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## "PROTECT YOURSELF"

### **Pants, Suits and Copyright Trolls - *Copyright/Patent Infringement Insurance***

**Insurance for the enforcement and defense of IP is the logical step for companies of all sizes within the fashion industry, and strengthens a multitude of contractual indemnification requirements.**

Copyrights offer protection on more than the stitching on a garment; they also protect print designs. The creator of an original textile design has copyright protection against others copying its design. The fashion business sees regular claims against the sellers of garments made from fabric with allegedly infringing prints. Frequently, however, litigators obtain copyright registrations on existing designs, like stripes, polka dots, plaids, lace, paisleys, floral and animal prints, and then pursue other users of similar patterns.

The term "copyright troll" has been used to describe litigants who have sued virtually every major retailer and wholesaler of clothing for copyright infringement with over 100 listed actions for infringing. Last year, a case finally concluded with a jury decision, after extensive litigation involving summary judgment, reversal on appeal, three days of jury trial and a settlement...very costly!

Manufacturers and retailers are often unaware of the exposure flowing to them from fabric vendors who may have utilized an existing design in the creation of a new pattern. Designers are sometimes purchasing exclusive rights to designs, then registering the derived designs with a new copyright.

a.) The 'Abatement Policy' helps the policy holder fund the litigation expenses *to enforce their IP rights against infringers*. The policy holder can list particular registrations for trademarks, copyrights, or patents.

b.) The 'Defense Policy' helps fund litigation expenses *to fight against charges of infringing other's IP rights*. The policy holder can schedule and insure a catalog(s) of their existing offerings and future creations.

c.) InventPro® Abatement - In recognition of the ongoing creation of new products, there is an *affordable, low limits, IP insurance starter policy* for inventors and small companies to help level the playing field against larger companies. The policy allows the policy holder *to get through the case on the merits, not on who has the deeper pockets*.

Trademarks, copyrights and patents can be the fashion industry's most valuable assets, and can also create some of the industry's most pressing concerns.

#### **For More Information:**

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