



legaligance

INTELLECTUAL PROPERTY PROTECTION



LEGALIGENCE STRATEGIC CONSULTING LLP™

Legaligance services for protection of Intellectual Property fall in two categories:

- **Due Diligence:** Evaluation of an IP portfolio of any business to provide comprehensive knowledge of the value and risks of a company's intangible assets.
- **Investigations:** Investigation of IP infringement including IP Theft, Counterfeit Goods and Patent & Trademark Infringement.

❖ OUR APPROACH

We focus on three components:

- Prioritization of the objectives.
- Due Diligence of As Is.
- Setting up a Framework for protection of IP to avoid misuse.

Examining these components helps derive maximum value from the IP underlying any technology-driven corporate transaction while concurrently satisfying the business goals of the deal. Whether IP lies at the heart of the relevant transaction or is just an added benefit that could be capitalized on, this approach allows companies to identify potential sources of liability and risk, and provide an understanding of the intrinsic value of the IP underlying the transaction.

❖ LEGALIGENCE INTELLECTUAL PROPERTY DUE DILIGENCE PROCESS

Identify Assets

- Identify a company's IP assets – patents or patentable assets, trademarks, designs, confidential information, copyright, domain names and so forth.
- Identify IPs that are or are not used and the opportunity of changing the use for different business purposes.
- Demonstrate the relevance of the asset concerned to the core business of the company

Ownership and Existence of IP

- An assessment of the ownership of the intangible: for e.g., sole or joint ownership
- If not, determine if the acquisition is necessary. If yes, take steps necessary to acquire the rights.
- Determine if there is an appropriate system to protect intangible assets with employees and business partner

Applicable Territory and Terms

- As assessment of the validity of each IP asset i.e., their term and territory. Ascertaining the territories in which the IP rights are protected especially if the company operates in several countries.
- Scrutiny to check the validity term of different IP assets like patents and copyrights. Checking and validating against local IP laws of each territory.

Restriction on IP Asset use

- To check if the value of the asset would not be diminished by any previous transfer of IP rights, an analysis of transactions such as licences, collaboration agreements, joint ventures and the like to make sure that there are no other restrictions on the use of the intangible concerned; namely, that the IP concerned can be commercialised with limited risk of liability for infringement - what is referred to as freedom to operate.

Check for Third Party Claims

- To check any third-party claims or interests with respect to the IP asset. To find out if rights have accrued in favour of a third party unknowingly.
- Scrutiny of all license and franchise agreements, joint venture agreements, memorandum of understandings to determine if any exclusive rights have been granted in relation to relevant IP.

Evaluate Potential IP Infringements

- There is always sensitive business information on the company network and many employees have access to it based on their roles. It is always a good idea to touch base with them often to make sure they are satisfied with their position in your company and are not in a position to pose a risk to the company.
- We help you create a framework to mitigate risks from employees playing crucial roles and having access to sensitive data.

Legaligence also conducts the IP due diligence for specific purposes such as:

- A buyer is interested in acquiring a company's IP assets.
- A venture capitalist wants to invest in a start-up company with relevant IP.
- A potential business partner is interested in licensing-in a company's IP.
- A company wants to use its IP assets to obtain financial loans.



❖ LEGALIGENCE IP INFRINGEMENT INVESTIGATION

We assist our clients by identifying counterfeit and piracy of their intellectual property assets, as well as by identifying the individuals and organizations behind theft and distribution of their counterfeited and pirated intellectual property and acting to negate these threats. We are well-versed in both civil and criminal remedies for intellectual property infringement and have substantial experience in working with law enforcement and legal partners to protect our Clients' intellectual property rights.

Our areas of investigation include:

- Copyright and patent infringement
- Trademark investigations
- Counterfeiting and piracy investigations
- Customer and market data theft Investigations
- Intellectual property theft and "leak" investigations