



## Audits and IP Policies

The goals of any intellectual property audit are to identify existing or potential assets that might be created or perfected, to assure that those assets produce their maximum potential return, and to confirm that our clients are in compliance with applicable laws. We offer audits focused on different types of intellectual property assets, as well as a comprehensive audit that combines each of the more focused audit services.

In addition, companies should ensure that they have an intellectual property policy, directed to their employees, that addresses fundamental questions such as: what is intellectual property, how is it identified and evaluated, to whom the policy applies, who owns the intellectual property created, under what circumstances the intellectual property can be used, and how the intellectual property of third parties is to be treated, among other matters. Vorys attorneys routinely assist clients with the development and drafting of appropriate intellectual property policies.

### RELATED PRACTICES

- Branding, Trademarks, and False Advertising
- Copyrights
- Labor and Employment
- Litigation
- Mergers, Acquisitions, and Sales
- Patents and Inventions

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### Patent Audit Services

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Our patent audit services often are combined with our trade secret audit. Through such audits, we examine whether our clients have appropriate technology ownership agreements with the employees and contractors who are involved in research and development, software and web site design, and other inventive activities. Another goal of the audits is to confirm that proper steps and procedures are in place to ensure that inventions are kept confidential and that confidentiality obligations are appropriately documented. In addition, we work with our clients to formalize the process they use to evaluate and timely file any U.S. or foreign patents.

### Trademark Audit Services

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Our trademark audit services involve a review of our clients' marketing materials, advertisements, web site, product packaging, and retail presence to confirm that our clients' trademarks are being used properly and that proper trademark or service mark notices are in place. In addition, we identify any trade dress rights that may exist or that might be created in our clients' packaging, product configurations, décor, or "look and feel." Once these existing and potential assets are

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## Audits and IP Policies (continued)

identified, we work with our clients to assess the sufficiency of their domestic and international registration portfolio. We also strive to streamline our clients' new trademark screening and clearance procedures to reduce costs and turnaround time in the screening process.

### Copyright Audit Services

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Our copyright audit services seek to identify all forms of creative expression that are generated by our clients and all third-party copyright assets upon which our clients rely. We work with our clients to make sure they have adequate licenses and other forms of permission in place for the copyrighted works they use. In addition, we will inventory and identify the potential copyright assets that our clients are generating and suggest the best ways to formalize and then exploit those assets.

### Trade Secret Audit Services

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Our trade secret audit services involve an on-site review of our clients' businesses and business practices in order to identify all potential trade secret assets arising from their businesses. We also review our clients' procedures and practices to confirm that reasonable procedures exist and are being properly followed to ensure that trade secrets are being kept secret. The goal of our trade secret audit is to put clients in the best possible posture for enforcing their rights against any former employee, competitor, or other third party who misappropriates their confidential information.

### Intranet/Internet Audit Services

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Our intranet/internet audit services provide clients with a comprehensive study of their web sites in order to achieve several objectives. We scrutinize the web sites to help our clients comply with various laws that may apply to the sites, such as privacy laws, technology export regulations, anti-boycott regulations, and the Foreign Corrupt Practices Act. Our study also looks to confirm that any copyright and trademark use permissions required by web site content have,

## Audits and IP Policies (continued)

in fact, been obtained from third parties. In addition, we review the web sites to identify protectable intellectual property assets that exist or may arise from the site, including copyright, trade secret, patent, trademark, and trade dress assets. Finally, our examination considers whether our clients' web sites make proper use of trademarks.