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[Another Victory for Lombardi](#)

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There have been a number of NFL headlines out of Minnesota this season, most of them ranging from [ridiculous](#) to [deflating](#), that is, if you've been following the (mostly) hapless [Vikings](#) and their hapless [stadium](#).

Here's one from last week: the [NFL](#) won a motion for partial summary judgment in [Minnesota's Federal District Court](#) against [Titlecraft, Inc.](#), a maker of fantasy football league trophies, finding that the Titlecraft trophies infringe the NFL's copyright in the Vince Lombardi Trophy (opinion [here](#)). Here's a visual comparison:



The NFL has trademark claims as well that are as yet unresolved. By way of review, copyright and trademark protect different aspects of intellectual property. Copyright protects the artistic expression in a creative work (in this case, the sculptural work of the Lombardi Trophy). Trademark rights protect the goodwill of the source of goods or services. The tests for infringement are different, too: substantial similarity for copyrighted works and likelihood of confusion for trademarks.



There are aspects of both copyright and trademark rights here, and this case, even at this early stage, is a good reminder that comprehensive intellectual property protection is often multi-dimensional. If all of a company's IP assets are all in any one of the patent, trademark, or copyright "baskets," it is worth exploring whether there are additional ways to protect those assets.

I have to say, as an aside, that this David v. Goliath case seems to have the potential for negative PR for the NFL, even in victory, as it seems that many NFL fans are active in fantasy football leagues. Perhaps Titlecraft will come away with a license to sell wood reproductions of the Lombardi Trophy. We will, of course, report on developments.

Happy New Year, and please enjoy only *genuine* trophies during this year's fantasy football championship.



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