

## Article Index

| <u>Article</u>   | <u>Page</u>        |
|--|--------------------|
| <b>What is IP? Why Should One Care? How Does IP Impact Your Business? How Can You Protect Your IP if You Can't Identify It?</b>  | <a href="#">5</a>  |
| Organizations in the aviation industry are impacted by rapid technological advances and should take the appropriate steps to identify and protect their intellectual assets with the patents, copyrights, and trademarks.  |                    |
| <b>From The Anglo-French Latin for “It’s Mine, Not Yours”—Patents</b>  | <a href="#">7</a>  |
| There are three kinds of patents recognized by U.S. law: utility patents, design patents, and combination patents. Inventors can take either formal or informal paths to be granted a patent, depending on ones’ resources.  |                    |
| <b>™, SM, ®: Trademarks/Service Marks</b>  | <a href="#">8</a>  |
| Trademarks and service marks are intellectual property based upon distinct names, phrases, symbols, logos, designs, and/or images, each with specific purposes and benefits.   |                    |
| <b>The Four Categories of IP, Part III—Trade Secrets</b>   | <a href="#">9</a>  |
| A trade secret is any type of information, including a formula, pattern, compilation, program, device, method, technique, or process which is used in one's business, and which provides an opportunity to obtain an advantage over competitors without it. There are special steps that must be taken to disclose trade secrets with others, take preventative protective measures, and proving misuse of your trade secrets. |                    |
| <b>The Four Categories of IP, Part IV—Copyrights</b>   | <a href="#">10</a> |
| Copyright protection only applies to items that are original, of authorship, and that are fixed in a tangible medium of expression. Copyright protection and registration with the U.S. Copyright Office afford certain rights to the copyright holder which last for the life of the author plus 70 years.  |                    |
| <b>Who Can Claim IP?</b>   | <a href="#">12</a> |
| A creator of an invention generally owns all rights to IP, however there are several ways to transfer rights to employers, employees, and third parties. There are several important steps to take to ensure the acquiring party has the proper rights to the protected assets when assigning intellectual property rights.  |                    |
| <b>Relationships With Your Customer Licensees—What Terms Do You Need To Consider?</b>  | <a href="#">14</a> |
| When granting customers a license to company intellectual property, there are appropriate considerations to make regarding the written agreement between licensor and licensee, assigning users authorization to use the license, types of data restrictions, ensuring the licensee is following the provisions, and the terms of payment.   |                    |
| <b>What IP Safeguards Do Products Have In The Hands of Customers or Other Third Parties? Is Creation of Derivative Works Barred?</b>   | <a href="#">16</a> |
| There are several safeguards available to protect intellectual property, including software technologies, and a written end-use license which includes language prohibiting derivative work. Though not ironclad, these elements should deter pirating intellectual property while providing a legal mechanism for recourse if necessary.  |                    |
| <b>Relationships and Agreements with Distributors and Resellers</b>  | <a href="#">17</a> |
| When working with intermediaries who have access to company intellectual property, considerations should include defining geographic limitations, whether to grant exclusive rights to the region, appropriate compensation, agreements to protect the intellectual property, and well-written documentation detailing responsibilities and expectations for both parties.   |                    |

**Patent and Trademark Infringement: Reducing the Risk of an Infringement Dispute**

18

Whether your company is using another's intellectual property or someone else is using your company's intellectual property, being caught up in a patent or mark infringement dispute can be avoided by taking precautionary measures. Performing a comprehensive search in the U.S. Patent and Trademark Office database will likely indicate any impending infringements. Hiring a patent attorney familiar with the industry would also be an intelligent way to navigate the legal waters of intellectual property infringement.

**Developing IP with Third Parties**

20

Three issues must be fully discussed, answered, and adequately documented when entering into a joint IP relationship: both organizations must clearly lay-out the relationship and the products associated with the IP; which organizations own each article of copyright, patent, and trade secret material; and additional licenses associated with the IP.

**Copyright Infringement and Fair Use Under the U.S. Copyright Act**

21

Anyone found guilty of infringing copyright laws can be liable to the owner for certain damages, but there are limitations to a copyright holder's exclusive rights. The fair use doctrine allows non copyright holders the use of protected work depending on the purpose for which it was used, the nature of the copyrighted work, the amount of copyrighted material that was used, and whether the defendant's use impacted the potential market or value of the copyrighted work.

**Memorializing Inventor Knowledge**

22

It is crucial that all aspects of IP and an inventor's knowledge are captured. Organizations should develop policies providing its inventors with a detailed roadmap that will capture precisely the information needed to preserve a thorough record.

**Intellectual Property Audits**

23

IP audits help organizations identify their IP assets, potential liabilities, and risks associated with such IP, while determining if the IP is adequately protected and properly commercialized. By answering a series of targeted questions, an organization can be confident that their IP is soundly protected.

**Intellectual Property Due Diligence in Transactions**

24

The IP due diligence process, a review of the IP's assets, is necessary when undergoing various types of commercial transactions to reduce the risk of unwanted legal scenarios.

**Policing Trademarks and Service Marks—Part 1**

25

Trademarks and service marks are reminders that the products or services originate from an owner of that intellectual property. To protect the single source designation of IP, an organization must monitor the use of its marks and stop unauthorized use, including by third party licensees.

**Policing Trademarks and Service Marks—Part 2**

26

If an organization's trademarks or service marks are being used by an unauthorized party, it should take steps to first analyze the improper use, draft a memo to the file, and possibly send a cease and desist letter to the infringing party.

**Dealing with IP in Light of Manufacturer Warnings, and Prohibitions on Repair Development**

27

Maintenance providers sometimes develop repair methods for parts by using original equipment manufacturer (OEM) intellectual property. There are five methods to consider when dealing with IP in light of manufacturer warning and prohibitions against repair development: cleaning house, obtaining a license from OEM, working more closely with customers, being proactive with ARSA, and assuming all legal risks.