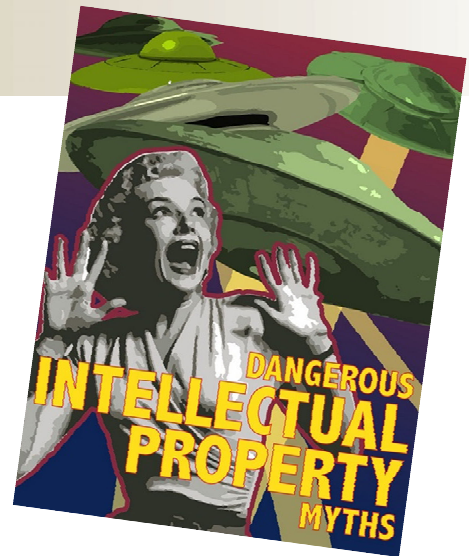


DANGEROUS INTELLECTUAL PROPERTY MYTHS

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MYTH NO. 1: I DON'T HAVE ANY INTELLECTUAL PROPERTY



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- Operate with IP in mind
 - Systems for idea submission
 - Evaluate all ideas – When in Doubt ask
- Value is defined by “use”
 - Generally, creations are born from a “need”
 - Copyrights, Trademarks and Trade Dress, Patents and Trade Secrets
- IP gains value over time
 - Protection today ==> Preparation for tomorrow

MYTH NO. 2: IF IT'S ON THE INTERNET IT'S FAIR USE



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1. The purpose and character of the use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used
4. The effect the use would have on the potential market for or value of the copyrighted work



MYTH NO. 3: TRADEMARKS ARE TOO EXPENSIVE

TRADEMARKS BREAK THE BANK

FINANCIAL COSTS?

Easier than ever to start a business on your own, surprising costs lurking around every corner. The question is, what's really necessary and what's a fancy "R" and its cousin the "TM" can be found everywhere, but what do they mean for business, and more importantly, what do they mean for a growing entrepreneur?

Interviewed, she said that as an essential part of brand identity, and further, a legal element that needed to be protected right away. For these services, however, stack up quickly and are cost-prohibitive for the entry level.

FINANCIAL

Faced with disaster, business professionals wrestle with the ultimate choice: do they protect their brands or do they simply hope that no one else uses their marks? Worse is the chance someone else is using it already.

"I just didn't bother," the man says, attributing cost of registration to his inaction. "It costs, like, a lot."

Compared to the perceived low chances of any actual problems, many don't see the point in actually registering their trademarks with the USPTO, or consulting an Intellectual Property attorney.

"They just tell me to change my brand name anyway, so I'm not going to do that."



MYTH NO. 3: TRADEMARKS ARE TOO EXPENSIVE



MYTH NO. 4: MY TRADE SECRETS ARE PROTECTED



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- A trade secret = **SECRET SAUCE**
- Not **generally known** or readily ascertainable;
- A **source of economic value or business advantage** because it is not generally known; and
- Subject of **reasonable measures** to keep the information from public disclosure.



MYTH NO. 5: EVERYONE ELSE IS INFRINGING



What is an affirmative defense?

MYTH NO. 6:
CEASE & DESIST LETTERS WILL GO AWAY



MYTH NO. 7:
WE DON'T NEED A CONTRACT

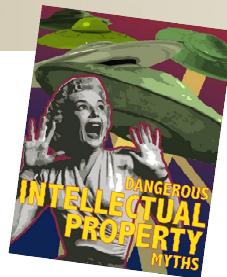


MYTH NO. 7: WE DON'T NEED A CONTRACT

5. Lawyers complicate things.
4. We don't have time.
3. We can get contract from the Internet.
2. We'll think about it when we start making money.
1. We are best friends.



Questions and Answers



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