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Tip of the Month

Giving Thanks for the IP Pie

There are more reasons to protect intellectual property than there are recipes for pie. From protecting reputation, generating licensing revenues, marketing, branding, encouraging negotiation from competitors, and clarifying employee/employer ownership—the impact of intellectual property has only magnified as new information and communication technologies have made businesses more global than ever before.

Indeed, the following quotes from investors are probably not all that surprising:

- “We . . . believe that having distinctive marks that are readily identifiable is an important factor in creating a market for our goods, in identifying the Company, and in distinguishing our goods from the goods of others.”
“We consider our . . . trademarks to be among our most valuable assets.”
“We have followed a policy of filing applications for United States and foreign patents on inventions, designs and improvements that we deem valuable. . . . [including] hundreds of U.S. and foreign utility patents, and thousands of U.S. and foreign design patents covering components and features used.”

What might be surprising is that each of these quotes were from one source: Nike’s 10-K filed Jul 27, 2009. Not only does NIKE, Inc., invest in trademarks, utility patents, and design patents, NIKE also has over 1,384 different Copyright registrations—most of which are for ‘collections,’ which can theoretically each cover thousands of designs.

For example, the intellectual property portfolio of a hypothetical new sippy cup can be protected by:

- Copyright: covering the decorative elements as an original work of art.
Design Patent: covering the aesthetic shape of the cup.
Trademark: covering the handle shape identifying the source of the cup.
Utility Patent: covering the anti-spill nozzle as a novel invention.
Trade-secret: covering the anti-fungal lining within the cup.

So, the next time you are considering your business, and how best to protect your brand, your reputation, and your future, remember that when it comes to intellectual property pie:

you can have your pie and eat it too!

If you have any questions about which form of intellectual property would best protect which aspects of your business, give us a call at (603) 668 -1971. or contact us by email at mailbox @ biz-patlaw.com.

Happy Holidays!

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