



LEGAL BRIEF

Protecting your intellectual property abroad

By Michael A. Gollin and Andrew D. Price

Association leaders are wise to pay attention to the issues involving trademarks and copyrights as they play out on the international stage of trade, competitiveness, and innovation. Here are some steps you can take to protect your association's rights.

Guard Trademarks

Routinely review and update the following:

- **Obtain registrations.** Names, acronyms, logos, and slogans can be registered as trademarks. Entry-level trademark registrations usually cover key marks in connection with association services. More expansive applications cover all association marks for the various goods and services that may be found, for example, on the organization's Web site.
- **Protect foreign trademark rights.** Trademark rights are obtained on a country-by-country basis and often go to the first party to file an application. The Madrid Protocol (www.wipo.int/madrid/en/), a new filing mechanism, reduces the costs of international protection dramatically and may be appropriate for your association.
- **Protect related domain names.** If possi-

ble, register your association's acronym or initialism, full name, and related names, with the appropriate extensions, such as .org, .com, and .eu. Also make sure the association owns the registrations in its name, the registrations are not about to expire, and the contact information in the registrations is current.

Expand the Reach of Copyrights

Factor in electronic media when you do the following:

- **Register copyrights.** Register your Web site, including the various publications that may be posted there or otherwise distributed. Copyright registration is the least expensive form of intellectual-property protection and gives the right to statutory damages of up to \$150,000 for infringement.
- **Obtain rights from authors.** Make sure that your procurement agreements for Web design, publications, and marketing materials transfer rights from the authors/creators to the association.
- **Mark works.** Marking Web sites and marketing materials with the copyright symbol (©) may deter others from using the materials. Nonetheless, given the prevalence of copyright infringement in many countries, expect a certain amount of leakage and plan for it.

In summary, protect your trade secrets, including member lists, and be prepared to address issues raised by members concerning trademarks, copyrights, trade secrets, and patents.

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