

## COPYRIGHT

Original works of authorship that are eligible for copyright protection extend far beyond artistic creations such as art, literature, music and film. An individual or company's original and creative works are more than just artistic expressions: They are valuable assets in today's global marketplace.

Protecting the copyrighted works you create, knowing when and how to use or seek permission for use of third-party copyrighted works, and dealing with enforcement actions are now a part of almost every business's activities. With the explosion of information access through digital technology and the internet, copyrightable works are increasingly vulnerable to misuse and theft.

Lawyers in Armstrong Teasdale's Copyright practice area regularly advise companies on the comprehensive global management and protection of their copyright portfolio, including:

- Advising on whether copyright exists in a work
- Registration of copyrights in the United States with the U.S. Copyright Office
- Counseling clients on proper copyright usage and when to seek and give permissions for use
- Licensure and assignment of copyrights
- Enforcing copyright online and elsewhere, including federal litigation, Digital Millennium Copyright Act demands, takedown complaints for online infringement and more

We also advise clients on obtaining and registering copyrights (where required in the applicable jurisdiction), negotiating licenses and use of third-party works.

Our team works closely with lawyers across the firm, including those in patent, trademark, international and litigation areas, to ensure that clients' rights are broadly protected and enforced worldwide. Our intellectual property litigators have significant experience in successfully addressing misuse of copyrighted materials, from Digital Millennium Copyright Act takedown notices to enforcing our clients' copyrights in court.

We regularly assist clients, from health care providers to comic book publishers, from fashion designers to internet service providers, on copyright issues in a wide range of media and industries, including:

- Creative works, such as art, music, film and literature
- Software programs and applications
- Design elements related to fashion and other consumer packaged goods
- The unique expression in instructional guides and training program materials
- Unique website content and layout

## EXPERIENCE

### **Secured Dismissal of \$35 Million Claim for Infringement**

Successfully defended a corporation against allegations of patent infringement and copyright infringement in federal court, resulting in dismissal of all counts.



#### **Secured Dismissal in Infringement Action for Insurance Client**

Secured dismissal of breach of software license and copyright infringement action brought against insurance industry client.

#### **Summary Judgment for Internet Gaming Company**

Won summary judgment for an internet gaming company on the copyright owner's theory seeking billions under the Digital Millennium Copyright Act.

#### **Successful Enforcement of Global Intellectual Property Rights**

Enforced and defended trademarks, copyrights and patent rights for a jewelry designer and retailer against third-party infringers.

#### **Copyright Infringement Lawsuit for Gaming Client**

Armstrong Teasdale is representing an international gaming client in a copyright infringement lawsuit against a competitor in the U.S. District Court for the District of New Jersey. The complaint alleges the competitor stole and duplicated the client's copyrighted gambling handbook from a New Jersey racetrack. In some instances, the competitor even forgot to remove the client's name when duplicating the infringing handbook.

#### **Favorable Result in DMCA Copyright Case**

Obtained an order dismissing claims for secondary copyright infringement against an internet service provider (ISP) and its management company. The plaintiffs sought to hold the clients liable for copyright infringement allegedly committed by the ISP's subscribers through peer-to-peer file-sharing. The U.S. District Court for the Western District of Texas dismissed the plaintiffs' vicarious infringement claims against the ISP with prejudice, and ordered that all claims against the management company be dismissed with prejudice.

#### **Summary Judgment in Copyright Infringement Lawsuit**

Obtained summary judgment in a copyright infringement lawsuit brought by a client's former vendor in the Western District of Missouri. The plaintiffs claimed an online system developed by one of the client's vendors infringed its copyrights and sought damages potentially in the hundreds of millions of dollars from the client and other users of the platform. After two and a half years of litigation, the district court granted the defendants' motion for summary judgment, holding that the defendants had not copied any protectable elements of the plaintiffs' platform and thus did not infringe the plaintiffs' copyrights.

## **THOUGHT LEADERSHIP**

March 27, 2024

**Artificial Intelligence and Copyrights: Tennessee's ELVIS Act Becomes Law**

December 29, 2023

**The New York Times Sues for Copyright Infringement over ChatGPT**

August 13, 2021

**Third Circuit Vacates, Remands \$10.6 Million Award Due to Trademark Owner's Delay in Filing Infringement Claim – Prior Common Law Trademark Rights Upheld Over Federal Trademark Registration**

July 16, 2021

**Missouri NIL Bill Signed: Collegiate Athletes to Profit off of Name, Image and Likeness**



Armstrong  
Teasdale

July 12, 2021

**Businesses Beware: Avoid Infringement with Olympics-Related Content**

March 18, 2020

**Addressing False Claims, Fake Websites in Light of COVID-19**

December 9, 2019

**Policing Counterfeit Goods In 2019 Was Redefined By Tech**

Law360

February 6, 2018

**Mum's the Word on Olympics Content to Avoid Infringement**