

Intellectual Property Checklist

Do I have IP?

This document is a resource for organizations to understand whether they might have intellectual property (IP).

Is your work protected intellectual property? This checklist helps you identify and safeguard valuable IP assets in your training and curriculum materials. By answering straightforward questions, you'll discover what IP you own and learn concrete steps to protect it. Taking these steps now helps preserve your competitive advantage and prevents misuse of your work.

Originality Check for any asset you have created

- Was the asset independently created by or for your organization?
- Does the asset contain a minimal degree of creativity?

Training Material and Content

- Have you created original training manuals or workbooks?
- Do you have proprietary assessment tools or rubrics?
- Have you developed unique presentation slides or visual aids?
- Do you have original case studies or scenarios?
- Have you created custom digital learning modules?
- Do you have original videos, musical or multimedia content?

Methodologies and Processes

- Do you use unique training delivery methods?
- Have you developed proprietary frameworks for learning?
- Do you have specialized assessment methodologies?
- Have you created unique ways to measure learning outcomes?
- Do you use distinctive, documented facilitation techniques?
- Have you developed special curriculum development processes?
- Has your work been fixed in a tangible medium?

Branding & Identity

- Do you have a distinctive program name?
- Have you created a unique logo or visual identity and confirmed their uniqueness through searches?

- Do you use specific taglines or slogans?
- Have you developed recognizable course titles?
- Do you have branded certification programs?
- Have you created distinctive program formatting or styling?
- Are the above used in commerce to identify and distinguish your goods or services?

Trade Secrets and Know How

- Do you have confidential client customization processes?
- Have you developed private pricing strategies?
- Do you maintain confidential client lists or partnerships?
- Have you created unique quality control methods?
- Do you have proprietary data analysis techniques?
- Have you developed special client engagement methods?
- Does your organization possess confidential information that gives it a competitive edge, including what not to do or what doesn't work in certain circumstances?
- Has your organization taken reasonable measures to keep the information confidential, such as using NDAs, limiting access, and securing data?
- Are the above secrets not generally known or readily accessible and can they be maintained as secret?

Scoring Guide

- If you checked any boxes in a section, those items likely qualify for IP protection
- Multiple checks in a section suggest significant IP assets requiring comprehensive protection
- Items checked across multiple sections may benefit from multiple forms of IP protection

Next Steps

- Document creation dates for checked items
- Review current protection measures
- Identify gaps in protection
- Develop action plan for securing and appropriately marking IP
- Consider consulting IP professionals for high-value assets