Intellectual Property Strategy: Presentation to MST 550/551

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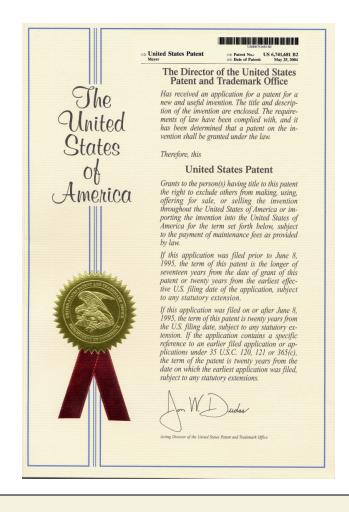
Overview

- IP Fundamentals
 - Patents
 - Trademarks (R)
 - Copyrights ©
 - Trade Secrets
- IP Strategy For Entrepreneurs
 - Top Ten Strategies

IP Fundamentals

- What is protected
- How to get them
- How to take care of them

Patents





What is protected

- New, useful and non-obvious processes, machines, articles of manufacture, or compositions of matter
- A legal right to exclude others from making, using, offering to sell, selling and/or importing a claimed invention, for a limited time



How to get them

- File application in U.S. P.T.O.
- File provisional application (optional)
- File foreign application (optional)



How to take care of them

- File within 1 year of public use/sale
- Properly name all inventors
- Don't commit inequitable conduct
- Don't misuse
- Mark products as appropriate
- Pay maintenance fees

Trademarks



® What is protected

 Name, logo or trade dress used by business to uniquely identify the source of products and/or services, and to distinguish its products or services from those of other entities, i.e., brands

(R) How to get them

- Use them to identify & differentiate your business/products/services
- Register with U.S. P.T.O. or other body (optional)
- Intent to use application (optional)

How to take care of them

- Use continuously
- License carefully
- Monitor and enforce
- Mark with ® or™

Copyrights



© What is protected

- Original works of authorship
- Fixed in tangible medium of expression
- Do not protect ideas

© How to get them

- Create work in a fixed form
- Register with U.S. Copyright Office (optional)

© How to take care of them

- Register with U.S. Copyright Office (optional)
- Mark with © (optional)

Trade Secrets





What is protected

- Information that is:
 - Valuable because not generally known to others
 - -Has been maintained as secret under the circumstances



How to get them

- Create the information (no need to fix form) and
- Keep it secret



How to take care of them

Take all reasonable steps to keep secret

IP Strategy For Entrepreneurs

Top Ten Strategies

1: Consider Your IP as a Capital Asset

2: Know IP Fundamentals

Patents, trademarks, copyrights and trade secrets

- What is protected
- How to get them
- How to take care of them

3: Know Your Own IP

Baseline and periodic audits

4: Educate Your Employees About IP

Employees are the creators, users and protectors of your IP

5: Formulate an IP Policy

6: Think Strategically

Stake out your territory, for now and the future

7: Think Defensively

Patents as a hedge against infringement risks

8: License Carefully

A license is a relationship

9: Use IP Ownership Agreements

The default is state law

10: Get Good Information and Advice

U.S. Patent and Trademark Office (http://www.uspto.gov)

U.S. Copyright Office (http://www.copyright.gov)

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