

IP License Acquisition Series – Volume 3

Licensee Diligence Checklist for Trademarks and Copyrighted Assets

Executive Summary

Licensing diligence extends beyond legal clearance.

It must assess legal strength, consumer equity, monetization precedent, operational risk, and enforcement posture.

This paper outlines a structured diligence framework.

I. Trademark Diligence

Legal Scope

- Jurisdictional registrations
- Class coverage
- Opposition history
- Enforcement record

Commercial Strength

- Brand awareness, image and affinity
- Marketing support and presence
- Retail distribution footprint

Reputation Risk

- Controversies
- Litigation exposure
- ESG alignment

II. Copyright Asset Diligence

For copyrighted properties (artworks, media, designs):

- Ownership chain
- Term and territory
- Moral rights limitations
- Reproduction constraints
- Existing partners and programs

Example:

The Metropolitan Museum of Art

A museum licensing digital art must confirm artwork rights status (public domain vs. rights-controlled) before extension into consumer electronics or digital platforms.

III. Financial Diligence

- Historical licensing revenue
- Category performance
- Licensee turnover rates
- Retail penetration metrics

IV. Operational Diligence

- Approval workflow timelines
- Style guide robustness
- Marketing support
- Digital asset availability

V. Portfolio Conflict Analysis

Assess:

- Channel conflicts
- Existing partners
- Adjacent category restrictions

Conclusion

Diligence must integrate legal, financial, brand, and operational risk. Structured review prevents downstream margin erosion and litigation exposure.

About

Goldmarks Co. provides research, planning and partnership development to create new products for intellectual property licensors, licensees and agencies.

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