

Recent events have
made the patents
value of question



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Before BUG, Inc. decides to go international the company needs to apply for patents and trademarks to safeguard their corporate image and their product. At the baer minimum, the company needs to apply for an American patent and trademark. Under the guidelines of the Paris Convention of 1870, more than 125 nations worldwide recognize patents that are registered with the World Patent Office in Switzerland (“ International Protection of Intellectual Property” 2007).

Recent events have made the patents value of question in some Third World countries as there is an international movement to allow developing nations an exemption from world patent laws, but given the the nature of the product and the import regulations of most modernized countries, the patent protection is certainly worth having. Also important is an international trademark for the company logo (U. S. Trademark Law 2007). Establishing a legal claim to the trademark can help the company to establish an international identity associated with both their name and logo.

Neither of these protections are particularly expensive and they can prevent the sale of black market goods which infringe on the BUG, Inc. product. They can also make it possible for BUG, Inc. to seek recompense in the event of patent infringement. Establishing the trademark and patent becomes especially important when Steve engages is corporate espionage and relays internal research and development information to BUG, Inc. ’s competitor, WIRETAP.

The first thing that BUG needs to take into consideration with regard to the Steve’s actions as an employee of WIRETAP is that he ahs committed a federal crime under the Economic Espionage Case of 1996 (“ Economic <https://assignbuster.com/recent-events-have-made-the-patents-value-of-question-research-paper-samples/>

espionage", 2007). That means that if the company can produce sufficient evidence, Steve could be facing federal charges for his action. Steve could face 10 years in prison and up to \$500, 000 in fines related to criminal charges of the theft of trade secrets (Halligan 1996). WIRETAP could face \$5 million in fines. (Halligan 1996).

Because Walter was not a law enforcement official, it could be argued that his keeping Steve in a locked room for six hours constitutes false imprisonment and he could face criminal charges related to those actions (Best Practice #1, 1999). According to the International Association of Security Professional, the law allows security guards to detain people suspected of a crime long enough to ascertain their identity and to contact the police, not to question them for six hours, depending on the state they are operating in, he could be charged with false imprisonment or kidnapping.

(Best Practice #1, 1999). In addition, in most states, his threats of physical violence, though only threats, constitute a verbal assault on Steve and he could be charged with assault as well. (Online Dictionary, 2007) Furthermore, because Walter did this while on the job and used a company facility to do so, BUG, Inc. may face some liability for his actions as well. BUG could argue that Walter was not acting within the scope of his duties, but that is belied by the fact that he took these actions on company time and on company property.

(Best Practice #1, 1999). This may mean that because of Walter's actions, BUG could be facing greater liability than Steve is. When BUG goes online, it is possible that they may be able to acquire the domain name previously purchased by the clearinghouse corporation through a lawsuit arguing that <https://assignbuster.com/recent-events-have-made-the-patents-value-of-question-research-paper-samples/>

the clearinghouse purchased it with the intention of depriving them from the trademark (Uniform Domain, 1999).

There are also provisions for administrative hearings if BUG can demonstrate that the other entity adopted the domain name just in an attempt to deprive them of the name by which they are commonly known (Uniform Domain, 1999). However, it would be imperative as their attorney to explain that the cost of instigating the lawsuit could be large and that they should weigh the cost of the lawsuit against the cost of simply purchasing the domain name from the current owners. There are provisions for the recovery of fees through the administrative hearing process, but they are not guaranteed to win (Uniform Domain, 1999).

BUG should also be aware that as the instigators of an online contract they can determine what circumstances constitute acceptance of the contract and that American courts have held that online contracts are every bit as binding as written contracts (CyberLaw 2007). The company should also determine what their policy is with regards to sale of their product to non-law enforcement personnel and if they intend to distribute exclusively to appropriate law enforcement personnel, how they will verify that the person ordering the supplies is who they claim to be.

The corporation should also consider contracting with an outside firm to supply website security to protect their financial transactions from hackers (CyberLaw 2007). At the BUG plant in Shady Town, BUG liability for the attack on the vendor and employees is mitigated by the fact that there is a community-wide crime spree underway and by the fact that the company has not replaced lights that have been broken or burned out. As an invited

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guest of the company, the vendor has the right to expect safety as do employees (Killion, 2007).

When sued for losses which occurred on their property, Bug's attorneys can argue that their responsibility to provide a safe environment for employees and clients was undermined by the community-wide crime spree (Killion, 2007). The investigation into Steve's actions might result in civil RICO proceedings if the company can prove underlying mail, wire or securities fraud (" Overview" 2007). Without evidence of the underlying crime, there is no way to pursue civilian RICO charges (" Overview" 2007).

Because the company was aware of the potential danger posed by the earlier model and opted not to correct it in an effort to lower production costs, BUG is liable for the injuries suffered by Sally. (" Product Liability" 2007) If the company had been unaware of the injury potential from the model or had discovered it after the model was in mass distribution and had issued a recall, their liability might have been lower. However, the company was aware of the problem and chose not to fix it in an effort to make more money.

At that point, a good personal injury lawyer could argue that BUG was negligent and therefore should be forced to pay not only actual damages to Sally, but also punitive damages in the form of an award for pain and suffering. Punitive damages are awarded when the court determines that a company should be punished for their actions; in this case, for knowing that the product was potentially hazardous and doing nothing to end the danger.

If the case went to trial, BUG's attorneys could argue that the newer models of the device were safer and that the responsibility for Sally's injury should be shared by her employer for failing to provide her with the newer model, but this argument does nothing to decrease BUG's liability. ("Product Liability" 2007). WORKS CITED "Best Practice #1: Detaining Shoplifting Suspects" www.iapsc.org/uploaded_documents/bp1.doc, November 6, 2007. "Computer Crimes & Intellectual Property Law" <<http://www.usdoj.gov/criminal/cybercrime/iplaws.html>> November 6, 2007. "Cyber Law" [http://www.sidley.com/cyberlaw/features/int_juris.](http://www.sidley.com/cyberlaw/features/int_juris.asp)

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