

Copyright Prosecution

Copyright is one of the oldest, and most superficially simple, branches of IP law. However, with the advent of globalization, and especially the development of digital technology, what was once a fairly straightforward and specific way of protecting work has evolved into a complex, rapidly-changing field with major repercussions for anyone with content they need to secure.

Rothwell Figg's Copyright Prosecution team helps clients navigate this complex, ever-changing terrain.

Our clients are as varied as the content they create, and similarly, their questions and issues span the gamut, from whether something is copyrightable at all to whether they are legally exposed if they lack a copyright to potential infringement (or lack thereof) of an image hosted on a website. Particularly online, a myriad of issues must be analyzed, and managed on an ongoing basis to ensure consistent, ongoing copyright protection. Our copyright attorneys stand ready to assist clients affected by these issues, as well as new ones, as the U.S. Copyright Office, the Courts, and Congress attempt to grapple with them.

Our attorneys counsel clients in the creation, acquisition, protection, and commercialization of copyrights and the material they protect, through licensing, purchase, sale, and other undertakings. Our attorneys have a hands-on knowledge of the varied needs of both established and evolving enterprises, and new media companies. We provide comprehensive counseling concerning copyrights, including related registration and licensing, copyright ownership, negotiation of transactions for works, and application of copyright protection (and exceptions) in different countries.

A key element of our work is strategy. Copyright is intimately connected with any client's business and plans for success in the marketplace, and the context within which it must operate. First and foremost, we begin with an understanding of the client's business landscape, its evolution, and to the degree possible, its future trajectory. With this in mind, we assist them in obtaining maximum protection for their works, and identifying the appropriate form of protection for each creation.

This protection can take a variety of shapes: licensing plans to maximize near-term revenue, the creation of ongoing revenue streams, or copyright structures designed to give clients the most flexibility possible when potential customers and partnerships present themselves. We represent clients with interests in all kinds of material, including content, software, electronics technology, television shows, fashion and apparel, books, and newspapers, among many others.

Our expertise is particularly significant in the fields of fashion, software, media, and the entertainment industry. We know these fields intimately, have done a great deal of work in a variety of situations, and provide advice and guidance to a range of clients in these areas. Fashion in particular can be challenging, as varied forms of protection are available for each item. Our team has the experience, and the judgment, to evaluate the options in each situation and select the protection, or mix of protections, that best suits each client's needs.

We are also highly conversant in the impact and management of copyright in the era of digital media and the Internet. When unauthorized global distribution of protected content can occur in seconds, current copyright law is often insufficient to protect rights. Owners in these situation frequently turn to technologies such as encryption, or marking unencrypted content. We are knowledgeable regarding the interaction of these technologies with existing copyright or copyright-adjacent law and regulation, particularly the Digital Millennium Copyright Act, or DMCA. Protection of content is often a multifaceted undertaking, and it is something at which we excel.

Our team's capabilities extend beyond the extant issues in the field - we strive to stay on top of new developments, and when appropriate, help our clients anticipate the impact of these changes on their business and their strategy. These include issues relating to the protection of IP for apps, trade dress questions, and interaction with design patent rights. Another rapidly-evolving area is the changing standards for software protection. As the nature, use, and application of software evolves, so does the legal protection it can enjoy. Finally, and relatedly, the Bern Convention's rules and protections are constantly changing as well. An understanding of these factors is essential to understanding the protection it affords, particularly in cross-border situation.

Protection of copyright is an ongoing, vital process. It is closely aligned with the factors that any business has to address in order to manage competition, maximize value, and above all, succeed in dynamic, global markets. Rothwell Figg's deep experience, technical facility, and unmatched legal knowledge makes it an invaluable and trusted partner for any client with content to protect.