

Keeping Your Intellectual Property “Yours”

Differentiation. It separates your organization from the pack, elevates your offering and makes it the clear choice for prospects in your target market. It’s one of the core tenets of Pepper Group’s strategic marketing approach. We call it being *spicy*.

So whether it is your product, your technology, your expertise, your brand or something else, good differentiation can deliver competitive advantage. But of course if your competitors copy it, then your organization is no longer different. So how can you protect it?

One surefire way is to build and leverage solid resources that can’t be copied. To read more, you can reference our PepperCorn Learning paper entitled *Be Spicy*.

Beyond that, the U.S. legal system offers a number of protections: copyright, patents and trademarks. The right solution depends on the intellectual property that you want to protect.

1 » COPYRIGHT

Copyright protects original works of authorship that exist in a tangible form (i.e. not that song you dreamt about singing in front of thousands of adoring fans at the United Center). Copyright covers writing, music, art, architecture and computer software. Even your photo of your amazing Elvis sighting can be protected. No kidding! See <http://www.copyright.gov/help/faq/faq-protect.html#elvis>.

In fact, what you’re reading now is copyrighted material. But if I grant my permission or I tell you to feel free to reproduce this as long as you give me proper credit, you are free to use it. In fact, I encourage it!

But how did I copyright it? Easy. I wrote it. Copyright is the simplest of all the legal protections because it is automatic. In fact, it protects both published and unpublished works. Official registration is voluntary but rarely necessary.

2 » PATENTS

Patents are quite different. Patents protect inventions and discoveries. In some cases, they can protect a process as well. They can also protect improvements to something that already exists. Overall, the patent process is more involved and expensive and usually requires the services of a patent attorney. The benefits, however, of nailing a patent on something useful and marketable can be huge. The best source of information about patents is <http://www.uspto.gov/main/patents.htm>.



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3 » TRADEMARKS

Trademarks protect brand names, logos, taglines, distinguishing designs and special symbols. Registering a trademark notifies the public of your claim and gives you legal rights to it within your product or service area. Before registration or while a registration is pending, you'll want to use the TM or SM designation to stake your claim, so to speak. Of course, you'll want to perform a trademark search first to be sure you're not the one infringing! Then, after the registration is official, you're able to use the Registered Trademark, or ®, symbol to protect it. More information can be found at www.uspto.gov/web/offices/tac/doc/basic/. And because we have created thousands of names, symbols, logos and taglines, registering trademarks is one of the services Pepper Group can help you with.

So go forth and differentiate. Create a better solution, cultivate a unique brand identity and develop valuable intellectual property. Be smart, be creative, stake your claim and give your customers even more to love.