

# Attorney Peter Blain Authors Article on the future of trademark licenses in bankruptcy for the Bankruptcy & Restructuring Expert Guide

Attorney [Peter Blain](#) authors article for Bankruptcy & Restructuring Expert Guide: [The U.S. Supreme Court Will Decide the Future of Trademark Licenses in Bankruptcy.](#)

The holders of trademark licenses invest vast sums to bring products to market, and the loss of the right to use the marks would spell financial ruin for many licensees. The U.S. Bankruptcy Code grants licensees of patents and copyrights the right to continue to use the technology post-rejection of the license agreement. However, Congress specifically omitted trademarks from such protections.

In last year's [Expert Guide](#), Peter discussed the clash between two Circuit Courts of Appeals regarding the rights of trademark licensees to continue to use the marks following rejection of the trademark license agreement. He suggested that given the importance of the issue, the U.S. Supreme Court would likely decide the Circuit conflict. On 26 October 2018, the U.S. Supreme Court agreed to do so and granted certiorari.

In this year's [Expert Guide](#), Peter discusses the issue facing the Court: whether, under §365 of the Bankruptcy Code, a debtor-licensor's "rejection" of a license agreement—which "constitutes a breach of such contract," 11 U.S.C. §365(g)—terminates rights of the licensee that would survive the licensor's breach under applicable nonbankruptcy law.

Peter is the chair of Reinhart's [Business Reorganization Practice](#), and he is recognized as one of the most experienced bankruptcy and creditors' rights attorneys in the state of Wisconsin. He has represented diverse parties in complex distress transactions both in and outside of bankruptcy proceedings, including lenders, debtors, trustees, committees, and other creditors.

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