

Significant Changes to U.S. Trademark and Copyright Law Included in Latest Coronavirus Relief Legislation

“On Sunday, December 27, 2020, President Trump signed into law a COVID-19 relief and government spending bill entitled the ‘Consolidated Appropriations Act, 2021.’ Within its nearly 5,600 pages are significant new trademark and copyright provisions unrelated to either the coronavirus or the funding of the government. For trademark owners, the legislation incorporates the Trademark Modernization Act of 2020, H.R. 6196, likely the most significant trademark legislation since the Lanham Act’s enactment nearly 75 years ago. It will change trademark practice in several ways, including: (i) providing a statutory rebuttable presumption of irreparable harm to benefit brand owners in trademark litigation; and (ii) creating new expungement and reexamination proceedings before the United States Patent and Trademark Office (USPTO) to more efficiently remove unused marks from the registry,” write David A. Bell, Jason P. Bloom, Joseph Matal and Wesley Lewis in *Haynes and Boone’s News*.

“For copyright owners, the legislation creates a new ‘Copyright Claims Board’ within the United States Copyright Office to adjudicate certain ‘small-claims’ copyright disputes rather than trying them in the courts. It also increases criminal penalties for illegally streaming content, making certain streaming of copyrighted content for profit a felony punishable by up to 10 years of imprisonment.”

Read the article.