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**The McNees Intellectual Property Group**



[www.McNeesLaw.com](http://www.McNeesLaw.com)



# INTELLECTUAL PROPERTY

Today, the effective management of intellectual property is essential to the success of any enterprise. Whether conducting business over the Internet or launching a new product, smart companies have come to recognize how critical intellectual property is to their very existence.

The Intellectual Property Group helps our clients navigate the myriad of legal issues arising from new and exciting developments in these areas of the law. We offer insights on how best to obtain and maintain a competitive advantage through the use and protection of intellectual property and technology. We engage our clients, learn their businesses and business plans, and use this knowledge to craft effective legal strategies.

We pride ourselves in providing cost-effective legal representation. Our hourly rates and billing methods are highly competitive compared to law firms in large metropolitan areas. We provide exceptional value to our clients.

The group currently consists of over 20 professionals, including over 10 registered to practice before the United States Patent and Trademark Office. To better serve the needs of our clients, our attorneys focus their practices in one or more of the following areas:

## Branding and Trademarks

We advise clients across industries on securing and maintaining legal protection for their brands, from trademark development and clearance to registration and protection. We represent clients with trademark initiatives on a worldwide basis through our extensive group of foreign agents. We also consult on trade dress issues, and the development, ownership and protection of copyrights.

## Licensing

We are regularly involved in the licensing, sale and acquisition of all types of intellectual property. We have unique experience in dealing with trademark license agreements, particularly private label and corporate brand agreements. We have handled a wide variety of patent and technology licensing agreements. Our group also handles entertainment licensing. For example, we controlled the branding and marketing for the thoroughbred racehorses SMARTY JONES, BARBARO, BIG BROWN and CALIFORNIA CHROME.

## Marketing and Advertising

Our trademark attorneys review marketing materials and advertising copy for proper use of trademarks and trademark and copyright designators, to address false and comparative advertising issues, and to consider regulatory compliance, such as human food and pet food labeling laws. We advise clients on how to protect creative marketing pieces through copyrights, trademarks and trade dress protection strategies. Our expertise encompasses complex copyright ownership issues, including the negotiation and preparation of advertising, contractor, artist and talent agreements through which our clients retain proper ownership of their creative works, such as advertising copy, photographs, websites and videos. We advise clients on contest rules and rights of publicity. We create website terms and conditions and privacy policies, consider website content, and ensure our clients' internet and electronic messages are compliant with federal and state law.

## Franchise and Distribution

We represent a large number of franchise and distribution companies, particularly in the food industry. We have considerable experience in dealing with distribution issues for food growers and processors, as well as food distributors and retailers. We assist clients with manufacturing, supply, distribution and sales representative agreements. We have been involved in the development and financing of franchise systems, as well as issues arising in the operation of franchises, such as franchisee termination issues, alternative locations, supply agreements and alternative distribution methods.

## Patent Practice

The Patent Practice handles patent application preparation and patent prosecution as well as counseling clients in matters regarding patentability, validity and infringement. Each of our patent practitioners holds an undergraduate or advanced degree in chemical engineering, metallurgical engineering and material science, computer science, electrical engineering, mechanical engineering or biochemistry. This diverse technical background permits us to provide support to a myriad of industries.

## Internet

We are actively engaged in the myriad of legal issues involved with the utilization of the Internet, including the terms and use of websites, e-commerce matters, domain name disputes, and privacy issues. We consult with our Privacy & Data Security Group on cyber attacks and breaches against our clients.

## Trade Secrets and Confidential Information

We consult regularly with our clients regarding policies and procedures for protecting trade secrets and confidential information. We draft and negotiate secrecy and confidentiality agreements for numerous types of relationships, transactions and situations. We work closely with our firm's Labor and Employment Group in drafting inventor agreements, employment contracts, and independent contractor agreements where trade secrets are a critical issue. Our Litigation Division has substantial experience in enforcing confidentiality and noncompete agreements.

## International Matters

We consult with clients on all aspects of international intellectual property protection and are regularly involved in international transactions involving intellectual property, and technology licensing and transfer. We assist clients in penetrating new markets through distribution and sales representative agreements.

## Technology and Software Services Counseling

We assist our clients in the acquisition, protection and licensing of software and technology services. Our attorneys are experienced drafters and negotiators of both traditional software licenses and modern technology service provider agreements including software as a service (SaaS), platform as a service (PaaS) and infrastructure as a service (IaaS) agreements. We understand that concerns over data security, data privacy (e.g., HIPAA, EU Privacy Directive), data return, transition services, and service level guarantees represent issues which are paramount in a technology service agreement. Our experience gives our clients an advantage when drafting or negotiating any agreement involving software or technology services.

## Litigation

Our Litigation Practice handles disputes involving copyright, trademark and patent infringement claims, false advertising cases, trade secret cases, technology disputes and Internet and e-commerce suits. McNeese handles disputes regarding advertising issues both in the courts and before the Better Business Bureau's National Advertising Division. We have unique experience in handling injunctions and other emergency litigation proceedings. Our trial attorneys also bring to bear years of experience in jury trials.

Recognizing our clients' needs for comprehensive counseling, we strive to understand their businesses and objectives, thereby providing greater value. As part of a firm comprised of more than 130 lawyers in six offices we are able to draw upon resources in numerous other important areas, such as corporate law, financing, mergers and acquisitions, telecommunications regulation and labor and employment. Our ability to assemble the right team for each project enables us to effectively advise established companies, start-up ventures and individuals.

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