

Copyright and Copyright Protection

Dallas, Texas, October 2, 2009

Summary

The white paper begins with a high-level overview of the benefits of copyright protection and the legal services associated with obtaining and protecting copyrights. Descriptions of K&K's experience relating to specific copyright issues follow.

A copyright owner has the right to reproduce his or her work, to prepare derivative copies, to distribute the work, and to prepare or perform the work publicly. A K&K copyright attorney assists our clients in securing, retaining, and enforcing those rights. In addition, K&K has experience in dealing with emerging and cutting-edge issues in digital rights management, electronic media, the Internet, and cyberspace. Our copyright attorneys regularly advise clients on a wide variety of issues concerning copyright ownership and rights including:

- Copyright prosecution;
- Copyright litigation;
- Copyright counseling;
- Copyright misuse;
- Copyright due diligence;
- Licensing agreements;
- Assignments and recordation services;
- Ownership services;
- Recordation services;
- Software related agreements;
- Joint software-creation arrangements;
- Digital rights management;
- Internet and cyberspace related issues;
- Public performance rights and display rights;
- Work-for-hire agreements;
- Fair use doctrine;
- Derivative works

Copyright Prosecution and Counseling:

Each K&K copyright attorney is experienced preparing and prosecuting copyright applications in a variety of genres. We have also litigated a variety of copyright issues, including ownership and alleged infringement of copyrights in software, photographs, architectural designs, and other works. Although copyright registration is only a legal formality to make a public record of the nature of the copyrighted work, federal registration for works of U.S. origin is necessary to file a lawsuit in court. Registration also allows the owner of a copyright to record the registration with the U.S. Customs Service to protect against the importation or exportation of potentially infringing

copies.

Copyright Litigation and Counseling:

Copyright litigation can encompass a number of unique issues. K&K trial attorneys have handled hundreds of copyright disputes. K&K also acts as local counsel for out of state plaintiffs and defendants involved in copyright litigation in federal courts in Dallas, Texas.

Digital Rights Management and Cyberspace Related Counseling:

Digital Rights Management (DRM) encompasses any technology specifically developed for managing digital rights or information. K&K copyright attorneys work with clients to assess systems and determine ways to protect our clients' legal rights for all types of copyrighted works such as, for example, online books, films, and music, pay-per-view, and video on demand services. As an example, K&K attorneys help copyright holders implement different types of DRM systems to control access to their digital works.

Digital Millennium Copyright Act:

The Digital Millennium Copyright Act (DMCA) was signed into law for the purpose of adapting copyright law to a digitally-dominated climate. One of the most important changes brought under the DMCA is the protection of service providers from copyright liability stemming from the infringement by their users. The DMCA includes other provisions which: (1) explain and increase the duties of the Copyright Office; (2) exempt certain digital transmission recordings; (3) facilitate distance education; (4) expand the archiving methods allowed by libraries; (5) create an exception for web-casting; and (6) address concerns about the payment of actors, directors, and writers when movies are exploited. K&K attorneys can provide you counseling for issues that arise under the DMCA.

About Klemchuk Kubasta LLP

Klemchuk Kubasta LLP is an IP boutique law firm offering a full array of intellectual property related services, including litigation and enforcement of all forms of intellectual property, as well as registration and licensing of patents, trademarks, trade dress, and copyrights. The firm also provides legal services relating to trade secrets, unfair competition, domain names, e-commerce, privacy policies, Internet law, commercial litigation, and business litigation. Located in Dallas, Texas, Klemchuk Kubasta LLP supports a diverse client base ranging from individuals and startups to established market-leading companies. Through its Virtual IP Counselsm and Virtual General Counselsm programs, the firm also has experience with technology incubators and pre-first round financing technology start-ups. Klemchuk Kubasta LLP also serves as local counsel for IP and commercial litigation cases pending in Texas, including the federal courts in the Northern and Eastern Districts of Texas. Additional information about the firm and its attorneys may be found at www.kk-llp.com.

About Darin M. Klemchuk

Mr. Klemchuk, an intellectual property trial lawyer, focuses his practice on patent, trademark, copyright, trade secret, and other intellectual property litigation and enforcement. In addition, Mr. Klemchuk has extensive experience representing clients in commercial and business disputes, particularly software development, trade-secret, and non-compete disputes. Named by D Magazine as one of the "Best Lawyers in Dallas," in Intellectual Property for the third year in a row (2007-09), Mr. Klemchuk also focuses on intellectual-property licensing and technology agreements and serves as local counsel for out of state plaintiffs and defendants involved in patent, trademark, copyright, IP, and commercial litigation in the state and federal courts in Dallas, Texas. Learn more about [Darin M. Klemchuk](#).

About Kelly J. Kubasta

Mr. Kubasta, an intellectual property attorney, has substantial experience in all aspects of IP, with a particular emphasis on patent, trade dress, trademark, and unfair competition litigation. Mr.

Kubasta is also skilled in counseling clients on strategic development and utilization of IP assets; negotiating and drafting technology transfer agreements such as software, dealer/franchise, and co-branding agreements; developing and maintaining patent, trademark, and copyright portfolios; constructing Internet e-commerce policies; and resolving domain name disputes through ICANN or the ACPA. In addition, Mr. Kubasta serves as local counsel in patent, trademark, trade dress, copyright, and unfair competition litigation in the federal courts in Dallas, Texas. Learn more about [Kelly J. Kubasta](#).