research Institute), Boston, MA (2003)
- "Payment Bonds and Performance Bonds," Construction Issues In Massachusetts (Lorman Educational Services), Boston, MA (2002)
- "Packaging Software Contracts," For The Defense (Defense Research Institute) (June 2002)
- International Discovery for Commercial Litigation, DRI Annual Meeting, San Francisco, CA (2002)

Awards & Recognition

- Thomas Reuters legal division recognized Kurt as a "Massachusetts Super Lawyer" when he was practicing in Massachusetts.
Kurt has also been recognized consistently over many years as a Global Leader and a National Leader in Product Liability Defense by Who's Who Legal. In 2019, Who's Who Legal wrote: "Kurt Gerstner is a distinguished practitioner with a top-notch practice that sees him involved in issues relating to product mislabeling and personal injury claims."

Etc

- Languages : English
- Contribution
 - DRI-The Voice of Defense Bar (Volume 13 Issue 43) "Defense Wins"
 - For the Defense(July 2014) p.27 "How to Bet the company without even trying"

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