Legal Services for Businesses, Creative Professionals and Their Lawyers

Arnold Lutzker
Susan Lutzker
Attorneys and Co-Founders
WHO ARE WE?

Arnold Lutzker
- Harvard Law
- 40+ years of legal experience in copyright and trademark strategy, protection, enforcement and policy

Susan Lutzker
- Georgetown Law
- 40+ years of legal experience in complex contractual matters and intellectual property protection and enforcement
WHO ARE WE?

We are lawyers and entrepreneurs with a passion for art.

Architects of and Legal Counsel for Blockbuster Art Exhibits From Russia and Turkey That Toured the United States.
WE ARE LEADERS IN INBLF

EXPERIENCED. EFFICIENT. TRUSTED.
THE LEGAL NETWORK FOR THE 21ST CENTURY

OVER 300 BOUTIQUE AND INDEPENDENT LAW FIRMS WORLDWIDE
U.S. LEGAL SYSTEM LEVELS THE PLAYING FIELD & ENCOURAGES INVESTMENT

• Constitutional, statutory and common laws across federal, state and municipal governments support your business success
• Hallmarks are fairness, equitable application and predictability
• Forward-thinking legal regimes
## CORE LEGAL ISSUES FOR INNOVATORS

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Entering the U.S. Market

Identify, Protect and Exploit
Your Legal “Crown Jewels”

- Trademarks
- Copyrights
- Patents
- Trade Secrets
IDENTIFYING THE CROWN JEWELS OF YOUR BUSINESS

- Conduct an IP audit
- Create a plan for protection
- Ensure legal compliance
- Exploit and realize wealth
Trademarks are the names, logos, words, slogans or symbols that stand for your business in the eyes of the consumer and in the minds of your competitors.
PROTECTING TRADEMARKS IN THE U.S.

• Search and analyze before you invest

• The legal standard: likelihood of confusion

• Register your trademark first in your home country

• Register your mark with the U.S. Patent and Trademark Office
COPYRIGHTS
Movies • Music • Books • Software • Photos

• Work that is original and fixed in tangible form
• Term of protection: nearly a century
• Exclusive rights of copyright owner include
  • To Copy
  • To Distribute
  • To Adapt
  • To Publicly Perform
  • To Publicly Display
• Key limitations on owner rights include
  fair use * compulsory licensing * first sale doctrine

Arnold Lutzker’s Content Rights – Chinese, English, Russian editions
PROTECTING COPYRIGHTS

- Registration
- Enforcement
  - exclusive legal enforcement in federal courts
  - remedies for infringement – unique attorneys’ fee provision
  - digital works
PATENTS

- Patents protect software, methodology, chemical formulas, etc.
- Registration is important – first to file can win big!
- Two approaches to applying for patent protection in the U.S.
  - Provisional filing
  - Standard filing
- 20-year term of protection
- Damages: lost profits, reasonable royalty, treble damages
TRADE SECRETS

Trade secrets can have perpetual life PROVIDED you keep the secret:

• Use a non-disclosure agreement (NDA) in introducing your idea to a potential partner or investor
• Enforce secrets in employment agreements
• Maintain “need to know” access
NEGOTIATING CONTRACTS IN THE U.S.

Use contracts to:
• spell out the goals of the parties
• document the details of a business transaction
  • “work made for hire” key IP provision
• allocate risks

Plan ahead to avoid disputes:
• Document the deal
• Preserve key communications – written and electronic
• Build in alternative dispute resolution to avoid litigation
SUFFICIENT INSURANCE IS A “BEST PRACTICE”

- Many risks can be greatly reduced by appropriate insurance
- Contracts often require insurance coverage
- You will need qualified insurance brokers
- Essential types of insurance:
  - Business liability insurance
  - Umbrella insurance
  - Errors and omissions insurance
  - Product liability insurance
  - Workers compensation
U.S. LAWS EMPHASIZE FAIR COMPETITION

- Federal and state agencies investigate unfair practices
- Federal and state governments can prevent entrenched enterprises from hindering new entrants like you
# U.S. LAWS SUPPORT CONSUMER PROTECTION

Federal and state agencies set standards – know your industry

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PRIVACY LAWS

• Federal and state laws encourage protection of worker and customer privacy

• Threat of cyberattacks being met with strong countermeasures
  • National legislation: Cybersecurity Information Sharing Act of 2015
THE U.S. IS OPEN FOR YOUR BUSINESS

• We would love to help you enter the U.S.

• Through our INBLF colleagues, you will get the top legal expertise you need to make important business decisions and address key legal issues, including Corporate Formation, Taxation, IP Protection, Immigration, Real Estate, Employment, Estate Planning, Insurance, Business Litigation, Environment and Land Use, Trade, Import/Export, Health Care, Data Protection and Privacy, State and Federal Regulations.

• Working with INBLF lawyers is a cost-effective way to obtain the highest quality and personalized legal services throughout the U.S.