



Welcome to Hess Patent Law's

June/July 2024 Newsletter



In this newsletter you will find:

How Does Intellectual Property Law *Explode* with Fireworks?

With the 4th of July Coming Up, How Does Intellectual Property Law *Explode* with Fireworks?



CAN A FIREWORKS DISPLAY POTENTIALLY BE COPYRIGHTED?

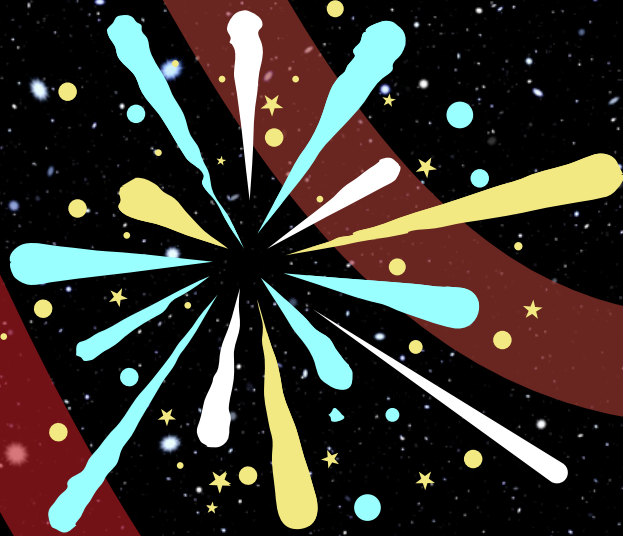
IT DEPENDS...

A work must be fixed to be copyrightable, meaning it is captured “in a sufficiently permanent medium such that the work can be perceived, reproduced, or communicated for more than a short time”

A live fireworks display is not copyrightable, as it is not in a fixed medium. However, a **video** or **photographic image** of the fireworks display could be copyrightable because it is in a fixed medium.

CAN A FIREWORKS DISPLAY POTENTIALLY BE TRADEMARKED?

SURE!



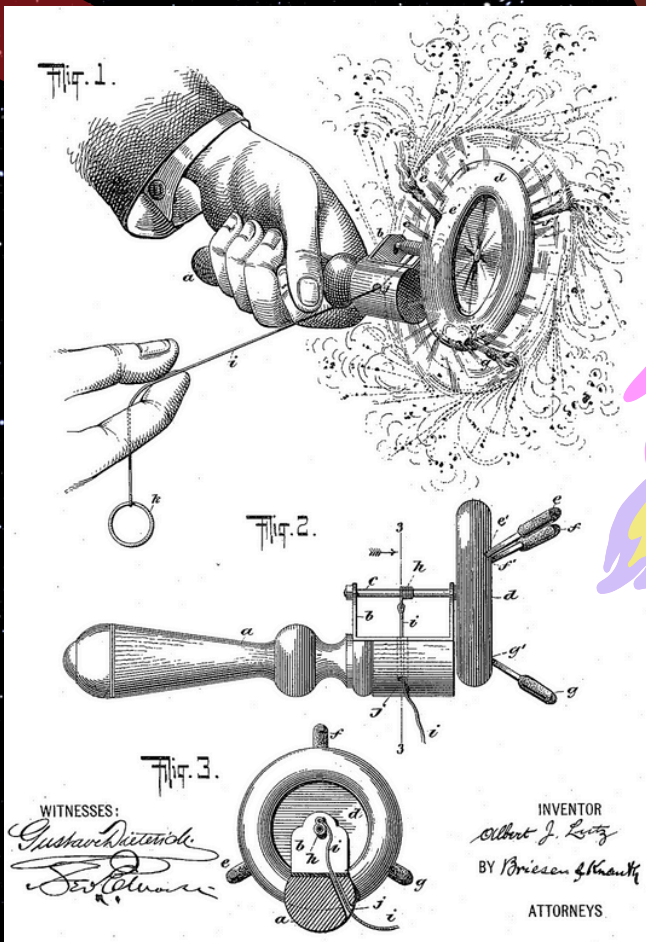
A trademark can be “any word, phrase, symbol, design, or a combination of these things that **identifies your goods or services**”

You can trademark a fireworks display, **as long as it is being used in commerce**. For instance, a person could obtain an animated motion trademark of a firework shooting into the sky which plays on their website as a source identifier in connection with their goods.

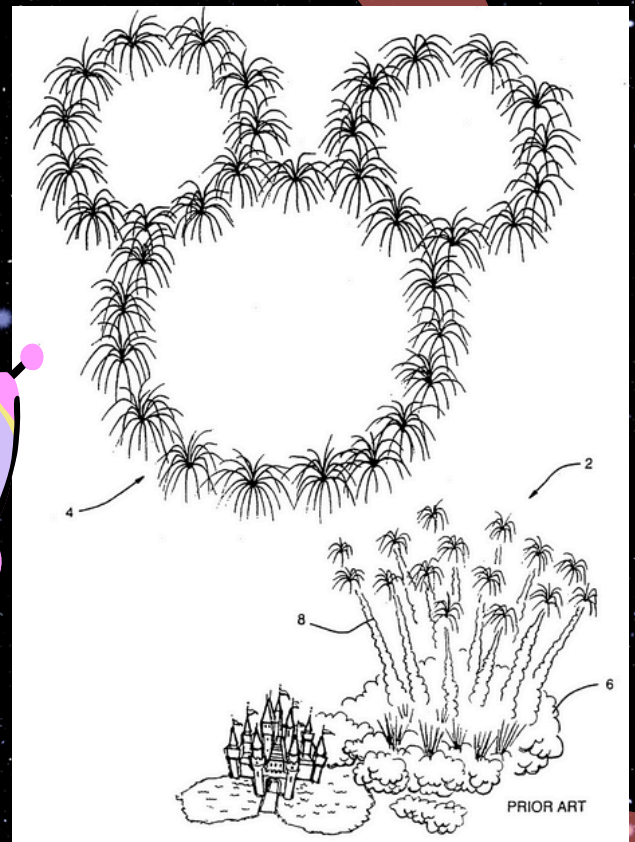
CAN A FIREWORKS DISPLAY POTENTIALLY BE PATENTED?

SURE!

U.S. Patent no. 638,416, titled “**Toy Fireworks,**” is one of the earliest U.S. patents related to fireworks. The patent involves arranging a group of sparklers around a rotation wheel, producing a rotating pyrotechnic display.



U.S. Patent no. 5,339,741, titled, “**Precision Fireworks Display System Having A Decreased Environmental Impact,**” uses an explosive additive that “causes the exploded particles to be rapidly burned and consumed to form lightweight, inert flakes that fall harmlessly to the ground.”



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