

THE BUSINESS HUB

PROTECT YOUR BUSINESS IDENTITY

Yoga teacher and intellectual property (IP) specialist **Kim Rothman** explains why every business owner should be aware of IP, copyright, and their rights

WORDS KIM ROTHMAN

During the day, I work as a Development Officer for Lincs Inspire Libraries, where I help run the Business and Intellectual Property Centre (BIPC) services at Grimsby Central Library. I spend many hours supporting small and medium-sized businesses with their intellectual property. During evenings and weekends, I work on my passion project: teaching yoga and building my own business.

As a yoga instructor and IP specialist, I have seen firsthand how the passion and creativity that fuels holistic therapy can be both a gift and a vulnerability. Without the proper protections in place, the very innovations that help us connect with clients can be easily copied or exploited.

I have also seen many much-loved businesses get in trouble with their IP as they neglected to do infringement checks when setting up. IP protection is commonly overlooked when starting a business, problems often arising just as it starts to gain traction.

Whether you're a massage therapist, aromatherapist, reiki practitioner, or yoga teacher, your unique skills and knowledge

are valuable assets. Protecting them isn't just about legalities; it's about safeguarding your passion, your income, and the integrity of your work.

WHAT IS IP?

Copyright, patents, designs, and trademarks are all types of IP. You get some types of protection automatically, but must apply for others.

Intellectual property is the heart and soul of your therapy business. It's the unique blend of your knowledge, skills, and creative spark – your special yoga sequences, signature massage techniques, even your business name and logo. In the same way as you wouldn't want someone taking credit for your hard work, IP protection ensures your creations remain yours, allowing you to build your reputation, grow your business, and reap the rewards of your originality. It is your unique brand and is worth protecting.

COPYRIGHT PROTECTION

Copyright is automatic and international, so there is no need to register your creations. It is important, however, that you consider how you can protect your ideas and work.

Hard-copy material, such as drawings and handwritten ideas, can be easily protected; simply place them in a self-addressed envelope and post them to yourself. Make sure the envelope is date-stamped and that, when you receive the envelope back, you don't open it. Should you ever need to prove you were the original author of this work, the unopened envelope can be used in court to defend your copyrights.

Digital files are also a great way to protect your copyright. Make sure you date all your work and keep a file of all your ideas and processes.

Always consider a contract when working in business partnerships.

TRADEMARKS

Trademarks most commonly include your logo, business name, domain names, colours, music, and slogans. Less common are smells, gestures, and shape. Trademarks are territorial; the National Network of Business and IP Centres can signpost you to trademark support internationally.

DESIGN RIGHTS

Design rights protect the shape or

configuration (3D) and/or pattern or ornamentation (2D) of your creation. It is often confused with patents; however, it is based on appearance and not the function, materials, or technology of the creation.

Registering your designs will help stop others from copying them.

PATENTS

Patents are the most complicated of all IP. They are inventions, and must be new and not known anywhere in the world before the filing date. The main consideration when patenting is that there must be an 'inventive step' and a 'technical effect'.

It is recommended that you find a patent attorney, as it can be a tricky process.

The golden rule with patents is to keep them a secret before filing your patent application. Once you tell someone about your patent, you can no longer register it.

THE PITFALLS AND HOW TO AVOID COSTLY MISTAKES

First come, first protected

You may be quick off the mark and incredibly creative. You have found a catchy, brilliant name and logo for your business... only to find yourself receiving a cease and desist letter from a competitor. Being first to create that brilliant company name and logo does not mean you can keep it. A competitor could find your brilliant business name and wish to use it; they might also be IP savvy and check to see if you have your name protected. If you didn't trademark your name or logo, they can not only use it, but also trademark the name and force you to rebrand or buy back the name!

I love my business name – don't make me give it up!

One of the biggest mistakes a new business can make is creating a name or logo and then discovering they cannot use it



Kim Rothman championing the importance of IP awareness

because it is too similar to a competitor's brand. This is a costly mistake that can lead to court fees, fines, and a complete business rebrand.

As you set up your business, it is important to make sure you are not infringing on another company's IP.

It is always disheartening to see a customer who is excited about their logo, business name, and branding receive a cease and desist letter because they didn't check to see if it infringes on another company. It is even harder to hear how they had to go to court or pay expensive fines because they failed to do the correct infringement checks.

The Companies House error

I often chat with customers who think they are IP protected because they are listed at Companies House. They are generally surprised to find out that Companies House does not in any way offer IP protection; it is a register for limited companies.

The only place to get IP protection in the UK is from the Intellectual Property Office.

BIPC libraries offer many brilliant resources and free support

It can feel overwhelming when you start looking into protecting your brand. Yet the process can be straightforward and there is a lot of free support. One big piece of advice I tell my customers is that you don't need to pay a company to do your trademark searches; you can do it yourself or with free help from a BIPC librarian.

Business and IP Centres can be accessed in many libraries across the UK, and offer free, friendly support. They can also signpost you to international IP support. Find the British Library's National Network of Business and IP Centres online; there is a great interactive map to help you discover your closest BIPC: bipc-interactive-map.netlify.app

As you navigate your IP journey, know that there is free support and even FHT workshops to guide you. **IT**

Kim Rothman is a highly experienced yoga instructor. Her journey began in 2001 when she attended her first Ashtanga session in Ontario, Canada. She has since studied and qualified in Hatha Yoga, Yin Yoga, and Chair Yoga, and has achieved certification as a Nidra Meditation instructor. She has also worked as an IP specialist for five years under the BIPC at Grimsby Central Library. Contact Kim via email at kimfiona@kimfionayoga.com or through her website at kimfiona.yoga