



## How to protect your Intellectual Property

Your business's intellectual property (IP) is an asset that can be legally protected from other businesses copying you. In the United States, some forms of IP are automatically protected while others need you to apply. As early as you can, get legal or professional advice to decide if you have IP that's worth protecting.

**OnoGrindz Cake Café™ and OnoGrindz Organic Granola Muesli™**

To help explain intellectual property, we'll chart the IP journey of a café, who make muffins by day and manufacture their secret recipe granola muesli at night, run by Catherine and Leia.

### 1 Automatic IP protection

Sometimes you don't have to apply for intellectual property protection. If you've written a book, composed a song, filmed a movie, or painted a work of art, it will be protected by copyright automatically. You'll need to prove you've created it of course, but you won't have to apply for copyright.

For example the OnoGrindz Café owner made up a jingle for a radio advert. It's automatically protected.

**i Hint** To help demonstrate your copyright, add a '©' after your name and a date' after anything you create.

### 2 Trademarks

Catherine registered the café and muesli name as a Trademark, a play on Ono and Grindz as words that mean delicious. Trademarks are the best way to protect letters, words, sounds or designs. The USPTO Trademark Electronic Search System (TESS) checks that the item you want to protect isn't currently trademarked. If not, you can then apply to register your name.

**i Hint** Use the TM symbol after your name immediately so everyone knows you're seeking a TradeMark. Then use ® once it's registered.

### 3 Patent

Leia invented a new type of convection oven that bakes muffins five times faster. If she applies for a patent for the oven invention, it will help stop others from copying her oven process for up to 20 years. A patent is an exclusive right granted by the Government that protects the concept or idea behind your product.

Conduct a patent search see if your idea is already been invented, and then review the patent process to double check it's something you want to do.

**i Hint** Keep the idea a secret and file as early as you can just in case someone is also doing something similar without you, or them, knowing.

### 4 Agreements and 'hand shakes'

You may have an intellectual 'asset', that isn't officially protected. Good examples are supplier agreements, partnerships or referrals. Catherine has a verbal promise from her organic Goji berry supplier to only sell to her as a preferred customer, as long as she orders a minimum amount each month.

**i Hint** Key suppliers and industry contacts can help form strong relationships which competitors may find hard to break.

### 5 Web site domain name

Catherine registered [www.onogrindz.com](http://www.onogrindz.com) to link the business name to their online presence (email address, social media accounts and website). A coordinated online brand helps maintain a consistent image.

**i Hint** Search a domain name database first to see if your name exists, like [www.godaddy.com](http://www.godaddy.com) (there are loads of others). If it's available, consider registering the name before you start up, to prevent any others getting in ahead.

### 6 Trade secrets

The recipe for their granola has been handed down by the family for generations and wasn't protected legally, as trade secrets don't expire. It's simply written down and kept in the family safe!

**i Hint** Protect trade secrets with employee confidentiality agreements, encrypt or password protect data, and lock access to any important documents.

### 7 Business know how

Leia sells the granola into the ABC chain. She knows exactly when to make contact about her contract renewal, as she found out when they review new products and confirm their budgets.

**i Hint** If you have key employees who share this business know how, keep them close with long term contracts, restraint of trade clauses or make them a business partner.

### 8 A company name

Even though Catherine and Leia had a trademark on their name, they also formed a company with the same name to double their chance of protection, as no other company can be registered under the same name. Register your business with the Department of Commerce and Consumer Affairs.

**i Hint** Search the Web Check Database to check your preferred company name hasn't already been taken.

#### Useful links

- Visit the USPTO site [www.uspto.gov](http://www.uspto.gov) to find help on Trademark and Copyright basics.
- [Guide to registering domain names](#) on the ICANN website.
- [Learn about Intellectual Property](#) on the World Intellectual property Organization website.
- An overview of the [patent application and maintenance process](#).