

Top 10 Considerations in Protecting the Intellectual Property of Your Business

1. *Identify the intellectual property of your business*

Intellectual property may include inventions, marks, brand names, business names, logos, website content, advertising and marketing materials, drawings, cost data, recipes, customer lists, and other creative works.

2. *Maintain secrecy*

For inventions, ensure that a patent application is filed before any public disclosure or commercialization. For trade secrets, use confidentiality or non-disclosure agreements and restrict access to those secrets.

3. *Check third party rights*

Ensure that you do not violate the intellectual property rights of others.

4. *Check registrability*

Check whether you are likely to meet the various requirements required to register your intellectual property.

5. *Determine appropriate type of protection*

For certain types of intellectual property, you may be able to protect the same piece of intellectual property with a patent, a trademark, and/or a copyright. Each type of protection has its advantages and disadvantages.

6. *Select appropriate level of protection*

For certain types of intellectual property, you may be able to obtain common law (or automatic) rights, state rights, or federal rights. Each level of protection has its advantages and disadvantages.

7. *Register early*

There are many advantages to registering your intellectual property early.

8. *Provide public notice*

Use patent, trademark, and/or copyright symbols or labels to ensure that you can fully enforce your rights.

9. *Treat it as intellectual property*

For trademarks, you should set the mark apart from accompanying text, and use the mark as an adjective and not as a noun.

10. *Clarify ownership when third parties are involved*

Ensure that you have an agreement with the third party and/or employee stating that you own the intellectual property rights to their work.

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