

Protect Your Intellectual Property Rights

Intellectual property rights (IPR) encourage the innovation and creativity that is fundamental to sustained economic growth. Unfortunately, the growing global trade in pirated and counterfeit goods directly threatens innovation, and can ultimately have a deleterious effect on health and safety. Fake products, including a wide variety of cleaning related products, account for an estimated 5 to 7 percent of global trade. Such trade costs legitimate rights holders around the world billions of dollars.

Counterfeit products that infringe on intellectual property rights are often discovered at trade shows, conventions, and other such gatherings. It is important that companies and other owners of intellectual property take affirmative steps in advance of such events to ensure that their intellectual property rights will be fully protected. This article provides general information on how to secure your IPR and what to do in the event you discover a potential infringement at ISSA Show North America[®] or other similar events.

Obtaining Rights in Your Intellectual Property

Patents. A patent protects a new and useful process, machine, article of manufacture, or industrial design. When the U.S. Patent and Trademark Office (USPTO) grants a patent, the patent holder obtains “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States and the right to exclude others from “importing” the invention into the United States. The patent holder must enforce its rights to exclude others from using its patented invention or technology.

Trademarks. A trademark is a word, phrase, symbol, or design, or a combination of words, phrases, symbols, or designs, that identifies and distinguishes one source of goods from others. A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.

The USPTO reviews trademark applications for federal registration and determines whether the application meets the registration requirements but does *not* decide whether someone has the right to use a mark. As such, a trademark owner may still use its mark even without a registration. There are, however, significant advantages to federal registration. In either event, it is up to the owner of a mark to enforce its rights in the mark against other users and potential trademark applicants.

Domestic Protection Only. It is important to note that U.S. patents and trademarks are not automatically protected outside the United States. In most cases, the first step in protecting intellectual property beyond U.S. borders is for companies to register their trademark or patent with the appropriate authority in each country, or through international treaties that are administered by the World Intellectual Property Organization.

For more information on obtaining a patent or trademark in the United States, contact the USPTO at 800-786-9199. To file with the USPTO electronically, visit:

For Patents: http://www.uspto.gov/ebc/efs_help.html

For Trademarks: www.uspto.gov/teas/index.html

For information on the International protection of IPR: <http://www.uspto.gov/main/profiles/international.htm>

Copyrights. Copyright is a form of protection provided under U.S. law to the authors of “original works of authorship”—including literary, dramatic, musical, artistic, and other certain other intellectual works—for a fixed period of time. This protection is available to both published and unpublished works. Copyright is secured automatically when the work is created, and a work is “created” when it is fixed in a copy or phonorecord for the first time. There are, however, certain advantages to registering a copyright. For information on securing a U.S. copyright registration, contact the U.S. Copyright Office:

Public Information Office: 202-707-3000 | Information Specialists: 202-707-5959 | Web Site: www.copyright.gov

What Should Exhibitors Do About Intellectual Property Right Violations?

ISSA recognizes the crucial importance of protecting one’s trademarks, patents, copyrights and other valuable intellectual property against possible infringement. However, ISSA is limited in the enforcement options it can exercise on behalf of exhibitors. Intellectual property right disputes are inherently private disputes between exhibitors and it is the responsibility of an aggrieved party to pursue appropriate legal remedies. In general, ISSA can only intercede where a legally enforceable court order or similar document has been obtained.

ISSA recommends that exhibitors take the following actions to legally secure their intellectual property rights (IPR):

1. Consult with legal counsel regarding the appropriate steps one should take to affirmatively secure IPR.
2. When you discover or otherwise suspect infringement or other violation of IPR, consult with your attorney as soon as possible regarding your enforcement options.
3. If you have reason to believe that the violating party may exhibit an infringing product or object that is the subject of an IPR dispute at ISSA Show North America®, contact ISSA Show Management as soon as possible, including, if reasonable, in advance of the start of the trade show.
4. Provide ISSA Show Management with information that substantiates that a violation of your IPR has occurred, including any documentary proof (i.e., a court order or decision, patent or trademark registration, etc.). Without such information, ISSA may not legally be able to assist you.
5. If you encounter an IPR violation on the trade show floor, immediately bring the matter to the attention of ISSA Show Management. Do not take affirmative action to remedy the situation such as physically confronting the violator, the removal of the infringing product from the booth of another exhibitor, or verbally arguing on the show floor.

Remember, protecting your intellectual property rights is your responsibility! ISSA can only assist you if you have legally enforceable rights that have been properly secured. ISSA will review any claim of an IPR violation and attempt to help you resolve it, but is not a legal enforcement body. Trademark, copyright, patents and other such disputes are handled in a court of law.

If you have a legally enforceable court order, ISSA Show Management will help you to enforce the order on site. Such enforcement may include removing product or literature from a booth, closing down an exhibitor’s booth or taking any other action necessary to enforce a court or regulatory order or decision. In some circumstances, ISSA may suspend or cancel an exhibitor’s privilege to exhibit.

Contact your ISSA Account Executive (sales@issa.com) or visit the ISSA Show Office onsite.