

## 6 KEY TAKEAWAYS

# Protect Your Business's Foundation and Future with a Strong Internal Patent System

Startups are built on and thrive off ideas, creativity and energy. However, startups will remain vulnerable to entrenched incumbents with access to greater resources if important innovation is not protected.

To get started:

1

### **Establish Ownership Rights of Intellectual Property (IP).**

Ensure that contracts indicate when a company owns IP rights stemming from an employee's ideas or any collaboration with other companies.

### **Understand the Basics of Patent Law.**

Time is of the essence as release or other public disclosure prevents patent protection in most foreign countries and after a year in the U.S. Almost any technological innovation is protectable including improvements, processes and software.

2

### **Track Ideas.**

Identify innovation important to the company's core or future. Track who came up with ideas and record dates of any corresponding product release or public disclosure.

3

### **Welcome Submission of New Ideas.**

Inform employees of the opportunity to share new ideas related to the company's (or competitor's) technology. Emphasize IP's importance (e.g., to attract investment and ward off competition).

4

5

**Facilitate Generation of New Ideas.**

Establish regular collaborative brainstorming sessions around problems and desired functionality. Select brainstorming groups to include a representative sample of employees, potentially crossing teams.

**Recruit an Expert.**

Before a patent-filing deadline passes, ensure that an internal or external expert has determined whether an idea is patentable and advisable. Patent-attorney analysis can be used to make informed business decision of patent pursuits before it is too late.

6

---

For more information, contact **Kate Gaudry** at [kgaudry@kilpatricktownsend.com](mailto:kgaudry@kilpatricktownsend.com).