



INTELLECTUAL PROPERTY SERVICES

Siam



In today's dynamic and competitive business environment Intellectual Property (IP) are key elements to maintain competitive edge in the market. Certain business activities can trigger IP issues; these business activities may increase the value of a company's IP portfolio or undercut/eliminate IP rights, and may even infringe the rights of others. Some of the important IP triggers are:

INTELLECTUAL PROPERTY TRIGGERS

1. Buying, selling, or starting up a business
2. Selecting a name or logo for a product, service, or company
3. Developing a new product or service
4. Improving an existing product
5. Bringing on a key employee or contractor for design, research, or development work
6. Providing business or technical information to suppliers or investors
7. Launching a major sales effort
8. Preparing new advertising or marketing literature
9. Maintaining or expanding a customer list
10. Creating original arts, crafts, or designs
11. Writing software
12. Searching for advantages in a competitive market

IP is legally fragile, meaning that once the owner's right is lost or compromised, it is extremely difficult to, if not impossible; to recover those rights. Please find below a compilation of important checklist relating to IP issues.

CHECKLIST FOR INTELLECTUAL PROPERTY ISSUES

EMPLOYEE ISSUES

1. All employees and consultants to execute agreements covering IP assignment, Non Compete and Non Solicitation to prevent them from recruiting employees or competing unfairly.
2. Advise employees and consultants that the information they acquire or create is confidential and proprietary and is to be treated as such.
3. Take steps to ensure that a new employee does not use his or her prior employer's trade secrets or other proprietary information while in your employment.
4. Conduct termination interviews with departing employees concerning inventions and trade secrets.

TRADE SECRETS

1. Stamp CONFIDENTIAL or TRADE SECRET on all documents containing information that is not generally known to your competitors.
2. Require that a confidentiality agreement specifically governing confidentiality, be signed before accepting any disclosure from an outsider.

PATENTS

1. Immediately evaluate the desirability of seeking Indian and/or foreign patent protection on your inventions.
2. Remember that a patent application must be filed before any public disclosure or attempts to commercialize the invention.
3. Seek an opinion of non-infringement or invalidity from your patent counsel before you manufacture, use or sell a potentially infringing product.
4. Remember that a patent is the only protection against legitimate reverse engineering.
5. Obtain from all licensees of your patents, trademarks and trade secrets indemnity against product liability claims.

TRADEMARKS

1. Mark your unregistered trademarks with a "TM" and your service marks with an "SM" after making application to the Trademark Registry.
2. Seek registrations for your trademarks and service marks, including the non-functional, three-dimensional design aspects of your products.
3. Following Registration of your mark, use the "®" symbol.
4. Remember that, under the new law, you can file an application for Registration of a mark before that mark has ever been used, if you have a bona fide intent to use that mark.
5. Conduct full searches before adopting and investing in a new trade name, trademark or service mark.
6. Utilize domestic and international trademark watching services in order to monitor the unauthorized use and registration of your marks by others.

COPYRIGHTS

1. Mark the statutory copyright notice on all software, advertisements, brochures and other material which is protectable by copyright. The notice should include the "©" symbol, the year of first publication and the owner of the copyright.
2. Remember that the copyright in software written by a consultant probably belongs to the consultant unless you have obtained a specific written assignment from the consultant.
3. Consider obtaining a Copyright Registration for all copyrightable materials.

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