

CASE STUDY: Internationally Recognized Beverage Company Hires Trusted Counsel to Protect Bottle Design



Trusted Counsel
ASHLEY LLC

Challenge:

The Trusted Counsel client was a beverage company with an international reputation. Recognized for its cutting-edge bottle design by various industry organizations, the bottle was distinctive in design, and could be regularly seen in movies and television shows. Because of the competitive nature of the beverage industry, the client was looking for new ways to protect the unique design of the bottle, which consumers associated with its beverage.

Solution:

Trusted Counsel worked closely with the company's Chief Operating Officer to determine the intellectual property assets. A patent had been filed for the design of the bottle, which provided some intellectual property protection. However, design patents are of a finite duration. Trusted Counsel suggested that the client protect the "trade dress" of the bottle (i.e. its distinctive visual appearance). Trade dress is a form of trademark protection, and unlike patents, can be infinite in duration. Trade-dress protection, however, is not commonly sought and is very difficult to obtain.

The Trusted Counsel team applied for protection of the trade dress with the United States Patent and Trademark Office (USPTO), and was initially refused registration on the grounds that the trade dress was "nondistinctive." However, the team successfully presented counter arguments to the USPTO examiner, and after months of persistent and diligent work, the client was granted trade-dress registration which is maintained to this day.

Results:

The trade-dress protection increased the client's intellectual property defense in an extremely competitive market. The client was able to use its new trade-dress protection to stop competitors that began to infringe its design. It now has an intellectual property asset which is capable of providing long-term protection from its competition beyond the life of its design patents.



About Us:

Trusted Counsel is a unique and refreshing kind of legal partner. We provide seasoned, business anchored legal advice in a highly personalized way. We don't wait to be asked – we anticipate your needs, respond quickly and always in your best interest.

"The trade-dress protection increased the beverage company's intellectual property defense in an extremely competitive market, helping to stop competitors that began to infringe on its design."