

Do-It-Yourself (DIY) Intellectual Property – Why hire a lawyer when you
can do it yourself?
by Jonathan Richards

The internet provides many wonderful benefits, but DIY intellectual property sites may not be all they're cracked up to be. The same can be said about various IP tasks that some may consider to be relatively simple and straight forward, such as filing trademark and copyright applications. The U.S. trademark and copyright offices have gone to great effort to make electronic filing accessible to the public. In addition, a variety of sites exist that will help guide you, via fill-in-the-blank forms, to prepare and file a trademark or copyright application for a nominal fee. In some cases, for an additional fee, someone, somewhere, will even review the application and suggest changes before filing the application for you. However, the fees such sites charge are typically not that much less than what an experienced trademark attorney located in your very own community (and with whom you can directly consult) would charge for performing the same scope of work.

Such DIY sites seem inviting, but they pose the risk of lulling users into a false sense of security. It is important to bear in mind that behind any on-line form exists a complete body of law (including case law, statutes, regulations, rules of practice, etc.) that can significantly impact the rights you may ultimately obtain. Even the most basic on-line trademark and copyright forms provide numerous options and decisions that must be navigated to complete and file an application. At a minimum, this requires you to invest the time and effort to learn the interface. Beyond that, it can also be risky to go-it-alone unless you have at least a basic understanding of the underlying substantive law. While these on-line sites also commonly provide links to a wealth of reference material in that regard, how much time are you realistically willing to take to educate yourself on the substantive law in order to know the significance of selecting one option over another — or the significance of the information you enter into the form? If your attempts prove unsuccessful, at the very least you risk the time and money you invest in your ill-fated attempt. In addition, you may also risk losing or impairing rights to which you might otherwise have been entitled. More serious and risky still, if you embark on a path that poses a potential risk of infringing another entity's trademark rights, this could potentially expose you to damages for trademark infringement, attorney's fees and/or disruption to your business if you were forced to change over to a new trademark.

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What you really need to consider is this — sure you may be able to save a few bucks by populating the fields of a generic form yourself, but is it really a good value if that application gets rejected for reasons that an experienced IP attorney may have easily helped you avoid in the first place or, more seriously, if you actually lose rights or expose yourself or your business to additional risks in the process? If you are serious about protecting your valuable intellectual property, don't risk it alone – hire an expert.