

Why should my business conduct an IP Audit?

It is stating the obvious to say that your customers are your business - so imagine what would happen if a trusted employee took your client list, set up in competition against you and used the connections they had made while working for you to approach your clients? They would be stealing from you just as if they had stolen money from the cash register.

Client lists are one example of valuable intellectual property (IP) of your business. IP is a range of rights that give protection to intellectual and creative effort. Other IP could include the detailed and complex outcomes of research and development projects, which could be patented, rights in connection with trade secrets, domain names, and confidential information, as well as trade marks, copyright, industrial designs, circuit layout designs and plant breeder's rights, business methods, know-how and information technology.

These and other IP rights are valuable assets to your business provided that they are properly identified and adequately protected.

However we often find that many businesses underestimate the value and extent of their intellectual property (IP) assets and are often unsure of the IP they own and use. As a result, your business may be missing out on valuable commercialisation opportunities, and may not be properly protecting the IP you own and have developed over the years.

Further, if your IP is undetected, it will remain unprotected and under utilised and you may also risk losing it to your competitors... or your former employees.

This is where an IP audit can assist. The goal of an IP audit is to identify all the IP your business owns, uses, or has purchased or licensed, the source of rights for the use of that IP and evidence of ownership of rights. Once the IP has been identified, and you have assessed its value, we can then advise you of the steps that can be taken to adequately document and protect your IP so that it can add value to your business. To protect your client lists, this might include reviewing and revising the employment and service agreements you have with staff and contractors and inserting stronger clauses about confidential information and restraints of trade.

It is common to undertake an IP audit when a business is being bought or sold, when you are enforcing or defending your IP rights, or as part of a business management program.

If you would like to arrange an IP audit, or if you have any questions about IP and how an IP audit may benefit your business, please contact Michele De Bonis, Solicitor at Bottoms English Lawyers.