**Intellectual Property Due Diligence Check List**

The following information should be gathered, identified, and cataloged.

Marks:

1. All registered federal marks
   1. Registration number
   2. Good/services
   3. Status
   4. Date registered
   5. Date of first use
   6. Date of renewal
   7. Copies of specimens showing use
2. All registered state marks
   1. Registration number
   2. Goods/services
   3. Status
   4. Date registered
   5. Date of first use
   6. Date of renewal
   7. Copies of specimens showing use
3. All registered trade dress
   1. Registration number
   2. Goods/services
   3. Status
   4. Date registered
   5. Date of first use
   6. Date of renewal
   7. Copies of specimens showing use
4. All registered trade names
   1. Secretary of state’s office in which name is registered
   2. Status
   3. Date registered
   4. Date of renewal
5. All foreign registered marks
   1. Registration
   2. Goods/services
   3. Status
   4. Date registered
   5. Date of first use in specific country
   6. Date of renewal
   7. Copies of specimens showing use
6. All unregistered service marks, trademarks, trade names, trade dress
   1. Date of first use
   2. Goods/services
   3. Geographic area mark is currently being used
7. Copies of all promotional materials bearing marks;
8. All of the above in use by the company, whether licensed or not, if not owned by the company.

Patents:

1. All granted United States patents;
   1. Patent number
   2. Country of registration
   3. Priority date
   4. Date of expiration
2. All pending United States patent applications;
   1. Application number
   2. Country of application
   3. Priority date
3. A list of all proprietary processes, business methods used or owned by the company;
4. All of the above in use by the company, whether licensed or not, if not owned by the company.

Copyrights:

1. All registered United States copyrights;
   1. Registration number
   2. Title
   3. Status
   4. Date of creation
   5. Date of registration
   6. Accompanying material
2. All unregistered copyrightable materials owned by the company (pamphlets, promotional materials, and campaign materials, informational materials, operations manuals, computer programs etc.);
3. All of the above in use by the company, whether licensed or not, if not owned by the company.

Trade Secrets:

1. A list of all trade secrets owned by the company and the steps taken to protect them (such as business methods, marketing strategies, operations manuals, services in development, confidential employee handbooks, etc.);
2. Disclosure agreements;
3. Employment agreements;
4. Consulting agreements.

Web Sites, Domain Names and Computer Software:

1. A list of all web sites in use by the company, or contracted by the company, and where they are located;
2. Origin of all software and names and addresses of all developers used and their status at the time of development;
3. All registered United States domain names;
   1. Date of registration
   2. Date of expiration
4. All of the above in use by the company, whether licensed or not, if not owned by the company.

Licenses, Assignments, Work For Hire Agreements:

1. All intellectual property licensed by or from the company (software, promotional materials, endorsements, web sites, video content, etc.) and the applicable license agreements;
2. All work for hire agreements or other agreements relating to intellectual property created by employees or third parties used or owned by the company;
3. All intellectual property assignment agreements between the company and any third parties.

Claims:

1. Any historical disputes, threats, claims, investigations, settlements, or litigation, relating directly or indirectly to intellectual property owned by or in use by the company or advertising related thereto.

Infringement:

1. All known or suspected infringers of any intellectual property owned or used by the company and any infringement or potential claim for infringement of third party intellectual property by the company.

Sales & Marketing Materials:

1. Origin of all marketing materials, promotional items and materials and names and addresses of all creators used and their status at the time of creation and publication of the same.