

Workshop

What Founders Need to Know About IP



For Founders

Level**Basic****Duration**

This workshop can be presented as a full one day workshop, or, to try to make the time commitment less onerous for founders, it can be presented on two consecutive half days.

Program

A detailed description of the workshop program is below.

How this workshop helps Founders

Founders of technology based start-up companies need to recognise and protect their company's IP.

They need to know about:

- Patentable inventions and why they are important to a start-up
- How patents are applied for
- Trade marks and why they are important to a start-up
- How trade marks are applied for
- Copyright (particularly software)
- Joint IP Ownership and its potential adverse consequences to the start-up
- How to secure and protect the startup's IP in staff employment contracts
- How to secure and protect the startup's IP when engaging contractors
- How to secure and protect the startup's IP in research collaborations
- How to secure and protect the startup's IP when IP is created by Board members and Scientific Advisory Board members
- Securing the ownership of existing IP
- How to prepare for an investor's IP due diligence.

Presenter

Philip Mendes

Delivery style

Interactive workshop style.

Emphasis on discussion, participants asking questions, contributing their comments, and sharing their experiences.

We find that this interactive workshop style keeps participants alert and achieves a more effective learning and skills building outcome.

Materials

Each participant receives a set of bound workshop materials which will be an ongoing reference resource.

Certificate of Completion

A Certificate of Completion is provided to each participant.

WHAT FOUNDERS NEED TO KNOW ABOUT INTELLECTUAL PROPERTY
[Times are approximate. Please expect that the duration of breaks may be shortened throughout the day]

8.45	Arrive	
9.00	Recognising the Intellectual Property you have and need to protect	A startup cannot benefit from its intellectual property unless it recognises the IP it has, or ought to apply for. In the morning sessions we look in detail at all the categories of IP that are to be found in so many of a startups' products and services.
	Patentable inventions (including software related inventions)	What patents are. What is patentable and what is not. Requirements for a patent. How you can be disqualified from getting a patent. How patents are important to a startup. Rights a patent confers. The importance of patent searching. Short case studies.
	Applying for a Patent	Patent application process. Patent terminology you must know: priority date, provisional applications, PCT applications, national phase, pitfalls of patenting too early, or too late. Timing of patent applications. In which countries should you apply for patents?
	Trade Marks	What they are. What can be trademarked. How trademarks are important to a startup. When do you need them. In what countries should you register a trade mark. Trade mark terminology you must know. The rights a trade mark confers. The importance of trade mark searching. Short case studies.
10.30	Morning Tea	
11.00	Applying for a Trade Mark	Trade mark application processes. Madrid Protocol. Do you need a trade mark attorney?
	Copyright (focusing on software)	What copyright is. What copyright protects. Why copyright is important to a startup. The rights that copyright confers. "Worldwide" copyright. How you get copyright. Do you need both copyright and patents? Short case studies.
	Confidential Information and trade secrets	What confidential information and trade secrets are. How they are important to a startup. Why they are valuable. How to protect confidential information and trade secrets. To what extent can you disclose confidential information without a confidentiality agreement. Short case studies.
	Other forms of IP (briefly only)	In very brief terms, to complete the discussion, industrial designs and circuit layouts and how these may be important for a startup's uniquely designed products (industrial designs) and electronic products (circuit layouts).
12.30	Lunch	
1.30	Potential adverse consequences of joint ownership of patents and copyright.	Joint ownership of IP suggests that the joint owners have equal and mutual rights over the jointly owned IP. But joint ownership laws can result in one joint owner being disadvantaged, or even all the joint owners being disadvantaged. Implications of joint ownership of patents and copyright explained. Adverse implications of joint ownership. Recommendations for managing joint ownership.
	IP and employees	Making sure the startup employer will own the IP created by its employees. What provisions should an employment agreement contain? What employment commencement and employment ending protocols should the startup have.
3.00	Afternoon Tea	
3.30	IP and contractors	Making sure the startup will own the IP created by its contractors. Securing your IP rights when IP is created by your contractors. What provisions should a contractor's agreement contain? Short case studies.
	IP and collaborators	Difference between a contractor and a collaborator. Securing your IP rights when IP is created in the course of a collaboration. What provisions should a collaboration agreement contain? What models for IP ownership are available in a collaboration? Short case studies.
	IP and board members and advisory board members	A startup's non-employee directors sometimes conceive or create IP in the startup's areas of business. Capturing that IP for the startup's benefit. Advisory Board members similarly are not employees and may also conceive or create IP relevant to the startup. Capturing that IP for the startup's benefit.
	Getting ready for an investor's IP due diligence. Securing ownership / rights - Mapping out IP ownership and Rights	Investors will undertake a due diligence to verify that you own the IP that you believe you do. You must not assume that you own the IP. Identifying IP's origin. Identifying how it has passed from its origin to the startup. Has this been done correctly, and been documented? Recurrent ownership issues and how to fix them. Securing the IP to your startup company. How to map out your IP ownership and rights ready for a due diligence.
5.00	Close	