

THE ENTREPRENEURS GUIDE TO PATENTS, COPYRIGHTS, TRADEMARKS, TRADE SECRETS LICENSING pdf

1: Intellectual property basics for startups: trade secrets - DLA Piper Accelerate

Written by an expert in intellectual property law, this is the first book to address the full range of legal protections available—patents, copyrights, trademarks, trade secrets, and licensing—with innovative information you won't find elsewhere, including.

By JK Business Law Articles 0 comment 9 August, 1 A general overview of intellectual property, what it is, and how to monetize it. No matter what type of work a business conducts, it is important for every entrepreneur or small business owner to have at least a basic understanding of intellectual property, and the rights and benefits granted by it. Some businesses may acquire IP rights as an incidental side effect of their business, while others base their entire revenue stream on it. Regardless of the business model, most businesses own some form of intellectual property, and properly protecting and monetizing such IP can have a substantial impact on its success. Therefore it is important that business owners take the proper steps to identify and protect their IP. What intellectual property is; The different types of intellectual property; How a business can identify and protect its intellectual property; Issues of ownership and preventing unauthorized use; How a business can monetize its intellectual property. The following information is not meant to be comprehensive, but a general reference guide to help business owners become familiar with the basic concepts of intellectual property. Though a creative work can be expressed physically, the underlying work itself is typically an intangible product of the mind. Though IP differs from more traditional forms of physical property, it may be owned by an individual or entity to the same extent as physical property. Copyrights, patents and trademarks form the basic tripod of intellectual property, as they are more commonly well known. Though just as important, trade secrets are protected by different methods than other IP, and so are typically less prevalent to the public. Rather, the terms merely distinguish conceptual and information driven creations, from the traditional notion of mechanical or physical inventions. [Click here to visit the USPTO website for further information on the different types of intellectual property.](#) The purpose of a copyright is to provide protection for creative works, and allow its creator to benefit from those works. A copyright grants the owner the exclusive rights to use, copy, distribute or sell the copyrighted work. [Click here to visit the US Copyright website for further information on copyrights.](#) How to Protect a Copyright: Copyright ownership is granted the moment the creative expression is fixed in a tangible medium ie. However, even though rights are technically granted, if another person starts using your work without permission, the primary issue will be actually proving who created the work first. Because of this issue of proof, it is generally a best practice to register copyrights with the U. Doing so puts the world on notice and establishes conclusive proof of copyright ownership. In addition, a registered copyright may also entitle you to statutory money damages against those who infringe upon the work. To register a copyright, it must be filed with the U. You should consult with a copyright attorney to assess any potential copyrights you may have. [Click here to visit the US Copyright website here for further information on copyright registration.](#) There are 3 types of patents: Utility patents are granted for processes, machines or compositions of matter. Design patents are granted for aesthetic manufacturing designs. Plant patents are granted for different varieties of plants. A patent grants the owner the right to exclude all others from making, using or selling the patented material. How to Protect a Patent: Patent protection is granted upon registration of a patent application. Patents can be extremely beneficial to a business, and if properly monetized can be its sole source of income. However, patent filing is typically the most expensive and lengthy type of IP registration, often taking 18 months to several years. Because of the registration timeframes, it is unfortunately common that an invention will have become obsolete in the marketplace by the time registration is obtained. For any entrepreneur or business owner contemplating patent protection, it is important to consult with a patent agent or attorney to start the process as soon as possible. To register a patent, it must be filed with the U. The filing fee itself is relatively low, however, most of the expenses involve the preparation and examination of the application. The current minimum wait time for

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application review is approximately 18 months. A trademark may be a word, logo, phrase, melody, or other identifying symbol. The purpose of a trademark is to distinguish one seller from another, thereby allowing the seller to benefit from their brand and good will, and enabling buyers to easily determine the source of goods or services they are buying. A trademark does not prevent others from selling a similar product, but does prevent others from using a confusingly similar mark on similar products. How to Protect a Trademark: The distinguishing characteristic of a trademark is that it must be used in connection with the sale of goods or services ie. Once registered, the owner will have exclusive rights to use that mark with the specific products being sold. But, as with copyrights, when dealing with cases of infringement, the primary issue is proving who started using the mark first. Doing so puts the world on notice and establishes conclusive proof of trademark ownership. To register a trademark, it must be filed with the U. A mark must be filed within one or more specifically identified classes of goods and services. The review process takes approximately months, or longer if any issues are flagged. If no issues are raised, or if such issues are overcome, registration will be granted as of the date of filing. However, if the application is rejected, the waiting time and filing fees will be lost. Therefore it is typically best practice to consult with a trademark attorney to conduct a proper search and filing strategy at the outset. A trademark should not be confused with a trade name, which is merely the name of the business. This distinction is critical, as a trade name in itself cannot be registered or protected as a trademark. A trade name only becomes protectable as a trademark when it is actually placed on or used in connection with the goods or services. Trade secrets can include information, techniques, programs, formulas, strategies or processes. If a business properly maintains its trade secrets, they have the right to prevent others from using or disclosing the information. How to Protect a Trade Secret: The key to trade secrets is secrecy. In order to maintain and protect a trade secret, the information 1 must have commercial value, and 2 the business must take reasonable steps to keep the information a secret. A business may maintain secrecy by limiting access to the information, making sure the information is generally not known, or implementing confidentiality agreements for all those who may encounter the information. Trade secrets differ from other intellectual property rights in that they are not registered. Registering a work publicly discloses that work to the world. Thus, the key to trade secret protection is not registration, but maintaining its secrecy. Click here to visit the WIPO website here for further details on trade secret protection. Maintaining information as a trade secret, is essentially an alternative to patent protection. The key to trade secret is secrecy, whereas the key to patent protection is public disclosure. Many processes or inventions may be protected either by patent or trade secret, and there are different considerations in choosing which is preferable ie. The ultimate decision of which method to use, will depend on the particular goals, strategies and preferences of the business. The next issue is determining who actually owns those rights. If someone independently creates and registers a form of IP, the issue of ownership may be fairly straightforward. However, if a business collaborates with or hires another to create the work, there may be confusion as to who actually owns the IP. Fortunately, with a little knowledge and planning, confusion of ownership may be minimized or avoided altogether. The main take-away from each example below is that a clear agreement in place at the outset can help avoid complications and confusion down the road. The general rule is that, all work created by an employee for their employer belongs to the employer. Thus, any IP an employee creates, if created in the scope and course of their employment, belongs to the employer. It is important that employers and employees understand this dynamic, so as to avoid questions of ownership. Such issues can be easily addressed in an employment agreement. The general rule is that, all work created by an independent contractor belongs to the independent contractor. Thus, if a business hires an independent contractor to create any form of intellectual property ie. Businesses usually intend to own the work they hired someone else to create, but without a separate agreement in place, that would not be the case. This issue can be easily remedied by executing an assignment agreement with any contractor being hired, wherein the contractor transfers full ownership rights for anything they create during the project. A joint work is any creative work prepared by 2 or more people, with the intentions that their work be combined into a single work. The general rule is that, joint works are owned equally by all

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parties that create it. Ownership of joint works can be established at the outset by a number of agreements such as contractor agreements, or joint development agreements, depending on the intentions of the parties. However, sometimes it is crucial to protect the secrecy of the IP. Two prime examples are: Both of these agreements generally protect against use or disclosure of sensitive information, and the terms are often used interchangeably. However, they may be used in slightly different contexts. Many such individuals seek out investors or business partners to help develop the idea. However, the idea itself is not protectable as intellectual property until it is actually created. Therefore, the challenge they face is how to disclose their ideas to potential investors or partners without the idea being stolen. A common solution to this problem is to have the parties sign a non-disclosure agreement. A non-disclosure agreement is a contract where the parties agree not to disclose or use any of the information exchanged. The idea is still not protected as intellectual property, but is instead protected by contract. Such information may be protectable as IP, and kept as a trade secret, while other information may not rise to the level of IP, but still gives the business a competitive edge if kept secret. Regardless of its need for secrecy, all such information will have to be accessed or used by at least some employees in order to properly run the business. Therefore it is necessary that there are confidentiality agreements in place to ensure that anyone who comes into contact with the material will maintain its secrecy.

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2: Intellectual Property Guide for Entrepreneurs - Jafari Law Group

The entrepreneur's guide to patents, copyrights, trademarks, trade secrets & licensing. [Jill Gilbert Welytok] -- Provides information and guidance for entrepreneurs on the protection of intellectual property, covering trademark law, research, and registration; domain names; copyright concepts, limitations, and.

At Tannenbaum Helpern, we understand the commercial importance of properly protecting and maximizing the value and use of intellectual property. Our attorneys are skilled in strategically evaluating, protecting and enforcing intellectual property rights, helping clients create and maximize the value of their intellectual property portfolios, minimizing legal risks so that clients can focus on their business objectives, and successfully resolving and litigating domestic and international intellectual property disputes. Tannenbaum Helpern attorneys also have substantial experience in litigation involving trademark infringement, unfair competition, false advertising, gray market goods, cybersquatting and other online infringement, right of publicity and related intellectual property disputes. Our experience includes representing multiple clients in high-profile disputes in state and federal courts throughout the US, in arbitration proceedings, before the Trademark Trial and Appeal Board of the U. Copyright Our intellectual property attorneys help clients protect and defend their copyright rights, particularly on the Internet. Our copyright experience includes copyright registration, licensing, enforcement and litigation in multiple jurisdictions, as well as fair use and parody analyses, joint ownership issues, work-made-for-hire agreements, software copyright rights, assignments and due diligence. We assist clients with their copyright needs across a number of industries, including banking and finance, interior design, textiles, technology and software, print and Internet publishing, architecture and construction, fashion and jewelry, travel and manufacturing. Patent In patents, Tannenbaum Helpern attorneys are experienced in patent litigation in the federal district courts and the United States Court of Appeals for the Federal Circuit, and in Administrative Proceedings before bodies such as the International Trade Commission. They also advise clients on the life-cycles of patents and technologies in existing portfolios and how best to extend the protection of commercially vital products. Additionally, our attorneys assist clients in patent technology transfers of all types including in- and out-licensing, joint ventures, due diligence in mergers and acquisitions, and preparation of Freedom-to-Operate opinions. Trade secrets Tannenbaum Helpern intellectual property attorneys have considerable experience in recognizing when an intellectual property asset should be protected as a trade secret rather than another method requiring disclosure, and advising clients such as business owners and employers on the measures necessary to maximize protection. Our attorneys are skilled in determining, under current standards, which business methods and trading strategies are likely patentable and which are not patentable subject matter and must be protected as trade secrets. Additionally, Tannenbaum attorneys are skilled in litigating trade secret theft claims in state and federal courts. Industry experience includes but is not limited to life science, medical devices, software, chemical, electronic, e-commerce, Internet, music, art, publishing, distribution, construction, financial services, food and beverage, hospitality, technology, fashion, staffing and entertainment. In the field of entertainment law, the firm has represented motion picture producers and distributors, artists, playwrights, authors, photographers, fashion designers and technical personnel, as well as clients in the music and publishing industries. We have considerable experience in commercial transactions and financings having intellectual property as their foundation. Internet Savvy We are experienced in addressing the many ways that intellectual property issues arise in e-commerce and on various online platforms, including resolving domain name disputes, advising clients with respect to the use on their websites or social media of copyright-protected materials and other intellectual property belonging to third parties, establishing new e-commerce websites, and negotiating license, distribution and other agreements in the Internet context. Negotiated license agreement for soft drink bottler with Fortune candy manufacturer Negotiated licensing agreements for portfolio management, pricing, hedging and trading software used as the arbitrage trading system at a major securities firm. Prepared license agreement licensing a

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new financial index to the investment advisor of an index fund. Represented Australian company in acquiring engine supercharger technology from Scottish and American companies for use and license in the U. Represented owners of pinball machine copyrights and other intellectual property in drafting and negotiating licenses exploiting those rights, including a license to Microsoft to use intellectual property in historically important pinball machines in "Pinball Arcade" computer game. Negotiated license of articles for Internet content site in exchange for cash and stock options. Advised Scottish counsel regarding New York and U. Negotiated license of name and likeness of prominent entertainment industry figure. Advised hedge funds and financial services business on need for and terms of licenses for financial indices and securities identifying numbers. Won summary judgment and the subsequent appeal in a copyright case against a well-known sculptor who based an edition of sculptures on a photograph taken by a client.

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3: New York Intellectual Property Lawyer | Patents, Trademarks & Trade Secrets

Written by an expert in intellectual property law, this is the first book to address the full range of legal protections available—patents, copyrights, trademarks, trade secrets, and licensing—with innovative information you won't find elsewhere, including: ⚠️ Legal landmines every successful entrepreneur must avoid ⚠️ Business practices that.

When businesses, entrepreneurs, or individual inventors approach us with their ideas, the first question we seek to answer is whether the idea is one that can be protected. Protection may best be served by procurement of one or more patents, trademarks, or copyrights. Additionally, under certain circumstances, we advise our clients to treat and protect their intellectual property as a trade secret. Before seeking advice from an intellectual property attorney, it makes sense to do a little research and find out for yourself what type of services you might require. For example, if you have conceived of an idea that may best be protected with a patent, you may require a patent attorney to draft and submit a patent application on your behalf. If you have one or more marks, logos, or slogans that you would like to use to identify your goods or services, then you may want to request advice for filing a trademark application. If you have an original work, such as software you have developed, a novel you have written, or you have produced video or images that you would like to protect, then you may require advice about filing a copyright application. Sometimes, it makes sense to protect your idea with more than one type of intellectual property. For example, software may be protected both with a patent and a copyright. In other instances, you might find that your innovation may not be adequately protected with a patent, trademark, or copyright, and your idea is best protected by treating it as a trade secret. Below, we discuss each one of these types of intellectual property. You should read through the material to get a better idea of type of intellectual property protection best suits your business or venture. Typically, it makes sense to then seek an intellectual property attorney that will be there to guide you and your business through the process of procurement, licensing, and enforcement. Patents allow the inventor a legal monopoly over the right to use, manufacture, or distribute the intellectual property. This means that a patent holder has an exclusive right to be the sole producer of the patented item for a set period of years. In general, this period lasts for about 20 years as of the most current legislation. There are three major types of patents: Utility patents protect the functionality of a particular design or idea, design patents protect the ornamental characteristics of an object, and plant patents protect varying strains of asexually reproducible flora. Examples of patentable ideas include: If this sounds like the protection your idea or your business requires, take a look at our self-help discussion pertaining to procurement of patent protection for your intellectual property: We always suggest that after you have done all your own research- determined that patent protection is what you will benefit most from, conduct a prior art search, and determined that procurement is a wise investment for your venture- you should contact a patent attorney that will ensure you take the right steps to protect your business. Our patent attorneys will meet with you, go over any documents that you may have discovered and develop a strategy to protect your intellectual property. Trademark protection ensures that only the company in possession of this protection can use the associated trademark. Trademarks protect your business by preventing others from using confusingly similar slogans, logos, or names. Trademarks may be used to protect a company name so long as that is the name of the brand used to identify your goods or services. For example, if your company name is XYZ, Inc. Trademark procurement is not as complicated as patent procurement, and the procurement process for trademarks is considerably less expensive than the process for obtaining a patent. For one, the fees for filing a trademark application are lower, and prosecuting a trademark application is less time consuming. Since procurement costs are minimal in comparison to the costs involved for patents, it is rarely a good idea to forgo trademark protection. As you build your brand and business, trademarks become more valuable, so trademark protection can become a very powerful investment in the long run. Because trademarks are fairly inexpensive in proportion to the kind of protection they offer, it is always advisable that you build an intellectual property portfolio for your business, which includes one or

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more trademarks. If this sounds like the protection your idea or your business requires, take a look at our self-help discussion pertaining to procurement of trademarks for your intellectual property: Our trademark attorneys have been helping build trademark portfolios for clients in Los Angeles, Orange County, and throughout the United States. Contact us to help you strategize and build quality intellectual property assets for your business that ensures a stronger brand. Copyrights are afforded to authors, musicians, dramatists, painters sculptors, photographers, and so on. While a utility patent would protect the function of an object ensuring that no other person could make an item with similar function a copyright only prevents others from reproducing specific copyright material. For instance, a book could not be reprinted without the permission of the author, but a book with similar characters, themes, and plot points could be produced without infringing on copyright. The only way to use copyrighted material without leasing or paying for it, is through free use, which allows copyrighted material to be reproduced in part without permission for purposes such as journalism, review, or satire, to name a few. To learn more about copyrights, visit our page about copyright protection. The legal definition of trade secret is actually fairly broad, so it is difficult to give an answer that is accurate, informative and concise. Generally, trade secrets need to be determined on a case by case basis. To learn more about trade secrets, visit our page about protecting your innovation with a trade secret. Leave a Reply Your email address will not be published.

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4: Free Udemey Course On Intellectual Property - Michelson IP

patents, trademarks, and copyrights, is trade secrets trade secrets consist of information and can include a formula, pattern, compilation, program, device, method, technique or process. entrepreneur's guide to patents.

By Victoria Lee The crown jewels of a typical technology company are often found in its intellectual property portfolio. What is a trade secret? Trade secrets are information of any type that is valuable to its owner because it is not generally known in the industry and its owner has taken reasonable steps to maintain the information in confidence. Examples of trade secrets include customer lists, source code, and semiconductor manufacturing processes. Trade secrets can include both positive and negative information. For example, the knowledge of which compounds are not effective therapeutic drugs against cancer can be very valuable and save a company tens or even hundreds of millions of dollars. Trade secrets arise automatically if a company takes the appropriate steps to maintain the information as a secret and they continue to be enforceable so long as they meet those criteria. Consequently, a trade secret can endure forever. Trade secret law provides rather limited protection: Misappropriation of a trade secret requires "wrongful" taking. For example, a classic example of trade secret misappropriation occurs when an individual takes confidential information from his employer to start a new company. On the other hand, reverse engineering, unless such reverse engineering breaches an agreement, is not misappropriation. Trade secrets have long been governed by state law with most of the states adopting their own versions of the Uniform Trade Secrets Act Massachusetts and New York being the only exceptions. This new law requires that employee inventions agreements and contractor agreements with individuals not contractors or consultants that are entities that are executed or updated ie, amendments or modifications to existing agreements beginning on May 12, include notice of certain immunities provided under the law. The law gives an employee and individual independent contractor immunity from civil and criminal liability under state and federal law for disclosing a trade secret if the disclosure was made to report or investigate an alleged violation of law and the new law requires that companies include notice of such immunity in any agreement with an employee or independent contractor that governs the use of trade secret or confidential information. When do you protect information as a trade secret? Most products and services can be protected by a combination of intellectual property rights. For example, computer software can be protected by patents, copyrights, trademarks and trade secrets. Microsoft protects certain functions of its Windows software with patents; it uses copyright to protect the actual code of the Windows software from copying; it uses trademark law to protect the "Microsoft" and "Windows" trademarks which identify the product; and it uses trade secret law to protect the structure and methodology of its source code. However, once a patent is issued, trade secrets in the part of the computer software protected by the patent will be disclosed and will no longer be protected by trade secret law. Because patent applications are published and made available to the public during the application process, inventions covered by patents are not protectable as trade secrets. Some companies may want to keep an invention as a trade secret for competitive market reasons and so may opt not to pursue patent protection and instead rely on trade secrets to protect their intellectual property assets. Some information may not be protectable as intellectual property other than as a trade secret. Examples of such information can include pricing and cost information but not if that information is readily ascertainable from customers , profit margin information, recipes and customer lists unless readily ascertainable from public sources. What happens if my company does not own the trade secrets created by one of its founders? If a startup does not actually own or have a license to the intellectual property in its products, a disgruntled founder or employee can hold the startup hostage until the company either revises the product to remove his contributions or makes a deal to obtain assignment or license of the rights. A very common form of this problem is the failure to obtain the assignment of the intellectual property rights to the product developed by the founders either prior to incorporation of the startup or prior to the founders becoming employees of the startup. A major risk for a startup is the use by founders of materials from their

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prior employer. Such materials can range from trade secrets such as customer lists or semiconductor design methodology to computer software. This mistake can cripple a startup, because companies are becoming more aggressive in defending their intellectual property rights: If the startup loses, it will need to recommence its product development and may have to pay substantial damages. In more serious cases, the founders can be subject to criminal liability and may even serve time in jail. For different forms of non disclosure agreements, please see the mutual confidentiality agreement and two forms of one-way confidentiality agreement in our Starter Kit. You can find that form agreement in our Starter Kit. What are alternatives to an assignment of a trade secret? Sometimes an outright assignment of a trade secret may not be possible. Short of getting an assignment, it may be sufficient for some startups to obtain a broad exclusive, perpetual and irrevocable license. Such licenses may be royalty bearing or royalty free. What do I do if I have a question? Reach out to our Technology Sourcing and Commercial practice. If you have questions about whether or not there is a risk of a former employer making a trade secret misappropriation against one of your employees or the company, please contact our Commercial Litigation practice. In the meantime, feel free to review our starter kit for forms of employee inventions and proprietary information agreement, independent contractor services agreement and founder stock purchase agreement with intellectual property assignment. The current version provides an overview of intellectual property protections and key commercial terms in over 35 countries.

5: Intellectual Property Starter Guide For Entrepreneurs & Small Businesses

Written by an expert in intellectual property law, this is the first book to address the full range of legal protections available—patents, copyrights, trademarks, trade secrets, and licensing—with innovative information you won't find elsewhere, including: → Legal landmines every successful entrepreneur must avoid, → Business practices that.

6: Invention - Patent | Brand - Trademark | Copyright | Trade Secret | Incorporation, LLC

Protection may best be served by procurement of one or more patents, trademarks, or copyrights. Additionally, under certain circumstances, we advise our clients to treat and protect their intellectual property as a trade secret.

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Lexicography and the OED Chapter 4: Glaucoma Frankenstein (Konemann Classics) Manual English Grammar for Spanish Speakers (Workbooks 4 Units) The commanding self Everyday cakes, muffins, and scones Industrial electrical installation guide Wizard Study Guide Psychology VCE (Units 3&4) Special subjects of pediatric interest Douglas R. Fredrick Epilogue : Medals of merit Poets Garden of Verses Breaking hollywood samantha towle Montanism and its influence for rigorism. Jeremiahs reminiscences of the traditions in Genesis Human physiology sherwood 3rd edition Story 2. The artistic turn? (Barnes v. Glen Theatre Inc.) Sections and orders 11 Acer aspire v5 user manual 5.6 OO System Testing The nation killers Unscrewing the big Leviathan M. Callon and B. Latour Perceptions of authenticity and passivity : Indian basket making in post-civil war Louisiana Auditory physiology and perception Major Butlers Legacy In Hell Before Daylight Part II An Anatomy of Verstegans World View V. 4. Angiospermae: Dicotyledones, families 164-169 The Paston letters 1422-1590 A. D. Mechanical ventilation in the ARDS Brower, Brochard Ranchos of San Diego County A moment to remember Emma (Jane Austen Collection) Bicycle racings first stars The need for financial controls From danger to danger Welborn Beeson on the Oregon trail in 1853 From Cornhill to Grand Cairo Encountering the other, redefining the self : Hindostannie airs, Haydns folk song settings and the common Ishq ka sheen part 3 Yoga the poetry of the body