

Shutts IP Team Authors 2025 Trends and Developments Article for Chambers and Partners

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In a recent *Chambers and Partners* article authored by Shutts & Bowen LLP attorneys [Joseph Bain](#), [Woodrow "Woody" Pollack](#), [Patricia Flanagan](#) and [Jodi-Ann Tillman](#), the intellectual property team discussed current trends and developments impacting trademark and copyright remedies in Florida in 2025.

According to the article, recent legal developments in Florida and at the federal level have enhanced the remedies available for trade mark and copyright enforcement, with Florida laws offering robust options under such statutory schemes as the Florida Registration and Protection of Trademarks Act (FRPTA) and the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), as well as common law. The authors explain that remedies may include damages, injunctions, attorneys' fees, and in some cases, punitive damages. Courts can assert personal jurisdiction over defendants through various legal theories, including online conduct and the stream of commerce. Notably, a recent U.S. Supreme Court decision in *Dewberry Group v. Dewberry Engineers* clarified that only profits from named defendants—not their affiliates—can be disgorged in Lanham Act cases, reinforcing the importance of correctly identifying parties in infringement suits.

The Shutts IP Team go on to explain that in copyright law, the Supreme Court's decision in *Warner Chappell Music v. Nealy* confirmed that plaintiffs invoking the "discovery rule" may recover damages for the full duration of infringement, not just within the three years before the suit was filed—an expansion with major implications for older claims. Additionally, under Eleventh Circuit precedent, Rule 68 offers of judgment in copyright cases may trigger mandatory attorneys' fees to defendants if the final judgment is less favorable than the offer, providing strong leverage in settlement negotiations.

The authors highlight that these developments make Florida a strategically significant venue for litigating intellectual property disputes.

To read the article in full, [click here](#).



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