

A Small Business Intellectual Property Checklist

If you manage or own a small businesses you might be quite surprised to learn you own valuable IP you don't know about or need to protect from being ripped off.

1. Look at your business card. Do you have a graphic logo? That could be protected by either by a copyright or by a trademark or both, so no one else can use it to steal your good reputation or dilute it. It is simple to do some basic protection, but copyright and trademark protection each have pros and cons.
2. Do you have a motto or a similar statement on the card, or a text-based logo? If it is unique or at least unique in your geographic area, you could and should register it as a trademark.
3. Do you have a unique method or plan for how you do business? Is it something you train your sales or customer-facing people on? Is it the 'special sauce' that gets you business or helps you keep business? Is it an Excel spreadsheet with your formulas for evaluating salespeople or customers? In any of these cases, it could be protected as a trade secret; then but only then you could get an injunction or damages if someone tries to take it with them to their job with a competitor.
4. Do you have a customer list? It can also be protected as a trade secret with legal teeth.
5. Do you have food recipe or a recipe you use to make a mixture or material you use in your work? You guessed it—it could be a trade secret.
6. Do you have a color or graphic scheme you use for packaging, web site, brochures, etc., that people associate with your business? It could be 'trade dress,' protectable as a trademark so your competitor cannot use it legally.
7. Do you have a book published with a unique title? It might be protected by trade marking it (but not by the copyright on the book!). (The "For Dummies" series would be an example.)
8. Do you have art or text on your WebPages that you created or paid for—like a graphic or a photo or an article? Have you registered it with the Copyright Office? It's cheap to do. What if you have not registered—do you still have remedies? How do you know if someone has stolen your material? Try <http://www.copyscape.com/>, <http://www.duplichecker.com/>, or <http://www.copygator.com/> to find out.

Copyright, Trade Mark and Trade Secret laws are quite complex, especially copyright and trademark because of the exceptions and special cases Congress has written in over the years, each with complex remedies when they are broken. And I have not even mentioned patents or "design patents." If you think your business owns or might own valuable IP then you will benefit from consulting with an expert so you don't throw away your money or property.

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