

## insights

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TYPES NOT MAPPED YET June 05, 2020 | TTR not mapped yet | Thomas A. Polcyn, Mark Sableman, Michael A. Parks

# Intellectual property and other legal priorities during COVID-19

While the pandemic changes everything, it still leaves businesses with the need to comply with laws, and protect themselves from legal harm and damages. Here are some tips to help you spot essential legal issues, especially relating to intellectual property, and deal with them effectively and efficiently.

### Pandemic legal information

Thompson Coburn maintains a [COVID-19 Resource Website](#) filled with valuable information about pandemic legal issues, ranging from tips for managing your offices and employees to detailed background about the CARES act and other pandemic-specific laws. Check it out, and don't hesitate to call us when you have questions.

### Business and cybersecurity insurance

Take care to maintain all insurance coverage that you need for your business and industry. Unfortunately, difficult times can lead to more, not fewer, legal claims asserted against businesses, so you need to maintain all appropriate protections. In addition, particularly given the shift of business activity online, most companies should explore cybersecurity insurance, and take steps to minimize cybersecurity risks. Your insurer or our data security team can provide advice on cybersecurity risk management.

### Trademarks

Your brand is one of your most important assets. Maintain it and protect it even when you are feeling budget pressure. This means, at least, maintaining trademark registrations, continuing to keep all your valuable trademarks in use and watching for infringers. If you find someone infringing your brand, don't ignore it and thereby acquiesce in weakening your brand. We can help with many steps short of expensive litigation to keep your brand protected.

### Patents

Protecting your inventions and maintaining your patent assets remain as important as ever. In the U.S., you only have a year to file for a patent once you make your invention public or offer it for sale. The COVID-19 pandemic has not extended this deadline—if you miss it, it cannot be fixed. There is no grace period for filing in most foreign countries. Likewise, it's also important to think long-term and continue to make the required maintenance payments for your issued patents you want to keep in force, and continue to respond to office actions for your pending patent applications you want to issue. We can help you protect your inventions and enhance your patent portfolio.

### Copyrights

Websites are more important than ever now that so much activity has gone online. Protect your own content from infringement and misuse by regularly registering your copyright in your unique website content. The registration process is simple and the Copyright Office registration fees are minimal, but a registration can be a powerful tool when someone has infringed your content. We can help you set up a regular copyright-registration process that you can maintain.

### Appropriate contract protections for intellectual property

Your contracts with your vendors and customers can greatly affect your intellectual property rights and liabilities, especially in the copyright area. If your products or services include creative and inventive works, make sure your customers acknowledge your intellectual property rights. If, like many creative businesses, you both produce and use creative content, make sure you have rights for all third-party content that you use, and that you pass those rights on to your customers with proper limitations. And if you are buying creative works, as in your relationship with



your advertising agency, make sure you obtain all content IP rights that you will need, even when your relationship with that vendor ends. We're happy to help you with all of these contract IP rights issues. A little attention to these key contract issues can pay off by preventing big problems later.

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