



A SHORT
GUIDE ON

HOW TO

PRO

TECT

YOUR
INTELLECTUAL
PROPERTY
ONLINE

WHY IT'S IMPORTANT

BRIEF
INTRODUCTION



It's nearly impossible to overstate the importance of protecting your intellectual property, particularly when it comes to the entertainment industry and social media. Entrepreneurs and influencers alike are learning that branding alone can make or break your monetary value.

UNDERSTANDING THE DIFFERENCE*

Copyright

- ✓ Protects artistic, literary, dramatic, musical or other Intellectually created works by an original author.
- ✓ Think novels, movies, music, lyrics, photographs, software code, etc. that exist in tangible form.
- ✓ Gives the author the exclusive right to reproduce, distribute, perform and display the work

* based on information from www.uspto.gov

Trademark

- ✓ Protects a word, phrase or design (or combination) that distinguishes your goods/services from others.
- ✓ Think Coca-Cola®, Amazon®, McDonald's® (and I'm Lovin' It®), Nike®, etc.
- ✓ Protects the mark from being registered/used without permission on similar goods or services

Patent

- ✓ Protects new and unique technical inventions, formulas, and mechanical processes
- ✓ Think an innovative new software program or a new invention that removes salt from sea water
- ✓ Protects inventions (and/or the process of creating an invention) from others copying the invention

FIRST THINGS FIRST

RESEARCH →

Before settling on a business name, trade name or stage name, you should always research the name you want to use to make sure it is not currently registered or in use by someone else.

01

REGISTER →

If after doing your research, your path to registration is clear, you should register the name, mark, logo, etc. as soon as you start using it for commercial purposes. Typically, registering the IP to a separate corporation/LLC is advisable.

02

REVIEW →

You, or your attorney, should regularly review your trademark and copyright filings, as the government requires certain additional information to be updated and re-filed every so often. Failure to do so can result in a cancellation of your registration.

03

BEST PRACTICES WHEN SHARING IP

DO THIS!



- 1 HIRE AN EXPERIENCED ATTORNEY
- 2 HAVE YOUR ATTORNEY DRAFT A SOLID NON-DISCLOSURE AGREEMENT
- 3 ALWAYS SEEK PERMISSION BEFORE USING PROTECTED CONTENT
- 4 USE ®, ©, AND DIGITAL WATERMARKS IN YOUR CONTENT
- 5 SET GOOGLE ALERTS TO MONITOR UNAUTHORIZED USAGE
- 6 CREATE A PERSONAL POLICY FOR WHAT IS AND IS NOT PERMISSIBLE USE
- 7 TRY TO GET AN EXACT MATCH DOMAIN NAME TO TRADEMARKED NAME
- 8 AVOID JOINT OWNERSHIP OF IP WHEN POSSIBLE

KNOW THE RULES!



A basic understanding of the guidelines can be a lifesaver!

PLATFORM GUIDELINES

Each platform (Youtube, Instagram, Facebook, TikTok, Clubhouse, etc.) has its own set of community guidelines. You know when you're prompted and you check "I Agree" and never read it? Yeah, those! Often times these guidelines allow the platform to copy and/or use anything you post at their discretion!

ATTRIBUTION

Any time you post content that you did not create, you should first get permission in writing and second, include the name of the creator ('attribution'). Likewise, when you post content you did In fact create yourself, always include your name, stage name, or business name so as to provide strong support when laying infringement claims.

FAIR USE

The legal principle of "fair use" is typically the go-to defense for any unauthorized use of copyrighted material. However, It only applies in limited situations, and requires quire a lengthy and complex legal analysis to see if It even applies under the circumstances. The best practice is to always get permission before using material you didn't create.

NEED TO SCHEDULE A **CONSULTATION?**

Call or email today and let our
office help secure your IP!



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