

Coronavirus legal support - Stephens Scown LLP

I am sending this email to provide you with some information and materials which I thought might be helpful for you and the members of the PMG, in the current situation. In addition to free materials and the legal helpline we have put together (as per the attached), we are also doing an increasing number of webinars and podcasts for particular sectors. We are seeing in the current situation that businesses are making quick decisions that have long term consequences. A lot of the questions we are being asked are about how businesses can make decisions that not only help them survive in the short term, but also thrive in the long term.

At present, and focusing purely on IP, IT and data protection issues, some of the key concerns we are seeing at the moment continue to be around:

1. Issues around working from home lawfully (e.g. taking into account GDPR and cyber security issues)
2. Collaborating with third parties on projects (including remotely)
3. Design and licensing issues;
4. Contractual issues around supply chains.
5. Consumer rights in online transactions – including cash flow penalties for getting this wrong.
6. Pitfalls in setting up quick solutions to deliver content online (e.g. waiving rights in IP)
7. Reputation management issues arising from letting consumers down.
8. Issues associated with expanding an audience, e.g. brand issues and territorial issues, e.g. from going online
9. Rise in cybercrime.

Thematically, many of the issues are arising as businesses look to pivot and make quick decisions (understandably) without considering how these decisions could have significant negative consequences for the health of the business long-term.

If you feel it would be useful for us to produce a webinar for your members, please do let us know and we would be happy to put one together at no cost.

IP Audits

I also wanted to let you know about some funding which is coming back online from the 20th April and which may be of interest to your members. This is the IP Audit funding offered by the UKIPO. A little more detail is given on this below but please let me know if it would be helpful to discuss this further/for me to put together content for circulation to the membership.

Our team has carried out over 130 IP Audits over the last 6 years so we are well placed to assist businesses who would like to access the funding.

IP Audit scope

Carrying out an IP Audit offers an opportunity to consider all IP rights which have been created in a business to date and how that IP (and any future IP rights) can be protected going forward. The scope of an IP Audit can include advice in relation to patents, designs, copyright and trademarks. The IP Audit could also include a review of all relevant commercial contracts a business has in place (e.g. NDAs and customer/supplier terms and conditions) and the IP implications in the same. The part-funded IP Audit buys around 12-14 hours of our time to scope the audit with a business, review all relevant IP rights already created and provide the business with a written report with a strategy to implement. We would also discuss the findings of the IP Audit with the business.

Cost

If a business is eligible for the funding the total cost to the business for the IP Audit would be £500 (inc VAT) and the UK Intellectual Property Office would pay £2,500 (inc VAT).

Why should a business apply for funding to conduct an IP Audit?

An IP Audit can:

- Reveal any weaknesses in current IP;
- Help a business grow;
- Offer the business new opportunities;
- Differentiate the business from competitors;
- Help the business increase the value of its IP assets and therefore business;
- Make the business more attractive to potential investors and funders; and
- Reveal any IP assets that the business was not aware of and establish ownership.

Overall, the IP Audit will provide the business with a strategy for developing and protecting its IP assets.

An IP Audit provides a strategy on how best to protect and commercialise IP assets.

Funding available and next steps

There will be IP Audit funding available for businesses from 20 April which your members may be eligible to apply for.

If you would like to discuss the above or any concerns that you/your members may have at this time, please do not hesitate to contact me.

I look forward to hearing from you.

Ben Travers

For and on behalf of Stephens Scown LLP

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