

FEATURE ask an expert

help, help, help...

A READER ASKS:

How can I make sure my brand is legally protected?



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Penina Shepherd answers

When you commission a designer to design your logo, website, brochures, or carry out any such other creative work for you they own all the intellectual property rights to the designs!

Many businesses are misled by the common myth that if they paid for the design of their brand (such as the company name and logo), they own the intellectual property rights in their brand.

However, this is not the position under the law. If a brand designer designed your logo for you, it is the brand designer who owns it and you may have no right over your own logo. This is the case even if you paid for the work, regardless of the level of fees.

To transfer the ownership back to you, you must ensure that the designer legally assigns the rights over to you under a legally binding document known as Assignment Agreement.

The good news is that Assignment Agreements are brief and inexpensive. Even if you have already commissioned such work without protecting your rights, it is not too late. As long as you can allocate your designer, such agreement can be effected retrospectively. As you are probably aware, intellectual property turns innovation into a transferable asset of real value. When you come to sell your business, often the intellectual property rights in it are its greatest asset and if they are not protected, you could substantially reduce the value of your business.