intellectual property

make ideas happen

A competitive edge is tied to marketing strategies and technology development. Organizations both public and private, from Fortune 500 to entrepreneurial start-ups, turn to Bodman for strategic counsel on the commercialization and protection of their ideas and other creative work product.

Our clients are innovative companies and individuals in the fields of computer science, social and business networking, biomedical engineering, advertising, entertainment, energy, education and research, museum studies, manufacturing, financial services, health care, construction, and professional sports. As part of the client team, our attorneys share that spirit of imagination and inventiveness. We deliver legal services that help clients achieve their goals.

SERVICES

Bodman’s intellectual property attorneys assist clients in national and international protection, licensing, and litigation of trademark, copyright, trade secret, right of publicity, and patent matters. Representative services for IP clients include:

DATA RIGHTS
♦ Protection of data as trade secrets and licensing of proprietary data
♦ Data protection and records retention policies and agreements
♦ Compliance with U.S. and international data privacy laws
♦ Collection, storage, use, and distribution of employee and customer data
♦ Data protection for financial institutions, hospitals, and other clients with data subject to special legislation
♦ Complex debit and credit card processing arrangements, including development of programs used for distribution of governmental benefits

BUSINESS PROCESS INSOURCING AND OUTSOURCING
♦ Complex business process outsourcing arrangements, including negotiations, drafting, implementation, and termination
♦ Insourcing of previously outsourced programs, including knowhow transfer and management of supply chain data and relationships
BRANDING AND ADVERTISING
- Global trademark clearance and prosecution
- Brand management and portfolio management
- Counseling on trademark enforcement programs
- Oppositions and cancellations in the U.S. Trademark Trial and Appeal Board
- Uniform Dispute Resolution Policy (UDRP) actions
- Federal litigation
- Labeling
- Advertising
- Trademark fair use

FRANCHISING
- Brand selection, protection, licensing, and merchandising
- Franchisee requirements and management
- Franchise contracts and operations manuals
- Compliance with legal reporting and filing requirements

WEB-BASED BUSINESS AND NETWORKING
- Online publishing and development of new media
- Risk management of user-generated content; response to Digital Millennium Copyright Act take-down notices
- Terms of use for Web-based commerce and social networking
- Acquisition, maintenance and support of information systems

ARTS AND CULTURE
- Deeds of gift, purchasing, accessioning, de-accessioning, and licensing of collections
- Policies for public and commercial use of photographs of artifacts
- Artistic collaboration
- Advising architectural companies and construction companies on the application of the Visual Artists Rights Act to projects for urban renewal
- Publishing

ENTERTAINMENT AND MEDIA LAW
- Protection and licensing of the right of publicity; corporate naming rights
- Film and music production
- Disputes in the creative process, including infringement, libel and slander, defamation, plagiarism, fair use, and the protections of the First Amendment
- Purchase or sale of television and radio stations, newspapers, and Web-based media companies

TECHNOLOGY TRANSFER
- Patent, knowhow, and transfer of technology from leading research institutions, including Duke University, The University of Michigan, Michigan State University, and Wayne State University
- Sponsored research agreements, co-development, and collaboration agreements with research institutions
- Conflict of interest policies and procedures

REPRESENTATIVE MATTERS
We represented a claimant in patent infringement litigation involving a revolutionary patented method of tooth extraction. After a ten day hearing, an arbitrator found the respondent guilty of willful infringement, entitling our client to treble damages, and awarded a permanent injunction against the respondent enjoining it from selling our client's patented product.

Bodman serves as national IP and contracts counsel to a major commercial bank. We handle all trademark and copyright issues and World Intellectual Property Organization (WIPO) actions for the bank, and negotiate more than 500 IP-related contracts annually.

We serve as trademark and IP contract counsel to a major league sports franchise, negotiating all sponsorship agreements, video usage agreements, and the licensing of team intellectual property in connection with the merchandising of third-party products.

We represented a publicly-traded software services provider in a trademark infringement suit against a similarly-named manufacturer of mailroom processing products. When the defendant announced an expansion of its business, we filed suit and sought a preliminary injunction. Within days, the defendant agreed to change its name and entered into a permanent injunction.

We are representing a screenwriter as defendant in $300 million copyright infringement action involving a television show airing on a major broadcast network.

Dozens of companies entrust Bodman with the management of their international trademark portfolios. For example, we represent a medical device manufacturer in trademark protection matters around the world, including overseeing cost-effective trademark clearance and protection strategies for the company's portfolio of marks.

Our client, a specialty pharmaceutical manufacturer, licensed cutting edge data relating to human gastrointestinal absorption to a firm that wrote new software incorporating our client's data. When the software company unilaterally stopped paying our client royalties after 17 years, we created a legal framework challenging the assumptions of the software company and its Silicon Valley-based law firm. After a day-long negotiation, the software company agreed to a settlement in which it paid our client more that it had been paid in royalties over the past 17 years.

Our attorneys represented a leading provider of information technology management services in negotiations with one of the largest telecommunications companies regarding an applications service provider arrangement. The negotiations uncovered a flaw in the vendor's management of highly sensitive information.

We represented a large financial institution in the negotiation of various outsourcing arrangements, including arrangements in the areas of procurement and sourcing, security, document management, human resources, loan origination and servicing, information technology support and services, managed print services, and facilities management.