

# Copyright Protection

The copyright laws protect original works from unauthorized copying. Stinson helps companies and individuals register and protect traditional works of art, graphic designs, software modules, webpages, promotional materials, sound recordings, sculptures, literary works, motion pictures, instructional materials, fabric patterns, photographs, and building designs. We also represent producers and distributors of syndicated series, movies, and special broadcasts by TV stations in copyright royalty and enforcement matters involving cable and satellite delivery systems. We frequently help clients navigate the difficult world of online infringement take downs and the Digital Millennium Copyright Act safe harbor.

## **COPYRIGHTABLE SUBJECT MATTER ADVICE**

Our intellectual property attorneys counsel clients on the line between protectable works of authorship and unprotectable facts, ideas and methods. We also help clients deal with more blurry content areas such as data, websites, forms, software, and designs. We have a nationally recognized practice in open source software, which often involves the somewhat contradictory notion of "copyleft."

## **AUTHORSHIP & OWNERSHIP ISSUES**

We also educate and counsel our clients on authorship, copyright notice, and ownership issues involving copyrights. We help clients assess whether a particular work is a "work for hire" and whether it may be a derivative work. This issue is particularly important in software and information technology industries where independent contractors are frequently hired and software code moves from project to project.

## **COPYRIGHT REGISTRATION COUNSELING**

Our attorneys assist clients in evaluating the costs and benefits of registering works in their copyright portfolios. Although a registration is not needed to establish valid copyrights, a registration is required to initiate litigation and may enable the copyright owner to recover statutory damages and attorney fees after a successful lawsuit. However, registering every work eligible for copyright protection may not be practical, so we work with clients to develop a smart registration strategy.

# Copyright Protection

## COPYRIGHT APPLICATIONS

For many works, applying for registration is relatively straightforward and we can set up in-house application protocols so that our clients are comfortable with submitting applications for registration of works they create on a routine basis. .

For more complicated works, authorship and ownership issues, publication determinations, and derivative work analysis, our intellectual property attorneys and their paralegals prepare and file the copyright applications. When litigation is contemplated, we can expedite examination of a copyright application so that a registration can be obtained in a very short time frame.

## COPYRIGHT TERMS

The copyrights in a work are only enforceable for a period of time, after which the copyrights expire and the work enters the public domain. As a result of a series of amendments to the Copyright Act, calculating when the copyrights in a particular work expire can be quite complex. Our attorneys help clients investigate if and when works have entered the public domain.

## FAIR USE ANALYSIS

In many instances, our clients need to ascertain the permissible quantity and quality of material that may be used without the permission of the copyright owner under the "fair use" doctrine. We frequently counsel clients on permissible use of copyrighted material for criticism and comment, news reporting, research and scholarship, nonprofit educational uses, and parody.

## COPYRIGHT AGREEMENTS

Our intellectual property attorneys review, draft, and negotiate various documents involving copyrights, such as:

- Agency agreements
- Content licenses
- Copyright assignments
- Copyright licenses
- Exhibition agreements
- Publishing agreements
- Royalty agreements
- Work-made-for-hire agreements

# Copyright Protection

- Digital Millennium Copyright Act policies

We help clients take advantage of the safe harbor for copyright infringement provided by the Digital Millennium Copyright Act. Our experience representing both internet service providers and companies challenging copyright use online means we are well qualified to guide you through the DMCA process.

**CONTACT:** Penny R. Slicer | 816.691.3438 | [penny.slicer@stinson.com](mailto:penny.slicer@stinson.com)

## TEAM

David D. Axtell

Stephen J. Cosentino, CIPP

James J. Cronin

Timothy J. Feathers

Laurie M. Glapa

Joel D. Leviton

William D. O'Neill

Ruth Rivard

Penny R. Slicer

Colin W. Turner

## RELATED CAPABILITIES

Intellectual Property & Technology

Copyright Litigation

IP & Technology M&A Due Diligence

Patent Litigation

Patent Preparation & Prosecution

Trademark Prosecution & Brand Management

Trademark, Trade Dress, False Advertising & Unfair Competition Litigation

**STINSON**

STINSON LLP \ STINSON.COM

# Copyright Protection

## NEWS

Chavez, Rivard Examine Scope of Copyright Protection for Creative Content Use in *Bloomberg Law*  
11.30.2023

*Best Lawyers*® Recognizes Stinson in "Best Law Firms" Report  
11.02.2023

Ruth Rivard and Joel Leviton Co-Author Chapter in *The IP book*  
11.02.2021

## PUBLICATIONS

New Year, New Trademark and Copyright Laws: Trademark Modernization Act and CASE Act  
01.26.2021