

Partner David Halberstadter Comments on Sherlock Holmes Copyright Ruling in Law360

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David Halberstadter, a partner in the Entertainment and Media practice, was quoted in a Law360 article on a recent federal decision regarding Sir Arthur Conan Doyle's Sherlock Holmes character. While a December 23 ruling explicitly gave authors the right to create new works using previously copyrighted elements from Sherlock Holmes works that are now in the public domain, including the works' key characters, Doyle's estate may still attempt to enforce trademark rights to prevent the use of "Sherlock Holmes" in connection with merchandise. As David points out, "That you're not infringing doesn't mean you're not going to confront litigation. There's no question that an estate would enforce its trademark rights as aggressively as it could get away with in the hopes it could chill what otherwise would be lawful use of public domain copyright materials." ("[Sherlock Copyright Weaker, but Trademarks Still Afoot](#)," January 7, 2014)

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