



Business Best Practices for Monitoring and Protecting Intellectual Property

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Intellectual property ("IP") rights can be the cornerstone of a business's value and competitive edge. IP rights are generally grouped into four categories: trademarks, copyrights, patents, and trade secrets.

For example, a business can protect its IP rights by registering a trademark or filing a patent application. Those are the initial - but by no means last - steps in protecting a business's valuable IP assets. Once registered, a business must remain vigilant in monitoring its IP in order to detect and end instances of infringement. Best practices include the following:

- A business should monitor its trademarks as used online, in competitors' advertisements, and in other mediums. If an unauthorized use is discovered, undertake enforcement action immediately.
- Register copyrights and place copyright notices on websites and other business communications. To monitor and protect against infringement online, use digital tools such as Google Alerts for notification when certain content and search queries appear elsewhere on the internet. If infringement occurs, demand that the infringement cease and desist.
- It is up to a patent holder to police against patent infringement, and the process requires vigilance. Some businesses employ enforcement personnel to monitor the marketplace. In other cases, instances of infringement are simply "stumbled" upon. If a business comes across what appears to be infringement, consult an experienced IP attorney who can assess and help remedy the situation.

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- All businesses have trade secrets they do not want revealed publicly. Every business should have a strategy and policies in place to protect its valuable information. These may include placing confidentiality notices on important internal business documents, and having employees and consultants sign confidentiality and, in some cases, non-compete agreements. If an employee leaves for a competitor, monitor the situation to ensure that trade secrets are not being used.

Taking the necessary time to review the proactive and protective measures in place to secure and monitor intellectual property rights is an essential investment to ensure a company's competitive standing and its financial success.