

Patent Claims Against Your Radio Station Operations? - Don't Ignore Them!

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Have you received a claim that some system that your station is using, such as the system for digital storage of your music library, is **infringing a patent**? Don't ignore it! We understand that a number of radio stations have received these sorts of notices. There have been many recent situations where patent holders have alleged that broadcasters or digital media companies have infringed their patents. The mere fact that you bought a system from a third party vendor does not insulate you from possible infringement liability. Patent holders can seek a recovery either from a manufacturer of a system that infringes their patent, or from a user of that system. Sometimes these claims look like they can't be real, as they appear to claim patent rights on systems that have been in use for a long time. But, if these parties file suit and you don't defend, you may end up with liability simply because you did not defend against the claims. Some of these suits are filed with the expectation that some defendants won't respond, or that they will settle so long as the costs of settlement are less than the costs of defending against the litigation. Talk to an attorney if you have received one of these claims to discuss your options.

When you get one of these claims, if it involves a hardware or software system that you bought from a third-party vendor, you should review your contract with the vendor to see if the vendor has agreed to defend claims about your use of their system. If so, you want to get them involved quickly, as soon as you receive a claim. For the future, these suits highlight a provision that you should be sure is in all agreements that you sign with your vendors. Your vendors should warrant to you that their system does not infringe any patents, and that if any claim is made, the vendor will defend you against claims that are made and **indemnify you for any losses** that you suffer as a result of a claim against your use of their service. In today's digital world, a little protection up front may protect you from big liability in the future.

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