

IAM: more than patents, beyond trade marks, way past IP. Fresh thinking from Watermark.

# Dispute Resolution.

In business, people don't always play nicely together. You've worked hard to develop your idea and build your business. Now you need to protect your investment. Watermark works with you to protect and manage your intellectual property. We aim to keep the game from turning sour, but if it does you'll be glad you've got us on your team.

## Protecting your Rights

If you've developed an innovative solution to a problem, it's a fact of life that people will try to copy it. This can seriously damage your business when you have invested your time and money in developing the idea. If your idea is protected by a patent, copyright or trade secrets you can take action to protect your investment and perhaps even generate a revenue stream.

## Watch the market

Keep a watch on your competitors and new entrants to the market, to ensure no-one infringes your rights.

## Act Quickly

If someone is infringing your rights take action as soon as possible. If you take no action you may develop a reputation as an easy target. It is easier to stop activity before it is entrenched, and the extent of damage to your business is minimised.

## Respond Strategically

In most cases the first step is to send a letter of demand to the infringer. Before the letter of demand is sent however consider what you want to achieve. Do you want them to cease providing the infringing product/service, or would you prefer that the infringer become a licensee in return for a license fee?

No-one wants to end up in Court, but sometimes there is no alternative. If your rights are being infringed, you cannot resolve the issue to your satisfaction and the infringement is seriously affecting your business, you may have to go to Court to prevent the infringement continuing. Court actions are costly and time-consuming, but if you have spent a lot of time and money developing your business it may be worth the expense.

## Protecting your Business from Attack by Competitors

In today's crowded marketplace, a number of your competitors are likely to have rights in technologies relevant to your products/services.

It is easier than you might think to infringe another's rights innocently or otherwise. Being forced to immediately cease providing a product/service can have a substantial detrimental impact on any business. There are however steps you can take to minimise this risk.

## Know the landscape

The best defence is a good offence. Prevent unexpected surprises by understanding what your competitors are doing and monitoring publicly available databases of registrable rights, such as patents.

## Minimise the risk of infringement

Once you know what rights others have you can ensure you do not infringe them. If you have any doubts as to whether you infringe someone's rights seek advice before a dispute arises to give yourself more time to take any necessary action.

## Consider your Options

If you do receive a letter of demand do not ignore it. Seek advice on whether you do infringe the rights as alleged in the letter of demand. If you are infringing another's rights consider all possible responses. If the product/service is not important to your business it may be better to discontinue the product/service than bear the costs of the dispute. If your business needs to provide the product/service consider whether you would be prepared to take a license, or could quickly source/develop an alternative.

## Be Persistent

If, despite your best efforts, you find yourself defending a Court action, don't stop trying to resolve the issue. Even once Court action is commenced, there are formal and informal procedures, such as mediation, to resolve cases as quickly and cost effectively as possible.

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Dispute  
Resolution

For more information on Watermark's comprehensive range of intellectual property services contact [mail@watermark.com.au](mailto:mail@watermark.com.au)

