

## “Lights! Camera! Legal Action?”

*You've gone to great lengths to write that stellar screenplay or to obtain the financing to produce that fantastic film. Now you need to make sure your works are properly protected and that you're not infringing the creative works of others.*

### The ABCs of IP:

#### **A** – ALL ABOUT IP

IP, or Intellectual Property, is a term used to refer to creative works of the mind. IP generally consists of the triumvirate of patents, copyrights and trademarks. The Lanham Act deals with trademark protection. A trademark is a distinctive sign used to distinguish a certain product or service from other products or services. A trademark is typically in the form of a word or groups of words, a slogan or design logo. The U.S. Copyright Act protects creative works once those works are fixed into some type of medium of expression. So, at the moment your ideas get put to paper, you now have copyright protection in that work. You will want to go the step further, however, and make sure your works are registered. Promptly registering your copyright provides the following benefits:

- You create a public record of your work and copyright claim.
- You may sue for copyright infringement (registration is a pre-requisite for filing an infringement claim).



- You may seek statutory damages and attorney's fees, in addition to actual damages, in an infringement suit.

#### **B** – BEWARE

Remember: Just because a creative work isn't registered, it doesn't mean the owner of the work has no rights in it. The owner may have what's called a "common law" IP right in the work. Whenever you use another person's creative work, you should assume that it is protected and that you will need permission to use it.

#### **C** – CONTRACTS

Protecting IP rights in entertainment contracts can be tricky. What happens, for example, when you collaborate with someone on a creative project? Who owns the IP in the finished work? If you grant someone a license to use your material, how do you ensure your IP rights are protected? These are just a couple of examples of issues to consider when dealing with entertainment contracts.

With Miller Canfield on your team, you can focus on the lights, the cameras and the action. Contact us if you would like assistance. We'll focus on the legal protections to prevent your "action" from becoming a legal action.

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