



**HIPTips for Marketing: Before you tell the world about your amazing product or service, ensure your IP protection is in place!**

Intellectual property (“IP”) protection is a valuable asset that takes many forms, such as trade secrets, patents, trademarks, copyrights and more. Some IP can be forever lost if the information is publicly disclosed (e.g., trade secrets). Other IP can be lost if the information is disclosed before it is protected (e.g., patents). Still other IP depends on priority of use (e.g., trademarks). This makes it important to consider whether your IP is protected before you launch your marketing or publicity efforts.

HIPLegal helps companies identify IP, take the steps necessary to protect it, strategically use these assets, and navigate competitors’ IP. We partner with MiMA – a marketing agency that, like HIPLegal, truly partners with its clients to consider needs beyond its core focus – to ensure MiMA’s clients have access to the information they need to ensure their marketing decisions are aligned with their IP strategy.

**Before marketing your product or service, consider whether the information you want to disclose is:**

**A Trade Secret:** Trade secrets include competitive business information that is confidential to your company and has value because your competitors do not know it. This can include customer lists, negative information (what has not worked in the past, like the first 39 compositions of WD40), next generation technical information when time to market is key, and more.



**Patentable:** Do you have a unique feature, product, process, or improvement that no one else has discovered? If so, it is critical to file a patent application to protect your product or process before talking about it in your marketing materials, as it is the first inventor to file a patent application who gets the patent protection. Also, once you publicize your product or service, others will know of it, so you may want to ensure your product or service isn’t impeded by another’s patent.



**A Key Brand:** Company names, product names, and even distinctive features of your products may be protectable as trademarks. Our trademark system is priority based – the first to use the mark in the sale of a product or service may have priority to the mark – but your priority can be established even before you start selling, by filing an “intent-to-use” application. There are advantages to getting such an application on file before the world is introduced to your brand. Also, be careful about using others’ images or brands in your marketing without permission.



**An Original Expression:** What you create -- like software, books, songs, brochures, images, photos, and websites -- are materials that may be entitled to copyright protection. Similarly, existing photos and descriptive language may be protected by others – consider the source before using the content of others.



**Confidential:** You may have valuable information that you want or are required to keep confidential. You may also have information that is the confidential information of your partners. It is important to do a quick check before marketing to determine whether you want to – or need to – keep certain information out of your marketing messages.



**Not sure? We can help – just give us a call!**

HIPLegal LLP

20195 Stevens Creek Blvd., Suite 250, Cupertino, CA 95014 | 650-397-6447

contact@hiplegal.com | [www.hiplegal.com](http://www.hiplegal.com)



[facebook.com/HIPLegal](https://facebook.com/HIPLegal)



[linkedin.com/company/hiplegal-llp](https://linkedin.com/company/hiplegal-llp)



[twitter.com/HIP\\_Legal](https://twitter.com/HIP_Legal)