

The July issue of Sterne Kessler's **MarkIt to Market™** newsletter explains why two pronged protection is the best approach for product configuration, discusses the importance of coordination between legal and marketing departments regarding trademark registration and protection strategies, and provides an updated list of the Sunrise Periods currently open for new gTLDs.

Sterne Kessler's Trademark, Advertising, and Anti-Counterfeiting practice is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact Monica Riva Talley or Tracy-Gene G. Durkin.



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Special thanks to Summer Associate **Benedict L. Hanrahan** for his contribution to this newsletter.

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Two Prong Protection is the Best Approach for Product Configuration

By **Tracy-Gene G. Durkin** & Benedict L. Hanrahan

It has long been possible to use both trade dress and design patent rights to protect three-dimensional designs that function as trademarks. One strategy has been to rely on design patent protection while a three-dimensional mark is acquiring the secondary meaning necessary to register and enforce trade dress rights. The Federal Circuit's recent decision in *Apple Inc. v. Samsung Co.* suggests that consumer product companies may want to adopt this two part approach more often because it may be easier to challenge trade dress rights than design patents on the basis of functionality.

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Why it Pays to Make Nice with Marketing

By **Monica Riva Talley** & **Lauriel F. Dalier**

You may have read here before about the U.S. Patent and Trademark Office's (USPTO) increased focus on removing "deadwood" -- registrations that remain in force, but cover marks that are not actually in use for all of the covered goods and services -- from the U.S. Trademark Register. The USPTO is considering various options for improving the accuracy of the Register, and this initiative is just one of the many reasons why legal and marketing departments need to work closely together on trademark registration and protection strategy.

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gTLD Sunrise Periods Now Open

As first reported in our December 2013 newsletter, the first new generic top level domains (gTLDs, the group of letters after the "dot" in the domain name) have launched their "Sunrise" registration periods. Please contact us to see our **December 2013 newsletter** for information as to what the Sunrise Period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

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