I mentioned this idea of who owns a design in my column on good design a few months ago, and at the time, just said that it was a different topic for a different time. Little did I know how soon that time would come. The whole concept of intellectual property, the ownership of ideas, designs, and works, became front and center in the last few weeks through two separate experiences with two different clients.

In the first case, we were called in by an ad agency to team with them to present a design for a new exhibit property to a large corporation. These guys are the agency of record for the end client, and we were introduced by the agency as their exhibit partner. We were told at the time that this was not a competitive bid situation. While we developed the design for the physical property, the agency worked on the graphic design.

Following several rounds of conceptual ideas, the client agreed on a final design, and we worked with the agency to tighten up the graphics and present a formal quote for exhibit property fabrication, graphic design and production and show services. Because of the tight timeframe, we also presented a short deadline for signature.

After several days of radio silence, we learned that the client company's procurement department had sent our design and quote to a competing company to get a competitive bid. Let me say that again…*the client company sent our design and quote to a competing company*.

The second situation occurred in the same week. We had terminated an employee (not a salesperson) who ended up taking a position with a literature and premium fulfillment company. In the process, he also convinced one of our clients to move their extensive collection of exhibit properties to this new company, though they had no tradeshow management expertise. Even after several conversations with senior management at this client, their decision to move remained.

Two days later, I was directed to a new website that had just gone up for this fulfillment company. They had a new name – using the words 'exhibit' and 'show,' and a caption that read, "Our work speaks for itself." Below that were pictures, which were taken at the client's last show, of all of the properties we had built for this client.

I suppose that there are lots of ways to violate intellectual property law, and I won't pretend to be an expert in this area, but these two examples seem to be such blatant violations that I have to wonder "what were they thinking?" You're really going to take my design and my quote and send it to my competitor for a comparative price? Forget about legalities for just a moment; do you really think that's ethical?

And building a website around pictures of exhibits that are currently in your warehouse but that you had no part in building? Saying "our work speaks for itself" when it is clearly not your work? Is that right?

The sad thing about both of these examples is that the perpetrators feel no remorse, and worse yet, don't seem to understand that what they did was wrong. They just wonder why I am so upset.

I'll have to admit that this is an area of business that I am very sensitive about. Companies like ours spend a tremendous amount of creative time on exhibit design, tradeshow marketing strategy and event planning, and are typically not paid for it unless we sell the program. Perhaps I would feel differently if we invoiced for our creative based on whether we sold the job or not. Perhaps not.

Has our business culture been so tainted by the well-publicized breaches of corporate confidence that this sort of thing is just business as usual? Have commonly held rules of engagement been abandoned in favor of whatever I can get away with? Are morals and ethics completely gone from the business world? I hope not.

See you on the show floor.

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