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What Scares You? A Few of the Most Frightening Developments in IP Law

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[Austin Padgett](#)

Austin Padgett, a partner in Troutman Pepper's Intellectual Property Practice Group, is quoted in the *IPWatchdog* article, "[What Scares You? A Few of the Most Frightening Developments in IP Law.](#)"

Like the suspense of the next scare sequence in a horror movie, we are alert to the monsters around the corner that flow from a weakening economy.

We can hold onto the edge of our seats and anticipate that any layoffs or downsizings can expose a business's intellectual property to challenges from former employees or jilted contractors. The economic conditions, particularly where a former employee does not find a new position, can drive once-sensible allies to madness. Locking the proverbial doors to the house through strong and consistent agreement practices is, of course, an important step. But taking practical steps—like cleaning up domain name registration records—can keep the zombies from creeping up the basement stairs.

We are also looking out for the mutations arising from lower sales and performance across industries, specifically in claims of false advertising and unfair business practices. These conditions can create a two-headed monster. On the one side, when the industry is down as a whole, the unbridled or rogue sales team might develop more aggressive pitches and comparisons to competitors. On the other, competitors become more hostile to perceived slights, disadvantages, and industry newcomers. If left unmanaged, the result can be a true thrasher flick.

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