

THE ART AND BUSINESS OF BAKING

batter up

SPRING 2019

SWEETEST BAKERY IN AMERICA

Meet the
contest winner

GIVE LTOs A GO

Tips for
successful
limited-time
offers

IN SEARCH OF SUCCESS

Bake SEO strategy
into your website



Gourmet Donuts,

FROM STAPLE TO STANDOUT



MASTERING INTELLECTUAL PROPERTY

A little homework can go a long way toward protecting your bakery's brand and products.

Understand Your Legal Options

1 Per the U.S. Patent and Trademark Office: A **trademark** protects branding. Think your bakery's name, logo and signature product names. A **patent** protects inventions or innovative methods, covering machines, manufactured items and chemical compositions. A **copyright** protects original literary and artistic works, like website content, menu design and marketing materials. A **trade secret** is information that provides an economic advantage over competitors that don't know or use this info. Think recipes, manufacturing processes, customer lists and marketing strategies.

Consider Legal Counsel

2 It's a good idea to get expert guidance from a lawyer, preferably one with intellectual property and food experience. A **lawyer can help you identify what assets to protect—and how to best protect them**, explains Rosaleen Chou, an attorney with Knobbe Martens in Irvine, California, who focuses on trademark and copyright protection. "Cost is always a concern, so at least cover the bare essentials of protecting your business name," she says.

Do Some Digging

3 Avoid infringement (using intellectual property that's already claimed and protected) by **exploring existing patents and copyrights before making major branding decisions**. "Just because you get a domain name or register something with the secretary of state does not mean you can use this name," Chou says. While bakers can use market research to identify competitors, a lawyer can access special databases and review this information through a legal lens.

Document Your Ideas, Processes and Products

4 **Keep dated records of product "blueprints,"** or recipes, as well as notes you take while creating products, which can provide proof of concept. In addition, **take photos** of products, signage and your bakery's interior. Bakers may consider contracts (such as confidentiality and nondisclosure agreements) with employees, business partners and co-owners to protect special recipes or processes. Chou also suggests limiting access to proprietary information. For example, don't share a secret recipe digitally. If your bakery has multiple locations, you may make the recipe in one kitchen and distribute the finished product to others.

Articulate Clear Ownership

5 Once you've taken the proper legal steps to protect your bakery brand and its assets, make sure you **clearly communicate ownership to employees, vendors, suppliers, consumers and the media**. Chou advises putting legal notices, such as the appropriate trademark symbol and copyright notice, on packaging, marketing materials and webpages.

— Lisa A. Beach