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## “Tip of the Month”

### Write it Down!

New Years is the time for resolutions. Make a resolution this year to always put it in writing. Here are a few tips in the areas of contracts, patents, and trademarks.

**Contracts:** It is well settled that oral contracts are legal and enforceable. However, as one law professor has said, “An oral contract isn’t worth the paper it’s printed on.” What he meant to say is that it is hard to enforce an oral contract because the parties remember different things after time goes by. Writing it down on paper is the best way to show what you agreed on. What should you do if business necessity forces you to make a contract before you put it in writing? You should follow it up with a letter to the other party saying what your understanding of the agreement is, and ask the other party to confirm.

**Patents:** In the U.S., a patent goes to the first person to invent. Therefore, it is imperative to keep detailed notes about your ideas, experiments, and inventions. The best way to document a date of invention is to write it in lab notebook with a sewn binding and sequentially numbered pages. Sign and date the bottom of each page. Then have another person who is not a co-inventor write “Read and understood,” sign their name and date at the bottom of each page under yours. Even if you cannot record your notes in this preferred format, you must at least write it down as soon as possible.

**Trademarks:** Trademark rights go to the first person who uses a trademark in commerce. Therefore, once you adopt a trademark and ship it interstate, keep specimens of the product or service with the trademark attached, and keep copies of the receipts and invoices. Even if you do not file a federal trademark application right away, always keep a record of the earliest trademark usage in commerce.

If you need advice on establishing written records, please give us a call at 668-1971 or contact us using e-mail at *mailbox @ biz-patlaw.com*.

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