

Reasons to Contact an Intellectual Property Attorney

Intellectual property law is complex, and there are a number of trademark, copyright and patent issues that can arise for which you might want to seek the advice of an attorney. While some intellectual property matters, such as registering a copyright or trademark, can be done without an attorney, having the assistance of an attorney may make the process go more smoothly. Some of the more common reasons to consult with an intellectual property lawyer are discussed below.

Trademark Issues

A trademark protects words, phrases, symbols or designs that identify the source of goods or services. If you are thinking of starting a new business, it is essential to talk to a trademark lawyer. Before you pick a name for your business, a trademark attorney can assist with comparing your name choices to existing trademarks so that you do not pick a name that is trademarked. In addition, if your new business plans on using any logos, you want to make sure that you are not using something that is confusingly similar to a mark for which another company has a trademark. By engaging an attorney to do this due diligence early on, you may be able to avoid trademark infringement problems down the road.

An attorney can assist you with registration of a mark. While registration is not necessary, and you can acquire trademark rights through use, there are benefits to registration. Thus, if you have been using a mark for awhile or if you intend to start using a mark, you may want to talk to an attorney about registration. Though you can register the mark without an attorney's help, having the assistance of an attorney who is familiar with trademark issues can make the process easier.

If you would like to give others permission to use your trademark, a lawyer can help you draft and negotiate a license agreement that will protect the quality of the mark and allow you to maintain some control over how it is used.

If you own a trademark and discover that another party is using it without your permission, talk to a lawyer about bringing a trademark infringement lawsuit. In addition, if a trademark owner accuses you of infringing on his or her mark, it is important to talk to a lawyer as soon as possible.

Copyright Issues

A copyright protects original works of authorship including, literary, dramatic, musical and artistic works. If you are an artist, writer, musician or blogger, you may want to talk to an attorney about registering your works with the Copyright Office. It is not necessary for a person to register a work with the Copyright Office to have copyright protection. A work is protected when it is created and fixed in tangible form. However, there are benefits to registration. An attorney can explain these benefits to you. While anyone can register a copyright, it may be helpful to have the assistance of an attorney who is familiar with the procedures of the Copyright Office.

It is a good idea to contact a lawyer if you discover that someone else is using your copyright without your authorization. For example, you see an article that you wrote on another person's Web site, but you did not give that person permission to post it. That person may be infringing your copyright. In addition, if someone accuses you of copyright infringement, talk to a lawyer.

Patent Issues



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A US patent for an invention is a grant of a property right from the US Patent and Trademark Office (USPTO) to the inventor. A patent grants "the right to exclude others from making, using, offering for sale, or selling" the invention in the United States or "importing" the invention into the United States. If you invented something and want to obtain patent protection for your invention, a patent attorney can help you with the application. You may prepare your own application, file it with the USPTO and conduct proceedings in the USPTO, but this may be difficult. A patent attorney or patent agent who is registered with the USPTO and is knowledgeable about patent laws, USPTO practice and procedure and the scientific or technical matters of the particular invention can help make sure that the patent will adequately protect the invention.

Another reason to contact a patent attorney is if you would like to give another party permission to practice your patent through a licensing agreement. In addition, if you are exploring the option of working with another party and want to share your patented technology with that party, an attorney can help you with a nondisclosure agreement that will protect you in the event things do not work out.

If you suspect that someone is infringing your patent or if you are accused of patent infringement, it is important to speak to an attorney.