



PROTECTING INTELLECTUAL PROPERTY

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Efficiently Protecting Your Technology

William Bunch - Principal

410.493.4245 · william.bunch@proficientip.com · ProficientIP.com

EXECUTIVE SUMMARY

Protection of intellectual property is imperative for many organizations. However, there are numerous ways of protecting intellectual property, which vary in complexity and costs. By implementing objective intellectual property management processes, important intellectual property may be appropriately protected.

PROBLEM

Intellectual property may be protected using a combination of various mechanisms, including patents, trade secrets, trademarks and copyrights. These mechanisms are complex and generate numerous intellectual property protection schemes that may be difficult to implement.

For example, the following is a summary of the different categories of intellectual property protection mechanisms and what they cover:

<i>Type of Intellectual Property</i>	Intellectual Property Protected	Vehicle for Protection	Duration of Protection
Patent <i>(Utility, Design and Model)</i>	A patent is a limited property right relating to an invention in exchange for public disclosure of the invention.	File for patent in a patent office. File for International patent in the WIPO.	For a utility patent, the term is generally 20 years from the earliest filing date of the application. For design patents (based on decorative, non-functional features) the term is 15 years from the issue date. For a utility model, the term is generally 5-15 years from the earliest filing date of the application.
Copyright	Grants the creator of original work, such as writings (e.g., software), music, and art, exclusive rights to its use and distribution.	Copyrights are automatically secured upon creation of the matter, but one should register in copyright offices.	Generally, life of the creator plus 50 or 70 years.
Trademark	A trademark or service mark includes any word, name, symbol, device, or any combination used or intended to be used to identify and distinguish goods or services.	Common law trademark is automatically created if used in commerce, but must register at trademark offices in most countries.	Trademark protection can last indefinitely as long as the owner continues to use the mark to identify its goods and services. Federal trademarks must be renewed.
Trade Secret	A trade secret is a formula, practice, process design, instrument or information that is not generally known or reasonably ascertainable by which a business can obtain an economic advantage over its competitors.	Protection is afforded by non-disclosure (NDA) or confidentiality agreements or provisions in other contracts.	Indefinite, but must make reasonable efforts to maintain security.

Each of these mechanisms may be used depending upon a variety of factors, including invention valuation, intellectual property strategy, type of invention, marketing strategy and budgeting constraints.

Thus, there is a need for implementing an intellectual property protection plan that appropriately covers all intellectual property generated by each organization during the regular course of business.

SOLUTION

Implementation of objective and comprehensive intellectual property asset management processes may be accomplished by using a variety of intellectual property protection mechanisms. For example, focusing on the type of intellectual property generated, in light of the different government vehicles available for their protection, may provide sufficient coverage of valuable intellectual property.

In addition, idea and invention valuation should be employed to place emphasis on the commercial viability and marketability of the idea and invention.

Furthermore, each invention should be evaluated in light of an enumerated intellectual property strategy and acted upon accordingly.

The solutions to this problem may enable beneficial protection of valuable technology and other intellectual property. In addition, these solutions will result in a significant increase in overall value of intellectual property estates.

For example, multiple inventions may be created as a result of a single product development project, such as the development of a new liquid chromatography system, including a new chromatography column and chromatography media. If the company's defined business strategy is to focus on chromatography media and chromatography columns, then the intellectual property protection for the columns and the media developed under the project must be comprehensive, including utility, design and model patent protection, trademark protection, trade secret protection and potentially copyright protection. Intellectual property protection for other inventions generated during the project that are non-strategic, such as those related to the chromatography system, would still be protected, but in a less than comprehensive manner.



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CONCLUSION

Due to the complexities and nuances of intellectual property laws, many companies protect all developed intellectual property in the same manner, which does not correspond to a defined business strategy. This paper highlights the need for protecting intellectual property according to an enumerated intellectual property strategy that comports with the company's business strategy using efficient intellectual property asset management processes. These processes may be applied to various types of intellectual property, including patents, trademarks and copyrights. By focusing resources on the appropriate intellectual property in a cost effective manner, additional resources may be used in new product development, which may result in increased organic growth of the company.

Please contact us and we can work together to start the process of controlling your intellectual property costs.

THANK YOU.

MORE INFORMATION CONTACT:

WILLIAM BUNCH

WILLIAM.BUNCH@PROFICIENTIP.COM



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William Bunch - IP Consultant/Principal

410.493.4245 · william.bunch@proficientip.com · ProficientIP.com

ProficientIP, LLC, 3948 3rd Street South, #267, Jacksonville Beach, FL 32250-5847

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