



TRADEMARK LITIGATION AND UNFAIR COMPETITION

Brand Protection

More than ever, the vitality of a business's brand dictates the vitality of its bottom line. Never has it been more critical to establish a distinctive brand to distinguish your business in the marketplace - and never has it been more critical to vigorously protect that brand. Brand identity is market share, and market share is the lifeblood of your business.

Barnes & Thornburg's trademark attorneys have the legal experience in trademark, branding, and competition law that you would expect from one of the leading trademark law firms in the world. But what truly differentiates Barnes & Thornburg's attorneys - what defines our brand - is our business savvy. Barnes & Thornburg's trademark lawyers are skilled in applying trademark, branding, and competition law to help you achieve your business goals at a time when there are more forms of competition and brand encroachment than ever before.

Our approach to protecting your trademarks is aggressive and innovative, because we know how important your competitive advantage is to your business.

Trademark Litigation

Barnes & Thornburg's trademark attorneys provide knowledgeable counsel to companies worldwide at all stages of a trademark dispute. Litigation strategies are part of larger business strategies that begin long before a complaint is filed. As you build your trademark portfolio, our attorneys develop sound approaches to assure strong trademark and brand protection - from obtaining registered trademarks to providing advice on domain names and proper trademark use. If you are considering adopting a trademark that may draw trademark infringement allegations, we provide you with an unvarnished assessment of the risks and how to manage those risks.

Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

RELATED PRACTICES

Intellectual Property

When conflicts result in litigation, you need a law firm experienced with the intricacies of trademark and unfair competition litigation. Our attorneys assist clients with strategies for obtaining favorable outcomes in state and federal courts across the country, at the United States Trademark Trial and Appeal Board (TTAB), the Federal Trade Commission and internationally. We pursue arbitration and mediation when those avenues are advantageous to our client. Our experience extends from litigation of traditional word marks to litigation of color marks, certification marks, trademark dilution and false advertising.

Unfair Competition and False Advertising

As guardians of your brand and your market share, we also realize that brand protection is about more than trademarks. We regularly represent clients by helping them enforce their rights against others who seek to unfairly compete. But unfair competition extends beyond trademark infringement. It includes knockoff products in the marketplace. It includes false advertising. It includes websites that misdirect consumers to a competitor. It includes disparaging comments a competitor makes about your product and false statements the competitor makes about its own products. It includes industrial espionage and misappropriation of trade secrets and confidential business information.

We aggressively litigate such unfair-competition claims in venues across the country. We also defend clients unjustly accused of improper competitive business methods.

In court, we use the latest technology and tactics to present your trademark and unfair competition case. We go beyond the typical consumer survey evidence and develop compelling narratives that show the real impact of unfair competition on you, your customers and the marketplace. If you are wrongfully accused of trademark infringement, we work to marshal evidence disproving any allegation of consumer confusion. We work with seasoned experts to design and defend consumer surveys. We use Daubert motions to challenge the opponent's surveys when appropriate. We also work with ThemeVision-, an experienced jury research firm, when your high-profile case warrants jury research.

We have litigated trademark and unfair competition cases in a wide variety of industries, including computer-related technologies, consumer products, medical devices, heavy industrial products, and food and restaurants, to name a few.