

Intellectual Property & Technology

Your brand is one of your business's most valuable assets and an essential element of any successful franchise system. Our Intellectual Property, Technology, and Privacy attorneys understand franchising. We regularly work with our industry-leading Franchise and Distribution attorneys to help franchisors protect and enforce intellectual property rights in the U.S. and abroad. Our trademark practice manages more than 9,000 active trademark records, which represent a mix of industries as well as businesses of varying sizes, complexities, and geographic locations. Other services include:

- Trademark clearance and brand protection
- Advertising review and clearance
- Copyright review and registration
- Privacy and data security review, assessment, and enforcement
- Software and technology licensing
- Trade secret protection and enforcement

From social media policy development to handling the aftermath of a data breach, Gray Plant Mooty's cross-functional IP team is well equipped to help franchisors navigate complex intellectual property issues.

Experience

Our experience in intellectual property issues includes a number of issues common to franchisors:

- Obtain trademark and domain name registration in the U.S. and in more than 160 countries
- Evaluate potential new trademarks to assess the risk of third-party infringement claims and the likelihood of successful registration of proposed trademarks
- Develop strategies for international trademark registration in line with planned development efforts and budgets
- Register, maintain, and manage portfolios of intellectual property assets
- Establish and enforce trademark and service mark standards within franchise systems
- Enforce post-termination covenants against former franchisees that continue to use system signage or other trade dress
- Enforce trademarks and copyrights against third-party infringers in state or federal courts and manage foreign trademark enforcement efforts
- Advise on the protection and registration of written and graphical material in the franchise system, whether protected by copyright or trade secret law
- Draft and negotiate software license agreements with software vendors or between franchisors and franchisees
- Develop web-based distribution and marketing systems

- Provide policies for franchise systems in connection with social media and intranets
- Advise franchisors on system standards for use of trademarks by franchisees and third parties on the web
- Assist franchisors with advertising law compliance, including laws regulating contests and sweepstakes, substantiation and comparative advertising, and word-of-mouth marketing
- Prepare Terms of Use and Privacy Policies for franchisor websites
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- Advise on data privacy and information security issues
- Handle domain name disputes using ICANN arbitration procedures