

Intellectual Property

Intellectual Property Transactions

Contact

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The digital age lets us communicate globally and nearly instantaneously. It also significantly expands opportunities for developers, owners, distributors and consumers of intellectual property. But along with these opportunities come new legal issues that complicate the protection, exploitation and disposition of your intellectual property assets. To maximize the value of your intellectual property, you need lawyers able to anticipate and favorably address these issues.

For decades Garvey Schubert Barer lawyers have represented clients on intellectual property matters. Our experience includes the following:

- ▶ Licensing
- ▶ Portfolio acquisitions
- ▶ Copyrights
- ▶ Trademarks
- ▶ E-commerce and Internet law
- ▶ Trade secrets
- ▶ False advertising
- ▶ Privacy
- ▶ Patent disputes
- ▶ Emerging technologies

When necessary, we bring to clients' intellectual property matters whatever additional legal expertise is required, such as antitrust, M&A, finance, tax, communications, securitization, trade regulation and entertainment.

We represent a wide range of businesses, from privately held start-ups to established market leaders operating both domestically and internationally. Our clients include biotechnology companies, software and computer game developers, hardware manufacturers, Internet-based enterprises, multimedia companies, broadcast stations, independent record companies, recording artists, song writers, authors and publishers, and high-profile entertainers and sports figures.

Advertising and Direct Marketing

We represent virtually every type of business in the advertising and direct marketing industry: advertising agencies; public relations firms; and direct marketing, media buying and other types of marketing organizations. Our services include the following:

- ▶ Structuring, negotiating and documenting advertising, direct marketing and promotional transactions
- ▶ Advising clients on Web-related activities such as designing, producing and placing media for Web sites and using online games and sweepstakes
- ▶ Helping clients develop and administer sweepstakes and other contests, including preparing rules and regulations
- ▶ Reviewing advertising materials to ensure legal compliance
- ▶ Counseling clients on copyright and trademark registration

In addition, we help clients negotiate mergers and acquisitions among advertising, public relations and direct marketing companies.

Computer Technology

Computer technology plays an increasingly key role in our society. Our clients in this business space include hardware manufacturers, software developers and distributors, and end-users. We advise software companies about distributing and licensing their products and also advise them about establishing joint ventures for developing and marketing new technologies. In addition, we advise both large and small end-users acquiring computer systems and software. When appropriate, we analyze patent,

trademark and other intellectual property disputes for clients.

Copyrights

We work with publishers, software developers and other clients to protect their rights in intellectual property. Our services include registering copyrights with the U.S. Copyright Office, resolving copyright infringement disputes and advising clients on the permissible use of copyrighted material.

Corporate Law and Commercial Transactions

Clients with intellectual property issues frequently depend on our firm for general business advice. This advice includes the full range of general business representation such as

- ▶ Organizing new companies
- ▶ Resolving legal issues arising from clients' day-to-day operations
- ▶ Obtaining financing
- ▶ Purchasing and selling real estate, software and other intellectual property
- ▶ Negotiating, documenting and implementing mergers and acquisitions, and other commercial transactions

Domain Name Disputes

To protect clients' trademark interests, we negotiate for the transfer of infringing domain name registrations. When necessary, we pursue resolution through ICANN's domain name dispute resolution process.

E-Commerce

We represent numerous clients with Internet-related businesses, including businesses with intellectual property. For these clients we handle a full range of legal matters, among them business formation; financing; licensing; privacy and content regulation; employment issues such as immigration, trade secrets and ownership of work product; software and content licensing; data protection; and electronic publishing and entertainment.

Emerging Technologies

We are well equipped to represent clients developing emerging technologies. Our attorneys, in fact, advised the original developers of the Internet about legal issues arising from the creation and implementation of the National Information Infrastructure, and we helped create technical standards for Digital Audio Broadcasting and Radio Broadcast Data System.

International Technology Protection and Transfer

We have the capability and experience to help clients protect and transfer technology on a global basis. Our lawyers have represented both U.S. clients in transactions in Europe and Asia and foreign clients in transactions with U.S. parties. We have several attorneys fluent in Japanese, Korean, Mandarin Chinese and other languages.

Literary and Visual Arts

On behalf of authors, photographers and other visual artists, we negotiate agreements with book and magazine publishers, literary agencies and others seeking to use or acquire our clients' works.

Technology Relationships

Our lawyers help clients structure and negotiate technology relationships. These include product development agreements, joint venture arrangements, and licensing and distribution agreements. Additionally, we counsel clients on tax and antitrust issues raised by these arrangements.

Television, Motion Picture and New Media Entertainment

We represent clients involved in both traditional and innovative media. They include production companies, broadcasters, content developers, distributors and individual artists. Examples of our services are the following:

- ▶ Licensing of life-story rights
- ▶ Endorsements
- ▶ Motion picture financing and production arrangements
- ▶ Digital distribution and licensing agreements

Trademarks

We help clients select and register trademarks and service marks. In addition, we represent clients in opposition and cancellation proceedings before the Trademark Trial and Appeal Board, and we both enforce and defend clients' trademark rights, including those involving domain names. For additional information about our experience litigating trademark and other intellectual property issues, please visit the [Intellectual Property Litigation and Section 337 Actions](#) section of our Web site.