

PROTECTING TRADEMARKS AND COPYRIGHTS ONLINE

Perspectives and Strategies from In-house and Outside Counsel



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SUMMARY

I. Pro te c ting tra de ma rks o nline

- A. De ve lo ping tra de ma rk rig hts
- B. En fo rc ing tra de ma rks
 - 1. So cial me dia
 - 2. Ha shtags
 - 3. So lic ita tio ns
 - 4. UDRP and do ma in na mes
 - 5. Ne w gTLDs
 - 6. Disrup tive apps
 - 7. Co unte rfe it & gray ma rket goods
- C. De fe nsive tra de ma rk stra te gie s

II. Pro te c ting co pyrig hts o nline

- A. Esta blishing co pyrig ht o wne rship
 - 1. Co pyrig ht re gis tra tio n
 - 2. Pro te c ting lo gos and tra de ma rks
- B. En fo rc ing co pyrig hts throu gh the DMCA
- C. De fe nsive co pyrig ht stra te gie s
 - 1. Rig hts clea rance & IP po lic ies
 - 2. Co pyrig ht de fe nses and fair use

! **Trademark** **Audiovisual Work**

Right of Publicity **DELL** **Trade Dress**

Composition

Trademark

Third-Party Content

<https://www.youtube.com/watch?v=59qqoL29yzc>

I. PROTECTING TRADEMARKS ONLINE

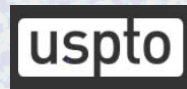
INITIAL STEPS- TRADEMARKS

- Trade mark searching
- Acquiring and securing rights
- Trade mark use and registration



BENEFITS OF TRADEMARK REGISTRATION

- Benefits of federal trademark registration:
 - Legal presumption of ownership
 - Exclusive right to use the mark nationwide
 - Public notice
 - Recordation with U.S. Customs & Border Protection
 - Right to use “®”
 - Federal court lawsuits
 - Registration in foreign countries
- Use of the mark creates rights!



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