

# INTELLECTUAL PROPERTY CHECKLIST

## General:

- Recognize your potential Intellectual Property
- Implement a Collection policy to capture all potential Intellectual Policy.
- Implement regular Intellectual Property Review meetings to Protect Intellectual Property and avoid litigation.

## Trademarks:

- Search all trademarks or service marks prior to use.
- File for Federal Registration, preferably prior to use.
- Document your first use date.
- File in all foreign countries you are planning to use the trademark.
- Use a <sup>TM</sup> until Federal Registration is received.
- Always use your trademark or service mark as an adjective.
- Police your trademark to prevent infringement.
- Docket for filing declaration of use and incontestability between 5<sup>th</sup> and 6<sup>th</sup> years after registration.
- Docket for renewal every 10 years after registration.

## Copyrights:

- Enter into written agreement with *anyone* (employee or independent contractor) who creates copyrightable works to identify the work as a “work made for hire” and to assign the copyright.
- Register important copyrights with the United States Copyright Office.
- Document in writing all terms of use of any copyrightable materials obtained from others.

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## Patents:

- Conduct a clearance investigation prior to launching any new products.
- Conduct a patentability search for any new products.
- File a patent application on any patentable inventions.
- File any appropriate foreign patent applications within one year of filing for patent protection.
- Docket United States patents for payment of maintenance fees at 3½, 7½, and 11½ years after issue.
- Docket any foreign patents for the payment of annuities every year.
- Police competitors for potential patent infringement.

## Trade Secrets:

- Maintain appropriate secrecy of all trade secrets. Document and implement your Trade Secret Policy.
- Regularly remind employees of the importance of trade secrets and related company policy.
- Implement employment agreements to acknowledge the general existence of trade secrets, and the need for secrecy.
- Implement exit interview policy for exiting employees to remind employee of their secrecy agreement.
- Implement secrecy policy and written agreements with third parties having access to trade secrets.