

# PROTECTING TRADEMARKS AND COPYRIGHTS ONLINE

## Perspectives and Strategies from In-house and Outside Counsel



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De ll

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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. 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 ow ne 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 u gh the DMCA
- C. De fe nsive co py rig ht stra te gie s
  - 1. Rig hts c le a ra nce & 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. At the top, 'Trademark' points to the Dell logo and the channel name 'Dell'. 'Audiovisual Work' points to the video content. 'Right of Publicity' points to the person in the video. 'Trade Dress' points to the white piano. 'Composition' points to the music. 'Third-Party Content' points to a comment. The video title is 'Dell.com Price Match Guarantee' and it has 738,937 views. The video 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?' and another user replying with a link to a Wikipedia page for 'Nick Thune'.

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

# I. PROTECTING TRADEMARKS ONLINE

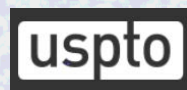
## INITIAL STEPS- TRADEMARKS

- 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

Also available as part of the eCourse

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First appeared as part of the conference materials for the  
29<sup>th</sup> Annual Technology Law Conference session

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