

Intellectual Property



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Damon & Morey LLP regularly provides its clients with legal counsel and representation on matters involving trademarks, trade names, trade dress, copyrights, domain names and website management, patents, trade secrets, confidential and proprietary information, unfair competition and business practices, as well as rights of publicity and rights of privacy.

Our clients include publicly traded companies, partnerships, individuals and closely held-businesses as well as not-for-profit organizations. These organizations are involved in a wide variety of industries including banking and other financial institutions, telecommunications, electronics, manufacturing services, sporting goods, car racing, office equipment, fitness and educational services, health care, pharmaceutical preparations, nutritional and dietary supplements, clothing and apparel, tools, appliances and household goods, automotive, packing suppliers, music and entertainment, novelty items, pet food and supplies, and recreational facilities - among others.

- **Development of Intellectual Property Protection Strategies, Registration & Transactional Services.**

We help clients identify the appropriate form of intellectual property protection for their assets. Our attorneys conduct intellectual property audits, obtain registrations, and maintain/exploit their intellectual property portfolios through the monitoring and satisfaction of post-registration requirements, licensing, co-existence (consent) agreements, assignment and acquisition of intellectual property assets and other transactions. Our associations with attorneys in Canada and other foreign jurisdictions help us to better assist our clients with the development and maintenance of international intellectual property portfolios.

- **Trademarks.**

Our attorneys are skilled in the trademark clearance process – actively advising clients in the development of trademarks, service marks, collective marks, certification marks, house marks, marks comprised of domain names, trade dress, labels and product packaging, identifications of goods and services, drawings and specimens. We prepare and prosecute trademark applications for registration before the United States Patent and Trademark Office, including applications based on actual use, intent-to-use and foreign applications as well as registrations and renewal applications. Our attorneys have also prosecuted and defended trademark opposition and cancellation proceedings before the Trademark Trial and Appeal Board. In addition, we have prepared and obtained state trademark registrations for those clients solely engaged in intrastate commerce.

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- **Copyrights.**

We help clients navigate the multiple layers of statutory U.S. copyright laws and international conventions and treaties that govern the creation and ownership of copyrights, moral rights and performance rights. We have prepared and filed United States Copyright registrations for literary works, visual works, musical works, sound recordings, product labels, computer software programs, databases and websites among other works of original authorship. Our attorneys are experienced in negotiating and preparing licenses and other agreements for the exploitation of original works, performance rights, derivative works and “works for hire.”

- **Patents, Inventions, Trade Secrets and Confidential and Proprietary Information.**

Our attorneys have extensive experience working with clients to identify the appropriate mechanism to protect their inventions and sensitive commercial information. Through our associations with several boutique patent law firms in Western New York, Washington, D.C., Chicago, New York City, the Intellectual Property Practice Group helps its clients obtain patent protection when desirable and available.¹ Our attorneys are experienced in evaluating, negotiating and preparing those documents crucial when securing sensitive commercially-valuable information including Employee/Independent Contractor Invention Assignments, Non-Compete Agreements, Non-Solicitation Agreements, Non-Disclosure Agreements, Trade Secrets and Confidential Information Agreements as well as policies and procedures.

- **Internet Law, Domain Names and Website Design.**

We assist clients with the selection and protection of domain names. We also help our clients to both understand the related trademark and copyright concerns and avoid the possible infringement of others’ intellectual property rights. Our attorneys are knowledgeable in domain name dispute resolution procedures and have prepared website content reviews and website disclaimers for its clients.

- **Enforcing Intellectual Property Rights, Litigation, Dispute Resolution & Avoidance.**

The strength of any intellectual property right is, in part, measured by its enforcement. We are experienced in identifying instances of infringement as well as unfair business practices and competition by others. We counsel our clients on dispute avoidance, fair use and the identification of materials in the public domain. Our attorneys have the skills and experience necessary to effectively represent your interests whether they are preparing “cease and desist” letters, preserving sensitive business information (when faced with a court or administrative subpoena), or prosecuting/defending of claims of intellectual property infringement.

Litigation may be both an offensive and defense component of any effective intellectual property enforcement strategy. Much of the firm’s practice involves litigation before federal courts, state courts and administrative agencies. Damon & Morey attorneys have successfully represented clients on matters involving such areas as : infringement of trademarks, trade dress, copyrights, patents, breach of license agreements, antitrust claims, false advertising, claims of unfair competition under state and federal law, state contract and employment law governing inventions, non-disclosure and non-compete agreements and trade secret laws, as well as statutory and common law recognizing rights of publicity and rights of privacy. We are skilled in obtaining and defending injunctive relief in intellectual property cases and other commercial disputes.

We recognize that the cost in both time and resources associated with litigation sometimes represents a “no win” situation. In these situations, we work with clients to explore such cost-effective alternative dispute mechanisms such as arbitration, mediation and “mini-trials”. Our clients benefit from our attorneys’ experience as arbitrators or mediators in commercial and other complex disputes.

¹ Damon & Morey does not include a patent attorney or agent among its professionals.