

Got an idea?

Copyrights ©

Trademarks ®

Patents

Trade Secrets

Copyrights

Protects the expression, not the idea

Books, movies, songs, performances, software code

Copyright as soon as reduced to tangible form

Cannot sue for infringement unless registered

Fair use defense

Trademark

Protects words, phrases, sounds, color
that identify goods or services

Used in commerce

Coined
Fanciful
Arbitrary
Suggestive
Descriptive
Generic

Confusingly similar, but . . .

Different classes for different goods or services,
so there can be similar trademarks
for different goods

What about the Internet?

Patents

Gives inventor an exclusive right
to use for a period of years

Useful
Novel
Non-Obvious
Reduced to Practice

Trade Secret

Forever

Economic value from not being disclosed

Take reasonable measures under circumstances
to keep it confidential

Inevitable disclosure

Covenant Not to Compete

Reasonable time restrictions

Reasonable geographic restrictions

Reasonable activity restrictions

Legitimate business interest

Near permanent relationship

Degree of difficulty in obtaining
Clients/customers

Lead time

Money invested

Non-disclosure agreements

Confidential information

How it will be used?

Will it be incorporated into other material?

When will it be returned?

What happens if there is a breach?

Protecting your assets

Sole proprietorship

Partnership

Limited Liability Company

Corporation

Hope for success,

Plan for failure

Operating Agreement Provisions

Who does what

How are decisions made

How can ownership be transferred

Capital contributions

Money

Sweat

License in technology