

3 Things to Protect Your IP NOW!

1. Don't discuss any confidential or intellectual property rights with anyone until they've signed a non-disclosure agreement (NDA).

An NDA can protect all of your confidential business information, including your intellectual property rights. It's not advisable to talk to any vendors, co-packers, investors, or potential business partners without one. Have your attorney draft an NDA for you – it can be one NDA that you present to each party before you talk to them about any proprietary information. Failure to do so may jeopardize any intellectual property rights you might have.

2. Consider filing your trademark applications as soon as you know you might be using your marks in the future.

In the United States, we are fortunate because we are able to file Federal trademark applications before use in interstate commerce commences, as long as the trademark owner has a "bona fide intent to use the mark" in commerce. As soon as your business plans are somewhat solidified and you know what you plan to do, get the application on file as soon as possible (of course, subject to the requisite trademark search). Hire qualified trademark counsel to assist you and protect your priority date to protect your trademark rights.

3. Make sure all of your company's intellectual property is owned by the company.

This often arises and can become an issue when you are working with graphic designers, photographers, and creative services agencies and providers. As a function of copyright law, the author of the original work of art owns the copyright rights, but contractually, these rights can be and should be assigned to your company at the end of the engagement. Make sure your master service agreements and engagement letters assign all rights to your company.

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