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How Can I Enforce My Copyrights In Marketing Materials I Created?

[Kristie Prinz](#)**Q.**

I created a marketing campaign for a company in 2001, and had just 3 weeks to complete all marketing materials including a Brochure, Logo, Press Kit, etc. I met with the owners prior to creation of these items, and they were fully aware that I owned total copyrights to these items until I was paid. Against my better judgment, and prior to signing a contract with them, I allowed them to have a copy of the CD with the logo, brochure, etc. I did, however, prior to giving them the CD, send the designs for copyright registration, and I obtained the registration.

The company exploded throughout the country, the owners utilized all of my materials, and never paid! I contacted 3 different attorneys who agreed that it was copyright infringement; however, each said they charged \$10,000.00 just to begin representation. The 3rd lawyer sent a letter to the business owners in 2004 stating their copyright infringement telling them to pay me. Their attorney sent back and absolutely ridiculous letter stating that if I'd like to submit my artwork, they'd be happy to consider it, but that there was no infringement! After this, they used a new logo; however, they're still using my wording from the brochures which is copyrighted. The company made a lot of money at my expense! Do I have any recourse at this point?

*-- Disillusioned Designer***A.**

Yes, you most likely still have recourse available, but depending on your financial means and the value of the case, it may not make sense for you to go after the infringers.

According to the facts you have provided, the people who stole your work and used it without permission are clear copyright infringers of that work, and you can sue them for copyright infringement. The fact that they are no longer using some of the infringing material does not change the fact that they are infringers and have infringed your work.

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Having said this, there are statute of limitations that apply to filing lawsuits, so you do not have an unlimited amount of time to file suit. Thus, it is advisable to make a decision as soon as possible on how you will proceed, so that the time period does not expire before you file your case.

Even though you may have a good case against these infringers, however, you may not want to take action against them, depending the state of your finances and the total value of the case. Litigation is very expensive, and as you have already discovered, attorneys typically do not take cases of this nature on contingency, as they just don't tend to be big moneymakers and the costs do not justify the risks. Consequently, the client is going to have to agree to cover the costs before any attorney will agree to represent him or her. Since the cost of trying a copyright infringement case can run into the hundreds of thousands of dollars, many victims of infringement do not have the capital available to file suit against an infringer. This is why these people often get away with being infringers.

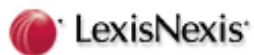
In your case, my advice would be to consult with a [copyright infringement litigator](#) in your jurisdiction as soon as possible to discuss whether or not you can still file suit against these infringers and to discuss what costs may be required to take such action and what the likely outcome may be. After you have the facts in hand, you are likely to be in a better position to make an educated decision on whether or not to proceed with such a suit.

Also, my advice is to consult with an [IP transactions attorney](#) in your jurisdiction as soon as possible, too, who can advise you on steps to take so that this will not happen to you again in the future. Unfortunately, there are a lot of dishonest people out there who will con and cheat you if they can, so it's best to implement procedures that insulate you and/or your business somewhat from falling victim to such dishonesty again in the future.

-- *Kristie Prinz*

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