
Icing on the Cupcake for Licensees: Bankruptcy Court Extends Bankruptcy Code § 365(n) Protection to Crumbs Trademarks

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In the Chapter 11 case of Crumbs Bake Shop, Inc. (the “Debtor”), a New Jersey bankruptcy court recently issued an opinion extending to trademark licensees certain protections already expressly available to other intellectual property licensees under Bankruptcy Code § 365(n). In addition, the Court held that the Debtor could not sell its assets free and clear of such protections and found that any future royalties under the license agreement belonged to the Debtor’s estate.

Attorneys

- Joel H. Levitin
- Richard A. Stieglitz Jr.
- Stephen J. Gordon