



Growing and Protecting IP While Navigating a Fractured Supply Chain and Labor Shortages

Supply chain and labor issues seem to be a prickly part of manufacturing as of late – and they don't appear to be going away anytime soon. However, it is crucial to keep a watchful eye on your intellectual property assets as you navigate today's uncertain business environment. Here's how:

- 1. Don't make IP an afterthought.** With a narrowed focus on getting products out the door quickly and profitably, IP quickly becomes an afterthought. Everything IP is time sensitive and waiting too long can jeopardize protecting your IP assets. A loss of focus on IP now, can surface many years down the road, which makes a current loss of focus on IP less detectable.
- 2. Secure your IP through employment agreements.** Remind departing employees of obligations under previously executed employment agreements. And ensure new employees sign nondisclosure, non-compete and other confidentiality agreements to protect your trade secrets, including the assignment of rights. This can be overlooked in the excitement of attracting new talent – don't let your excitement, or relief, overshadow best practices in protecting your IP assets.
- 3. Assess your products, processes and commercial activities early and often.** Multiple protection mechanisms exist to protect your IP, including trade secrets, design patents, trade dress and trademarks – and what can be protected and how – varies. Key technical and manufacturing personnel must know how to identify what is protectable and protect it ASAP. Early identification and protection of IP assets provides leverage and mitigates risk.
- 4. Proactively manage competing interests across your supply chain.** Address IP with suppliers and customers at the onset of a relationship and continue to monitor their IP. As you revisit your contractual relationships to deal with supply chain issues, consider IP and work to secure advantages moving forward.

For more information from Warner's Automotive Industry Group, visit their [webpage](#) or log onto www.wnj.com.

Paul Engel



Paul Engel is a Warner attorney who specializes in domestic and international intellectual property portfolio development and management – advising clients in the automotive, construction, energy, manufacturing, medical and software spaces to help drive innovative technologies to market.

Paul spent the first 10 years of his career in R&D and manufacturing as project leader, chemist, research scientist and production manager for Lear Corporation, Sika Corporation and Henkel. The commercial and technical experience he gained has provided a strong foundation for his contractual and intellectual property legal practice – counseling clients on various polymeric components and molding processes that are utilized in the formation of parts for the automotive supply industry.

Today, Paul works closely with automotive suppliers to ensure their intellectual property assets – both products and processes – are protected from conception to creation. He proactively works to avoid litigation pitfalls through drafting carefully-worded contractual agreements, such as employment and nondisclosure agreements, and provides key design and process input from the onset. He notes that the process to create a product is just as important as the product itself. He encourages automotive suppliers to build a focus on recognizing, evaluating and protecting innovations into their culture.

From development to sales, the automotive industry moves fast – and Paul enjoys the fast-paced nature of the industry. He supports and stands with in-house counsel, C-suite executives, manufacturing managers, engineers and others, helping to guide, protect and promote new technologies.

Paul is named among Michigan *Super Lawyers*' Rising Stars, and is a member of the American Chemical Society and the Michigan Intellectual Property Law Association.

Check out Paul's [full bio](#) here.



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