

Karen Artz Ash Quoted in Law360 Article on Sixth Circuit Decision Regarding Copyright Protection for Cheerleading Uniforms

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Karen Artz Ash, national co-chair of Katten's Intellectual Property department and co-head of the Trademarks and Trademark Litigation practice, was quoted in this article on the Sixth Circuit's decision declaring decorative designs on cheerleading uniforms eligible for copyright protection. The court considered whether visual elements on the front of cheerleading outfits sold by Varsity Brands Inc. were eligible for copyright protection. Reviving Varsity's infringement case against rival Star Athletica LLC, the ruling overturned a district judge who said the decorative aspects were inextricably intertwined with the underlying piece of clothing, which cannot be protected by copyright law.

Karen noted the potential trouble apparel makers face if they ignore the possibility of copyright infringement before launching a new garment. "When making an evaluation of a client's proposed item of apparel, a full evaluation should take into account third-party copyright rights as well as trademark and trade dress rights," she said. ("Four Takeaways From Sixth Circuit's Cheerleader Copyright Ruling," August 20, 2015)

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