



Mark A. Niede

Associate

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Mark concentrates his practice on intellectual property and Internet matters with specific emphasis on trademarks, copyright, trade secret protection, franchising, privacy, and data protection. Mark also works with clients to develop comprehensive intellectual property and trade secret protection strategies. He represents clients in licensing transactions as well as franchising by assisting both franchisors and franchisees. Mark was named a "Top Lawyer" by Naples Illustrated in intellectual property law (2018-2019).

For over twenty years Mark has advised clients on domestic and international intellectual property issues, including new product launches, corporate rebranding projects, acquisitions and licensing. He counsels clients on both the acquisition and protection of intellectual property rights as well as enforcement and defense of those rights in litigation. He has represented businesses in both state and federal courts in numerous trademark and copyright infringement actions as well as litigation concerning trade secrets.

In addition to intellectual property, Mark's practice also encompasses digital and internet-related legal issues where he assists clients with the creation and implementation of privacy policies, terms of use agreements, user agreements, GDPR, and DMCA compliance. He also counsels clients on data protection and data breach response matters.

As part of his practice, he provides frequent updates on copyright, patent and trademark law for the firm's Southwest Florida Business & IP Blog. His recent posts include:

- Don't Get Burned by a Trademark Scam
- Appeals Court Finds Provisions of Florida Medical Marijuana Statute Unconstitutional
- New Trademark Rules Aimed at Foreign Trademark Owners
- F Word ®
- Supreme Court Requires Registration of Copyright to Claim Under Copyright Act

Prior to joining Henderson Franklin, Mark practiced law in Chicago, Illinois. He was born and raised in Chicago

and currently resides in Cape Coral. When not working, Mark is known to play guitar poorly, but loudly.

Professional and Civic Affiliations

Mark is involved in the Fort Myers, Bonita Springs the Naples Chambers of Commerce. He is also a member of INTA.

Published Opinions

Embroidique v. Stichtopia, et al. 2018 WL 1830796 (S.D. FL 2018), successful defense of claims for injunctive relief based on copyright infringement, theft of trade secrets and other theories.

Education

- Miami University
Bachelor of Arts
- Chicago-Kent College of Law
J.D.
- Admitted to the Florida Bar
- Admitted to The Illinois Bar

Practice Areas

- Business & Tax Planning
- Business Planning Group
- Intellectual Property
- Mergers & Acquisitions
- General Counsel Services