

Why Protect Your Intellectual Property Rights?

PROTECTION ASSURES THE VALIDITY OF YOUR RIGHTS.

Conducting a trademark search establishes whether your rights are valid. Insuring that no one else has already trademarked a name or logo is one benefit of the examination of the nature of your Intellectual Property. Obtaining a copyright registration insures that your rights are protected; should you fail to file a copyright application within five years of giving the public access to your work, you may lose important rights in court or lose leverage with infringers.

DETERS COPYING AND INFRINGEMENT.

Registration of copyrights and trademarks can often ward off infringers. When proper notice of ownership of protected works is given, copiers will be more hesitant to knockoff your copyrights and trademarks.

ALLOWS FOR SWIFT LITIGATION.

If an infringer is indeed discovered, an artist is able to illustrate and assert his rights in the Intellectual Property through the presentation of a registration, such registration allowing for a rebuttable presumption of the validity of rights. However, the lack of a registration can often hinder or even prevent action to stop the infringement.

PERMITS REWARDS OF STATUTORY DAMAGES AND ATTORNEYS FEES.

Statutory damages and attorneys fees are often permitted in copyright cases where a registration was obtained upon publication or, in the alternative, obtained prior to any acts of infringement.

PROPER INTELLECTUAL PROPERTY NOTICES:

One way of deterring would-be copiers from infringing your Intellectual Property rights is to include, on your products and packaging, proper notice to consumers of your rights. The following are acceptable notification:

Copyright Notice: "Copyright (or ©) Year Created Name of Owner. All Rights Reserved."

Trademark Notice: If Registered with the Patent and Trademark Office: "®"
If Not Registered with the Patent and Trademark Office: "TM"

Remember...

- Copyright protects original works of authorship fixed in any tangible medium of expression; this includes writings, artwork, designs, music, jewelry designs, cartoons, sculpture and movies, among other things.
- Trademark protects names, taglines, slogans, trade dress and other original commercial sourcing of products; this includes brand names, brand sourcing designs (such as the Nike swoop), product taglines (such as "Just do it").
A trademark designates the source of goods.