

PROTECTING TRADEMARKS AND COPYRIGHTS ONLINE

Perspectives and Strategies from In-house and Outside Counsel



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SUMMARY

I. Protecting trademarks online

- A. Developing trademark rights
- B. Enforcing trademarks
 - 1. Social media
 - 2. Hashtags
 - 3. Solicitations
 - 4. UDRP and domain names
 - 5. New gTLDs
 - 6. Disruptive apps
 - 7. Counterfeit & gray market goods
- C. Defensive trademark strategies

II. Protecting copyrights online

- A. Establishing copyright ownership
 - 1. Copyright registration
 - 2. Protecting logos and trademarks
- B. Enforcing copyrights through the DMCA
- C. Defensive copyright strategies
 - 1. Rights clearance & IP policies
 - 2. Copyright defenses and fair use

The image shows a screenshot of a YouTube video player with several annotations. The video title is "Dell.com Price Match Guarantee". The video player interface includes the YouTube logo, search bar, and video controls. The video content shows a man playing a white grand piano. Annotations with arrows point to various elements: "Trademark" points to the Dell logo; "Audiovisual Work" points to the video content; "Right of Publicity" points to the man playing the piano; "Trade Dress" points to the white grand piano; "Composition" points to the piano itself; and "Third-Party Content" points to a comment in the comments section. The video has 738,937 views and was published on Nov 2, 2015. The comments section shows a user asking "Who is this guy? I can't find anything online about him. Is he a musician?".

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

I. PROTECTING TRADEMARKS ONLINE

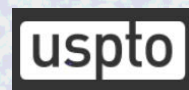
INITIAL STEPS- TRADEMARKS

- 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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Title search: Protecting Trademarks and Copyrights Online: Perspectives and Strategies from In-House and Outside Counsel

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