

PROTECTING TRADEMARKS AND COPYRIGHTS ONLINE

Perspectives and Strategies from In-house and Outside Counsel



Sa njiv D. Sa rwa te
De ll

Alic ia Mo rris G ro o s
No rto n Ro se Fu lb rig ht

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. Dis ru p tive ap ps
 - 7. Co unte rfe it & gray ma rket go ods
- C. De fe nsive tra de ma rk stra te gie s

II. Pro te c ting co py rig hts o nline

- A. Esta b lish ing co py rig ht o wne rship
 - 1. Co py rig ht re gi s tra tio n
 - 2. Pro te c ting lo gos and tra de ma rks
- B. En fo rc ing co py rig hts th ro ugh the DMCA
- C. De fe nsive co py rig ht stra te gie s
 - 1. Rig hts c lea rance & IP po lic ies
 - 2. Co py rig ht de fe nses and fa ir use

The image shows a YouTube video player with several annotations:

- Trademark:** Points to the YouTube logo and the Dell logo in the video.
- Audiovisual Work:** Points to the video content.
- Right of Publicity:** Points to the person in the video.
- Trade Dress:** Points to the white piano in the video.
- Composition:** Points to the video's title and description.
- Third-Party Content:** Points to a comment from 'BuckyMtn Hiker'.

The video title is "Dell.com Price Match Guarantee" and it has 738,937 views. The description mentions it was published on Nov 2, 2015, and is powered by Intel®. The comments section shows a user asking, "Who is this guy? I can't find anything online about him. Is he a musician?" with a link to a Wikipedia page for Nick Thune.

<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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