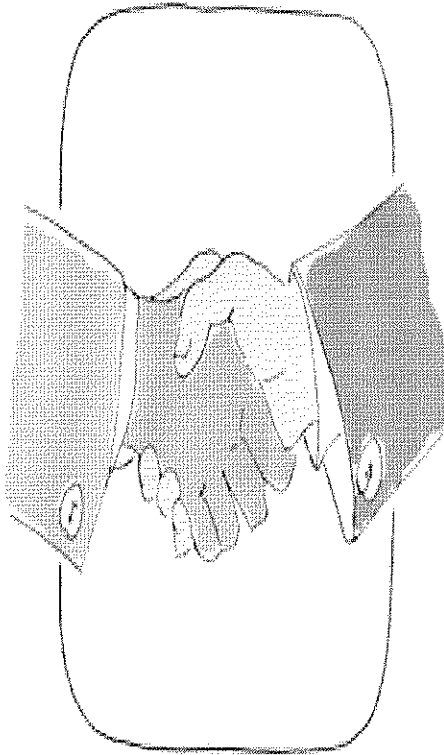


IP NEWS QUARTERLY

IP Attorneys Group, LLC

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Brand Licensing



Brand licensing offers advantages to both the licensor and licensee. The Licensor enjoys licensing fees and expansion into new markets by virtue of the licensee's resources. The licensee benefits from the use of a trademark without the substantial investment required to establish and maintain a strong brand.

Recently, Sequential Brands Group, formerly People's Liberation, Inc., announced signing an agreement to acquire DVS brand from DVS Shoe Company Inc., including all of DVS brand's intellectual property.

This proposed acquisition reflects Sequential Brand's transition from an apparel company to a brand management and licensing business. Accordingly, Sequential has reportedly licensed the footwear business of DVS to Elan Polo International, and the apparel category to RSA & Associates.

The ongoing licensing partnership between The Jones Group and Brian Atwood Designs represents a slightly different approach to intellectual property licensing. Jones and Brian Atwood will reportedly form a joint venture which will own the intellectual property rights of the Brian Atwood brand and its existing licenses while The Jones Group will own a majority stake in the joint venture. This prospective joint venture will continue The Jones Group's strategy of cultivating creative talents and designer brands.

Please contact this office should you have any questions regarding IP licensing.

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Did you know?

- It is believed that the world's first patent was granted to an architect Filippo Brunelleschi in 1421 for an improved method of transporting goods up and down the river Arno in Florence. The patent protection lasted for three years.
- The mark illustrated below, dating from 1884, is the oldest trademark registered in the US (for cords, lines and ropes) which is still in use:

Lord of the Rings: Olympic Branding

A privately funded, non-profit organization called the International Olympic Committee (IOC) holds the rights to all Olympic properties. The IOC must be consulted in order to obtain licensing rights to use any mark or symbol associated with the Olympic Games, including but not limited to: the Olympic symbol, the Olympic flag, motto, anthem, Olympic flame and torch. The IOC also holds exclusive global broadcasting rights across all major media platforms, but grants these rights to partners in respective territories with the express purpose of delivering the Olympic Games experience to the broadest audience possible. Although, the IOC has a monopoly on Olympic intellectual property, it devotes over 90 percent of its revenue...

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SAMSON



Intellectual Property and the Olympic Games

to promote sports in impoverished nations and to help stage the Olympic Games.

Prior to 1993 many countries reserved the right to grant trademark registrations exclusively to commercial enterprises. As a result, the IOC did not have universal rights to Olympic Games trademarks until European trademark law was unified under the Office For Harmonization in the Internal Market (OHIM). The Nairobi Treaty on the Protection of the Olympic Symbol was signed in 1981 and is administered by the World Intellectual Property Organization (WIPO). It requires each ratifying jurisdiction to refuse an application or invalidate the registration as a mark, and to prohibit the commercial use, of any designation consisting of or incorporating the iconic five-ring Olympic symbol without the consent of the IOC. This interlocking system provides several layers of protection for IOC's Olympic marks, as well as a cooperative intergovernmental enforcement framework.

London Olympic and Paralympic Act

The London Olympic Games and Paralympic Games Act 2006 adopted by the British Parliament forbids any entity from associating itself or its products or services with the Olympic Games to gain a commercial advantage, unless expressly authorized to do so by the London 2012 Organising Committee. Ever since Canada enacted legislation regarding the Montreal 1976 Olympics, countries hosting the Games have increasingly followed Canada's example and adopted their own Olympic legislation. Since the Sydney Games in 2000, all hosting countries have adopted similar legislation. Several countries including the United States and Great Britain adopted legislation protecting Olympic marks well before the Sydney Games. Liechtenstein's Law on the Olympic Emblems dates back to 1964.

Internet and Social Media Platforms

IOC and its Licensees zealously protect their rights in cyberspace. On the same day that London was announced as the host city of this year's Olympic Games, a company registered the domain: mylondon2012.com. Well before the opening ceremonies, it was required to transfer that domain to the London Olympic Games Organising Committee (LOGOC), an IOC licensee. A panel of the World

Intellectual Property Organization's Arbitration and Mediation Center found that the domain was registered in bad faith. LOGOC, as the IOC's licensee of the mark LONDON 2012, and the beneficiary of statutory protection for combinations of LONDON and 2012 under the London Olympic Games and Paralympic Games Act 2006, had a gold-plated case for transfer of the domain. The registrant's attempt to use the prefix "my" to distinguish its domain name from the mark LONDON 2012 drew poor marks from the panel. Likewise, the registrant's claim that its website was intended to be a forum for Londoners to discuss the Games, a "personal" rather than a commercial enterprise, was disqualified in view of registrant's allocation of the domain name to a "domain marketplace" and later to an advertising links page. The full text of the panel's decision in *The London Organising Committee of the Olympic Games and Paralympic Games Ltd. v. H&S Media Ltd.*, Case No. D2010-0415, is available at www.wipo.int/amc/en/domains/decisions/text/2010/d2010-0415.html and is required reading for anyone considering the IOC's Olympic marks to be fair game.

Please contact this office should you have any questions regarding internet and social media platforms.



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