

Intellectual Property - Ethics

- General Considerations
- Law Firm Security
- Web Page Advertising
- Email

General Considerations (1)

- As in all fields of law (e.g., tax, securities), call in experts when needed
- Counsel clients to file patent applications before disclosures or offers for sale
- Counsel clients to use non-disclosure agreements regarding their technology

General Considerations (2)

- For business names, trademarks, and service marks, counsel clients to commission a trademark search before adoption
- When representing closely held business, watch potential conflicts of interest between principal and company (who is the client?)

Law Firm Security (1)

- Adequate Virus / SpyWare protection?
- For Intranets, make sure firewalls in place
- Lock up sensitive computers; perhaps detach from all networks
- Has a security audit been performed?
(e.g., by Integrity Networking Systems)

Law Firm Security (2)

- Your firm computers contain many client confidences
- Recall that trade secret is anything held secret which grants a competitive advantage over competitors
- Watch for accidental exposure over Internet via Web Site or security glitch

Web Page Advertising

- **LAWYER ADVERTISEMENT** at top of each page
- Submit to Legal Advertising Committee of the Disciplinary Board; Filing Fee = \$50.00
- Form on page 171 of 2000-2001 New Mexico Bench & Bar Directory
- Treat like other advertising to non-lawyers
- Label general info as “not legal advice”

Email (1)

- No more dangerous than other media, including phone, fax, mail, courier
- Watch recipient addresses and carbon copy addresses
- Use Pretty Good Privacy (PGP) or Verisign certificate encryption of sensitive info; <http://web.mit.edu/network/pgp.html>
<http://www.verisign.com>

Email (2)

- When appropriate, use statement such as:
“The attorney-client privilege and/or the attorney work product doctrine apply to this communication, including all attachments hereto. Furthermore, the communication is confidential and intended only for the named recipient.”