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## Trademark, Copyright and Trade Secrets Practice

Sutherland's IP Group has a dynamic trademark and copyright team with experience as in-house and outside counsel for some of the world's best known brand owners and creators of copyrighted materials. Sutherland's intellectual property practice has been active since 1955, and the IP Group provides all services required to protect and maximize our clients' intellectual property rights.

### Trademarks

We work with our intellectual property clients to acquire and protect their marks, as well as the consumer recognition and good will associated with their marks, both in the United States and abroad, and to defend against unwarranted accusations of infringement. Our counseling and representation extends to all facets of trademark law, including:

- Counseling clients in their choice of names and marks, including providing opinions regarding the availability of names and marks for use and/or registration;
- Preparing, filing, and prosecuting trademark applications in the U.S. and abroad;
- Advising on matters of marketing and advertising of brands and products and services; and
- Policing potentially infringing uses of our clients' marks online and around the world.

### Copyrights

Our copyright clients have included e-media developers, artists, publishers, authors, videocassette distributors, toy manufacturers, carpet and floor covering manufacturers, apparel manufacturers, musicians, estates of performers, research groups, advertising agencies, art museums, electric utilities, architects and engineers, and computer services and software firms. Our representation of clients in the area of copyrights includes:

- Establishing ownership of copyrighted works and registering copyrights;
- Handling issues relating to the licensing, transfer and assignment of copyrights; and
- Policing potentially infringing uses of our clients' works online and around the world.

### New Media/E-Commerce

Our counseling and representation extends to all facets of new media IP and cyberlaw, including:

- Counseling clients in connection with domain name registrations and acquisitions;
- Counseling clients on e-commerce issues, including website development agreements, DMCA and Web 2.0 policies, linking agreements, privacy policies and notices, appropriate website terms of use, security measures, "click-wrap" licenses, copyright, trademark, and other legal notices, and compliance with statutory requirements;
- Counseling clients on infringement issues unique to the Internet, such as uses of metatags and other electronic coding, search engine "key words," sponsored advertising, banner ads, and pop-ups;
- Litigating and arbitrating claims of cybersquatting and online infringement of copyrights, trademarks, service marks, trade names and trade dress.

### Trademark & Copyright Litigation

Sutherland's IP Group represents clients in trademark, copyright, unfair competition, and domain name litigation in federal courts throughout the U.S. and before administrative agencies such as the International Trade Commission and the United States Patent and Trademark Office's Trademark Trial and Appeal Board.

### Trade Secrets

All businesses have proprietary information that constitutes a valuable asset of the business, but which, without the taking of appropriate steps, can be easily lost. We work with our clients to design, maintain and efficiently implement procedures and programs to protect their know-how, confidential information and trade secrets. Our counseling includes:

- Assisting in the analysis of affected information and the identification of appropriate protective measures;
- Designing employee policies regarding the treatment of sensitive information;
- Preparing and assisting in the enforcement of non-competition and confidentiality agreements;
- Advising clients on the implementation of security measures; and
- Representing clients in trade secret litigation.

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**Christopher J. Chan, Partner**  
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Chris Chan is an experienced trademark and copyright litigation and procurement attorney. Chris has experience in domestic and foreign trademark prosecution, and has been involved in trademark, trade dress, copyright and patent litigation, including litigation concerning outdoor equipment, firearms, toys, medical devices, information technology and databases. He is registered to practice before the U.S. Patent and Trademark Office.

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Pete Pappas heads Sutherland's Intellectual Property Practice Group. He concentrates in patent prosecution, federal trademark prosecution, licensing and other intellectual property transactions, validity and infringement opinions, and litigation support. He has substantial experience in prosecuting patents for packaged beverage manufacturing, polymeric nonwoven fabrics, pulp and paper technology, water treatment, flexible packaging, textiles, agricultural chemicals, printing, carbon black, polymer extrusion equipment, latex gloves, xerography, electro-chemistry, ceramics and various other aspects of polymer technology. His recent representative experience includes leading the prosecution team responsible for pursuing domestic and foreign patent protection for one of The Coca-Cola Company's largest product-development projects, as well as serving as lead outside chemical patent counsel for The Coca-Cola Company. Pete also prosecuted a patent, which was the subject of recent successful enforcement in *Kleen-Tex v. Mountville Mills*. Pete is registered to practice before the U.S. Patent and Trademark Office.

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Dan Warren is Sutherland's lead trademark and copyright litigator. He heads the firm's Consumer Products Prosecution Team and is the Partner-in-Charge of the firm's Atlanta office. Dan has experience in domestic and foreign trademark prosecution, and has been involved in patent, trademark, trade dress and copyright litigation, including litigation concerning medical instruments, athletic equipment, computer software, camouflage and digital piracy. He has served as trial counsel, appellate counsel and as an expert witness. He is registered to practice before the U.S. Patent and Trademark Office.

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Jim Johnson is Sutherland's lead on trademark prosecution/opinions. He focuses his practice on trademarks and service marks, unfair competition and domain-name disputes. His experience includes preparing, filing and prosecuting trademark applications through the opposition and appeal processes; negotiating and drafting settlement agreements; handling infringements and oppositions; and handling clearance opinion memos and strategies. Jim has been involved in domestic and international trademark matters for Fortune 500 companies. He represents clients in opposition and cancellation proceedings before the Trademark Trial and Appeal Board and has assisted in trademark and copyright litigation before the U. S. District Courts. Prior to joining the firm, Jim gained extensive trademark experience with The Coca-Cola Company, the Kellogg Company and at the U.S. Patent and Trademark Office as an examining attorney. Jim has prepared due diligence opinions for domestic and international acquisitions for many large clients and prepared an infringement analysis for a major automaker.

**ABOUT SUTHERLAND.** Sutherland Asbill & Brennan LLP is a law firm with global reach known for solving challenging business problems and resolving sophisticated legal issues for many of the world's largest companies. Founded in 1924, the firm handles matters throughout the United States and worldwide. Seven major practice areas—corporate, energy and environmental, financial services, intellectual property, litigation, real estate, and tax—provide the framework for an extensive range of focus areas, allowing Sutherland attorneys to serve a diverse client base that ranges from small and medium-sized start-up businesses to a significant number of Fortune 100 companies.