

# Intellectual Property

“**Harwood Andrews understands the commercial needs of its clients** and has a fully integrated intellectual property practice”

**Intellectual property is fundamental to every business. Whether it is the brand name of a product, service or your business name, artwork you have created, software you have developed, a unique device or process you have invented or the knowledge and experience gained by your employees. These are all valuable assets that need to be protected.**

The use and commercialisation of intellectual property can provide your business with a commercial edge which sets you apart from your competitors. For some businesses, the intellectual property it owns can be the most valuable asset on the balance sheet.

Harwood Andrews understands the commercial needs of its clients and has a fully integrated intellectual property practice offering comprehensive legal advice from protection through to enforcement in a wide variety of industries.

## Protection

It is important that intellectual property is captured and protected so it can add value to a business both now and in the future. We can assist our clients to identify the intellectual property they own and use so that it can be appropriately protected no matter whether the business operates within one state, interstate or crosses international borders, including:

- Providing brand selection advice including registrability and availability trade mark advice in Australia and internationally
- Filing and prosecuting trade mark applications in Australia and internationally
- Providing national and international filing strategies to best suit

the needs of our clients including using the Madrid Protocol and our trusted network of overseas agents

- Preparing submissions to overcome Trade Mark Office objections to registration in Australia and internationally
- Advising on the subsistence of copyright in works
- Conducting intellectual property audits which identify and assess the intellectual property used and owned for protection and risk management purposes
- Conducting internet domain name searches and providing conflict advice

## Commercialisation

The way in which intellectual property is used can provide immeasurable commercial benefits to a business. A successful business will use its intellectual property to market itself and its products and services. We have the commercial expertise to help our clients extract value from their intellectual property by advising on, drafting and negotiating business deals, including:

- Licensing and/or assignments of intellectual property including trade marks, copyright, patents and designs
- Supply and distribution agreements to facilitate the wholesaling and retailing of products
- Research agreements for research and development projects
- Confidentiality agreements and deeds to protect trade secrets in commercial arrangements
- Franchising arrangements for both franchisee and franchisor



YOUR OUTCOME • OUR PURPOSE

[www.harwoodandrews.com.au](http://www.harwoodandrews.com.au)

# EMPOWERING OUR CLIENTS TO ACHIEVE THEIR OUTCOMES

## Maintenance

As businesses develop and expand, it is important to have the appropriate business systems and structures in place to manage intellectual property. Harwood Andrews has the corporate knowledge and technology to provide a seamless management service to our clients, including:

- Advising on the appropriate structure or re-structure to best suit the needs of our clients for the cost effective holding of intellectual property
- Managing large intellectual property portfolios including ensuring expiry dates are met and providing regular portfolio reports
- Conducting trade mark watches for opposition purposes or to identify trade marks that pose an infringement risk
- Assessing the way in which intellectual property is used in advertising and promotional material to ensure legal compliance
- Preparing and responding to letters of demand relating to the infringement of registered and unregistered intellectual property rights
- Negotiating the global settlement of intellectual property disputes
- Conducting and defending trade mark oppositions in Australia and internationally
- Conducting and defending trade mark removal actions for non use in Australia and internationally
- Providing infringement advice and undertaking investigations into the use of intellectual property in the market place
- Conducting domain name disputes including cyber squatting
- Advising on the likelihood of successfully initiating or defending a passing off or misleading and deceptive conduct action

## Enforcement

Once intellectual property is safeguarded, to maintain its value, intellectual property must be enforced to prevent others from exploiting the exclusive rights obtained. At Harwood Andrews, our experienced litigation team can assist in asserting or defending the intellectual property rights of our clients, including:

- Conducting litigation related to breach of intellectual property rights.

**At Harwood Andrews, we strive to provide practical and commercial intellectual property solutions that can keep our clients ahead of their competitors.**

### Geelong Office

70 Gheringhap Street, Geelong VIC 3220  
PO Box 101, Geelong VIC 3220  
Tel. +61 3 5225 5225 Fax. +61 3 5225 5222

### Melbourne Office

Level 13, 15 William Street, Melbourne VIC 3000  
PO Box 633, Collins St West VIC 8007  
Tel. +61 3 9620 9399 Fax. +61 3 9620 9288

### Werribee Office

Suite 3, 10 Watton Street, Werribee VIC 3030  
PO Box 208, Werribee VIC 3030  
Tel. +61 3 9741 0077 Fax. +61 3 9742 5483

