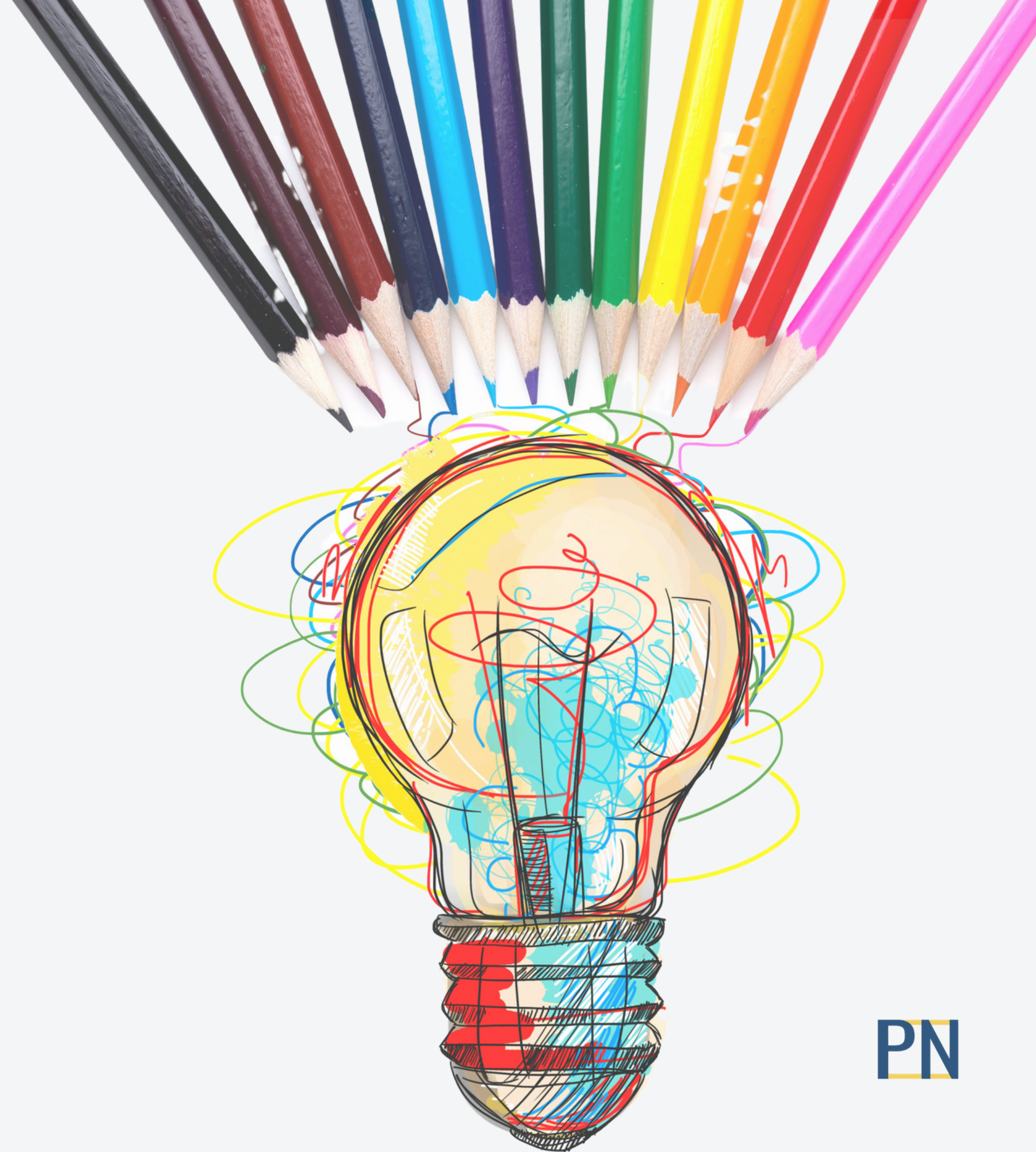


PN LAWYERS



PROTECTING YOUR INTELLECTUAL PROPERTY

August 4, 2020 • 12pm



PN

What We Do

Pardalis & Nohavicka is a full service law firm based in the Tri-State area with offices in Manhattan, Queens, Long Island, and New Jersey.

Our firm handles an eclectic array of matters representing individuals and business owners in:
Civil Litigation, Trademark Services, Business Transactions, Intellectual Property Protection, Employment Law, Real Estate, and Criminal Law.

Our clients range from entrepreneurs at their early stages, to a well established business owner with a global reach.



Meet Gianna

Gianna McArthur is a part of the team at Pardalis & Nohavicka, focusing on intellectual property law including trademarks and copyright. Gianna holds a B.A. from Vassar College and a J.D. from Maurice A. Deane School of Law at Hofstra University where she held an Honors Concentration in Intellectual Property Law.



What To Expect



Contracts
Handbooks & Trainings
Business formation
Registration
Intellectual Property



Employment Contracts

Compensations, benefits, termination etc.

Independent Contractor Agreements

Clarify relationships

Non Compete

Prevents ex-employee for working with a competitor

Nondisclosure Agreements

Protect your business information

Contracts

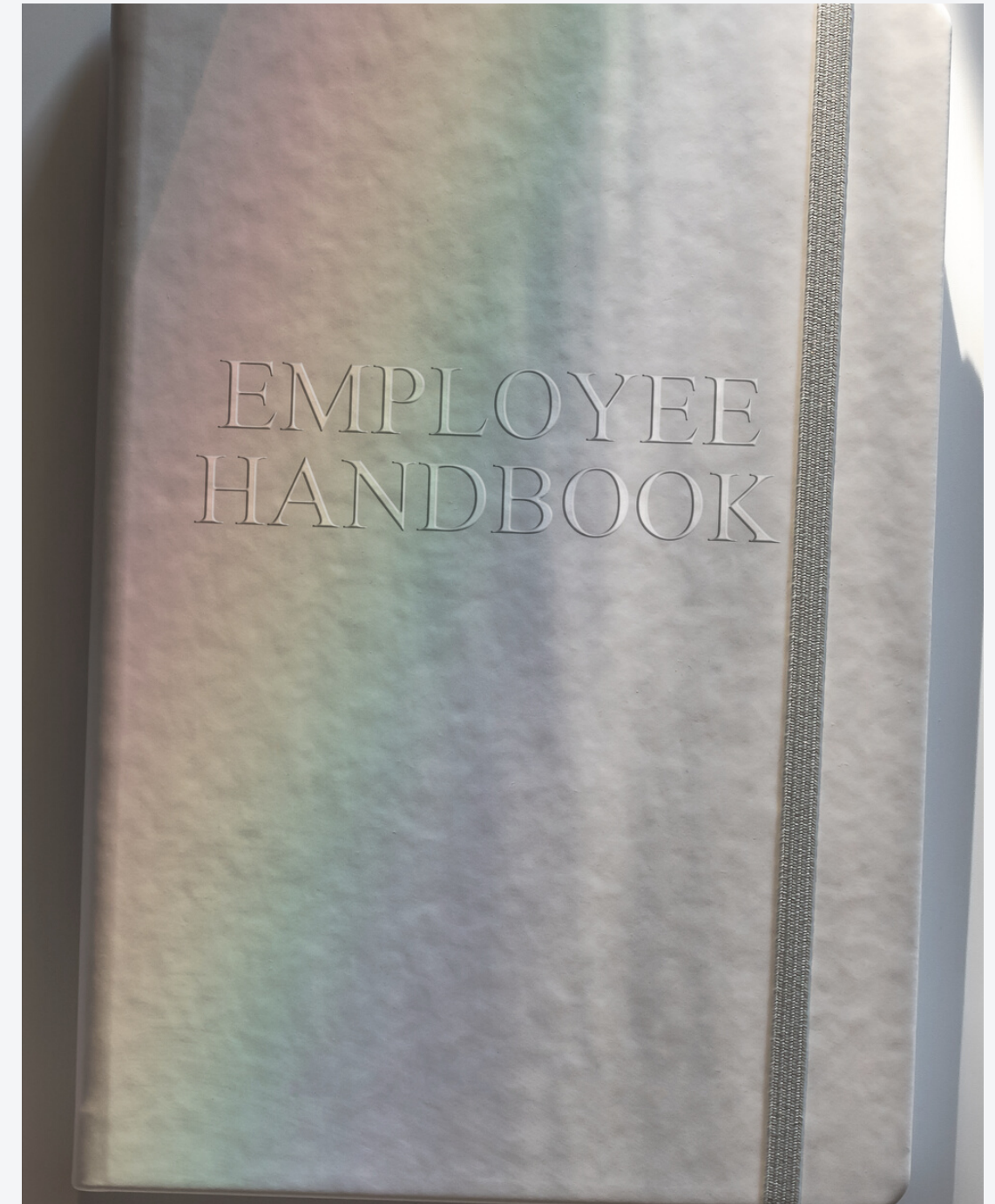
Handbooks & Training

Employee Handbooks

- Working expectations
- Policies
- Discipline
- Protections from claims such as wrongful termination and harassment

Sexual Harassment Training

- Compliance with your state's anti-discrimination laws



Business Structures

When deciding the business structure, it is important to consider both the legal and tax considerations.

Some of the most common types of businesses are:



Partnerships



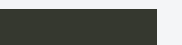
Sole
Proprietorships



Corporations



Limited Liability
Company (LLC)



Sole Proprietorships

sole ownership of an
unincorporated business.



Partnership

Two or more people decide to go into business, both partners contribute to the business and share profits and losses of the business.

No formalities are required.

Limited partnership:

- File a certificate of limited partnership with the state
- Protects the assets of its limited partners from debts, losses and claims



Limited Liability Company

- Requirements vary by state
- Owners of LLC are members (individuals, corporations other LLCs or foreign entities)
- File documentation with the state including partner names, addresses and other information
- Personal liability is limited since owners are not personally liable for the company's debts or liabilities



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Business Names

Most small business are registered with
state and local governments

Small businesses can file with the federal government for specific tax-exempt status

- **Business name:** entity names in which you do business d/b/a
- **Domain name:** part of a web address

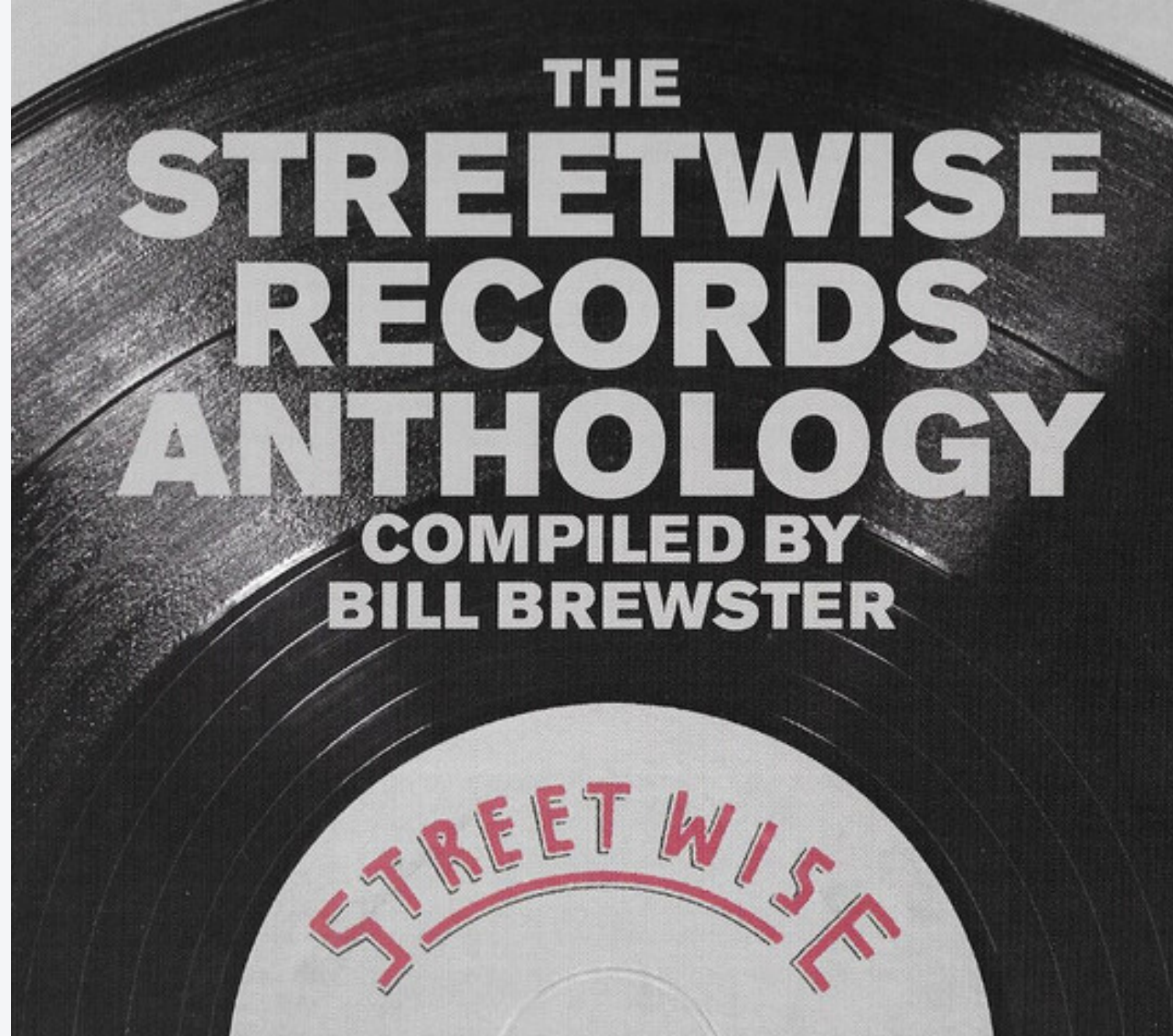
Choose business names and domain names carefully

- If another user holds the trademark the domain name may have to be surrendered
- Potentially functions as a trademark

Trademarks

- Symbols used in commerce to identify goods and services
- Can consist of words, fonts, logos or a combination
- The U.S. Patent and Trademark Office does not allow the registration of generic words or phrases, for example the word “table”
- Trademark rights are identified through continuous commercial utilization which allows the public to recognize goods and distinguish them from other goods





Trademarks

The owner of the trademark controls the use.

- Bell v. Streetwise Records
- Plaintiffs had trademark rights because the public identified New Edition to singers in the group

Record date of first use

Only used for the goods or services on the registrations.

- When registering marks, you decide specific classes of registration
- Marks cannot be used for classes not included in registration

Must continue to use trademark

- You could lose registrations if you fail to use the mark

Before choosing a mark consider if it is protectable.

- USPTO analyzes each application for compliance with federal laws and rules
- Common USPTO rejection is a “likelihood of confusion” between marks
 - The goods or services are so related that consumers would think they came from the same source (sound alike, visually alike).
 - In some cases two identical marks can co-exist if goods and services are not related.
- Merely descriptive marks will not be registered



Trademark Registration Benefits

Registration provides the owner of a mark many benefits:

- Allows users to identify a trusted brand
- Prevent third-party use of mark or registration of a confusingly similar mark
- Notice to the public of ownership of the mark
- Exclusive right to use the mark in connection with goods or services listed in the registration
- Enhances legal rights
 - Cease and Desist
 - Damages
 - Injunctions
 - License marks to others

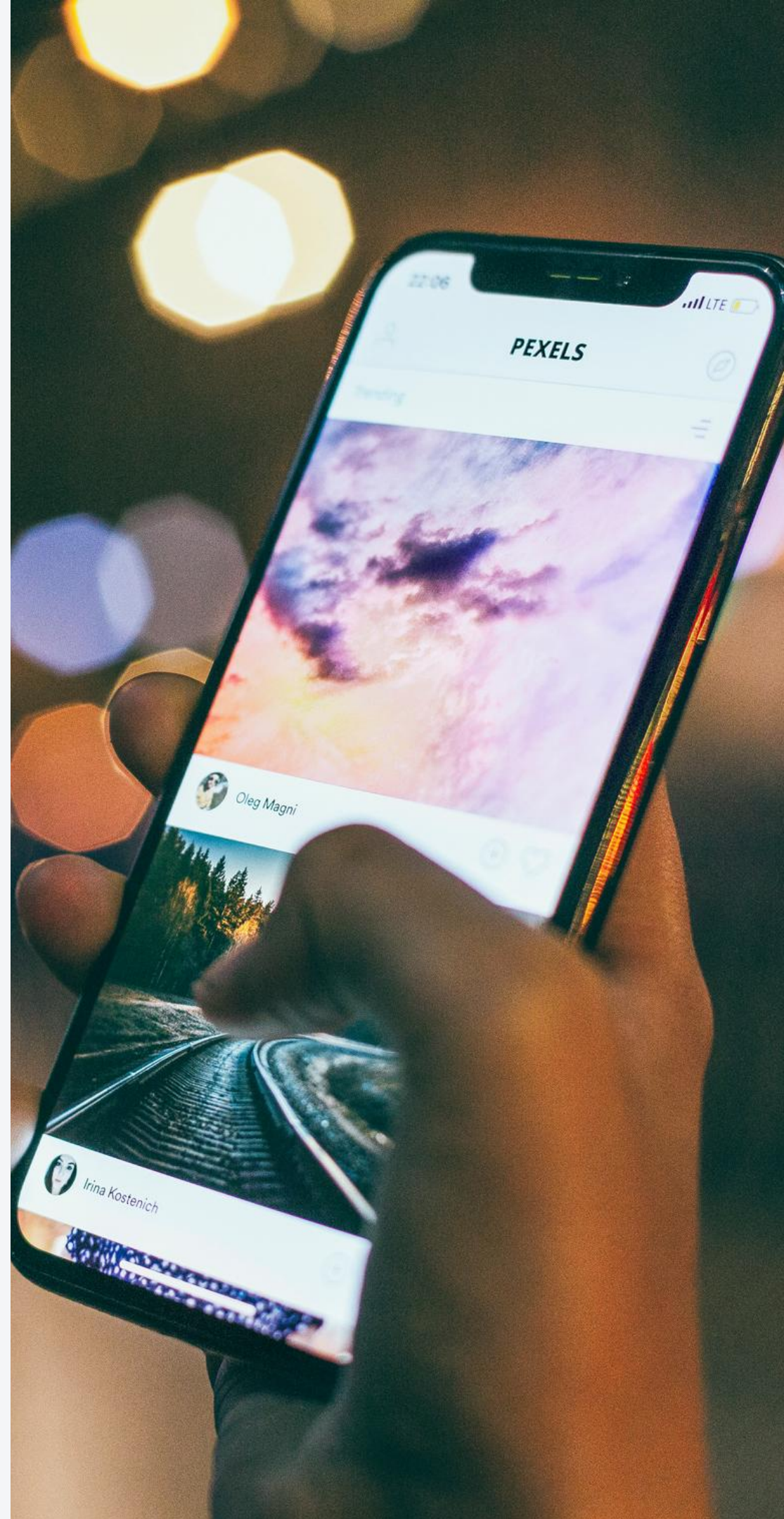


The USPTO strongly encourages using a lawyer to register trademarks.

- Analyze if mark can receive a federal trademark
- Trademark search
- Registration process follows a strict schedule
- Many requirements for filing
- Applications are nonrefundable

Trademark Registration

Patents



- Protect inventions
- Property rights to new, useful, and nonobvious inventions
- Requires timely filing
- Allows the inventor to exclude others from making, selling, and using the patent during the term
- Terms of patents can vary from 14 years to 20 years



Patents

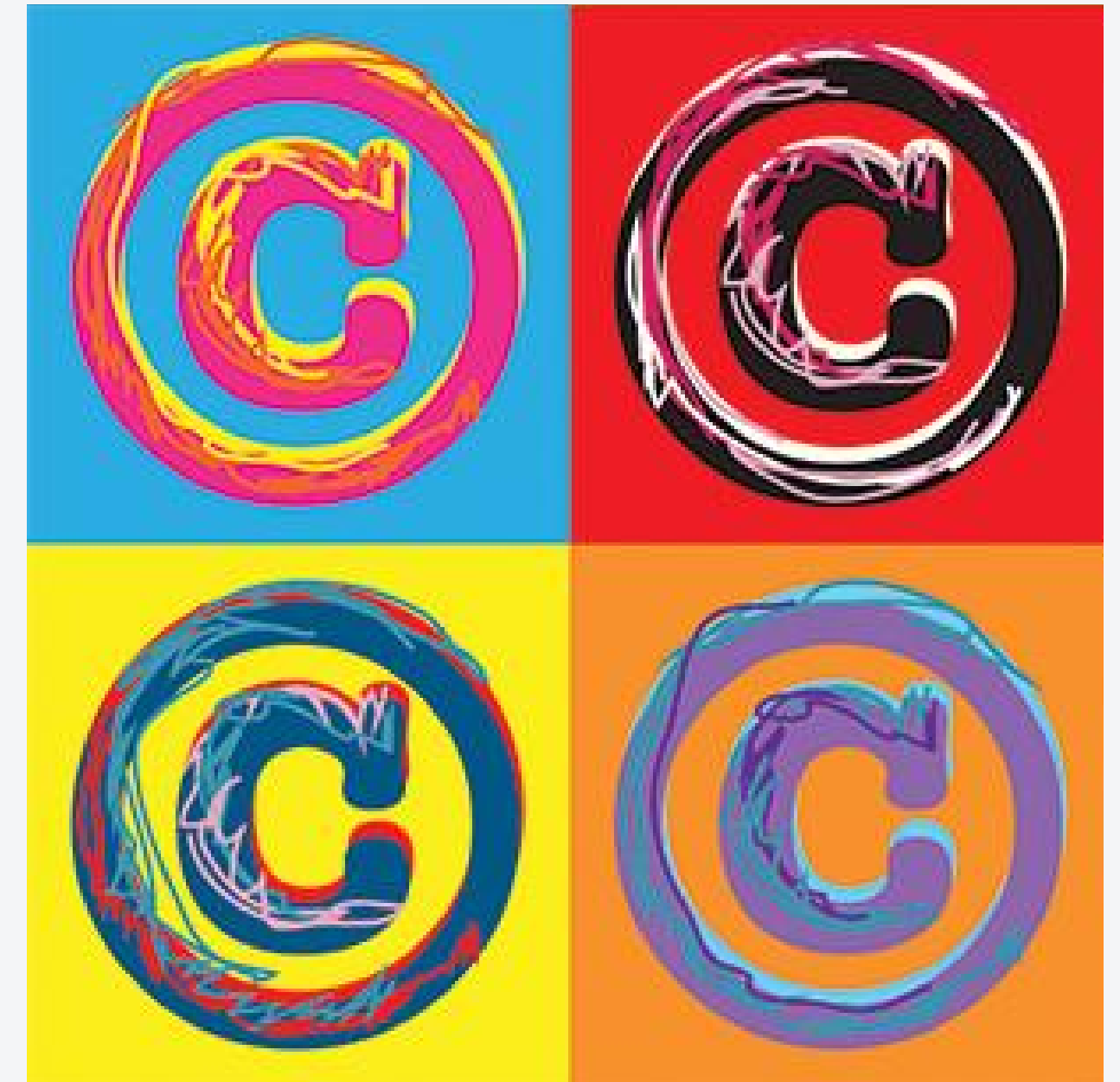
- In order to file a patent the application must be filed by or on behalf of all inventors
- Applications must not be filed later than one year after the invention's public use or publication
- Application contains a written description of the invention and how it's used, such that anyone "skilled in the art" could make or use it without further research or adaptation

Copyright

- Protects original works of authorship including literary works, musical works, dramatic works and choreographic works
- Apply to published and unpublished works

Copyright owners have the exclusive rights:

- Reproduce the work
- Perform and display the work publicly
- Sell the work
- Protections can last the life of the author plus an additional 70 years



Customs and Border Protection of Intellectual Property Rights

- U.S. Customs and Border Protection (CBP) can detain, seize and destroy products entering the United States if it has an infringing trademark or copyright registered with the U.S. Patent and Trademark Office of U.S. Copyright Office
- Intellectual property right owners can partner with the CBP to receive border enforcement of registered Intellectual Property
- Prevent flooding of infringing and competing goods in the market

KEY TAKEAWAYS



Planning is important with any business.

It is important to have the appropriate legal protections in place **EARLY**.

Enforce legal rights with ease.



**Submit your
questions!**

Let's Chat

Feel free to contact us at any time to get answers to your questions.

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