

IP File

The IP File's mission is to scour the universe for compelling stories in intellectual property law. In the United States, there are four main types of intellectual property protection available: patents, copyrights, trademarks and trade secrets.

June 22, 2016

High Court Clarifies: Objective Unreasonableness Factor Favored in Attorneys' Fees Analysis Under the Copyright Act

By: Brittany Elias

Section 505 of the Copyright Act provides for recovery of attorneys' fees by prevailing litigants. It states that a court, "in its discretion may allow the recovery of full costs." However, no guidance has been provided on this language in more than 20 years. The last word from the High Court occurred in 1994,[1] where the Court held that fees should be equally available to prevailing plaintiffs and defendants, but stated that "no precise rule or formula" existed for when they should be awarded. Four non-exclusive factors were articulated for courts to consider when determining whether attorneys' fees should be awarded, including: (1) the frivolousness of the case, (2) the motivation of the loser, (3) the objective unreasonableness of the case, and (4) considerations of compensation and deterrence.[2] Yet, the Court complicated matters, noting that the factors must be applied in a manner that is "faithful to the purposes of the Copyright Act." [3] From this decision sparked a circuit split – while some courts weighed the factors evenly, others focused mainly on serving the "purposes of the Copyright Act." To confuse matters more, the Second Circuit placed a strong emphasis on the "objective unreasonableness" factor, at the expense of the other factors.

TAGS: Copyright & Idea Theft, Copyright Act, Copyrights, Intellectual Property, Intellectual Property, objective unreasonableness factor, Second Circuit, Supreme Court, U.S. Supreme Court

May 4, 2016

TVEyes on the Prize: Clarifying the Law of Copyright Fair Use

By: Guy Rodgers

TVEyes is a media monitoring service, claiming, "to organize the world's TV and radio broadcasts and make them universally searchable by the spoken word." [1]

TAGS: Audio Mining, Copyright & Idea Theft, Copyrights, direct infringement, Fair Use, federal court, Fox News, Intellectual Property, Intellectual Property, Media Monitoring Service, S.D.N.Y., Southern District of New York, Transformative, TVEyes

March 7, 2016

Glaser Weil Named AMEC's Law Firm of the Year

The Association of Media and Entertainment Counsel (AMEC), the leading trade association serving general counsel and business affairs attorneys, has named Glaser Weil the 2016 Law Firm of the Year.

TAGS: AMEC, AMEC, Copyright & Idea Theft, Copyrights, Intellectual Property, Intellectual Property, Trade Secret & Unfair Competition, Trade Secrets, Trademark & Trade Dress, Trademarks

January 28, 2016

Glaser Weil Partner Mieke Malmberg Moderated a Panel for the AIPLA Mid-Winter Institute in La Quinta, CA

On January 27, 2016, Glaser Weil Partner, Mieke Malmberg, moderated a panel for the AIPLA Mid-Winter Institute in La Quinta, California.

TAGS: Copyrights, Intellectual Property, Intellectual Property, Litigation, Patent Litigation, Trade Secrets, Trademarks

April 16, 2014

What is Intellectual Property Law?

Welcome to the IP File, Glaser Weil's intellectual property law blog. Our mission: to scour the universe for compelling stories in intellectual property law.

TAGS: copyrights, intellectual property, trade secrets, trademarks
