

Case Study Copyright and Trademark Enforcement

CLIENT PROFILE

Artist's company, with federally registered copyrights and trademarks, discovered copying of artistic works without attribution.

PRACTICE AREAS

- Copyright and Trademark Litigation
- IP Portfolio Management

ATTORNEYS

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EXECUTIVE SUMMARY

Our client creates a number of highly desirable works of art that are licensed through the client's licensing company. Each artistic image is federally registered with the Copyright office and relevant trademarks are protected as well. However, due to the nature of the internet, the works appeared in various related search results where individuals and businesses then copied the images over without authorization.

CHALLENGE

The internet has fostered an environment where ideas and digital files can be easily and quickly retrieved. Unfortunately, this can also breed illegal copying by some. Worse still, some infringers simply do not care about the consequences because the perceived penalty is miniscule compared to the typical costs for litigation. We have even seen infringers deliberately remove our client's IP notices, practically daring them to file suit.

What artists and creative companies need are seasoned trial attorneys who know how to efficiently enforce intellectual property rights, especially when the realm of damages are not multiple millions of dollars and the cost of litigation could easily dwarf any award. Often, this requires alternative fee structures that balance the realities of the case.

THE JVLLP DIFFERENCE

At Janik Vinnakota, we understand that just because litigation can be expensive does not mean it is not worth pursuing. Our client needed an efficient litigation strategy to prevent further unauthorized copying without bankrupting the company.

Our team worked with our client to identify instances of copyright trademark infringement and devise reasonable enforcement strategies to quickly resolve disputes.

A key component to being able to implement these strategies was the client heeding JVLLP's advice on IP protection, particularly timely registrations with the federal Copyright and Trademark offices. While this created additional paperwork for our clients at the beginning, proper registration made it feasible to economically enforce their IP rights.

As a result, our client has been able to keep their legal costs at a minimum without sacrificing their ability to protect their valuable IP from infringement.