

Ready – Set – Go!
Intellectual Property issues for your new launch

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Your breakthrough – “TextBumper”

- Custom headset for phone that alerts user when he is about to walk into something while texting
- Website promotes headset
- Phone has a custom app linked to headset



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Have you seen this before?

- Your marketing department is about to launch “TextBumper” and website
- Your lead designer is about to present TextBumper at a tech conference
- Your R&D team is investigating 3rd party technologies that may be incorporated into the headset / phone / app



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And they ask...

“Can you look at the Intellectual Property issues?”



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What is Intellectual Property (IP)?

- Set of common law and country-granted monopolies for specific exclusive rights to use protected features
- IP rights are assets that can be used/acquired/sold/licensed
- Types of IP
 - Trademarks
 - Patents / Trade secrets
 - Industrial Designs
 - Copyrights



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Trademarks



- Protect brands/slogans from confusingly similar brands
- Non-descriptive logos, names, slogans for goods and services

TextBumper



- Common-law and registered trademarks
- Renewable registrations
 - 15 / 10 year terms



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Patents / Trade Secrets



- Patents
 - Protect new, non-obvious and useful ideas from being copied
 - Devices, software, business methods
 - Improvements
 - 20 year, non-extendable term, then public domain
 - File before public disclosure
- Trade secrets
 - Confidential information
 - Perpetual, but subject to reverse engineering/discovery by 3rd parties



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Copyright



- Protects artistic works from copies
 - literary, musical, dramatic works and software (website layout, photographs, packaging, owner's manuals, apps)



- Automatically vests upon creation
- Term - Life of author + 50 years
- Does not protect idea in works



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Industrial Designs

- Protect appearance of an item from copies



- Term – 10 years, non-extendable (Canada)
- File before public disclosure



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Overlapping IP rights

IP Right	Protects	Term
Trademarks (registered)	Brands/Slogans	Renewable (15 / 10 years)
Patents	Discoveries	20 years
Trade Secrets	Discoveries	Forever (?)
Copyright	Expression / Software	Life + 50 years
Industrial Designs	Appearances	10 years



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Intellectual Property Issues



- Clearance
 - Any 3rd party IP rights restricting your ability to use / sell the TextBumper headset, its app or any related services?
- IP Retention
 - Any opportunities to protect IP for the products / services in TextBumper?



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What to consider – Before Launch

- IP agreements / clauses
 - Non-disclosure - vendors
 - Contractors / employees – IP ownership
- IP clearance / evaluation
 - IP Searches and Review
 - Trademarks, domain names, patents, copyright (website images, software), software – open source?
- IP filing options
 - Patents / Trade secrets / Industrial Designs / Trademarks
- Notices (website/materials)



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What to consider – After Launch

- Monitor marketplace for copycats
 - Enforcement of IP rights
 - Injunctions, damages
- Review and update IP portfolio
- Commercialization review – buy, sell, license IP rights
- IP Notices in materials/website
- Repeat for Version 2 release



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Questions?
Thank you!



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