



Trademark & Copyright PRACTICES

OVERVIEW

Smith Anderson's trademark and copyright lawyers work with businesses to develop, protect and promote their brands and creative works. Our attorneys help clients build and protect their brands through strategic development, maintenance and enforcement of domestic and international trademark portfolios, and we also work to register, manage and commercialize copyright assets.

Our team combines deep subject matter knowledge with experience prosecuting and defending a wide spectrum of intellectual property claims, including assertions of trademark, trade dress and copyright infringement, Digital Millennium Copyright Act and publicity rights violations, and false advertising, dilution, unfair competition, and domain name disputes. We take a business-focused approach to providing litigation and dispute resolution services before the federal judiciary, the USPTO's Trademark Trial and Appeal Board (TTAB) and alternative forums, such as the National Advertising Division and UDRP arbitrations.

We also help clients engaged in transactions to acquire, sell, develop and monetize brand and digital assets and creative content. This includes a variety of transaction arrangements, including strategic licensing and cross-branding, asset transfers and joint ventures. We regularly assist clients with complex intellectual property transactions, such as cutting-edge software licensing deals relating to emerging technologies and technology-centric mergers and acquisitions.

Our trademark and copyright clients range from publicly-traded companies and well-established privately-held businesses to start-ups, emerging companies and university spin outs. We provide trademark and copyright services to clients in a wide array of industry sectors, including retail, agricultural technology, biotech, software, health care, banking, e-commerce and more. As a full-service firm, we also advise on tax strategies, government relations, data use, privacy and cybersecurity and other business-related matters.

SERVICES

- Domestic and international trademark portfolio management
- Anti-counterfeiting and anti-piracy
- Copyright counseling and registration
- Domain name matters and UDRP Proceedings
- Trademark, copyright and advertising litigation
- TTAB Oppositions and Cancellations
- Open source software
- Publicity rights

- Trade secrets
- Unfair competition
- Marketing and promotions, including social media campaigns
- Gray market goods
- Legislative and regulatory affairs
- Branding strategies
- Advertising and packaging clearance
- Licensing
- Intellectual property acquisitions and divestitures
- Partnering, strategic alliance and joint venture arrangements

EXPERIENCE

- Lead counsel for a world-renowned golf resort and three-time host of the U.S. Open golf tournament in multiple federal court trademark proceedings, protecting client's trademark portfolio from infringement.
- Defended a leading online retailer of fine art and posters in trademark and publicity rights matters.
- Defended the leading multinational, multimedia sports entertainment company against trademark infringement claims arising from a made-for-television film. Case settled before court could rule on client's pending dispositive motion.
- Served as North Carolina counsel for a global leader in *in vitro* diagnostics in an action in the U.S. District Court for the Middle District of North Carolina against a global healthcare company for infringement of a patent regarding HIV/DNA testing. After briefing in opposition to defendants' motion to dismiss, the case was transferred by agreement to the U.S. District Court for the District of Delaware.
- Defended the operator of a university dining establishment against claims for trademark infringement and misappropriation of trade secrets.
- Represented a major agricultural products company in a proceeding before the Better Business Bureau's National Advertising Division challenging the company's advertising for a lawn care product.
- Defended a leading online provider of real estate marketing services against trademark infringement claims by a magazine publisher.
- Represented a large convenience store chain against claims in trade dress litigation concerning fast food décor.
- Represented many clients in trademark opposition and cancellation proceedings before the Trademark Trial and Appeal Board.
- Defended a leading online retailer of fine art and posters against copyright infringement claims asserted by a major photography licensing company.
- Obtained a favorable settlement for two university researchers on copyright infringement claims against a university spin-out company formed to commercialize the researchers' anti-stuttering technology.

- Defended a developer of video game software against copyright infringement claims asserted by a former licensor.
- Defended a video game developer against copyright infringement claims concerning game artwork.

PROFESSIONALS

[Philip J. Cardinale](#)

[Kimberly L. Bunn](#)

[Nicolas Eason](#)

[T.G. R. Falcon](#)

[Blake Simpson Fricks](#)

[Cherell M. Harris](#)

[Michael W. Mitchell](#)

[Robert Joseph Morris](#)

[Kelsey I. Nix](#)

[Edward F. Roche](#)

[Christopher G. Smith](#)

[R. Lee Strasburger, Jr.](#)

RELATED AREAS

[Data Privacy](#)

[Government Relations](#)

[Intellectual Property](#)

[Start-Ups](#)

[Tax](#)

[Technology Transactions](#)

