

Editor's Introduction to the 2024-2025 Edition

Intended to give you a basic working knowledge of the field, *Corporate Counsel's Guide to Intellectual Property: Patents, Trademarks, Copyrights, and Trade Secrets* provides tips on safeguarding your company's intellectual property. It includes an overview of:

- Patents
- Trademarks
- Copyrights
- Trade secrets
- Major statutes impacting intellectual property protections

You'll find a variety of sample policy statements regarding intellectual property, illustrative forms and agreements, and checklists for making sure you cover all the bases.

Highlights of the 2024-2025 edition include:

- Enhanced discussion of *nonobviousness*, including the case *Volvo Penta of the Americas, LLC v. Brunswick Corporation*, 81 F.4th 1202 (Fed. Cir. 2023), which involved the alleged infringement of a tractor-type stern drive for a boat. The court found that Volvo Penta did not provide sufficient argument on co-extensiveness to establish entitlement to a presumption of nexus. (§ 1:4)
- Discussion of *University of South Florida Board of Trustees v. United States*, 92 F.4th 1072 (Fed. Cir. 2024), a case which highlights the complexities that can arise in the federal government's use of a patent due to the nature of institutional academic research funding. (§ 1:37)
- *Vital Pharmaceuticals, Inc. v. Monster Energy Company*, 553 F.Supp.3d 1180, (S.D. Fla. 2021), a case which clarified numerous aspects of trade dress and its application under the Lanham Act and Florida law. (§ 2:28)
- Discussion of *FedEx Ground Package System, Incorporated v. Route Consultant, Inc.*, 97 F.4th 444 (6th Cir. 2024), a Sixth Circuit Court of Appeals case which illustrated the importance of clearly addressing each of the necessary elements required to state a cause of action for false advertising under the Lanham Act. (§ 2:29)

- *Mahindra & Mahindra Ltd. v. FCA US LLC*, 2023 WL 4623873, where the Eastern District of Michigan was asked to address a claim of alleged trade dress infringement brought by FCA, the manufacturer of Jeep vehicles, against Mahindra, a rival manufacturer using the Roxor brand name. The court found that Mahindra's design was not likely enough to cause consumer confusion to justify the ban, reiterating an earlier decision after a U.S. appeals court last year ordered him to reconsider the case. (§ 4:19)
- Enhanced discussion of typosquatting, including the case *Central Source LLC v. AnnualCreditReport.com*, 2024 WL 1076812, where the plaintiff, Central Source, brought the suit alleging that the defendant domain names violated the ACPA due to their infringement on a protected trademark. The suit further alleged that the defendant registered and owned more than 600 domains containing various combinations of typographical errors related to www.annualcreditreport.com. (§ 5:26)