

Copyright Standing and Fifth Circuit Trade Dress Factors

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In *Beatriz Ball, L.L.C. v. Barbagallo Company, L.L.C.*, No. 21-30029, 2022 WL 2688637, at *1 (5th Cir. July 12, 2022), the United States Court of Appeals for the Fifth Circuit reversed and remanded a judgement from the United States District Court for the Eastern District of Louisiana. The lower court had held that Beatriz Ball lacked standing under the Copyright Act and did not own protectible trade dress.

In this article published in *IP Strategist*, Howard Shire and Stephanie Remy, attorneys in Troutman Pepper's Intellectual Property group, discuss the case, arguments, secondary meaning factors, and more.

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