**IP Protection Checklist**

As a business owner, you have important legal tools that you can use to establish and defend your company’s rights in its intellectual property. Whether you are thinking about starting your business or already have an established venture, it is essential that you use the law to allow your company to benefit from intellectual property, which will likely be one of its key assets. You also need to ensure that you’re not infringing on the intellectual property of others. Infringing on the intellectual property of others can later lead to the loss of your own intellectual property that you invested time, money, and reputation into.

Steps that you should take include the following:

* *Brand Creation*
  + Before investing resources in building a business around a particular business name, do a search to see if any competitors are already using that name (or one that is confusingly similar).
    - *Tip*: Engage an experienced lawyer to broaden your search beyond Google & the national trademark registry. Because registration is not essential to protect a trademark, not all trademarks with be registered.
* *Employee & Founder Agreements*
  + Require all workers (founders, employees & independent contractors) to sign non-disclosure agreements (to protect trade secrets in particular).
  + Require all workers to assign to the company their rights in any intellectual property produced in connection with their work for the company.
  + Require all founders and employees to assign to the company their rights in any relevant intellectual property produced before their employment with the company (and consider any potential claims by third parties, e.g., previous employers & universities).
  + Use narrowly tailored non-compete agreements (where permitted by law) to help protect intellectual property.
* *Using the Legal Infrastructure Wisely*
  + Consult with legal counsel about whether to register your trademark or copyright.
  + Before building a business based on an invention that you believe is patentable, consult with legal counsel and do a prior patent search.
  + For patents, file early and often – using provisional and full patent applications to establish your rights in a legal system that grants patents on a first-to-file basis is essential.
* *Avoid Public Disclosure*
  + Do not speak publicly about your invention before filing a patent application – the United States has a first-to-file patent system, not a first-to-invent system.
* *Use Online Images Carefully*
  + Verify that any image you find online is licensed for public use. If not, obtain a license before using that image. Just because it is available online does not mean it is free from copyright restrictions.
  + Consider using Creative Commons or another source of licensed images, but always check the individual license terms.