

MEDIA MENTION

David Weslow Discusses Ruling That Website Design Can Be Protected as Trade Dress

Trademarks & Brands Online

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Wiley Rein Intellectual Property partner David E. Weslow was quoted today in a *Trademarks & Brands Online* article about a court's decision to let a lawsuit proceed based on a company's claims that the trade dress of its website was infringed when a competitor developed a nearly identical website.

Mr. Weslow said the September 23 ruling by the U.S. District Court for the Central District of California is the latest in a series of federal court decisions that a website's design can be protected as trade dress.

"Few, if any, of these cases has reached an ultimate decision on the merits of the infringement claim, but it is increasingly clear that such claims will not be disposed of at the motion to dismiss stage as long as the features of the website's trade dress are sufficiently described in the complaint," Mr. Weslow said. "The availability of trade dress claims provides website owners with an additional claim to combat unauthorized copying of websites and other online properties."

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