

Trademark and Copyright Litigation



HIGHLIGHTS

■ Wide-Ranging Trademark Experience

Wilson Sonsini has handled cases covering every type of trademark claim and argument, including trademark dilution, trademark licensing, trade names, trade dress, corporate identity, online advertising, search terms, domain name infringement, and counterfeit goods.

■ International and Regulatory Expertise

Wilson Sonsini's attorneys represent clients in trademark opposition and cancellation proceedings in other countries, as well as before the FTC and other regulatory bodies when disputes have involved advertising and consumer protection issues.

■ High-Profile Copyright Matters

Wilson Sonsini has been involved in landmark copyright disputes, representing clients with both developing and established brands in complex matters intertwined with issues of first impression and novel legal arguments.

■ Recognized Trademark and Copyright Practitioners

Wilson Sonsini's trademark and copyright attorneys have been recognized among the leaders in their field by *Chambers USA*, *WTR 1000* —*The World's Leading Trademark Professionals*, *Managing IP*, *The American Lawyer*, and the *San Francisco Daily Journal*.

OVERVIEW

Wilson Sonsini's IP litigation practice has grown into one of the firm's most vibrant and visible areas, due in large part to our representation of innovative, leading technology and life sciences companies in high-profile disputes. Another driver of our IP litigation practice is our proven record of securing impressive, game-changing results on behalf of our clients. While the firm's patent litigation practice has consistently led the way, Wilson Sonsini has also demonstrated clear strength in significant trademark and copyright disputes.

The success of many companies depends on brand strength and vitality. Accordingly, our attorneys know the importance of devising comprehensive, sophisticated IP litigation strategies that protect key assets, including trademarks and copyrights. In addition, Wilson Sonsini was ranked among the top 15 percent of all law firms for IP litigation in the *BTI Litigation Outlook 2017* report, based on client feedback from in-depth interviews with corporate counsel at the world's largest companies.

Trademark Litigation

Our trademark litigators have engaged in closely watched disputes concerning trademark, trade name, trade dress, domain name, right of publicity/privacy, and unfair competition issues. For example, in late 2014, Wilson Sonsini secured a favorable trademark ruling in federal court for social network aggregator Flipboard following a three-day trial. The firm has also obtained appellate trademark victories on behalf of GoDaddy (the Ninth Circuit affirmed a grant of summary judgment) and JRA Trademark Co., the master licensee for the U.S. Polo Association (here the Second Circuit defined the standard to be applied when considering a contempt motion in a trademark matter).

The firm's trademark litigators frequently represent clients in cases of first impression. While those disputes earn headlines and garner the attention of practitioners in the IP bar, our technology industry clients are often focused on how trademark issues impact their respective sectors.

Wilson Sonsini has been involved in cases that cover virtually every type of claim and argument, including:

- Trademark dilution
- Trademark licensing
- Trade names
- Trade dress and labeling
- Corporate identity (including brand names and taglines)
- Online advertising
- Search terms and keywords
- Domain name infringement and cybersquatting
- Counterfeit goods

When necessary, our trademark litigators collaborate effectively with our trademark prosecution attorneys, as well as other transactional IP attorneys in the firm. As a result, we've helped clients pursue comprehensive IP strategies that require experience ranging from asset development to asset protection. In short, Wilson Sonsini offers clients integrated, global trademark enforcement and protection, as well as sophisticated trademark portfolio strategies.

In addition to representing clients in trademark disputes litigated in U.S. courts, we represent clients in connection with trademark opposition and cancellation proceedings in other countries. We also have represented clients before the Federal Trade Commission and other regulatory bodies when trademark disputes have involved advertising and consumer protection issues, including false advertising claims and unfair competition cases between competitors.

Copyright Litigation

Our IP litigators have been involved in high-profile disputes concerning copyright law, representing clients with both developing and established brands in complex matters intertwined with issues of first impression and novel legal arguments.

For example, Wilson Sonsini has represented clients in several landmark copyright cases involving the Digital Millennium Copyright Act (DMCA), including our representation of Google in the company's epic, \$1 billion copyright battle involving YouTube that ended in March 2014. In the course of the landmark case, YouTube obtained important rulings interpreting the DMCA.

Our copyright case list also includes key legal disputes that involved classic copyright controversies, including:

- Fair use doctrine
- Derivative works
- Statutory exemptions
- Public performance rights
- Online copyrights
- Domain name infringement and cybersquatting
- Free speech-related controversies
- Published content
- Content licensing matters

Generally, our copyright litigation clients are adverse to music publishers, record labels, performing rights organizations (PROs), movie studios, and book publishers, not only in litigation but also in statutory-license, rate-setting proceedings and royalty audits.