



Intellectual Property Overview And Why and How to Document Your Invention

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Types of Intellectual Property

- ◆ Patents
- ◆ Copyrights
- ◆ Trademarks
- ◆ Trade Secrets



Patents

- ◆ Right to Exclude
- ◆ Scope is Determined by the Claims
- ◆ 20-Year Term from Filing Date
- ◆ Limited Territory
- ◆ Publication of Patents/Application



Key Issues Relating to Patents

- ◆ Patentability
- ◆ Freedom-to-Operate



Types of Patents

- ◆ Utility
- ◆ Design
- ◆ Plant



Patentability Requirements for the Invention

- ◆ Patentable Subject Matter
- ◆ New
- ◆ Useful
- ◆ Unobvious



Requirements for the Patent Application

- ◆ Enabling Disclosure
- ◆ Written Description
- ◆ Utility
- ◆ Claims
- ◆ Proper Inventors
- ◆ Duty of Disclosure



Provisional vs. Non-Provisional

- ◆ Provisional
- ◆ Non-Provisional



Types of Patent Claims

- ◆ Composition of Matter
- ◆ Method of Use
- ◆ Method of Making



Prevent Loss of Intellectual Property Rights

- ◆ U.S. – 12-Month Grace Period
- ◆ Foreign Countries – Typically No Grace Period
- ◆ Use of Non-Disclosure Agreements



Trademarks

- ◆ Conduct Trademark Search Prior to Selection of Company Name
- ◆ Generic/Merely Descriptive
- ◆ Suggestive/Arbitrary



Why to Document Invention

- ◆ Proof of invention
- ◆ Proof of invention occurred (e.g., prove you invented first if two or more parties independently conceived of the invention)
- ◆ Prevent others from misappropriating your invention (e.g., prove you had it before they learned of it from you)
- ◆ Correct determination of inventorship
- ◆ Antedate references (swear behind a reference)
- ◆ Avoid ownership disputes (relative contribution of two groups)
- ◆ Provide evidence of obstacles overcome



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