

Copyrights Retained September 2008

Quarterly Newsletter

We are pleased to announce that we have grown to a 10 attorney firm by developing Of Counsel Relationships with Heartland Planning Group and Enterprise Law Group. We now have the resources of a 10 attorney firm to handle all your business, employment and intellectual property law needs. However, based on the specialized experiences of our firm we will continue to offer a high quality of service with personal attention to each client at reasonable rates.

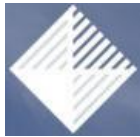
Law Updates

Copyright Law: Many individuals, entrepreneurs, small business owners, and midsize companies often fail to realize the untapped potential in their own website. Under 35 USC 102 (a) and the US Copyright Offices recently passed regulations, website are copyrightable. The regulations create nuisances relating to the scope of the copyright protection, but it can be useful in preventing others from downloading your work. The Copyright registration also has the potential for creating an income stream and an additional business asset for you to tap.

Employment Law: The Seventh Circuit Provides additional guidance on what is sufficient to put an employer on notice of sexual harassment in the workplace. In *Valentine v. City of Chicago and Journal Community Pub Group Inc.*, two recent 7th Circuit decisions, the court held the employee does not have to use the words sexual harassment, hostile work environment, sex or discrimination. An employee reporting that an individual was aggravating her and putting his hands on her was sufficient to put the Company on notice of sexual harassment. Thus, the Company was found liable for not undertaking additional corrective action.

Patent Law: The Federal Circuit limits the reach of the FDA exemption to patented products that are subject to FDA regulation. In [proveris-v-innovasystems](#), the Federal Circuit said the patented Optical Spray Analyzer was not subject to FDA regulation and the accused infringer was not using it to create a competing good thus, the FDA exemption did not apply.

Trademark Law: The Madrid Protocol process for registering marks with the World Intellectual Property Organizations is a relatively new, but can be invaluable in today's global economy. This international registration process allows a trademark owner to file a US application and designate additional countries to register the mark. If the mark is accepted for registration the mark will be enforceable in the designated foreign country from the date of filing the US application. This can be a cost efficient method of increasing the value of your mark and protecting your ability to expand into foreign markets.



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Tips to Minimize Legal Risk and Increase the Value of your Business.

1. We are pleased to offer sexual harassment training seminars as part our preventative legal services. Employers that provide sexual harassment training are better able to minimize the risks associated with these types of lawsuits. Providing a sexual harassment training seminar enables employers to raise affirmative defenses during litigation and reduce the possibility of large punitive damages awards. In addition, providing sexual harassment training may reduce your excess litigation coverage premiums for employment law claims. This is a valuable preventive step for many businesses.

2. Registering your website for Copyright protection and your business name for Trademark protection can allow you to increase the value of your business, prevent competitors from stealing your hard earned work, and create an additional source of revenues from infringement claims. Copyright and Trademark protection are often overlooked in favor of patent protection, but can be equally valuable to the development and growth of your business.

3. Creating a good Confidentiality Agreement for use in joint ventures, partnerships, and employee relationships is a very effective way to protect your trade secrets. Often recipes, product formulations, product packaging, business plans, manufacturing processes, market analysis and anything that else that give you a competitive advantage may be protected as a trade secret. Having a good Confidentiality Agreement in place may allow you to make sure no one else profits from your hard work.

If you are interested in learning more about our sexual harassment training seminars, registering your website or business name, or protecting your trade secrets using a good Confidentiality Agreement, then please contact our office.

About the Author

Vihar has seven years of experience practicing business, employment and intellectual property law. Vihar has a Biology degree from Illinois Wesleyan, a Juris Doctorate from SIU School of Law and a Masters of Law from DePaul University School of law. Vihar publishes and speaks on business, employment and intellectual property law topics on a regular basis. Vihar also believes in combining business, legal and scientific knowledge to create the best solution for his clients. Vihar's practice is structured on specializing to provide a high quality of service at a reasonable cost, without any arbitrary billable hours requirements. To find out more contract our office or review our website.