



# Intellectual Property Bootcamp

Key tips for identifying, protecting and exploiting IP



*“... the sweat of a man's brows, and the exudations of a man's brains, are as much a man's own property, as the breeches upon his backside.”*

Laurence Stern,  
Tristram Shandy  
Volume III





# Intellectual property

- Copyright
- Trade marks
- Patents
- Designs
  
- Confidentiality/trade secrets

## Tip 1. Assess which aspects of your business need protecting

A business should ask itself (on an on-going basis):

- Do we have something that we can protect?
- Are we going to infringe any third party IP?

***MAINTAIN CONFIDENTIALITY!***





## Tip 2. Document and archive your R & D process

Why?

- To facilitate with the identification process.
- To clarify ownership from the outset.
- To reduce registration and enforcement costs.
- To ensure an efficient due diligence processes for investors.

## Tip 3. Establish chain of ownership

- Make sure your business owns what it pays its employees, consultants and contractors for!
- Ensure the company (not individuals) own the IP.
- Beware the pitfalls of joint ownership.

***GET IT IN WRITING!***



## Tip 4. Maintain confidentiality

- Preserve all chances of registering your IP.
- If not capable of registration (e.g. source codes, recipes, algorithms) physically secure them and maintain confidentiality.
- Make non disclosure agreement (NDA) /confidentiality agreement your key template contract.

***GET IT IN WRITING!***





## Tip 5. Effectiveness of IP registration; and addressing location and timing.

Key questions when deciding whether to incur costs of registering patents, designs and/or trademarks:

- Are you seeking investment?
- Will you be exporting innovative products?
- Will you franchise your business?
- Will manufacturing be outsourced overseas?



## Tip 6. Consider selling or licensing your IP out.

Often there is a focus on ownership of IP, but licensing out can make business sense.

- Can your business grow faster if you let other businesses grow your domestic or export market on your licensing terms?
- Does the life cycle of your product differ in different markets?
- Are there cost opportunities to sell or license IP?

***GET LICENCES IN WRITING!***



## Tip 7. Consider buying-in.

Using pre-existing technology can:

- be cost effective;
- gain a time-to-market advantage;
- leverage expertise of others.

Due diligence: make sure any agreement gives adequate protection against third party claims of IP infringement.



## Tip 8. People are still important

- They carry the know-how and expertise.
- Investors will often consider the value the key innovators bring to the business.
- The source of future products and ideas.

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