

Introduction

This memorandum traces out the due legal process and perks for iHiker to defend its essential intellectual property (IP). Precisely, it communicates about the necessities for appending federal registration for our restricted software (copyright) and company name (trademark), and the imperative actions to protect our trade secrets. Dynamic legal safeguards are essential for maintaining the competitive benefits and guarantee of iHiker to show what we have for competent legal remedies against potential violation or misappropriation.

Copyrights

Copyright is “a legal right that gives the author of qualifying subject matter, who meets other requirements established by copyright law, the exclusive right to publish, produce, sell, license, and distribute the work.” (Cheeseman, 2021, p. 139).

For the proprietary software of the iHiker, registration with the U.S. corporate office is firmly advocated to protect the full-fledged protections.

Steps for Registration

1. *Filing*: Electronic submission of the application through the eCO system of the U.S. Copyright Office.
2. *Deposit*: Serving with the deposit copy, which usually encompasses the first and last 25 pages of the source code.
3. *Registration Advantages*: Federal registration is obligatory for filing a lawsuit against iHiker for infringement. Not only that, registration is suitable for statutory damages and recovery of attorneys’ fees, which work as disincentives and remedies in case of infringement.

Trademarks

A trademark works as an advocate for unique word choices, marks, and symbols to recognise and pick out the source of goods or services. Registering the name “iHiker” with the “U.S. Patent and Trademark Office (USPTO)” issues immunity in comparison with common law rights stemming purely from use.

Application and Benefits

1. *Process:* The application process calls for a blanket to guarantee the mark does not create a “likelihood of confusion” with prevalent marks, which is followed by a formal submission to the USPTO specifying the proprietary hiking software.
2. *National Concern:* Federal registration concedes national concerns of the ownership of iHiker, which means we can challenge the company for its trademark violation anywhere in the U.S., and this is feasible.
3. *Legal Presumptions:* Registration delivers a legal presumption of ownership and validity, mitigating the burden of proof in enforceable actions. After repetitive use for five years, the mark in general turns out to be incontestable, which further supports the legal status.

Trade Secrets

Trade secrets surround valuable yet private business information, like business plans, specialised internal processes, or trade secrets. Distinct from copyrights and trademarks, trade secrets need to stay safeguarded even more while their privacy is maintained.

Protection Through Reasonable Efforts

Protection is derived exclusively from the “reasonable efforts” on iHiker to maintain confidentiality (Cheeseman, 2021). The dereliction of security measures generates the information to lose its legal status as confidential information, and with it, the right to use under “the Uniform Trade Secrets Act (UTSA)” and “the Defend Trade Secrets Act (DTSA)”.

1. *Password Protection:* Carrying out strong and constantly updated passwords and strict access on “need-to-know” controls for all confidential information, such as customer databases, source code, is a basic necessity.
2. *Encryption of the Software:* Every electronic file that has trade secrets in it, whether at rest or in transit, must be protected with advanced software encryption. These security mechanisms are the firsthand source iHiker will use in court to demonstrate the legally protected information.

Conclusion

A synthesis of federal registration, like trademark and copyright, and the dynamic technical protection, like Trade Secrets, is the in-depth mechanism to protect the IP assets of iHiker. These steps deliver the locus standi, comprehensive security, and potent solutions necessary for defending the innovation and market position of the company.

References

Cheeseman, H. (2021). *Business law* (11th ed.). Pearson.