

Entrepreneurship and Extracting Value from IP

Entrepreneurship, Innovation and Commercialization of IP

February 11, 2010

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What is Intellectual Property?

Intellectual Property \neq Patent

Types of Intellectual Property:

- Patent
- Confidential Information
- Trade-Mark
- Copyright

Patents

- What can be patented?
 - “any new and useful art, process, machine, manufacture or composition of matter or any new and useful improvement in any art, process, machine, manufacture or composition of matter”
- New, useful, not obvious
- Apply to patent office
- Obtain for each country

Confidential Information

- What is confidential information?
 - commercial value
 - not in public domain
 - reasonably protected
 - communicated in confidence
- How do you protect confidential information?
 - Employee agreements
 - Non-disclosure agreements

Copyright

- What is copyright?
 - expression in a tangible form
 - eg. book, recording, picture
 - software, website
- How do you protect copyright?
 - automatic in Canada
 - can register with CIPO

Trade-mark

- What is a Trade-mark?
 - word, phrase, design, symbol, number, shape of a product, packaging, colour or combination
 - distinguish your wares from the competition
- How do you protect a Trade-mark?
 - Use it
 - Register it
 - Use it or lose it



Evolution of IP in a Start-up

1. What's Your Name

- Choose a company brand name
 - available as domain name AND as a registered trademark
 - Innovate LLP, Miami Mice Research Corp, Research in Motion Limited
- Register your domain (.com, .org, .net, .ca)
- Register your trade-name



2. Copyright

- Your website and blog
- Your software
- Your book
- Adds value to the company
- Make money by assigning or licensing it
- Employer ownership of copyright
 - Contract!
- Author retains “moral rights”



THURSDAY, JANUARY 28, 2010

How to Search the Canadian Trade-marks Database

Patent and trade-mark lawyers were once again centre stage on CBC's Dragons' Den (Season 5, Episode 4). This time two dragons decided to fund trade-mark litigation. Assuming of course, the trade-mark makes it through due diligence.

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3. Confidential Information

- Ideas, data, customer and supplier lists, protocols, business process and methods
- Start-ups' better/cheaper/faster
- Expensive to patent, so protect it by keeping it secret
- Employee agreements, NDA, license agreements

4. Patenting your stuff

- Investors like patents

Intellectual Property

Summary of IP position

Describe IP position and potential including invention disclosures, patents filed/applied and granted, know-how. Also address freedom to operate and competitive standing with prior art and other patents.

- Buy time (12+ months):
 - Canadian application
 - US provisional
- PCT application

5. Giving ~~away~~ out your stuff

- Licenses
 - for-profit entities
- Material Transfer Agreements
 - not-for-profits

Summary

All of these add value to your company!

Trade-mark	Copyright	Confidential information	Patent
Name or logo used in business in association with wares and services	Original work that is fixed in a tangible form or performed	Not publicly available knowledge You reasonably protect it	Novel, useful, not obvious invention Not publicly disclosed in last year