

INTELLECTUAL PROPERTY JEOPARDIZED BY DELAY

Because your business' Intellectual Properties are intangible and draw little attention until there is a problem, it is easy to put off taking early steps to protect these most valuable assets. *Delays jeopardize* the Intellectual Properties your business needs for competitiveness and survival.

Trademarks-- Words, phrases, logos, slogans and other devices identifying your company's product or service should be registered, federally or at the state level depending on various factors. A mark must be continually and properly used in order not to lose trademark rights. Intellectual Property counsel should be consulted to *evaluate inherent enforceability* of the mark, to conduct a proper trademark search to *identify conflicting registrations and applications*, and to review proofs of promotional and packaging material for proper use of the mark.

Copyrights -- Protectible works of authorship include promotional literature, graphic design, website material, and

computer code. In addition to *timely registration*, copyright ownership must be addressed in written agreements when an employee or other third party creates any material to be used in print, electronic or any other media. Also important is addressing copyright issues in *customer agreements*, and permissible uses of your website must be addressed in *website user agreements*.

Trade Secrets, Confidential and Proprietary Information, Work Product -- All trade secrets, confidential and proprietary information or work product, should be *carefully guarded* through various legal and practical avenues. These rights may be greatly diminished or irretrievably lost if not carefully and properly guarded.

Patents – If your company discovers or creates any process, or method of production or doing business, which creates a valuable efficiency unknown to others, then Intellectual Property counsel should be consulted before any public disclosure or commercial use of the invention, process or method. Patent rights may be *forfeited* if certain steps are not taken within very *short legal deadlines*.

In addition to legal remedies after the fact, there are *preventive steps* available to protect valuable Intellectual Property rights. Before these valuable business assets fall into the hands of a competitor or are irretrievably lost to the public domain, your company should *take steps now* and obtain the advice of *experienced Intellectual Property counsel*.

QUESTIONS? GET ANSWERS 

CLARK R. COWLEY

PH. 817-878-0596

E-mail rcowley@whitakerchalk.com

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