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Copyright Law for Trademark Lawyers: U.S. Copyright Protection for Logos Packaging and Products

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Brand owners take note: the United States Copyright Act can enhance your ability to protect your logos, packaging, and product designs. A copyright registration, when available, is far easier and less expensive to obtain than a registered trademark or patent. Copyright protection remains in force far longer than a patent and, unlike a trademark, requires neither use in commerce of the protected work nor periodic maintenance to sustain it. Copyright infringement is often easier to prove than trademark or patent infringement, and the remedies available under the Copyright Act, including statutory damages and attorney fee awards (without any showing that the case was "exceptional"), expand the scope of relief that may otherwise be available. What's more, copyright registrations can be a useful tool in fighting counterfeits, and the U.S. Supreme Court is poised to decide whether they can also help brand owners keep gray market goods manufactured abroad out of the U.S. in situations where trademark law offers no protection.

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