

# Noli IP Newsletter

NOLI IP Solutions, PC

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## *If you Like it, Get IP Protection on it*

*By Mariana Noli*

You are probably thinking, she got the lyrics to the famous Beyonce song all mixed up. Well, I am sorry to disappoint you but I did not. As I was sitting here, I just thought it is quite funny how we can play with the words. However, no matter how

downtown Los Angeles pitching for their intellectual property work. We did a fantastic job at showing the differences between copyright, patent and trademark protection, we showed examples on how companies benefited from IP

*"...It was quite amazing to me to realize that this client did not realize the importance of obtaining ... protection on his unique engagement ring designs. ... trust me, this guy would have saved a lot of money and headaches if he had listened to us back then..."*

playful you are in life, I would suggest not to take your lack of IP protection lightly.

When I first started practicing IP law, many years ago (of course, I won't tell you how many- you can always check the CalBar State website and do the math), I remember my friend and I gave a presentation to a jeweler in

protection, we included patent, copyright and trademark registration certificates obtained by leaders in the industry. At the end, the client thanked us for the time and we never heard from them again.

It was quite amazing to me to realize that this client did not realize the importance of

## **#FuerzaMexico #FuerzaPuertoRico**

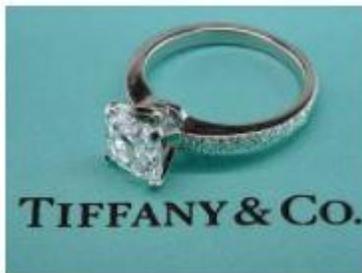
...

Noli IP Solutions, PC will donate 20% of the legal fees billed and collected during the upcoming month of October 2017 to the American Red Cross to assist on its ongoing efforts to repair the damage and rebuild the communities of fellow colleagues, clients and friends in Puerto Rico and Mexico.



We stand by our friends, our colleagues and our clients in the affected areas as they go through this very difficult time and we hope that this small contribution shows our support **#FUERZAMEXICO**  
**#FUERZAPUERTORICO**

obtaining design patent and copyright protection on his unique engagement ring designs. Of course, copyright and design patent protection are not the same but trust me, this guy would have saved a lot of money and headaches if he had listened to us back then. Yes, we were right out of law school. Maybe he thought we did not know what we were talking about.



I am not certain if that had anything to do with the fact that the client decided not to protect its designs. From where I stand, I know that it is

very expensive to seek protection for your unique jewelry and fashion designs. On the other hand, I also know how difficult it is to start a business on a budget. I can certainly assure you that when you are building an enterprise in today's world, everything comes and goes but your Intellectual Property is absolutely crucial. Always protecting yourself ahead of time pays off. And while you are on a budget to get the business up and running, and things are going in the direction they need to be, you will be thankful to me if you invested in protecting yourself early on.

So is it the same to buy or get a "Tiffany" ring over other engagement rings"?

If I tell you "Chocolate Diamonds" don't you first think of LeVian?



These are just some examples of how the jewelry industry is a "brand-driven industry." There are so many options on how to go about protecting your unique creations, and we can always help. Please feel free to contact us if you have questions or if you want more information.

## ECTA Workshop on Copyright Law

By Judit Marai

Earlier this month, I attended the ECTA Workshop on Updates on the EU Copyright Reform and Communication to the Public according To the CJEU Case Law. ECTA invited well-known international speakers who gave a nice overlook of the two current topics: (1) the idea of the Digital Single Market

and (2) the Communication to The Public.

Dr. Sebastian Felix Schwemmer from the University of Copenhagen, Denmark, and Dr. Martin Husovec from the Tilburg Law School, the Netherlands, gave us an Update on the EU Copyright Reform and

pointed out the situations where more harmonization is needed. Mr. Schwemmer explained how geo-blocking and cross-border licensing within the European Union show real gap in the idea of Digital Single Market across the European Community. Although, multi-territorial licensing already exists along

with licensing hubs for multi-territorial or multi-repertoire authors/works, due to geo-blocking, we are still far from being able to enjoy any artistic creation in every European country without any restriction. Dr. Husovec talked about service providers and their liability for infringement and the responsibility of preventing it. However, the direct liability for infringement is regulated by multiple Directives, a lot of important pieces, like secondary liability of the service providers, are not harmonized, but stayed in the independent countries' authority. At this moment, the secondary liability of the service providers and the safe harbors are still merely

proposal on the community level.

In the second part of the webinar, first Mr. Ted Shapiro from Wiggin LLP talked about the communication to the public from the audiovisual industry's standpoint, then Mr. Leon Dijkman from the Copyright Committee and Hoyng Rokh Monegier (NL) explained what could be communication to the public, and where the hyperlinks stand in this context. Mr. Shapiro elaborated that recent case law showed certain flexibility with application of the communication to the public right in an online environment that requires certain differentiation from

any regular business environment. As Mr. Dijkman explained, hyperlinks definitely constitute communication to the public, but it needs permission only if the sharing aims "new public." So if I share the link e.g. in the newspaper that was available to the public on the internet before (like in the Svensson case), it does not constitute new public, so no permission is needed.

Although, the progress in unifying is noticeable, the copyright specialists all agreed that the European Union has to fill certain gaps in order to reach the reality of the Digital Single Market.

## **NEW OFFICES: WE HAVE MOVED!**

Please take note of our new contact information:

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