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Penny For Your Thoughts ...

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in this issue

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Who We Are

The Bennett Law Office counsels clients in the areas of entertainment, copyright and trademark law matters.

Penny For Your Thoughts ... Protecting and Leveraging Your IP is the "e" newsletter from Bennett Law Office, PC. Our goal is to keep you informed of ways to protect your intellectual property and help you realize new sources of income from your creative endeavors.

- **Retailer Lacoste "Loses Its Bite"**

A U.K. court ruled French fashion company Lacoste's crocodile logo is not confusingly similar to a dental office logo



also featuring the animal. "Dental services are so different to clothing that the average consumer of goods or services in question, who is reasonably well informed and reasonably observant and circumspect, would not make that mistake," according to U.K. Judge Ann Corbett.

The test for securing and protecting a trademark is not whether or not there is an identical trademark currently in use, but are the marks confusingly similar.

[Read more on this case. Lacoste Litigation Success in 2007.](#)

- **Beaumont Boy Battles "Jersey Boys": Joint Authors of Copyrightable Work**



Who gets paid from Jersey Boys the 2006 award winning musical about the musical group the Four Seasons? Is it Texas attorney Rex Conrad Woodard's heirs or Thomas Gatano DeVito, an original member of the Four Seasons, or both? The show continues to gross over one million dollars per week from Broadway

performances alone. So who gets paid is a big issue.

Woodard, a music buff and writer, wrote numerous articles on the Four Seasons. Prior to his death in 1991, Woodard entered into a written agreement with DeVito to co-author DeVito's biography and to share equally in any profits from the book or adaptations. The biography chronicled the Four Seasons/DeVito's career and even touched on issues such as mob involvement and police investigations of the group's members.

In 2007, Woodard's widow located a 1991 copyright registration for an identical manuscript registered solely in the name of DeVito. It was also



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discovered that writers of Jersey Boys had obtained the manuscript and used it for inspiration in writing the musical and several scenes were adopted from the manuscript. Arguably, the Jersey Boys production is a derivative work of the Woodard/DeVito unpublished manuscript which entitles Woodard's heirs to compensation from the Jersey Boys production.

More information on this case can be found on our [Blog](#) and in this month's issue of [Texas Lawyer](#).

• **Who We Are**

Tamera Bennett, nicknamed by her clients as the IP quarterback, develops strategies to protect and leverage each client's intellectual property. Tamera works closely with her clients to implement customized brand management programs. Tamera's clients range from rock star to leadership coach and financial guru to custom motorcycle designer.

Tamera is a past chair of the State Bar of Texas Entertainment & Sports Law section, a founding board member of the Women Business Owners of Denton County, and a former adjunct professor at Dallas Baptist University. Tamera frequently lectures to attorneys and business owners on intellectual property and entertainment law matters. In addition to her law practice, Tamera is the owner and president of Farm To Market Music, LLC a full service song administration company.

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