

## Protecting your business's intellectual property

Protecting your business's intellectual property is just as important as protecting your company's physical assets. You wouldn't leave your office door unlocked when you leave for the day—and neither should you leave your company's identity, ideas and information, or reputation open to theft.

While your business's intellectual property may not always show up on your balance sheet, it's still an asset. Fortunately, there are **copyright and trademark laws that can help you protect these assets.**

### Copyright

A copyright gives you **the right to control the way your ideas and information are used.** In addition to protecting works such as novels, movies and recorded music, a copyright can protect CD-ROMs, video games, software code and architectural designs.

While it's not legally necessary to include a copyright notice on works published after March 1, 1989 to have protection under the law, it's still important to include one. With a valid copyright notice, **a person infringing on your copyright can't claim they didn't know it was copyrighted.** And if you do need to take someone to court over copyright infringement, it will be much easier to win your case.

A copyright notice should contain the following information:

- The word "copyright"
- A "c" in a circle: ©
- The date of publication
- The name of the owner of the copyright rights

To get the full protection of copyright law, you can **register with the [U.S. Copyright Office.](#)**

### Trademarks

A trademark **protects a product's identity**—whether it's a word, phrase, symbol, design or combination of these. Well-known examples are the word 'Nike' and the Nike 'swoosh,' which are trademarks of Nike and identify a particular brand of athletic shoes and apparel.

A service mark works the same way as a trademark, except that it **identifies a service** rather than a physical product.

Trademarks and service marks are identified in one of two ways:

- If unregistered, using the "TM" or "SM" notice symbol

- If registered, using the circled "R" symbol: ®

**To own a trademark or service mark, you must use the mark** to identify a product or service, and file an application to register the mark with the [U.S. Patent and Trademark Office \(PTO\)](#). You must continue to use the mark even after it's registered, or you can lose your rights to the mark.

In the marketplace, **first use of mark establishes ownership**. Note, though, that if your mark is not federally registered, you only have ownership of the mark in the geographic market in which it is used. That means if a company using the same mark gets federal registration of the mark, you could be prevented from using it outside your current geographic market.

Before using a trademark or service mark, or applying for a federal registration, you should **conduct a trademark search** to be sure you're not infringing on another's company's rights to that mark.

You can **search registered trademarks online** at the [Patent and Trademark Depository Library](#). You should also **search the Web** to see if someone else is using the mark, even if it hasn't been registered. Finally, once you have done these preliminary searches, you should **hire a law firm** that specializes in trademarks to perform a complete search and to file your mark.

**To register a trademark, complete and submit an [application](#) to PTO**, along with the current fee. The process can be straightforward, but note that it can take several months before your mark gets federal registration.

For more information about copyrights and trademarks, [Nolo.com](#) offers free legal information in plain language. You may also want to speak to attorney to ensure that you're doing all that you can to protect your intellectual property.

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