

# 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. 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

! **YouTube** **Trademark** **Audiovisual Work** **Upload** **Sign In**

**Right of Publicity** **Composition** **Trade Dress**

**DELL**

**Dell.com Price Match Guarantee**

**DELL** **Subscribe** **14,202** **738,937**

**Trademark**

**Third-Party Content**

**Up next** **Autoplay**

First 'Dell Dude' Commercial | 'All I Want for Christmas' **0:43** **16,790 views**

Next Generation Mobility - Latitude 2016, Kirk Schell **3:43** **175,832 views**

TECH **2:15** **3,532 views**

Dell at CES 2016 **1:05** **2,231 views**

Dell Dock Thunderbolt USB-C Hotel Cube Hotdesk **1:05** **2,231 views**

Dell XPS 15 Infinity vs. Retina MacBook Pro 15 mid 2015 Comparison Smackdown **25:12** **387,718 views**

An Ode to Dell.com **0:57** **178,111 views**

Dell Studio with Namal Udugama - 27th November 2015 **18:55** **178,111 views**

How to coupon at Walmart and Price Matching **7:08** **120,398 views**

Dell Commercial 2016 Rock Out with Price Match Guarantee **1:58** **1,188 views**

Dell Computer Destruction 4 **15:05** **61,440 views**

Dell Latitude 12 Bugged Tablet - a Linux-proof device from Dell?? **1:29** **405,300 views**

Artist Designer Review: Dell UP27160 LED monitor (2560 by 1440 resolution at 60Hz) **15:17** **16,517 views**

Dell Support Call, very funny! **1:12** **99,758 views**

**DELL** **Technical Review**

Published on Nov 2, 2015  
We're so excited about Dell.com's Price Match Guarantee that we decided to write a song to tell you all about it. Powered by Intel®  
Shop all of our products now: <http://dell.to/VPTV>

**COMMENTS · 8**

**Top comments · 8**

**RickyMtn Hiker** 3 months ago  
Who is this guy? I can't find anything online about him. Is he a musician?

**Dell** 3 months ago  
+RickyMtn Hiker He's Nick Thune: [https://en.wikipedia.org/wiki/Nick\\_Thune](https://en.wikipedia.org/wiki/Nick_Thune)

<https://www.youtube.com/watch?v=59qqoL29yze>

# I. PROTECTING TRADEMARKS ONLINE

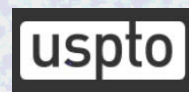
## INITIAL STEPS- TRADEMARKS

- 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!



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

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

Also available as part of the eCourse

[2016 Technology Law eConference](#)

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"