



PROCUREMENT AND ENFORCEMENT
OF INTELLECTUAL PROPERTY

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PATENT, TRADEMARK
COPYRIGHT & RELATED MATTERS

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BUSINESS INTELLECTUAL PROPERTY & DATA PRIVACY/CYBER CHECKLIST

The following is a checklist to help your company with intellectual property issues to investigate or protect. For additional information, please visit our website at www.cislo.com and use our IP INFO, IP SEARCH and IP NEWS tabs for links to numerous resources. Please feel free to call us for an appointment to discuss your situation.

Trademarks

- File for federal and/or state trademark registration for product names, packaging, slogans, and logos.
- File for service mark registration of company name where possible.
- Check to see that Affidavits of Use have been filed for any existing registrations.
- Record existing trademarks with United States Customs to block importation of infringing goods.
- Use the “®” symbol only with federally registered marks, and use “™” for unregistered marks or state trademark registrations.
- Arrange for a trademark watch service to see if others are trying to register similar marks.

Patents

- File provisional or utility applications to protect unique product designs, formulations, or technologies, file as early as possible to avoid filing deadlines that will bar the granting of a patent.
- File design patent applications to protect ornamental designs of products.
- Pay maintenance fees on existing patents.
- Use “Pat. Pending” where applicable, and mark all patented products with Patent Number.
- Have all employees and outside designers sign agreements assigning all patent rights for any inventions to the company.

Trade Name

- ___ File Fictitious Business Name Statement.
- ___ Check renewal date for existing Fictitious Business Name Statement.

Trade Secrets

- ___ Develop written trade secret policy to maintain secrecy, have employees read and sign.
- ___ Physically secure trade secret information and matters.
- ___ Have employees and vendors sign non-disclosure agreements.

Copyrights

- ___ File for copyright registration for any website, written works, graphics, design, or any other work that might need protection from direct copying.
- ___ Use the “©” symbol, author’s name, and date of the work on all original materials, including catalogs, advertisements, websites, unique product designs, graphics, etc.
- ___ Have all employees and outside designers assign their rights to any original works to the company, and affirm that that all such works are “works for hire.”

Domain Names

- ___ Register all company names and popular product names.
- ___ If feasible, register all variants and common mis-spellings of main domains.
- ___ Check renewal dates for existing registrations, and sign up for auto-renewal.

Avoiding Infringement

- ___ Conduct Internet searches to find possible competitors and competing products/services to determine if there are any potential infringement issues.
- ___ Perform patent searches for new and existing products and services sold.
- ___ Perform trademark searches for all trade names and product names.
- ___ Register an agent with the Copyright Office for Online Service Providers to receive immunity for online copyright infringement.
- ___ Check your Comprehensive General Liability insurance policies to see if they cover infringement, consider obtaining an intellectual property insurance policy.

Data Privacy

- ___ Start data mapping—i.e. keeping track of the type of data your business collects and/or uses and how this data is being stored.
- ___ Check to see if your business falls under the California Consumer Privacy Act (CCPA) and/or the General Data Protection Regulation (GDPR).
- ___ Implement a clear process for an individual to opt out of selling personal information (CCPA).
- ___ Put a system into place to handle the individual rights of disclosure, access and deletion (CCPA).
- ___ Consult with an attorney to ensure you are in ongoing compliance with the constantly evolving privacy regulations.
- ___ Prepare for the future by keeping up to date with all U.S. privacy laws and regulations as more states follow lead to California.

Cybersecurity

- ___ Be prepared for an unexpected data breach or security incident by having an internal Incident Response Plan (IRP).
- ___ Identify and assess cybersecurity risks and threats; identifying vulnerabilities will provide a framework to minimize the risks and effects of a cyber-attack.
- ___ Prioritize employee training and awareness programs since the majority of cyber incidents are caused by employees inadvertently clicking on phishing e-mails.
- ___ Implement internal password policies—IT policies should mandate complex passwords and require personnel to periodically change their passwords.
- ___ Use Two-Factor Authentication to provide an additional layer of security.
- ___ Update operating systems and antivirus programs to enhance internal security mechanisms.
- ___ Utilize filtering tools to minimize the risk of phishing e-mails.
- ___ Screen potential employees and contractors before assigning work involving sensitive or confidential data.
- ___ Backup data on a regular basis to prevent unnecessary loss.
- ___ Consider purchasing cybersecurity insurance, which may cover the liabilities associated with data breaches in part or in full.