



## INTELLECTUAL PROPERTY

### OVERVIEW

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Nearly all companies in today's economy depend on Intellectual Property (IP) assets either as a revenue generator or as a tool in the operation of their business. Intellectual Property is one of a business's most strategic and important assets. In some cases intellectual property may be the key asset on which the company depends. Foulston Siefkin has an Intellectual Property team with deep experience to assist and counsel our clients on protecting and commercializing their valuable assets, enforcing their IP rights, and defending claims of infringement.

### AREAS OF REPRESENTATION

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#### **Intellectual Property Protection**

Our attorneys work with businesses to identify intellectual property assets in their portfolio that should be protected either through patents, trademarks, or copyrights and then help them devise IP protection strategies. We counsel clients on licensing and protection of intellectual property rights across the Internet, including social media. We also help businesses navigate the software they use in their operations to assure they meet software licensing and contract compliance.

- Intellectual property portfolio and due diligence reviews
- Federal and state trademark registrations and maintenance
- Clear and register copyrights
- Trademark, copyright, and patent licensing

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- In-bound and out-bound software, hardware, and other technology licensing or sale negotiation and maintenance
- Licensing rights for franchising, manufacturing, and retailing
- Intellectual property insurance and liability containment policies review

### **Employee Safeguards**

Our IP business and employment lawyers craft agreements, programs, and procedures to allow businesses to fully secure intellectual property produced or used by their employees.

- Employment agreements
- Employee intellectual property assignments
- Trade secret and non-disclosure agreements
- Covenants not to compete and non-competition contracts
- Workplace policies, including social media practices

### **Intellectual Property Infringement & Litigation**

Our IP litigators protect and defend our clients in IP litigation, contested proceedings, and related commercial litigation involving copyright, patent, and trademark infringement, and misappropriation of trade secrets. We assist with patent protection and litigation strategies. Our lawyers have extensive IP litigation experience in trial and appeal practice in state and federal courts, including Kansas Supreme Court, Tenth Circuit Court of Appeals, and the Trademark Trial and Appeal Board. We help companies manage domain enforcement, particularly in the environment of social networking platforms. Our lawyers counsel our clients on antitrust law and intellectual property rights to protect the contributions of our clients' innovators, and protect our clients' rights against threats of infringement and misappropriation. Additionally, our IP litigators have been involved in all aspects of alternative dispute resolution, including mediation and arbitration in IP disputes to identify potential remedies and avoid litigation.

- Prosecute federal and state trademarks and service marks
- Trademark and trade dress infringement
- Trademark opposition, cancellation, and examination proceedings
- Copyright infringement litigation
- Trade secret misappropriation
- Domain name enforcement
- Patent infringement litigation
- Covenant not to compete litigation
- Unfair competition and false advertising
- Advertising injury insurance defense
- Antitrust claims of unwarranted exclusivity
- Alternative dispute resolution, mediation, and arbitration of IP disputes

### **Intellectual Property Business Transaction Support**

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Our business transactional lawyers work closely with our Intellectual Property attorneys to support business transactions such as mergers and acquisitions, asset or stock purchases, sales, joint ventures and strategic alliances, and other transactions to maximize the commercial value from the deal. We also closely analyze potential tax aspects related to the sale or purchase of these intellectual property assets.

- Intellectual property portfolio and due diligence reviews
- Mergers and acquisitions
- Tax implications of IP ownership, acquisitions, license, and sale

### Intellectual Property Commercialization

By securing your original ideas, brands, products, and creations and monetizing these assets, intellectual property can greatly enhance business revenues and the bottom line. Our IP attorneys can assist by reviewing all IP assets and agreements within the business, creating nation-wide branding concepts, acquiring and selling businesses with significant IP assets, developing a comprehensive software licensing and maintenance scheme, and securing licensing rights for franchising, technology, manufacturing, and retailing.

- Intellectual property due diligence portfolio reviews
- IP licensing rights
- Technology licensing and transfer
- Development of commercial branding concepts
- Acquisition, transfer, and sale of IP assets

### RELATED LINKS

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- U.S. Patent and Trademark Office
- U.S. Copyright Office
- ABA Section of Intellectual Property Law
- Internet Corporation for Assigned Names and Numbers (ICANN)
- World Intellectual Property Organization

### EXPERIENCE

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- Drafted, negotiated, and reviewed technology licensing contracts (software licenses, software development agreements, joint ventures, satellite uplink agreements, data feed contracts), trademarks, copyrights, trade secrets and related matters for a broad array of concerns, from large entities doing work internationally to small start-up Internet companies.
- Foulston Siefkin attorneys have extensive experience in the acquisition, licensing, and protection of intellectual property assets, including trademarks, copyrights, trade secrets, and patents. As principal technology counsel for several large clients, they have prepared, reviewed and negotiated hundreds of software licenses, software development, and technology sales agreements for both for

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licensors/sellers and licensees/buyers.

- With recent changes in federal privacy laws, Foulston Siefkin attorneys have expanded their IP practice to include advising clients concerning the vast regulatory schemes impacting the acquisition, dissemination, and use of customer information, including the Gramm-Leach-Bliley Act, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Federal Fair Credit Reporting Act, and others.

## PUBLICATIONS

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### ISSUE ALERTS

**2011**

New .xxx Domain Name Registry Announced: Act Now to Protect Your Brand

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