



**LUCINDA MCROBERTS**  
USA SWIMMING



#SWIMBIZ



# Copy That: Copyrights, Logos, Branding & Pitfalls

#SWIMBIZ



## Definitions

### **Copyright:**

Protects creative works that have been fixed in tangible form (or original works of authorship).

Provides the exclusive right to modify, distribute, perform, create, display and copy the work.

Examples: writings, songs, photos, videos, paintings



## Definitions

### **Trademark:**

Protects words, symbols, colors, sounds, or smells that someone is using in conjunction with a product or service.

Example: USA Swimming shield





## Definitions

### **Patents:**

Grants from the government that give you the exclusive rights over your invention for a specific amount of time, in exchange for full disclosure.

Examples: machines, electronics, pharmaceuticals



## Definitions

### **Trade Secrets:**

Secret information used by a business that derives its value from being secret, and where the business is invested in that secrecy.

Examples: Recipes for Coca Cola and KFC, client lists and business plans



## Copyright

A copyright exists from the moment the work gets created, so registration is voluntary; however, registration enhances your rights (e.g., statutory damages).

The cost is minimal (\$35-100) and many people can handle the paperwork online themselves.

Copyright registration is generally reserved for works that are important to your business and over which you'll likely to want to enforce such rights, such as an eBook or series of videos that you're selling online.

It takes 2-6 months and generally lasts for the life of the author plus 70 years.



## Trademarks

Trademark law is designed to protect consumers from confusion and counterfeits—not to reward businesses for their tag lines and logos.

You receive protection under state law as soon as you start using the mark in conjunction with a product or service. However, protection is only applicable where you are using it.

To obtain greater rights, you must register your trademark.

Registration lasts 10 years and is renewable but is limited for a particular use (class).

A trademark application for one trademark in one class costs a few hundred dollars and takes approximately 6-18 months to complete.



## Pitfalls

### **Social media accounts:**

*The use of the USA SWIMMING shield design as the profile photo of this Instagram account, combined with the use of username that is confusingly similar to the USA SWIMMING word mark, and the posting of a photo of the USA Swimming & shield design mark is likely to cause confusion, leading third parties to mistakenly believe that this Instagram user and account is somehow related to, sponsored by or affiliated with USA Swimming, Inc. when in fact they are not. USA Swimming, Inc. believes that this constitutes trademark infringement or unfair competition under the federal Lanham Act, 15 U.S.C. §§ 1051-1141, and related state laws.*



## Pitfalls

### **Club logos:**

*...The overall shape and elements, display of wording and coloring contained in the design of the [REDACTED] Aquatics word and design mark are virtually identical to those contained in USA Swimming's trademark. As you are undoubtedly aware, USA Swimming is the owner of the word and design mark (the "Shield Mark") and other marks containing the Shield Mark that it uses in connection with its various activities, goods and services to generally promote the sport of swimming, and in connection with conducting its various competitions and programs. USA Swimming has used the Shield Mark in connection with its swimming program and various related goods since at least as early as 2003, and USA Swimming enjoys the benefits of the federal trademark registrations protecting its Shield Mark throughout the United States listed on Exhibit B...*



## Pitfalls

**Copyrighted material:**

*Crediting the source may not be enough!*