



Imagine the logo of your department or agency was being used for commercial purposes by a person or organization not affiliated with the state. What steps should the department take to stop the conduct and protect its rights to the logo? Or perhaps your department hired a consultant to prepare materials, including brochures, forms and publications. How would you determine how the materials can be used and under what circumstances? These are just two examples where intellectual property law affects the interests of state government.

What is intellectual property?

Intellectual property (IP) is a legal term that refers to creations of the mind, including an idea, invention or process.

Common examples include:

- software
- discoveries
- words
- phrases
- symbols
- logos
- designs

How can DGS help state agencies?

As of 2012, DGS was given the authority under statute to help state agencies and departments manage and protect their intellectual property assets. DGS will do so through the initiation of a multi-phase statewide outreach program.

For example, by registering service marks, trademarks and copyrights, when circumstances warrant, state agencies and departments will be better positioned to take legal action and avoid being associated with undesirable, unwanted and unacceptable messages.

What are the goals of the program?

- Increase awareness about the benefits and value of IP.
- Increase understanding of IP rights and the best ways to enforce them.
- Increase respect of IP, so that state agencies and departments do not inadvertently violate another party's IP rights.
- Develop appropriate contractual language to assist state agencies and departments in managing their IP.
- Establish a "help desk" to provide state agencies and departments with assistance in this complex area of the law.

What are the risks if you fail to protect your IP?

A failure to adequately manage IP can have serious legal consequences for your agency or department. One of the primary risks is that a failure to manage IP could lead to inadvertent violations of your department's IP rights. For example, the federal government is faced with the loss of some iconic and historical names at Yosemite National Park because it failed to adequately manage its IP. The rights to use historic names like the Ahwahnee Hotel may be lost unless the federal government pays \$51 million to a private concessionaire.