

7 STEPS

TO TAKE BEFORE YOU LITIGATE to reduce your fees and increase your chances of success

Want to win your IP litigation case and reduce fees?

Make sure you take these 7 simple steps before you litigate.

1. MARK YOUR MATERIAL

Copyright markings allow you to rely on presumptions under the (c) Act so the enemy needs to prove you don't own the material, not the other way around.

ProTip: make sure you only mark the material you own and don't mark material that is not protected by (c) rights.

2. ENSURE YOU OWN YOUR IP

Only owners or exclusive licensees can take action for IP infringement. Are you sure you own your IP? Are your contractor agreements in place and comprehensive? Did your operating company use your TM before your holding company used it?

3. PUT PEOPLE ON NOTICE

Marking your material to show it is protected by Copyright, Trade Mark or Patent rights may stop the enemy using some defences to infringement.

4. TRY TO SETTLE THE DISPUTE

You are obliged to make a genuine attempt to settle the dispute before proceeding to Court. If you do not do so, the other party can pursue you for costs.

5. SECURE EVIDENCE

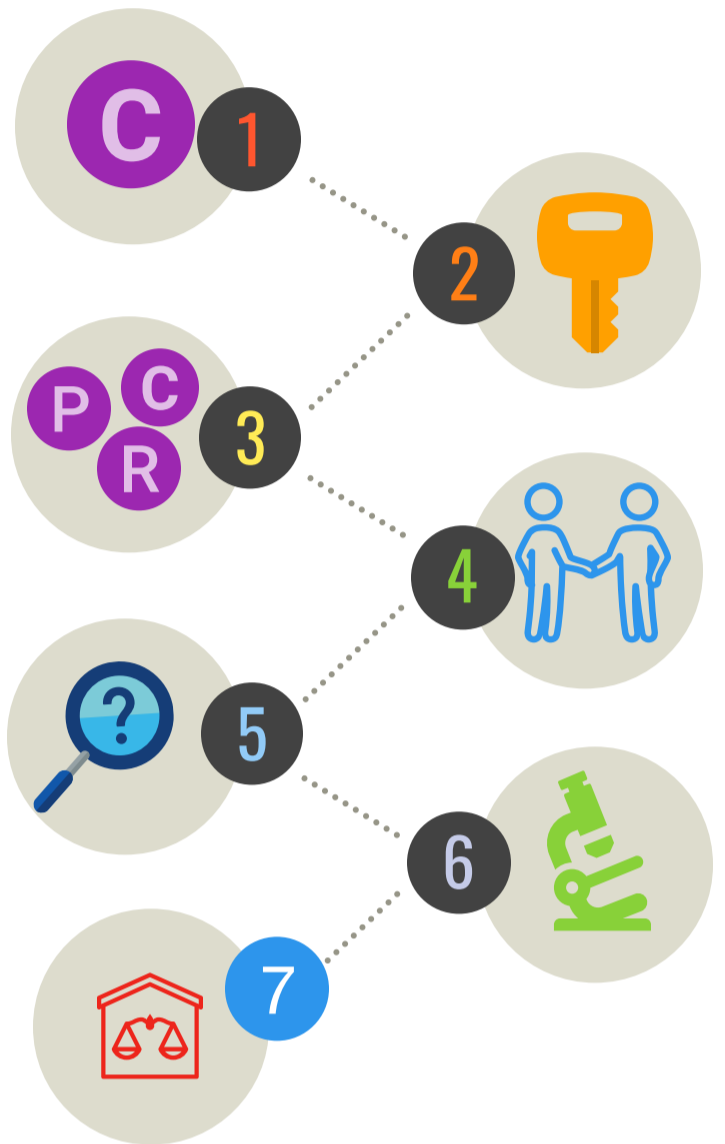
Once you put the enemy on notice of the dispute the evidence may disappear. Make sure you record any evidence you have for evidence purposes.

6. RESEARCH THE INFRINGEMENT

The IP Acts contain provisions to stop groundless/unjustified threats. Make sure there is an infringement before you make the accusation.

7. GET THE RIGHT ADVICE

Not all lawyers are created equal. Make sure you get competent legal advice from lawyers who have run cases like yours before.



Call EAGLEGATE

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We have run cases like yours before, we have won cases like yours before, let us win your case.

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Nicole has supported me and our companies on matters in Australia for years – from acquisitions, to employment-related matters, to general contract work. She has an excellent understanding of software and mining technology. I recommend her unreservedly.

Collin Webb, Assistant General Counsel, Hexagon Group.

Call for a free consultation

FIXED FEE
AVAILABLE

As a marketing director in the cosmetics industry, we have utilised Nicole Murdoch's services for approx. 8 years. Nicole is always highly professional with a friendly attitude and supportive attitude.

Mandy Jolly, Marketing Manager, International Hair Cosmetics