



# Intellectual Property Overview

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# IP Generally

- ▶ Patent, copyright, trademark, trade secret, restrictive covenants
- ▶ “Will take time and money but not help me execute.”
- ▶ “Will help protect my business and increase its value.”

# Copyright: Purpose and Value

- ▶ Software
  - e.g., code, architecture, documentation, UI
- ▶ Data
  - e.g., customer lists, database
  -
- ▶ Appearance of
  - e.g., products, lay-outs

# Copyright: Purpose and Value

- ▶ Registration doesn't increase the value of the Work but provides a protective shell
- ▶ Failure to register doesn't impact the copyrights but could cost you \$\$\$\$\$\$
- ▶ Do investors care?
  - conscientiousness
  - doesn't hurt
  - portfolio bulk
  - VC's Puppy Rock

# Trademark: Purpose and Value

- ▶ Trademarks – indicator of source
  - Company name
  - Product name
  - Logo
  - Tagline
- ▶ Consumer protection
- ▶ Registration (state and federal)
- ▶ Inexpensive

# Trademark: Purpose and Value

- ▶ Registration normally enhances the worth of the Mark & provides a protective shell.
- ▶ Failure to register makes it more difficult to enforce and defend.
  - 4:1 – dollar ratio in litigation
- ▶ Do investors care?
  - conscientiousness
  - generally extends territorial protection
  - portfolio bulk

# Patent: Purpose and Value

- ▶ On-sale bar (one year)
- ▶ How disruptive is the invention?
- ▶ Is a patent worth it?
  - \$10k, \$20k, \$100k?
  - 2 years, 5 years?
- ▶ Will it be broad or narrow?
- ▶ Will I be able to enforce it?
- ▶ Can competitors get around it?

# Judge Posner's to Reuters (7/2012)

- ▶ “Some industries, like pharmaceuticals, have a better claim to intellectual property protection because of the enormous investment it takes to create a successful drug.”
- ▶ “Advances in software and other industries cost much less and the companies benefit tremendously from being first in the market – a benefit they would still get if there were no software patents.”



# Restrictive Covenants

- ▶ Protects your company from others
- ▶ Inexpensive
- ▶ Bulks the portfolio
- ▶ Demonstrates conscientiousness
- ▶ Lowering risk

# Trade Secrets

- ▶ Types:
  - Formulas
  - Process
  - Designs
  - Information
  -
- ▶ Well guarded
  - security
  - written agreements

# Tips

- ▶ Non-patent IP costs are low
- ▶ For patents, consider a provisional
- ▶ D.I.Y. is better than D.N.
- ▶ Generally, bulk up your portfolio
- ▶ Add IP line item in future budgets
- ▶ “Should I file for a patent?”

v.

“How do I protect this?”

# Questions?

# Contact Info

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