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# Myerson **Business**

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**Our guide to Intellectual Property Disputes**

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# Welcome

For many businesses, Intellectual Property (IP) is their most valuable asset. It is vital to obtain specialist legal advice regarding the management, exploitation and protection of your IP. It is important that IP assets are protected from potential competitors, so you control how you exploit them. To do this, you will need the advice of a specialist intellectual property dispute solicitor to ensure legal recognition and enforcement of the ownership of your IP rights.

## Why Myerson?

At Myerson, our intellectual property dispute solicitors are experts in advising on all aspects of protecting and exploiting your IP, putting you in control of how your IP is used. We will work with you to compile IP strategies that ensure your IP is protected.

We are proud to be ranked as '**Top Tier**' in the prestigious international directory **The Legal 500** and commended by The Times '**Best Law Firms 2023**'. So, you can be certain that you will receive the highest quality legal advice and that we can advise you on complex copyright issues.

Myerson are also a member of the Intellectual Property Lawyers Association (IPLA) which is an association of law firms with an established IP department. Our membership provides both us and our clients with access to a wealth of knowledge and expertise relating to intellectual property



# Intellectual Property Disputes

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## What are intellectual property rights?

Intellectual property rights is a phrase used to cover a variety of legal rights which can either arise automatically or be registered in respect of creative works, whether that's a brand identity, trademark, know-how, confidential information or artistic/dramatic works.

## What can be protected?

A wide variety of different types of intellectual property can be protected such as literary and artistic works, films, computer programs, databases, inventions, 3D designs, and marks or signs to promote goods.

## What can be protected?

Intellectual property rights are full property rights. They can be held by individuals or companies. They can be assigned or mortgaged, and licences may be granted in respect of them.

## What can be protected?

Intellectual property rights include copyright, trademarks, passing off, design rights, patents, domain names and confidential information. [Find out more about these different types of intellectual property rights](#)

It is crucial to understand what intellectual property rights are held so that they may be exploited and protected effectively.



# How to protect intellectual property rights

There are many practical ways to protect work. For example:

- **Copyright ©** You can make your copyright protection stronger by making it clear to the wider public that it is protected by copyright. Adding the copyright symbol ©, your name and the date of creation.
- **Registration ®** There are formal registration procedures in most countries that allow you to formally record ownership of designs and trademarks. The UK Intellectual Property Office processes registration applications in the UK. Adding the registered ® symbol to your mark will also let others know that it is protected and help prevent unauthorised exploitation.
- **Licensing.** It may be commercially beneficial to allow others to use your intellectual property rights. By granting a licence you can govern the use of your rights and receive remuneration in the form of a licence fee. This is one of the safest ways of ensuring your intellectual property rights are protected if you are allowing someone else to use them.

## Should I enforce my intellectual property rights if I know they have been breached?

Yes. It is important to act without delay if you become aware of activities that could breach your intellectual property rights. If you choose to do nothing this may encourage an infringer to continue or scale up their activities. There are specific laws that help to prevent intellectual property infringement. These may be enforced initially by writing a letter to the infringer and if that does not resolve the dispute by issuing Court proceedings.



# I have been accused of intellectual property infringement, what should I do?

Intellectual property is a complex area of law and therefore it is recommended you obtain specialist legal advice if you are accused of breaching someone else's intellectual property rights. There may be defences available to you such as consent, permitted acts and fair dealing.



# You're in safe hands!

If you would like further information about how we can help you with **Intellectual Property Disputes**, or if you have any questions, please don't hesitate to contact a member of our **Commercial Litigation Team** today.

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