

# Copyright & Content

Copyright is among the oldest and most enduring areas of law in the United States and it is now tasked with protecting content in a high-tech, digitized world that severely tests any effort to maintain ownership and control. As copyright law continues to evolve to address the realities of the modern marketplace, clients must have counsel who are one step ahead — who can see the law as it is *and* as it will be.

Cozen O'Connor's team includes leading participants in the national debate over copyrights and content rights in the digital era, including a member of the American Law Institute's *Restatement of the Law – Copyright* select committee, charged with developing the definitive guide to modern copyright law. Many of our attorneys are also content creators themselves, which gives them a unique perspective on the needs and concerns of copyright clients.

The firm serves global content creators, owners, users, and buyers with a diverse range of interests in the copyright field. We represent artists, designers, photographers, writers, software engineers, and musicians who seek to benefit fairly from their creative contributions and startups, nonprofits, and corporations who seek efficient and reliable access to content.

## Prosecution & Counselling

The advising and transactional side of our practice is particularly robust, with attorneys regularly counselling clients on questions of copyrightability, registration, ownership, assignment, licensing, and fair use. Timeliness is critical to preserving rights and responsibilities under copyright law, so Cozen O'Connor works closely with both producers and buyers of content to implement proactive mechanisms for registering, monitoring, and enforcing copyrights.

## Disputes & Litigation

The frequency and significance of copyright claims is unquestionably increasing, in part because copyrights are generally less expensive to advance than other IP rights and are subject to fee shifting and statutory damages provisions. With a national footprint and 60-member IP group, Cozen O'Connor has significant experience with filing, negotiation, and trial strategy in the copyright context as well as the capacity to handle major claims anywhere in the country.

## Services

- Determine copyrightability
- Register for copyright protection
- Obtain clearances for copyrighted works
- Analyze complex ownership and assess client rights
- Advise on portfolio and negotiate licensing agreements
- Litigate copyright disputes as both plaintiff and defendant
- Assist with major transactions involving copyright licensing and ownership issues
- Navigate open-source licensing issues and other public content licensing schemes
- Provide strategic advice on first-sale doctrine, reproduction, distribution, fair use derivative work rights, work-for-hire, assignment agreements, Digital Millennium Copyright Act, Orphan Works, and database protection

## Experience

Secured a preliminary injunction for an energy industry client against a competitor in a case in which the client brought federal and state claims for counterfeiting, trademark and copyright infringement,



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## Related Practice Areas

- Artificial Intelligence
- Copyright & Content
- Entertainment Law
- Franchising
- Hatch-Waxman & Biologics
- Intellectual Property
- Intellectual Property Litigation
- IP Transactions & Licensing
- Patents
- Trade Secrets, Restrictive Covenants, and Computer Abuse
- Trademark & Brand

cancellation of trademark registration, unfair competition, deceptive trade practices, breach of contract, and cybersquatting after the competitor began trying to pass its own products off as the client's. The court enjoined the competitor from manufacturing, importing, distributing and/or selling any products using the client's trademarks, or any confusingly similar marks, and froze the competitor's assets related to its counterfeiting and other illegal activities.

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Served as lead trial counsel for Arora Board Review and various doctors in defense of claims of copyright infringement and breach of contract filed by the American Board of Internal Medicine.

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Served as lead trial counsel for Beachbody, LLC in prosecuting a copyright and counterfeiting case adverse to Costco Wholesale Corporation.

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Served as lead trial counsel representing Jon Bon Jovi and the Philadelphia Soul Arena Football Team in prosecuting a trademark and copyright dispute.

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Served as lead trial counsel for the estate of the author of the song "Disco Inferno," where we succeeded in negotiating a settlement which confirmed the author's estate was the copyright owner in the renewal rights, could appoint their own administrator of such rights, and could collect licensing fees relating to such rights.

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Served as co-counsel representing National Association for Stock Car and Auto Racing, Inc., where NASCAR won a summary judgment leading to a ruling that NASCAR owns the worldwide copyrights to the NASCAR NEXTEL Cup Series Trophy. This ruling was upheld by the Third Circuit.

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Prevailed on a motion to dismiss on behalf of a theater in a copyright infringement case relating to the performance of a cat circus.

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Served as trial counsel for American Music Theater in defending against copyright and trademark infringement claims brought by The Walt Disney Co.

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Advise The Tennis Channel on copyright and trademark matters.

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Advise 25/7 Productions, LLC on copyright and trademark matters.

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Successfully represented Marquee Brands, LLC in connection with a substantial due diligence project culminating in its multi-million dollar acquisition of the outdoor sports and lifestyle brand Dakine, and all related intellectual property. The project involved investigating Dakine's extensive worldwide trademark and patent portfolio, third-party rights in Europe, employee and contractor intellectual property rights concerning copyright and patent issues in the United States and Europe, as well as data privacy issues.

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Represented a multinational software and information technology company in a multi-million dollar software copyright case in the U.S. District Court for the District of Delaware.

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Successfully represented Marquee Brands, LLC in connection with its multi-million dollar acquisition of Martha Stewart Omnimedia's intellectual property rights -- including patent, trademark and copyrights pertaining to Martha Stewart and Emeril Lagasse. The project involved data privacy issues and investigating extensive worldwide intellectual property rights and employee and contractor rights.

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Represented the world's largest hospitality company in a copyright infringement case in the Western District of Texas concerning allegedly infringing activity in St. Kitts and Nevis.

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Served as lead trial counsel for Allied Universal against unauthorized use of its copyrights.

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Represented an artist in connection with obtaining trademark and copyright protection for past works of art.

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Handle Celgene's intellectual property matters on a global basis, including trademark, copyright, anti-counterfeiting, enforcements, customs litigation, and transactional matters.

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Handle the global intellectual property portfolio and related enforcement and litigation for Nielsen-Kellerman.

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Handle the global trademark, copyright, and patent portfolios and related enforcement and litigation for Dansko.

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Handle the global IP portfolio and all copyright-related issues for The Wine Advocate. We also handle enforcement and assist in IP due diligence and contract negotiations and licensing.

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Represent companies engaged in the design and manufacture of giftware and tabletop products in procuring copyright registrations and prosecuting and defending copyright infringement actions.

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