

Key Considerations for Businesses Facing an Intellectual Property Dispute

-  **What intellectual property right is involved?**

Consider what you believe is being infringed or challenged. This might include a trade mark, copyright, patent, registered design, unregistered design right, confidential information or another intellectual property right. It is possible for more than one type of right to apply to the same product, brand or material.
-  **Evidence of ownership**

Gather documents that help establish who owns the intellectual property. These could include registration certificates, contracts, assignments, licence agreements, employment agreements, design records, development documents or evidence showing when the material was originally created.
-  **When did you become aware of the problem?**

Create a brief timeline explaining when you first became aware of the issue and what has happened since. If the activity is continuing or a product launch, publication or other significant event is imminent, tell your solicitor at the outset as urgent action may need to be considered.
-  **Any existing commercial relationship**

Let us know if the dispute involves a current or former employee, supplier, customer, distributor, licensee, shareholder, contractor or business partner. Existing contracts may contain provisions dealing with intellectual property ownership, permitted use, confidentiality and dispute resolution.
-  **Previous correspondence**

Provide copies of any communications already exchanged with the other party, including emails, letters, messages or formal notices. It is particularly important to provide any allegation of infringement, cease and desist letter or proposed legal claim you have received.