

Protecting the Intellectual Property Rights of Your Business

Regardless of the nature of your business, whether you market goods or services, the intellectual property of your business is a valuable asset worth protecting.

Trademarks, copyrights and patents (not addressed in this column) become an asset of your business potentially bringing significant additional value to your business. In many instances you can even license and/or sell your intellectual property rights. Therefore, it is very important that your business protects its intellectual property interests from unauthorized use by third parties. In order to do this, you need to make sure that your intellectual property rights are fully protected by registering them with the appropriate Federal and/or state agencies.

A trademark is a word, phrase symbol or design that identifies the source of your goods from those of others. A servicemark is the same as a trademark, but identifies the source of a service rather than a good or product. A trademark (or servicemark) can be filed both with the State of Florida and with the U.S. Patent and Trademark Office. A Federal trademark can be filed by paying certain application fees and submitting any words, logos and/or pictures that you seek to have approved as your trademark or service mark. The application goes through an approval process and if the application is approved by the Trademark Office, you will be provided with a registration number for your trademark and can thereafter

designate your trademark with the ® symbol. Some of the advantages of a federally registered trademark include: providing constructive notice to the public at large of your ownership of the mark; the ability to bring an action concerning the mark in Federal Court; the ability to use your U.S. mark as the basis for registration in a foreign country; and the ability to file the registration with the U.S. Customs Service to prohibit importation of infringing foreign goods.

A copyright is a form of protection provided by Federal law to "original works of authorship" including literary, dramatic, musical, artistic and certain other intellectual properties (including software). A copyright gives the owner of it the exclusive right to: reproduce it; prepare derivative works based upon it; distribute copies of it; perform the work publicly; and to display the copyrighted work publicly. Although a copyright entitlement immediately exists upon the creation of the work, certain legal benefits are obtained if the copyright owner registers it with the U.S. Copyright Office. Once a copyright is registered it places the public on notice as to the owner of the copyright and thereafter the copyright owner can bring legal actions for infringement to enforce their rights and can register the

copyright with the U.S. Customs Service to prohibit the importation of infringing items. Registration can be accomplished by paying certain fees and filing an application with the U.S. Copyright Office.

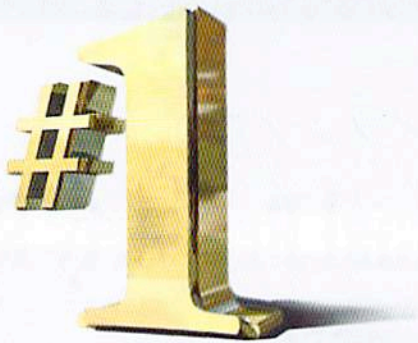
All of this information is a very brief overview of the law of trademarks and copyrights and any detailed questions should be addressed to your attorney.



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