



BULLIVANT
HOUSER



MICHAEL M. RATOZA

Of Counsel

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Mike Ratoza practices Copyright and Trademark law, both transactional and litigation, from Bullivant's Portland office. Mike's objective is to assist each client to grow its business and protect its IP assets.

Mike focuses his IP practice on:

- Advising as to the use requirements of open source software
- Use and protection of IP rights of all types
- Structuring transactions involving IP assets of all types
- Technology licensing and distribution
- IP rights clearances and transfers
- Due diligence of IP rights in business and asset acquisition
- Use and protection of an individual's right of publicity
- Litigation of software claims, including as to open source software
- Prosecution of copyright and trademark applications in the U.S. and in foreign countries
- Litigation of claims in copyright, trademark, trade secret, false advertising and unfair competition
- Litigation of Internet domain name cybersquatting claims
- Administrative proceedings before the U.S. Patent and Trademark Office, and Trademark Trial and Appeal Board
- IP transactional work
- Advising Internet-based businesses concerning IP related issues, including Digital Millennium Copyright Act (DMCA) enforcement
- Advising on brand-protection strategies

ENTERTAINMENT AND MEDIA LAW

Mike provides copyright and trademark advice to entertainment and media artists, producers and developers, and counsels regarding third party ownership of rights, clearance of rights, licensing and assignment of rights, right of publicity and privacy, liability of Internet providers and hosts, domain name protection, negotiation and preparation of artist, producers and production agreements, and related advice for the dramatic, performance, film and video industries.

TRANSACTIONS

Mike provides advice, guidance, and document drafting on IP rights and technology transfers, including rights clearances, due diligence in business transfers, IP securitization, right of publicity, use of free open source software, and use and transfer of IP rights of all types.

LITIGATION

Mike believes in a value-added approach to litigation. Mike believes that a client's reasonable business objectives should define common sense litigation goals. Mike has successfully represented clients in both bringing and defending claims in copyright and trademark infringement cases brought in federal trial and appellate courts, and trade secret and domain name cases. Mike advises on and litigates IP claims of all types, including copyright, trademark and domain name cybersquatting claims, in federal court as well as trademark claims before the U.S. Trademark Trial and Appeal Board.

SOFTWARE

Mike advises electronics and software developers regarding the application and use of open source software, and the protection of rights in electronic goods and software products.

ANTI-PIRACY

Mike is an IP attorney focusing on anti-piracy of Intellectual Property, participating in civil seizures and infringement litigation for a variety of well-known national and international brands.

BRAND AWARENESS

Mike analyzes and consults on brand and trademark strategy, including trademark and trade dress due diligence analysis and protection.

BORDER PROTECTION

Mike advises and devises enforcement strategy for protection of IP from cross-border anti-piracy action. Mike consults on U.S. Border Protection enforcement of IP rights, including exclusion from the U.S. of products infringing IP.

Mike represents:

- Multi-national brands regarding cross-border brand protection
- Users of open source software, concerning obligations, limitations and disclosures required by open source licenses
- Merchandise-based businesses, concerning IP identification and protection, with the goal of protecting specialty designed and branded goods
- Authors and publishers, concerning authorship and publication rights, disputes and obligations
- Performers and composers, regarding representation and rights protection
- Food manufacturers and processors, regarding IP issues associated with branded food products

- Motion picture rights owners, concerning anti-piracy aspects of copyright and trademark protection
- Advertisers and designers, concerning relevant industry IP issues
- Internet-based businesses
- Public service entities, with the goal of improving the human experience by guiding the protection of IP

PROFESSIONAL DEVELOPMENT

In addition to his active practice, Mike serves as an Adjunct Law Instructor at the University of Oregon School of Law, where he teaches copyright law. He is a featured published writer on numerous topical IP issues. He is a speaker at many bar and legal association meetings. Mike is an active member of several IP organizations, including the Copyright Society of the USA, the International Trademark Association (INTA), the American Intellectual Property Law Association, and the Intellectual Property Section of the American Bar Association.

PRACTICE AREAS

Commercial Litigation
Intellectual Property

EDUCATION

- University of Oregon, School of Law - J.D., 1976
- University of Oregon - B.S., 1973

BAR ADMISSIONS

- Oregon, 1976

COURT ADMISSIONS

- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, District of Oregon

PROFESSIONAL AND CIVIC INVOLVEMENT

- American Bar Association (Member, Intellectual Property Law Section)
- American Intellectual Property Law Association (Member)
- Copyright Society of the USA (Member)
- International Trademark Association (Member, Anticounterfeiting Committee, East Asia & Pacific Subcommittee, 2010-2011)
- Multnomah Bar Association (Member)
- Oregon Media Production Association (Member, Board of Directors, 2010-Present)
- U.S. District Court for the District of Oregon (Member, Local Rules Advisory Committee)
- University of Oregon (Adjunct Professor, University of Oregon School of Law, Copyright Law, 2007-Present)

AWARDS AND HONORS

- AV® Preeminent™, Peer Review Rated by Martindale-Hubbell since 1996
- Named as one of Oregon's top intellectual property lawyers by Chambers USA: America's Leading Lawyers for Business (2011, 2010)
- Selected for inclusion in Oregon Super Lawyers (2018, 2017, 2016, 2015, 2014, 2013 & 2012 — Intellectual Property)
- Selected for inclusion in The Best Lawyers in America© (2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011 — Copyright Law; Litigation - Intellectual Property; Trademark Law)
- Named as a "Local Litigation Star" by Benchmark Litigation (2018, 2017, 2016 & 2015 — General Commercial; Insurance)
- Awarded Am Jur Book Award (Conflict of Laws) 1976

PUBLICATIONS AND PRESENTATIONS

- Speaker, "Hot IP Topics in the News," Financial Executives Networking Group (FENG) Networking Meeting (2016)
- Author, "Right of Publicity Laws: Oregon," Practical Law Company (2014)
- Speaker, "Intellectual Property and Its Diligence," National Association of Legal Secretaries (NALS) Region 7 Conference (2013)
- Co-Speaker, "Intellectual Property: Become a Lawful Monopolist for Fun & Profit," Financial Executives Networking Group (FENG) Networking Meeting (2013)
- Speaker, "Keeping the Goodwill Trademarks and Brand Strong," Goodwill Industries International Conference of Executives (2013)
- Author, "John Canzano Is Wrong about U.S. Olympic Success," The Oregonian (2012)
- Speaker, "Intellectual Property and Its Due Diligence," Keiretsu Forum (2009)
- Speaker, "Intellectual Property for Practitioners: Foundational Course in Copyrights," University of Oregon School of Law (2009)
- Co-Speaker, "Follow the Green Brick Road: Where Does this Path LEED?" Western States Surety Conference (2009)
- Author, "Protecting U.S. Intellectual Property," Daily Journal of Commerce (2009)
- Author, "The Problem with Made in Oregon Sign Change," The Oregonian (2009)
- Speaker, "Use of an Image or Personal Identifier without Permission," Oregon Law Institute Entertainment Media and Marketing Law MCLE (2009)
- Author, "Web Sites Can Face Liability for Content Posted by Users," Portland Business Journal (2009)
- Program Chair, "Enlightened Foreign Trademark Searching," International Trademark Association (INTA) Roundtable Series (2008)
- Co-Author, "Follow the Green Brick Road: Where Does This Path LEED?" Portland Business Journal (2008)
- Speaker, "Spring CLE Presentation on Electronic Filing," Oregon State Bar, Corporate Counsel Section (2008)
- Author, "Can't We Talk Anymore? Why Talking to a User of Your Patented Art May End up Getting You Sued," Oregon State Bar, Bar Bulletin (2007)
- Author, "Fraud in Trademark Filings Can Spell Sudden Disaster," Portland Business Journal (2007) Author, "Why Register Your Trademark?" Brainstorm NW (2007)
- Co-Author, "Compilation of Recent Case Law Pertaining to 3-D Protection Under U.S. Law of Useful Articles," American Bar Association, Section of Intellectual Property Law (2005)