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INSIDE

A RULE OF THUMB

DID YOU KNOW?

A BITTERSWEET SYMPHONY

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By Jeffrey A. Travis, Esq.

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Besides traditional forms of authorship, Congress has even extended protection to architectural works. This allows an author of a building plan to sue for copyright infringement if it can be shown, for example, that a house recently built is identical to original plans you created, and provided you can show the infringer had access to your work and they are substantially similar.

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Jeffrey A. Travis



Jeffrey A. Travis is an associate in the Bakersfield office of Borton Petrini, LLP. Mr. Travis did his undergraduate work at St. John’s College in Annapolis, Maryland where he studied the “great books” for four years, double-majoring in math and science, and western philosophy. He received his Juris Doctorate from Whittier Law School in 2003 and is also a registered patent attorney with the United States Patent and Trademark Office.

Jeffrey has assisted many businesses and individual inventors in obtaining patent, trademark, and copyright protection. He has also been directly involved in prosecuting and defending litigation cases involving intellectual property, and other business-related matters. In addition, he works closely with both large and small businesses in a variety of corporate matters.

Jeffrey’s successful practice is enhanced by his past involvement as a volunteer for the Greater Bakersfield Legal Assistance, a presenter at Kern County Library’s “Law Week,” and has made numerous presentations and written articles on intellectual property topics.

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work in the market. These are all factual issues decided by a jury.

Enforcing claims of copyright can be time consuming, expensive and an unwanted distraction. Therefore, registering your work early and often provides an extra incentive for an infringer to settle quickly and avoid statutory fees, lost profits, actual damages and attorney’s fees.

The Law Offices of Borton Petrini, LLP can assist in obtaining a copyright and advising as to whether one should obtain a copyright, assisting in any potential or pending copyright litigation, and even providing an intellectual property audit of a business. With offices in Bakersfield and throughout California, Borton Petrini, LLP is ready to serve you. ❖

DID YOU KNOW ?

Copyrights are protected only under federal law. Therefore, a copyright claim can be perfected only once and only after filing for federal copyright registration. Although you can file for a copyright after infringement has occurred, filing later deprives you of statutory damages and the ability to collect attorney’s fees. ❖

A RULE OF THUMB

By Jeffrey A. Travis, Esq.

Copyrights are probably the least expensive form of intellectual property protection to obtain and the easiest to register. Unlike patents which undergo an examination process before a registration occurs, the copyright office does not verify the originality of any work. It takes litigation to sort out the ownership, scope and originality of a work. Therefore, file as early as the work is created, ensure that all authors are identified, all assignments are noted, and the proper scope of the copyright is identified on the copyright form. Also, keep good records of who has access to the work. This will provide a boon should you ever have to try and enforce the right of the work through litigation. This is also a caveat to those who may want to use a potentially copyrighted work. ❖



A BITTERSWEET

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No song was more aptly named than this 1997 song by The Verve. In their most famous song, “Bitter Sweet Symphony,” they borrowed “too much” of a looped sample of a recording by the Rolling Stone’s hit, “The Last Time.” This resulted in the Rolling Stones suing The Verve for royalties and rights to the song and even songwriting credits for Mick Jagger and Keith Richards. The Verve never earned a nickel from the song despite it being an enormous hit in both Britain and the United States. ❖

FOR BUSINESSES

Copyrights come in many forms. Most anything that can be put down in a tangible form of expression can potentially be entitled to copyright protection. For example, copyrighting proprietary employment manuals and even original forms that you created can offer an alternate form of protection than the more expensive and difficult standards required to enforce patents, trade secrets, or trademarks. Further, copyrights also last longer – the life of the author plus 70 years – and require no renewal.

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