

IP Health Check

INTRODUCTION

Innovation represents what makes your business different from other businesses. Intellectual property represents the legal property in that innovation.

This checklist will help you to protect the innovation that makes your business unique. therefore have a solemn duty to identify, value, protect and exploit the brand portfolios they create.

TRADE MARKS

1. Prepare a full listing of all registered marks.
2. Prepare a full listing of all unregistered marks.
3. Assess whether all relevant goods and services are specified for those marks.
4. Assess whether your marks are registered in all relevant jurisdictions.
5. Check the marks as registered are identical to the marks as used.
6. Determine whether all registered marks are fully in use for all goods and services.
7. Confirm which entities own the registered marks.
8. Ensure you include the ® designation on promotional material for registered marks.
9. Check renewal deadlines for registered marks and whether renewal is appropriate.
10. List all registered domain names and business names including owners and deadlines.

CREATIVE WORKS

1. List all your works in which copyright subsists including technical literature, advertising and software.
2. Specify ownership of copyright in works which are internally generated.
3. Specify ownership of copyright in works which are externally generated.
4. For internally generated works nominate author, date of creation and if moral rights are available.
5. For externally generated works specify author, owner and use limitations.
6. Where possible, arrange for assignment to you of externally generated works.
7. Check whether copyright exists in your trade marks, particularly where such copyright is owned by others.

8. Prepare agreements with staff with respect to ownership of copyright and include provisions with respect to moral rights.
9. Assess whether the content of your website contains works in which copyright is owned by others.
10. Include in your promotional material the designation © where you are the owner of the relevant copyright.

PATENTS AND DESIGNS

1. Prepare full listing of all registered patents and designs.
2. Prepare full listing of all pending patents and designs.
3. Monitor all critical deadlines for patents and designs.
4. Nominate all jurisdictions in which patents and designs are filed or registered.
5. List all patentable inventions not yet filed.
6. List all registrable designs not yet filed.
7. Prepare confidentiality and secrecy procedures to protect unregistered patents and designs.
8. Ensure that patent and design registrations are specified on your promotional material.
9. Assess whether the entities owning your patents or designs are defunct or inappropriate.
10. Ensure confidentiality procedures are inserted in employee and supply contracts to protect the novelty and patents of designs.

CONCLUSION

Your intellectual property may be the most valuable asset your business possesses. It should be identified, protected and exploited.

1. Identification: specify the nature, ownership and duration of your intellectual property.
2. Protection: ensure that you introduce appropriate procedures for registration, secrecy and anti-counterfeiting for your intellectual property.
3. Exploitation: ensure that you effectively price, promote and license your intellectual property.