
Practice Pointers

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Drinking the Cool-aid

- Embracing or at least tolerating the reward system
- Understanding IP value
 - As an employee
 - As an employer
 - With respect to inventors
- Investors will expect you to at least have a plan
 - Provisional filings
 - Trademark
 - Agreements

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Patent Basics

- File early; file often.
 - \$103 fee to file a provisional is cheap insurance
 - May provide protection where an NDA cannot
- Search first – maybe?
 - You won't find everything, but you will likely find knock out art if it exists
- Get help
 - A good attorney should be able to add real value to your provisional filing for \$2000 +/-
- Understand your duty of candor and disclosure

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Trademark Basics

- Pick a good name early
 - Don't get hung up on pet or project names
 - Good names are suggestive or fanciful
- A quick search will save you headaches in the long run
- Registration is nice, but use is king

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Copyright Issues

- Open source issues
 - Think carefully before you decide to build upon an OSS project
- Ownership of source code and other works of authorship
 - Independent author: you retain copyright
 - Employee: employer retains copyright
 - Contractor: contractor retains copyright

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Agreements

- Agreements (contracts) rearrange rights
- The copyright vests in the author
 - UNLESS made in the scope of employment
 - BUT contractors are generally NOT considered employees
- The patent right vests in the inventor
 - Employer gets "shop rights"
- As an employee, you'll (generally) be asked to sign one. *Read it.*
- As an employer, you'll need to have these in place – *EARLY.*

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