

PROTECT IT

# Protecting Your Intellectual Property

Your Brand, Your Content, Your Methods — Secured

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In most businesses, the most valuable things you own are not physical. They are your name, your brand, your content, your methods, and your ideas. Intellectual property law exists to make those things yours — legally, exclusively, and enforceably. Most small business owners leave all of it completely unprotected. Not because they do not care. Because no one told them this conversation was theirs to have.

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## SECTION 1 — WHAT IT IS

Intellectual property — IP — refers to creations of the mind that have commercial value. Your business name. Your logo. Your written content. Your course curriculum. Your proprietary process or methodology. Your software. Your product design. These are assets. And like physical assets, they can be owned, protected, licensed, sold, and stolen.

IP protection is the legal framework that gives you exclusive rights to those assets — and the ability to enforce those rights if someone takes what is yours. Without protection, someone can copy your brand name, replicate your content, use your methodology, or steal your designs — and you may have very little legal recourse.

### The Four Types of Intellectual Property

IP TYPE	WHAT IT PROTECTS	HOW YOU GET IT	HOW LONG IT LASTS
Trademark	Brand names, logos, slogans, and other identifiers that distinguish your business in the marketplace.	Application to the USPTO (U.S. Patent and Trademark Office). Requires use in commerce and examination process.	10 years, renewable indefinitely as long as the mark is in use and maintained.
Copyright	Original creative works — written content, music, art, photography, video, software code, course materials, website copy.	Automatic upon creation. Registration with the U.S. Copyright Office strengthens enforcement rights and is required before filing an infringement lawsuit.	Life of the creator plus 70 years for individuals. 95 years from publication for works made for hire.
Patent	Inventions, processes, designs, and plant varieties. Utility patents cover how something works. Design patents cover how something looks.	Application to the USPTO. Rigorous examination process. Requires novelty, non-obviousness, and utility.	Utility patents: 20 years from filing. Design patents: 15 years from grant.
Trade Secret	Confidential business information that provides competitive advantage — formulas, processes, client lists, pricing strategies, proprietary methods.	No registration. Protected through confidentiality agreements, internal security practices, and legal action if misappropriated.	Indefinite — as long as the information remains confidential and reasonable steps are taken to protect it.

### Trademarks — The One Most Business Owners Need First

For most business owners, the trademark is the most urgent IP conversation. Your business name and logo are the foundation of your brand. If someone else registers that name as a trademark before you do — even if you

have been using it for years — they may have the legal right to force you to stop using it. That means rebranding. New domain. New social handles. New marketing materials. All the brand equity you built attached to a name you can no longer use.

LEVEL	WHAT IT MEANS	PROTECTION SCOPE
Common Law Trademark (™ symbol)	Rights established through actual use of the mark in commerce, even without federal registration.	Limited to the geographic area where you operate. Harder to enforce. No nationwide presumption of ownership.
Federal Trademark Registration (® symbol)	Rights established through registration with the USPTO after examination and approval.	Nationwide protection. Legal presumption of ownership. Ability to use ® symbol. Stronger enforcement rights. Ability to record with U.S. Customs to block infringing imports.

### Before You Register — Search First

Filing a trademark application without searching first is one of the most expensive mistakes in the process. If your mark is too similar to an existing registered mark in the same category of goods or services, the USPTO will reject it — and you will have paid the filing fee with nothing to show. Worse, if you have already built a brand around that name, you may receive a cease and desist from the existing mark's owner. Before investing in a business name or logo, search the USPTO's TESS database and consult a trademark attorney. The search is the first step, not the last.

### Copyright — What You Already Own

Copyright protection is automatic. The moment you create an original work — a blog post, a video script, a course module, a photograph, a piece of music — you own the copyright. You do not have to register it to own it.

Registration matters for enforcement. If someone infringes your copyright and you have not registered the work, your ability to collect statutory damages and attorney's fees in court is significantly limited. Registering with the U.S. Copyright Office is inexpensive and straightforward — and it transforms your ownership from a moral claim into an enforceable legal right.

## SECTION 2 — WHY IT MATTERS FOR YOU

Your brand is likely the most valuable asset your business has. The name people search for. The logo they recognize. The voice and the content that built your audience. The framework or methodology that makes what you do different from everyone else doing the same thing. None of that is protected by default. You have to build the protection intentionally — and the earlier you do it, the less it costs.

### The Mistakes That Cost the Most

THE MISTAKE	WHAT IT ACTUALLY COSTS YOU
Using a name without searching for existing trademarks	You build a brand for two years. A cease and desist arrives from a company that registered a similar mark in your industry. You rebrand. Everything you built under that name loses its continuity. The cost is not just legal fees — it is the brand equity you cannot take with you.
Not registering your trademark before you scale	The longer you wait, the more expensive the trademark becomes to enforce — and the more brand equity is at risk if someone else registers a similar mark first. Register early, while the cost is low and the risk is manageable.
Assuming your LLC registration protects your brand name	Registering an LLC with a state does not give you trademark rights. Another business in a different state can legally operate under the same or a similar name. Only a federal trademark registration gives you nationwide protection.
Hiring creatives without a written contract assigning IP	If you hire a designer, developer, or content creator without a contract that explicitly assigns IP ownership to you, they may legally own what they created — even though you paid for it. Work-for-hire agreements and IP assignment clauses in contracts are not optional when you are paying someone to create something for your brand.
Sharing your proprietary process without NDAs	If your competitive advantage is a method, a system, or a process — and you share it with potential partners, contractors, or clients without a non-disclosure agreement — you have no legal recourse if they use it without you. Trade secrets are only protected if you treat them as secrets.
Using others' content without permission or licensing	Images, music, fonts, and written content are all protected by copyright unless explicitly released for free use. Using them without a license — even unintentionally — exposes you to infringement claims. The fact that something appeared on Google Images does not mean it is free to use.

### IP as a Business Asset

Beyond protection, intellectual property is a business asset with real financial value. A registered trademark can be licensed to others for a fee — generating revenue from the brand without you doing additional work. Copyrighted content can be licensed, syndicated, or sold. A patented invention can be licensed to manufacturers. A proprietary methodology can be packaged into a certification program or a franchise model.

When you go to sell your business, the IP you own — registered trademarks, copyrighted content libraries, proprietary systems — is part of what a buyer is acquiring. A business with registered IP is worth more than one where the assets are informal and unenforced. The protection creates the value. The value becomes part of the exit.

### **Your Methodology Is Your IP**

If you have developed a proprietary framework, a unique process, a named system, or a specific approach to solving a problem — that is intellectual property. It may be protectable as a trademark if it has a distinctive name. It is protectable as a trade secret if it is kept confidential. And it is one of the most defensible competitive advantages you can build — because it lives in how you think, not just what you produce. Document it. Name it. Protect it.

## SECTION 3 — HOW IT FITS YOUR WEALTH PICTURE

Intellectual property is where the intangible becomes the most valuable. The brand you built, the content library you created, the methodology you developed — these are assets that can appreciate, generate revenue, transfer to heirs, and command a premium in a sale. Protected IP is wealth. Unprotected IP is just exposure.

### IP Protection + Business Valuation and Exit

When you sell a business, buyers are acquiring assets. Registered trademarks, content libraries with documented ownership, proprietary systems, and licensed IP all add to the valuation. A brand name that is trademarked is an owned asset. A brand name that is not trademarked is a name you have been using — which is not the same thing in a transaction. Building and protecting your IP from early in the business is one of the most direct ways to increase what the business is worth when the time to exit arrives.

### IP Protection + Succession and Legacy

If your business transfers to a family member or a successor, your IP transfers with it. A registered trademark transfers cleanly through an assignment. A content library with documented copyright ownership transfers cleanly through the estate. IP that was never formally protected — names in common use, content with unclear ownership, methods that were never documented — creates ambiguity in a transfer that an attorney has to sort out. The cleaner your IP ownership, the cleaner the succession.

### IP Protection + Contracts

IP and contracts are inseparable. Every creative hire needs a work-for-hire clause or IP assignment agreement. Every partnership that involves your proprietary methods needs an NDA. Every licensing arrangement needs a written license agreement that defines the scope, the term, and the compensation. Without the contract, the IP protection is theoretical. The contract is what makes it enforceable.

### IP Protection + Revenue Streams

Protected IP can generate revenue on its own. A trademarked brand can be licensed to franchisees or partner businesses. A copyrighted curriculum can be licensed to institutions. A proprietary process can be packaged into a certification that others pay to earn. These are revenue streams that exist because the IP was protected — not just used. The protection is what creates the legal right to monetize it in these ways.

### IP Protection + Brand Equity and Audience

The audience you have built, the trust your brand carries, the recognition your name has earned — all of it is built on top of the IP. If the brand name is not protected and someone else uses it, the audience does not automatically come with you when you rebrand. The equity stays attached to the name. A registered trademark is what makes that name exclusively yours — and protects the equity you built under it.

## Your IP Audit — Start Here

What is your business name — and have you searched for conflicting trademarks? Have you filed for federal registration? What does your logo represent — is it distinctive enough to trademark? Has it been registered? What content have you created — blog posts, videos, courses, templates, frameworks? Do you have documentation of ownership and creation dates? Have key works been registered with the U.S. Copyright Office? Have you hired designers, developers, or writers? Do those contracts include IP assignment clauses that transfer ownership to you? Do you have a proprietary process or methodology? Is it documented? Is it covered by NDAs when shared? Are you using any images, fonts, music, or software without verified licensing? That is exposure — not a small one. Is your IP included in your business succession plan? In your estate plan? Does your successor trustee know it exists and where to find the documentation? These are the questions that turn IP from an assumption into a protected asset. The answers tell you where the work is.

## A Note on How PEG Handles This Topic

This guide is educational. Trademark registration, copyright enforcement, patent applications, and IP assignment agreements are all areas that require a licensed intellectual property attorney to execute correctly. IP law has significant nuance — what is protectable, how to register it, how to enforce it, and how to structure licensing arrangements are all fact-specific decisions. PEG does not provide legal services and does not receive any compensation related to the legal decisions you make. Our role is to make sure you understand that your IP is an asset worth protecting — and that you walk into an IP attorney's office knowing what you own and what you need.

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*This resource is part of the Protect It pillar inside Parlor Exchange Global membership. For expert sessions on intellectual property protection and brand legal strategy, visit the PEP partner workshops inside your membership portal.*