



How to Coordinate the Trademark and IP Protection Process

Over time, many professional speakers develop numerous trademarks and registered names. If the speaker does not take active steps to protect his or her trademarks, they could be lost. The VSA can help monitor and stay aware of possible trademark violations and help the speaker with the legal process of protection.

The Role of the VSA in Managing the Process

There are three things that a VSA can do to help the speaker within this process.

1. If a speaker does not have a trademark attorney, VSAs can suggest the speaker find a trademark attorney that specializes in written intellectual property. Only the attorney will know whether the IP is trademarkable and whether it will make sense to try and get a trademark. The VSA can make this process easier by interacting with attorneys and gathering information.
2. The VSA can do a preliminary search to cut down on legal costs. There are several sources that one can use for trademark searches, and that can save valuable legal time. One of these is www.LegalZoom.com.
3. The VSA can manage the process if a violation does occur. Once a speaker finds out that an individual or a corporate client is using his or her material, the first decision point is what do they want to do about it.

There are two options here. The speaker or the VSA can send a letter and kindly ask the person or group to cease and desist. If this is a colleague the speaker knows, then a simple phone call will sometimes suffice. However, if a client is reproducing workbooks or materials, that's something for the speaker to handle with his or her attorney and clearly not the VSA's job, since that's a very sensitive subject.

The VSA may be the first to detect a problem because someone may say in casual conversation, "Oh this made a great workbook for our clients. We copied this and gave it to the whole division".

Google Alerts

A great way to stay on top of possible problems is by using Google Alerts. Google will send you an email when a specific word or phrase appears on the web. It is great to use with your clients to see if the speaker's name, programs, products, books or commonly used phrases are coming up on other web sites.

When you Receive Permission Request

Just as you are asking permissions of others to use their material, you may receive requests to use the speaker's material. You should develop a letter or form to give permission (and an email to deny permission if you need to) so you can limit the license or even charge for the material if the speaker wishes. It would only be appropriate to charge a fee if the speaker had to do a lot of expensive research to develop the information and does not want to give it away. This is also a way of discouraging its use.