

Responding to IP Theft

This playbook outlines a sequence of steps to take when confronted with the theft or misappropriation of intellectual property (IP). It covers various actions ranging from initial response, protection measures, to seeking legal recourse.

Step 1: **Assessment**

Conduct a thorough assessment to confirm that intellectual property has indeed been stolen or misappropriated. Gather all relevant evidence, documentation, and any potential witnesses.

Step 2: **Record Evidence**

Secure and make copies of all evidence relating to the potential theft. This includes digital files, access logs, emails, and any other information that supports your claim.

Step 3: **Internal Review**

Initiate an internal review to determine the extent of the theft and the potential impact on the business. Engage with relevant departments such as IT, legal, and human resources.

Step 4: **Legal Consultation**

Seek advice from an attorney specialized in intellectual property law to understand your rights and options for legal action. Discuss the potential for civil litigation or criminal charges.

Step 5: **Protect IP**

Implement additional security measures to prevent further theft and safeguard the intellectual property. Update passwords, access controls, and consider technical solutions like encryption.

Step 6: **Notify Stakeholders**

Inform all relevant stakeholders about the situation, including employees, business partners, and customers as appropriate. Maintain transparency while protecting sensitive details.

Step 7: **Public Statement**

If necessary, prepare a public statement that addresses the theft and outlines the steps your organization is taking. Ensure the message is consistent and legally vetted.

Step 8: **Enforce Rights**

Take legal action as advised by your attorney. This might include sending cease and desist letters to the infringing party, filing a lawsuit, or working with law enforcement if criminal activity is involved.

Step 9: **Monitor Situation**

Continuously monitor the situation and the effectiveness of the measures taken. Adjust strategies as needed and remain vigilant to prevent future occurrences.

Step 10: **Review Policies**

After the situation has been addressed, review and revise company policies and training programs to strengthen IP protection and avoid similar incidents in the future.

General Notes

Confidentiality

Maintain confidentiality throughout the investigation to protect the integrity of the evidence and the reputation of any individuals involved.

Documentation

Keep meticulous records of all steps taken in response to the IP theft, as these may be important in any legal proceedings.

Collaboration

Collaborate with other companies and industry groups that may have experienced similar issues to share information and strategies.