



WRIGHT LINDSEY JENNINGS

COVID-19 CLIENT ALERT: INTELLECTUAL PROPERTY CONSIDERATIONS DURING THE COVID-19 PANDEMIC

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As many businesses reduce employees onsite and look at changing business activities during the COVID-19 Pandemic, there are a few considerations for businesses to keep in mind as our world continues to shift during this time.

Invention in the Time of COVID-19

Businesses are continuing to innovate during this time of remote working and businesses need to keep in mind that these innovations still need to be documented in the normal business practice. We recommend that any invention documentation practices be done in a secure manner and best practices be formulated for all discussions. Our privacy and employment teams are ready to help you adapt to these changing practices. We also recommend that all platforms recording conversations or memorializing content be vetted for cybersecurity threats. The WLJ Tech team works with independent groups and we're happy to make connections for you for any threat reviews.

Employers also need to be mindful of invention disclosures from all employees. The current pandemic shows how quickly how business environment can change. We recommend that all employers have technology assignment provisions for all workers to make sure that any sudden shift in business still allows the business to maintain and protect all technology developments. If your business needs a review of your employee technology assignment provisions, our WLJ Tech and WLJ employment teams are here to help.

New Business Activities

As more and more businesses are changing their business models to either adjust to the new social distanced world or to support our healthcare workers, it's important to note that trademarks exist for certain categories for goods. For example, Delta Airlines, Delta Faucets and Delta Dental all have a similar trademark component, but their goods and services differ enough that the likelihood of confusing one source of goods and services with the other is small.

It's important for any businesses that are making new goods, like masks for healthcare workers or ventilators for hospitals, to understand that the trademarks they've used in the past for their normal line of products or services may be terms that are currently used by others for goods or services in the new space. We recommend that you talk to your trademark attorney before adopting any new goods or services for your existing brand names.

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As COVID-19 continues to spread, affecting the health of our citizens and businesses, our intellectual property attorneys continue to work diligently to protect the rights of businesses and entrepreneurs. If you've been affected by the COVID-19 outbreak and want to know if you're eligible for an extension at the USPTO, contact K. Brandon Middleton, J. Charles Dougherty, Blake Glasgow, or Meredith Lowry. We hope for your safety and health in this uncertain time.



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