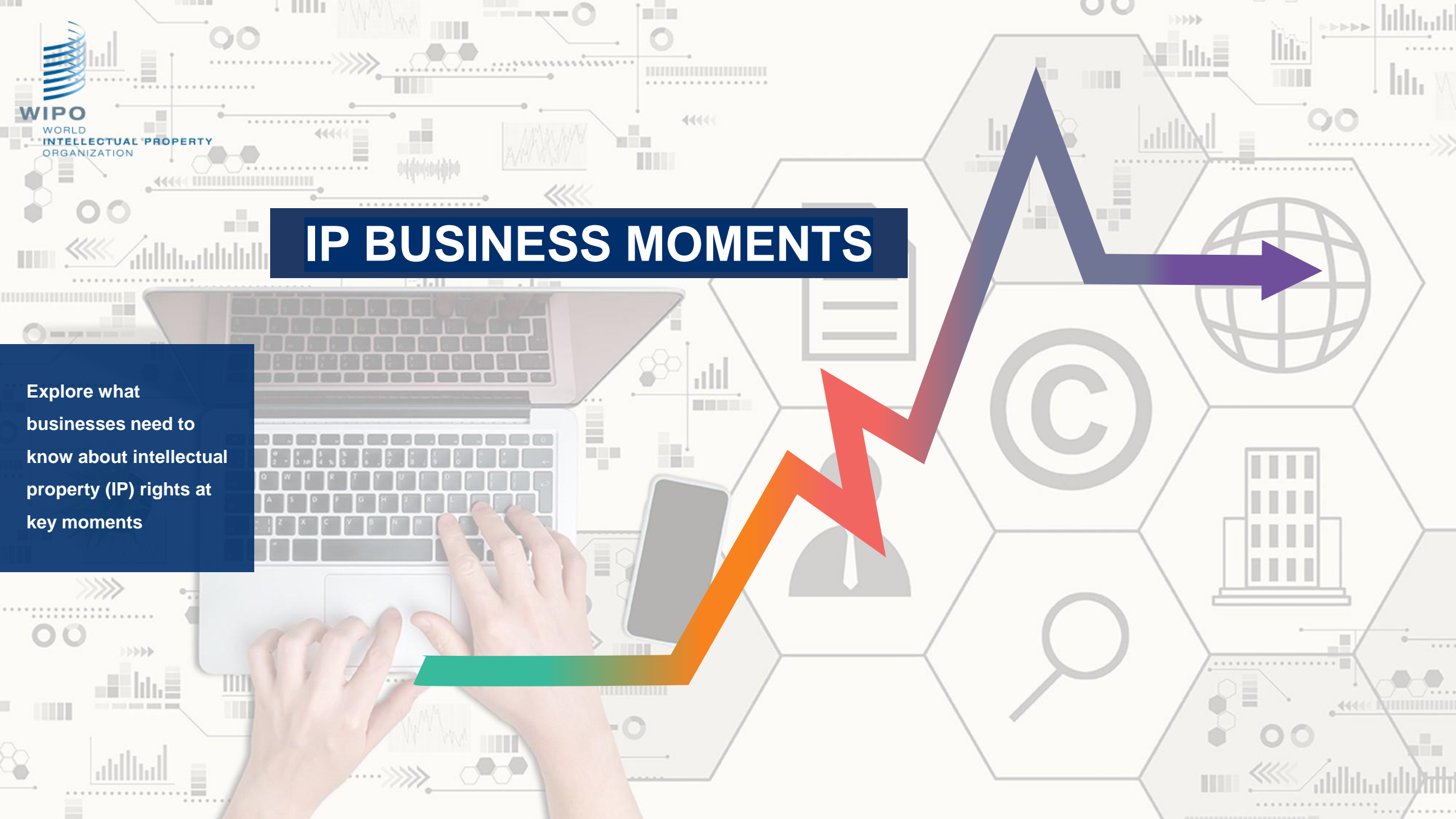


IP BUSINESS MOMENTS

Explore what
businesses need to
know about intellectual
property (IP) rights at
key moments



A top-down view of a person's hands writing on a document at a wooden desk. The desk is cluttered with various items: a white calculator, a yellow folder, a red folder, and several stacks of papers. The person is wearing a dark grey long-sleeved shirt. The text is overlaid on a white rounded rectangle in the center of the image.

Some of your most valuable assets are what you create and invent.

These can be protected through intellectual property (IP).

Your business creates and uses IP every day.

Ways IP can deliver value to your business



Enhance your
competitive edge



Build your reputation



Secure market access
and partners



Be a source of
competitive intelligence



Create revenue streams



Provide access to financing
and attract investors

Failing to consider IP creates risk to your business



Others could gain market share, using the same strategy or IP assets



You might have to pull your product from the market



You could be forced to rebrand, costing time and money



You might have to completely rework your offering



You could owe damages that hurt your business or even take you out of the market

IP rights give you control...

**...to decide who can do what with
an invention, creation, or brand.**




IP rights and what they protect

These rights vary in what they protect, for how long, and how strongly.



COPYRIGHT

Creative works like artwork, writing, music, video, and software

 Creator's life + ~50 years



TRADE SECRETS

Confidential information

 As long as it's kept secret



INDUSTRIAL DESIGNS


2D or 3D features, like shape, patterns, lines, or colors

 ~ 10 years



TRADEMARKS

Words, phrases and images

 Initially 10 years then for as long as it's used



PATENTS & UTILITY MODELS

Inventions

 7-20 years

No protection against others developing independently.

Protected, even if developed independently.

Most businesses use a mix of IP rights



An invention

Patent, utility model
or trade secret



A creative work

Copyright,
industrial design



Brand name or logo

Trademark, copyright,
industrial design



Some databases

Copyright,
trade secret



Confidential information

Trade secret



A design

Industrial design,
copyright, patent



A new plant variety

Plant variety protection,
patent



Software

Copyright, patent,
trade secret

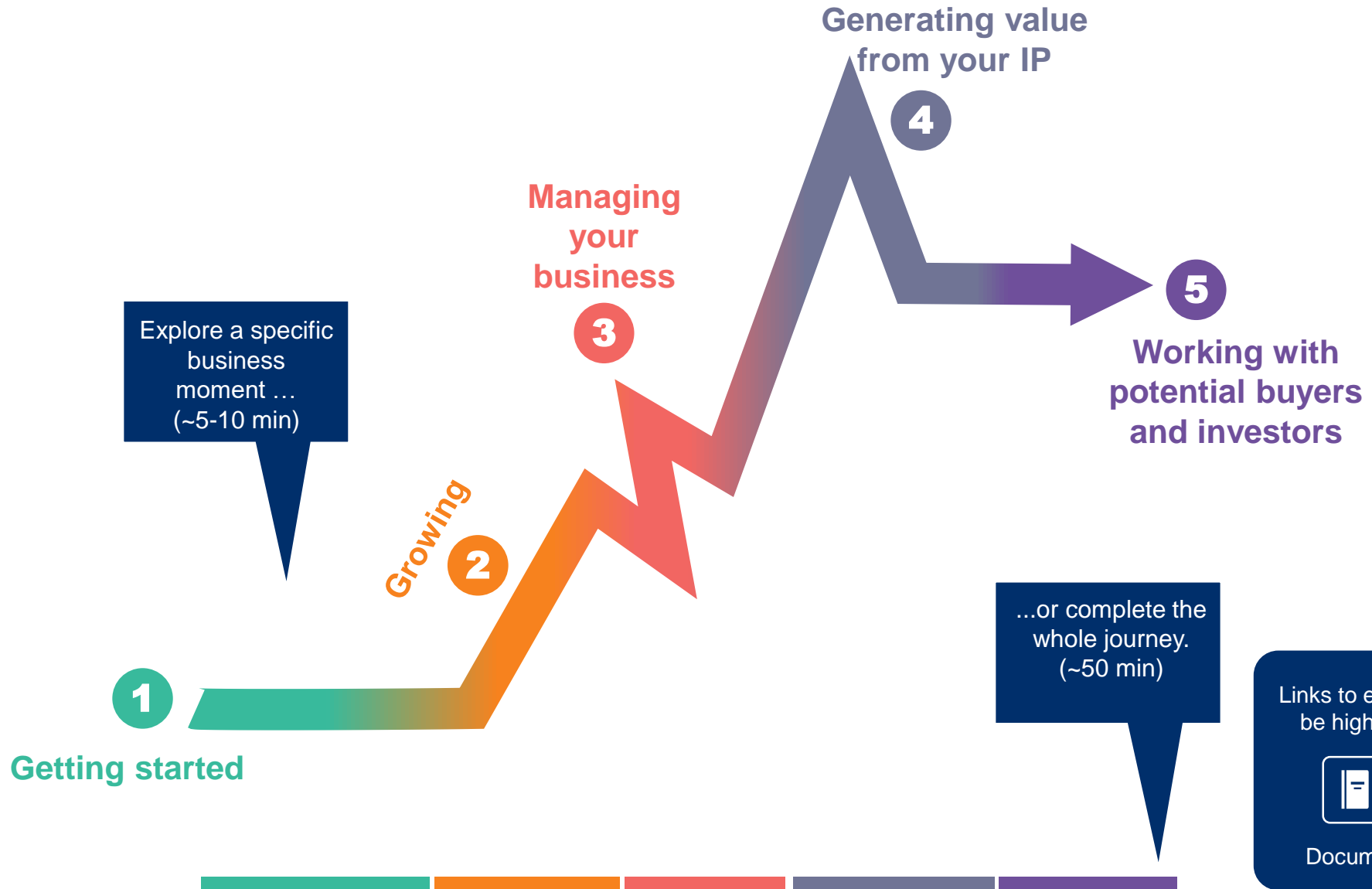
IP fits into each business moment



How to navigate IP Business Moments

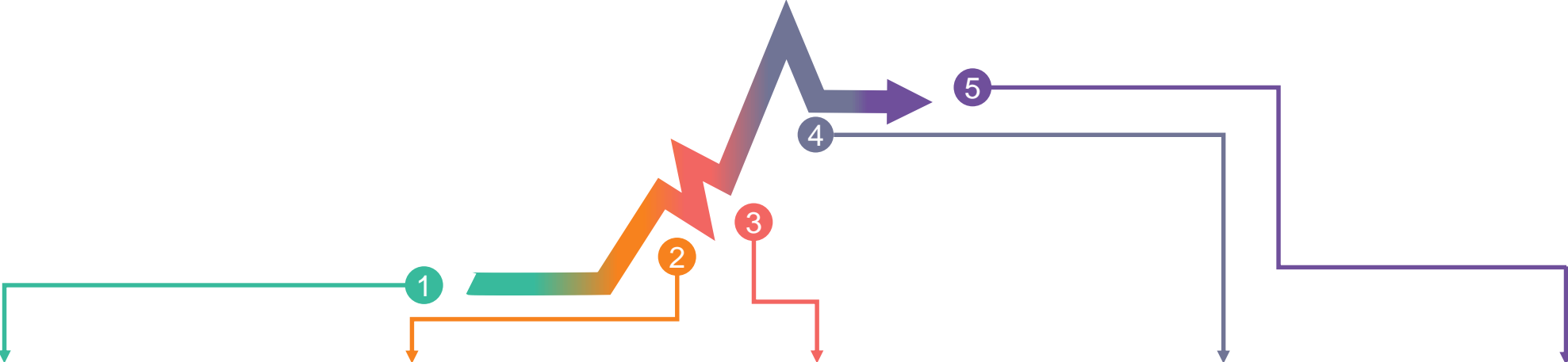


Click to go back to the content navigator.



This section of the page will show you where you are in the journey.

Now choose your business moment



GETTING STARTED	GROWING	MANAGING YOUR BUSINESS	GENERATING VALUE FROM YOUR IP	WORKING WITH POTENTIAL BUYERS AND INVESTORS
Market research	Expanding the team	Plan your IP Portfolio for disruption	Understanding the value of your IP	What investors and buyers want to know
What you can protect with IP	Think before you share	Review and update your IP strategy	Generating revenue from your IP	Proving you own your IP
Where to protect your IP	Working with suppliers	Getting access to third party IP	What to include in a licensing agreement	Can you take an agreement with you?
Protecting yourself when working with others	Setting up successful partnerships	Cut costs and generate revenue	Using your IP to access finance	Tell your IP story
Building a brand pays off	IP information as a source of business intelligence	What if someone accuses you of using their IP	Key takeaways	Key takeaways
Choosing and building a brand	Mitigating IP risks as you grow	Key takeaways		
Keeping your brand safe	Key takeaways			
Key takeaways				



Getting started

GETTING STARTED

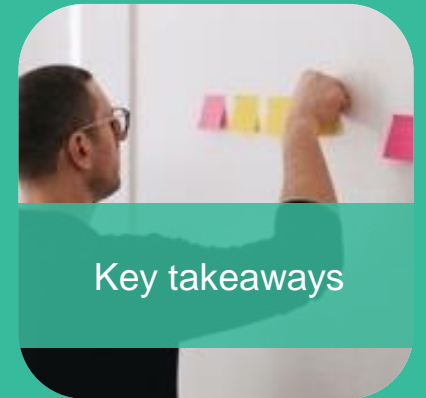
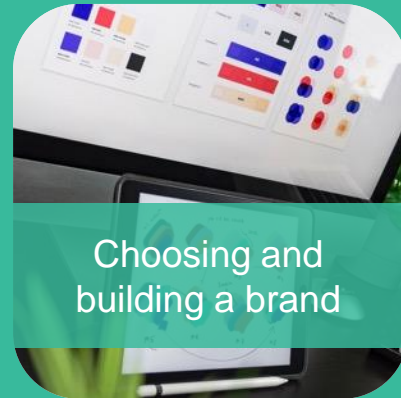
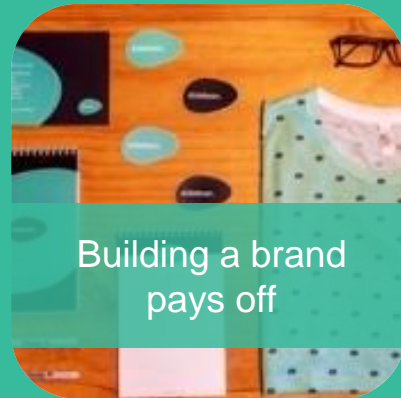
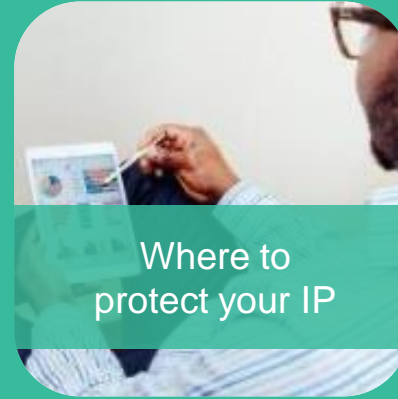
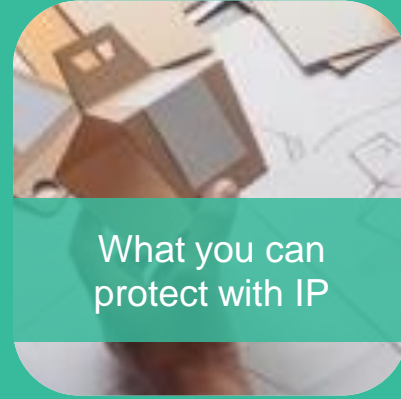
GROWING

MANAGING YOUR BUSINESS

GENERATING VALUE FROM YOUR IP

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RESOURCES





Market research: Your business context (1/2)

GETTING STARTED

- Market research
- What you can protect with IP
- Where to protect your IP
- Protecting yourself when working with others
- Building a brand pays off
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WHAT SETS YOU APART

What is or will be your company's unique selling proposition?
How will you compete?



WHERE YOU OPERATE

How will you offer your products and services? In what markets?



YOUR COMPETITORS

Who are or may become your competitors? What do they sell? In what markets do they sell or manufacture?

These elements drive your IP strategy.



Market research: Determine what's new (2/2)

GETTING STARTED

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IS ANY ASPECT OF WHAT YOU DO UNIQUE?

YES

NO

If it's unique, you might be able to protect it with IP.

If it's not, someone else might be protecting it with IP and you might need permission to use it.



HOW DO I KNOW?

DO SOME RESEARCH

1

START SIMPLE:
Use your favorite search engine and see if you find something similar.

2

GO DEEPER:
If nothing turns up, consider looking at specialized databases for IP, both locally and in other markets.

**JUMP TO
WIPO DATABASES**



What you can protect with IP (1/2)

Remember, a wide range of elements you use in your business may be protected.



An invention



A creative work



Brand name
or logo



Some
databases



Confidential
information



A design



A new plant variety



Software

GETTING STARTED

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What you can protect with IP (2/2)

GETTING STARTED

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IP RIGHTS ARE AN INVESTMENT IN YOUR FUTURE

- Think about where your business will be in the near - and long- term future.
- If you wait, you may miss the window to protect most types of IP.

**Remember, just because you can protect it, doesn't mean you need to.
Protect things that may have value to your business.**



GETTING STARTED

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Where to protect your IP



It's all about

WHERE YOU AND YOUR COMPETITORS OPERATE.



IP RIGHTS ARE COUNTRY SPECIFIC.

- You need rights in each country.
- What's protected, the procedures and costs to protect it can vary.
- Protection may be automatic in some cases.

Start by considering these:



Where will you or your partners make your offering?



What markets will you sell your offering in?



Where will your competitors make and sell their offering?



The value a proprietary position can bring to your business.



Your human and financial resources.



Protecting yourself when working with others

GETTING STARTED

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Be clear from the start of your relationship and put in writing:



WHO OWNS WHAT

IF YOU OWN IT

Can you prove it? Be clear rights are assigned to you.

IF YOU DON'T OWN IT

How can you use it?

In future products or with partners? Can you keep using it if you sell your business?



WHAT YOU WILL GET

Do you need anything from the other party?
e.g. documents, source code, models, formulas, materials, etc.

Think past today and what you might need if your business or technology changes.



WHAT'S CONFIDENTIAL

How can confidential information be used?

How will the other party protect it?

Is anything returned or destroyed after work is completed?



USING THIRD PARTY IP

Is it ok to use someone else's IP?

How will you get permission to use it and are there any limits?

What if someone accuses you of using their IP without permission?

Building a brand pays off



GETTING STARTED

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A successful brand appreciates in value over time and can:



Distinguish you from competitors.



Drive consumer trust and loyalty.



Stop others freeriding on your success.



Generate new revenue streams.



Help secure financing.



Without protection... you may be forced to rebrand, especially when entering new markets.



Choosing and building a brand

GETTING STARTED

- Market research
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RESOURCES

Choose your brand wisely. Make sure that your brand is:

- Not already used in key markets
Including the name, domain name, and logo.
- Consistent with the image you want to portray.
- More than a description of what you will offer.
- Does not have a negative connotation, including in other languages or contexts.
- Avoid brands that may be offensive to a culture or deceptive.

Once you choose your brand, protect it.



Protect different aspects of your brand
(*your logo, slogan, product names, etc.*)



Register where you plan to use it.



Secure your virtual brand real estate
(*domain names, branded key words in search engines, etc.*)

Consider using a mix of IP rights to protect your brand
(*e.g. trademarks, designs, domain names, etc.*)



Keeping your brand safe

GETTING STARTED

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RESOURCES

Are others benefiting from your brand?



Watch

the market to see if others are using it.



Take action

if you discover someone else using it. Use your IP to make them stop or pay to use it.

Your reputation matters. If you let others use your brand



Include guidelines for how your brand can be used.



Require a minimum quality standards.



Have the right to make them stop using your brand, if your reputation is at risk.



Takeaways on getting started

GETTING STARTED

- Market research
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Many aspects of your business can be protected with IP.



Your business context should drive your IP strategy.



IP rights are an investment in your business. If you don't act now, you may lose out.

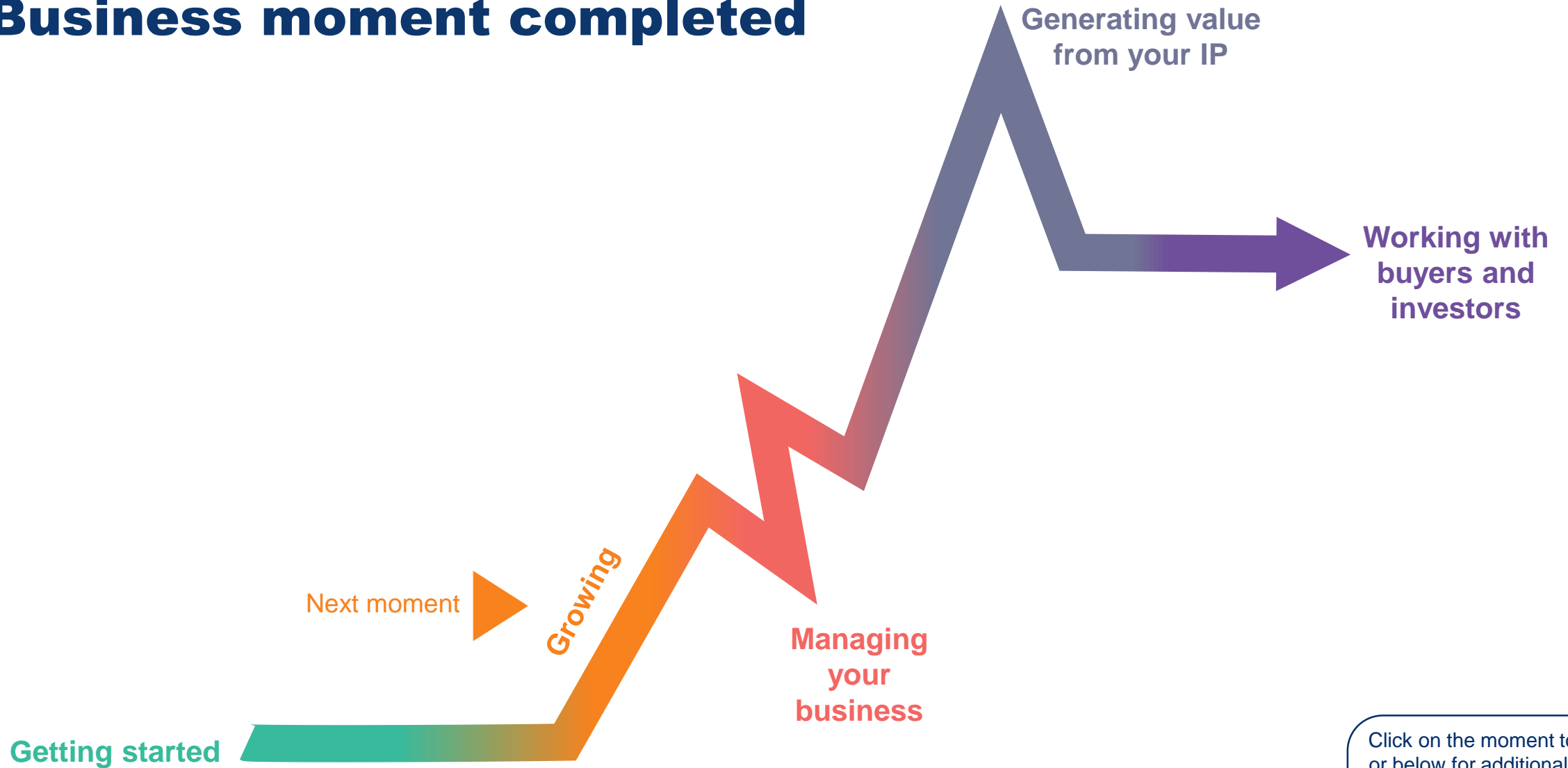


When working with others, get agreements in writing that lay out key terms.



Choose your brand wisely and protect it.

Business moment completed



Click on the moment to jump to it or below for additional resources



Resources



IPBD
website



Growing

GETTING STARTED

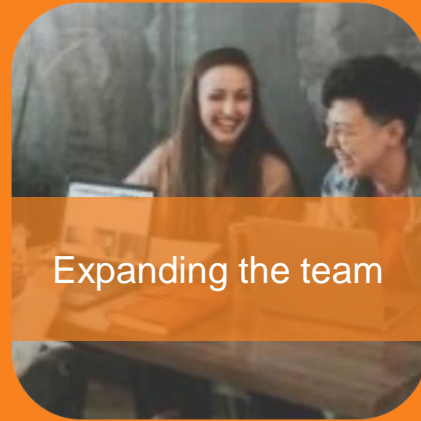
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Expanding the team



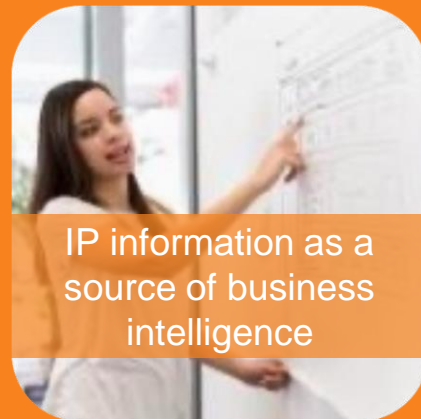
Think before you share



Working with suppliers



Setting up successful partnerships



IP information as a source of business intelligence



Mitigating IP risks as you grow



Key takeaways



Expanding the team (1/2)

GETTING STARTED

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RESOURCES

**Be clear with new team members about the IP owned by the company.
Execute employment agreements and contracts that memorialize this understanding.**

GET IT IN WRITING

- ✓ Distinguish between what the company owns and what might be the employee or contractor's IP.
- ✓ The employee OR contractor agrees to assign rights to IP they create even after they leave the company.
- ✓ Obligations continue even after the team member resigns or is terminated.
- ✓ Any exceptions you agree on with the team member.

WHEN A TEAM MEMBER LEAVES

- ✓ Remind the employee or contractor of their obligations.
- ✓ Make an inventory of IP that the team member interacted with or helped create.
- ✓ Have the team member sign a document acknowledging that your company owns these rights.



Expanding the team (2/2)

GETTING STARTED

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RESOURCES

Your team members also play a role in keeping your competitive advantage safe.



PROTECT CONFIDENTIAL INFORMATION

- Identify what's confidential.
- Keep an up-to-date inventory that includes both IP and trade secrets.
- Require employees and contractors not disclose this confidential information, even after they leave the company.
- Do not share confidential information of others, like former employers.



Trade secrets may include:

- Source code
- Customer or supplier lists
- Financial information or business plans
- Formulae and recipes
- Process know-how
- Marketing data and planning



GETTING STARTED

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Think before you share

You may need help from outside the company to realize your vision, e.g. to build your brand, manufacture your product, distribute and sell it.

Before sharing take steps to keep your company's competitive advantage safe.



Execute non-disclosure agreements (NDAs)

These are short agreements that explain what's shared is confidential and what you can do with it.

It's normal for businesses to execute NDAs and a sign of the seriousness of your endeavor.

Develop an NDA template for your business and make it part of corporate culture when talking with anyone outside your business.



WHAT YOUR NDA SHOULD INCLUDE

- What are you sharing and why?
- How can the information be used?
- How long will it be secret?
- Is it ever ok to reveal the information?
- What happens if the information becomes public?
- What happens if the agreement is broken?
- Will anything be returned or destroyed after the agreement ends?



GETTING STARTED

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Working with suppliers

Put your commercial arrangements with suppliers in writing and include the elements you'll need to run your business today and as you grow, including:



Clarify what you will own from the relationship, and its use in the future

Make sure you can continue to use what's created as your business changes, you develop new products, work with partners or even get acquired.



Ask for a physical or digital copy of what's produced

Avoid getting locked into a supply arrangement, by getting what you need, e.g. documents, source code, models, formulas and materials.



What's confidential and how any information you provide can be used

Prevent suppliers from using what they create for you with a third party, to avoid giving your competitors an advantage. *Even if you had a non-disclosure agreement (NDA), it may not cover your current relationship.*



Be clear whether the suppliers use third party IP as part of the contract

If the supplier uses someone else's IP, be clear you have permission to use it. *In some cases, you can ask a supplier to define you and pay damages if you get accused of using someone else's IP without permission.*



Steps that happen when a contract ends

Set out when your contract ends, e.g. after a set period or if the supplier fails to deliver and clarify what should be returned to you or destroyed when the relationship ends.



Setting up successful partnerships (1/2)

GETTING STARTED

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WHY PARTNER?

- Access and develop things your business needs: knowledge, technology, etc.
- Reduce R&D costs and share risks.
- Enter new markets and scale-up your business.

Think about how you will use IP at all stages of your partnership.



Your best asset to contribute may be your IP.



The partnership may need access to IP owned by the partners.

A good partnership may create IP.

Ownership and rights may vary based on what's created and the nature of the IP.

Example:



Brand belongs to the partnership.



Manufacturing improvements to one partner.



Product improvements to another partner.



Setting up successful partnerships (2/2)

GETTING STARTED

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RESOURCES

YOUR AGREEMENT SHOULD BE CLEAR AND COVER:



What IP is contributed, who can use it and on what terms.



Who oversees what process.



Who pays for what.



Who decides what to protect and who owns it.



Who gets partnership owned IP and other assets when it's dissolved.



How to maintain confidentiality.



How to resolve disputes.



IP information as a source of business intelligence

GETTING STARTED

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Want to know more about your market, competitors, and potential partners? Information contained in specialized IP databases reveal more than you think.



Competitive intel

Recent registrations can give a clearer picture than other sources.



Find partners

Want a partner?
Look for entities with complementary IP registrations.

Who's working together?
Look for IP registrations with multiple parties (e.g. inventors or owners).



Business Opportunities

Find technology that is not on the market yet and get access to it.



Component incorporation

You may want to use third party IP to further develop your products.



Potential assets

If there is no registered IP, you may be able to protect it.

(or it may not be public yet, or the market may not view it as valuable).



**JUMP TO
WIPO DATABASES**



Mitigating IP risks as you grow (1/2)

GETTING STARTED

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Before you become successful, check if you might be using someone else's IP.

Using someone else's IP without permission can cost your business.

You might have to:



Rebrand or de-feature your product.



Pull your offering from the market.



Pay damages.

Ignorance is not a defense!



What to check?



Search for your name and product features in the markets you plan to sell, both now and in the future.



Consider each feature of your offering separately and as an entire offering.



How to check?



Start with your own search.



Then work with an expert (legal counsel or IP office).



**JUMP TO
WIPO DATABASES**



Mitigating IP risks as you grow (2/2)

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What to do if you find something?



Remove or design around the protected feature.



Get access to it (e.g. license or buy it).



Use legal help to determine if the IP applies to you or may be invalid.



Consider a new name.



If you don't find anything, and if it's valuable, consider protecting it with IP.



Protect an invention with patents, utility models or trade secrets.



Protect your creative outputs with copyright, industrial designs, and trademarks.



Protect confidential information with trade secrets.



Protect your brand name or logo with trademarks, copyright, and industrial designs.



Protect a design with industrial designs, copyrights, patents.



Takeaways on growing

GETTING STARTED

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Set clear expectations with your employees on what belongs to the company and their obligations to protect it.



Think before you share. Keep your company safe with a confidentiality agreement.



Partners and suppliers can help you scale. Know what you're putting in and what you get out of it. Put it in writing.

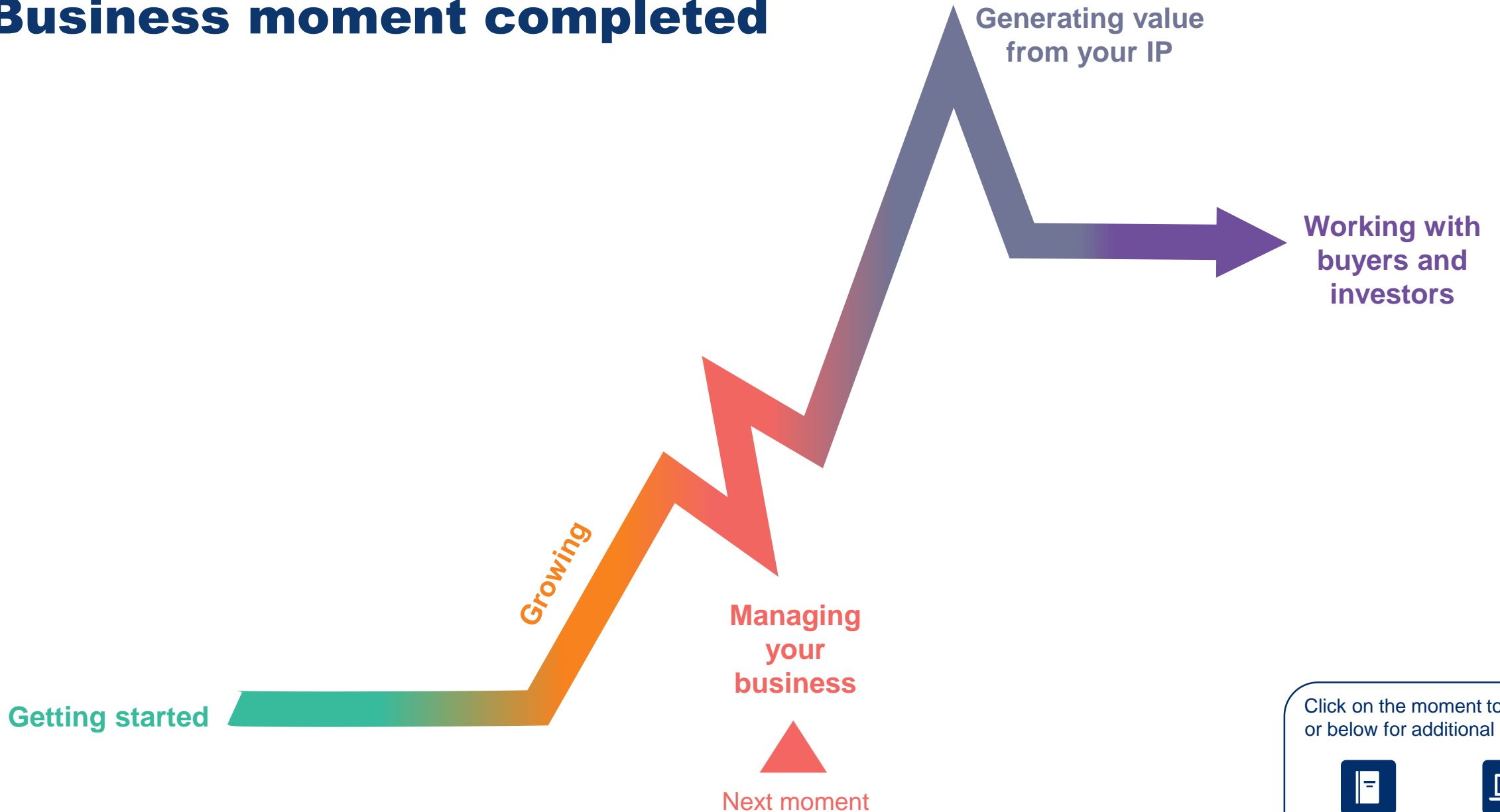


Use IP as a source of competitive intelligence. Identify potential partners, and trends in the space you operate.



Make sure you are not unintentionally using the IP of others. The cost of not checking can cost you time, money, or even your business.

Business moment completed



Getting started

Growing

Managing
your
business

Next moment

Generating value
from your IP

Working with
buyers and
investors

Click on the moment to jump to it
or below for additional resources



Resources



IPBD
website



Managing your business

GETTING STARTED

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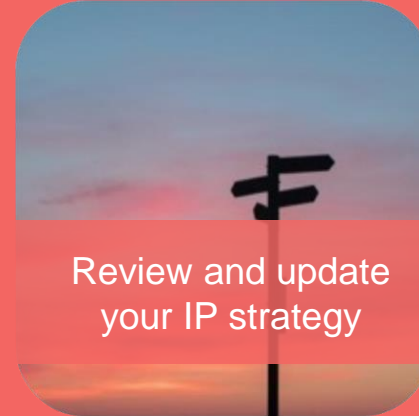
GENERATING VALUE FROM YOUR IP

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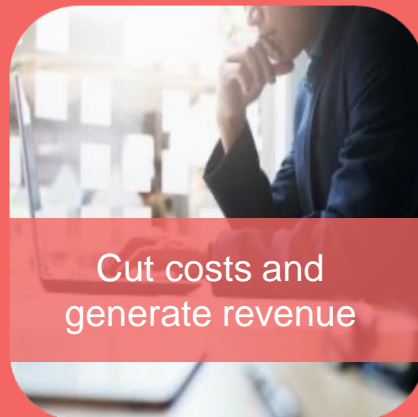
Plan your IP Portfolio for disruption



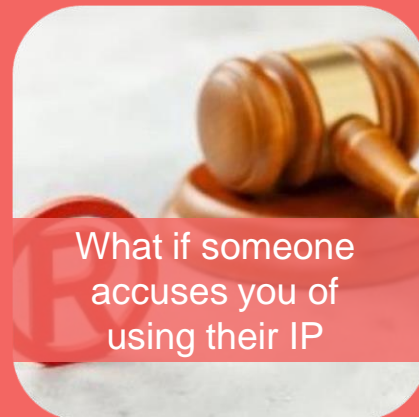
Review and update your IP strategy



Getting access to third party IP



Cut costs and generate revenue



What if someone accuses you of using their IP



Key takeaways



Plan your IP portfolio for disruption

GETTING STARTED

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- Review and update your IP strategy
- Getting access to third party IP
- Cut costs and generate revenue
- What if someone accuses you of using their IP
- Key takeaways

GENERATING VALUE FROM YOUR IP

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RESOURCES



Craft your IP to have options as the environment changes.



IP assets can generate revenue, attract partners, and be used to support negotiations.



As you develop your IP portfolio, plan for disruption and assess where your business will be in the near and long-term future.

Revisit where to file for protection:



Where will you (or your partners) make your offering?



What markets will you (or your partners) sell your offering in?



Where will your competitors make and sell your offering?



Review and update your IP strategy

GETTING STARTED

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RESOURCES

Review your IP strategy when there are changes in your business, such as changes in your:



Competitors or their business



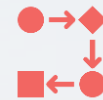
Supply chain



New technology



Customers



Business model

With every business change, consider if:



You have protection for what's valuable.



You are using someone else's IP.



IP can be used as a source of revenue.



There is IP you need to acquire.



GETTING STARTED

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- Plan your IP Portfolio for disruption
- Review and update your IP strategy
- Getting access to third party IP
- Cut costs and generate revenue
- What if someone accuses you of using their IP
- Key takeaways

GENERATING VALUE FROM YOUR IP

WORKING WITH POTENTIAL BUYERS AND INVESTORS

RESOURCES

Getting access to third party IP

If you need someone else's IP, you can license or buy it.
Be sure you get everything you need, including:



Ask the IP owner to prove they own what's being sold or licensed.



Determine if you need help to use the IP, e.g. training, consulting time, manuals.



Ask if you can tell other people the IP comes from the owner.



Be clear about what happens if the IP becomes invalid or is no longer in force.



Ask the IP owner to pay damages if you are harmed by the agreement.



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Cut costs and generate revenue

As technology and your business context changes, the value of your IP can too.

Review your IP portfolio regularly and ask:



Is the IP asset still relevant to your business?



Is the IP asset still relevant in the markets where it's protected?



Is the IP asset relevant to others?

Take action:



If not relevant to you or others, stop paying for the asset or in those markets.



Consider letting others use your IP in exchange for compensation or other benefits.



What if someone accuses you of using their IP

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Not respecting the IP rights of others can cost your business.

Take it seriously but don't panic.



Read the claim carefully and start with your own analysis to determine if you're using their IP.



Get legal help from an IP counsel.

It's both a technical and legal analysis. This can help you determine:



If you are actually using the IP in the legal sense.



If the IP is no longer in force or is invalid.



If you have permission to use it, e.g. a license or by law.



If someone else is required to defend you or pay damages.

Knowing these answers will help you take the next steps.

This may be a business opportunity. You may be able to create a mutually beneficially relationship with the IP owner.



Takeaways on overcoming change

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When your business changes, revisit your IP strategy to make sure it still supports your commercial objectives.



Think about potential disruptions as you build your IP portfolio. Shifts in the business models may render your IP more or less valuable.



As your business changes, consider if you can create new IP that delivers competitive advantages or drives value.



Review your IP assets regularly. Stop paying for assets that are no longer valuable to you or someone else.

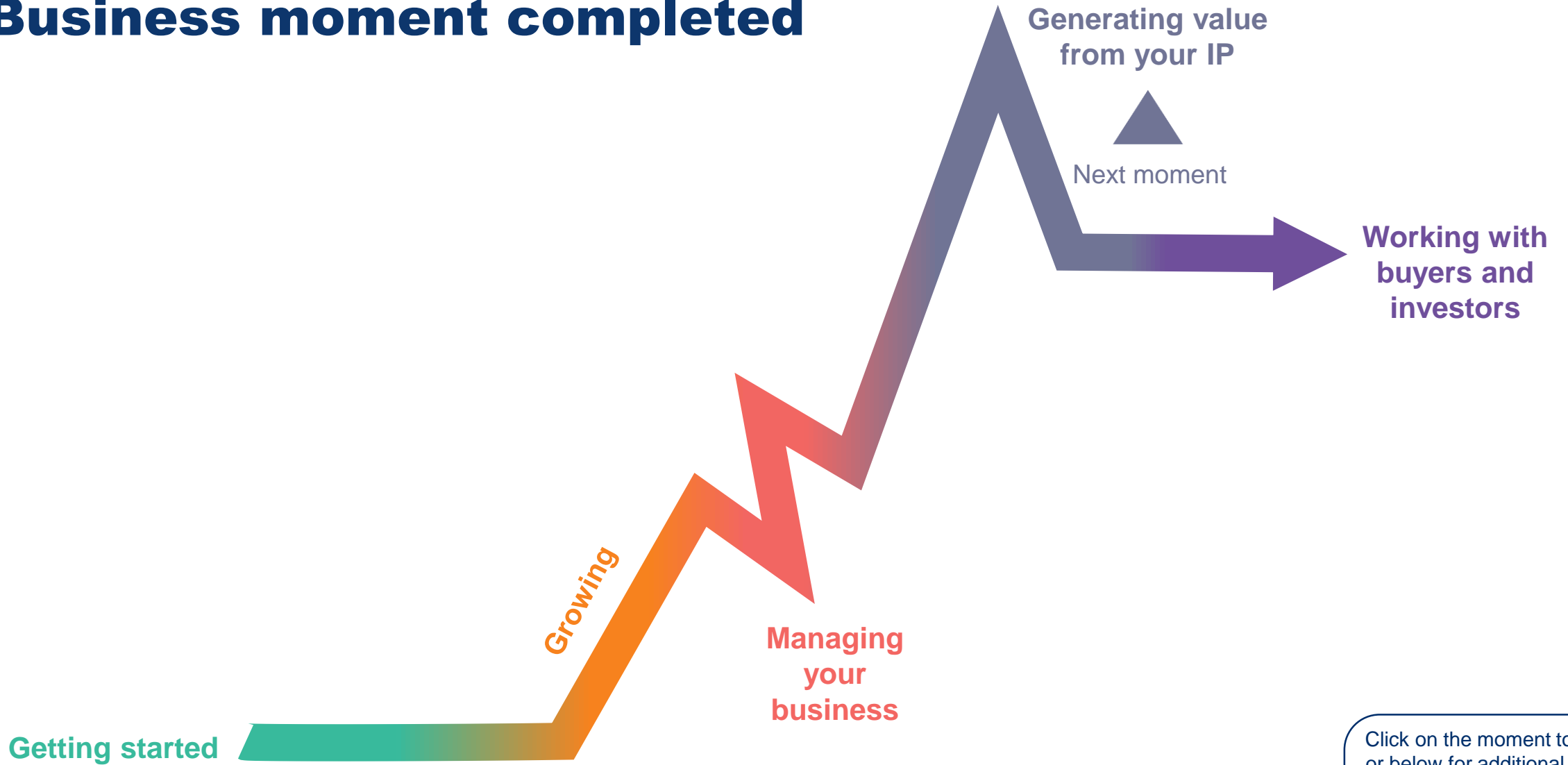


Your IP may be valuable to others and can be a source of revenue. Consider if you can sell or license it.



If someone claims you're using their IP without permission, take it seriously. Analyze the claim and get legal help to figure out the next steps.

Business moment completed



Click on the moment to jump to it or below for additional resources



Resources



IPBD website



Generating value from your IP

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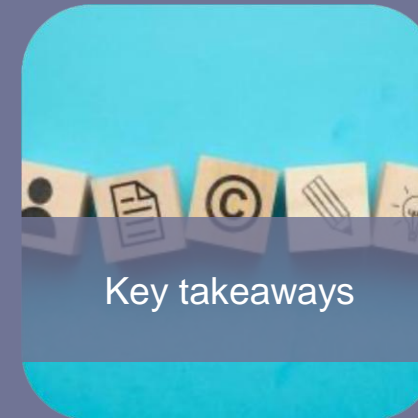
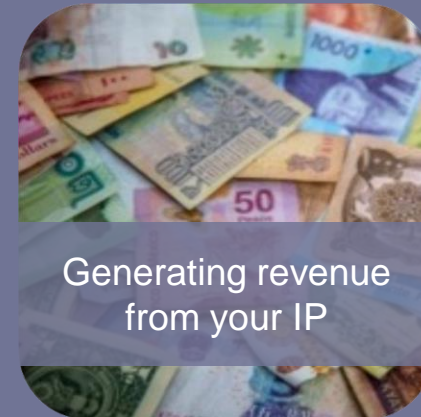
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Understanding the value of your IP

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What IP do you own and how is it protected?



Does your IP protect your competitive advantage?



Do your competitors have similar IP?



Does your IP have value to others outside your business?



Is your IP strong enough to prevent competitors from doing something similar?

Value depends on your business context.



Generating revenue from your IP (1/2)

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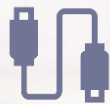
RESOURCES

Let others use your IP in exchange for some benefit – money, access to technology, sales and distribution chains, etc.



License your IP

- You keep ownership of the asset.
- Often royalty based. Can also include a lump sum or another form of compensation.
- Can be limited by market and/or purpose.



If related to technology, you may need to transfer some know-how to make the deal successful.

Remember your reputation: consider licensees carefully and include terms to keep your brand intact.



Sell your IP

- You give up control of the asset. You may be able to get some rights back.
- Consider if you use the IP in anyway in your business and need to maintain some rights.
- If related to technology, you may need to transfer some know-how to make the deal successful.



Franchise your business

- Let franchisees use your business model and IP for a defined period of time in exchange for payment of initial and ongoing fees.
- You keep control of the way the business is run and managed by the franchisee.



Generating revenue from your IP (2/2)

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Benefits of licensing your IPRs to others or franchising your business:



Create new revenue streams.



Reduce costs when expanding into new markets.



Access new industry applications for your technology.



Share risk.



Resolve disputes by converting a competitor into a partner.



What to include in a licensing agreement (1/2)

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What you are licensing:



A list or description of the IP assets being licensed.



How can it be used

Choose which rights, what area, and which markets the IP can be used.

- **What field?**
Certain products, technical areas.
- **Which markets?**
E.g. particular countries.
- **How long?**
E.g. while IP exists, limited in time, renewable.
- **Which rights?**
E.g. sell, make, provided these rights to others.



What you get in return

- **Lump sum**
- **Royalties**
E.g. percentage of sales, profits.
- **Other benefits**
E.g. access to distribution, manufacturing.
- **Combination of these**



Protecting yourself by including

- **Audit rights**
- **Quality guidelines**
- **A way to resolve disputes**
- **Ways to limit damage to your business**



What to include in a licensing agreement (2/2)

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Types of Licenses



Exclusive or sole

IP can be used by a single licensed party.
The IP owner may retain some rights.



Non-exclusive

IP owner can grant multiple licenses.

Exclusivity can be for an entire IP portfolio, markets or field.

Considering an exclusive or sole license?



Determine which license style is most lucrative for you.



Retain rights you might need to continue to operate your business.



Include terms that incentivize the other party to maximize the use of your IP
e. g. minimum payments or a loss of exclusivity if not used enough.



Don't give away more than you have to
e.g. restrict the field, markets, length of time, or rights to what's interesting for the other party and keep options open for other licenses.



Using your IP to access finance (1/2)

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You may be able to get access to finance using your IP assets.



Which assets?



Usually, registered IP that you own and is important to your business or has established revenue streams.



If there is a clear market for your IP or it is linked to a broader transaction, it may be easier to find lenders or investors.



Lenders and investors will want to understand your IP and the market context. This process takes time.



IP-based lending may be an alternative to funding options that dilute your equity.



Using your IP to access finance (2/2)

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Before deciding on the financing terms, determine the value of the IP.



You may need to work with a specialist and provide details about how your business uses the IP (this may include some upfront costs to you).



The value the lender considers is what it could recover if you don't pay back the loan.



This value will probably be less than the value the IP has within your business today.



A loan will probably be for less than the total value determined.



What happens next?



The lender may take a security interest in your IP, giving them rights to it if you default.



Usually, you can continue to use the IP in your business. Certain uses may require permission.



Read more about using your IP as a source of finance.



Takeaways on generating value from your IP

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Determine the value of your IP.



Your IP can generate revenue if you sell it, license it or franchise it. There are different options to explore.



Sharing your IP with others can also help you grow more quickly, e.g. by opening the door to new markets, products or distribution channels.

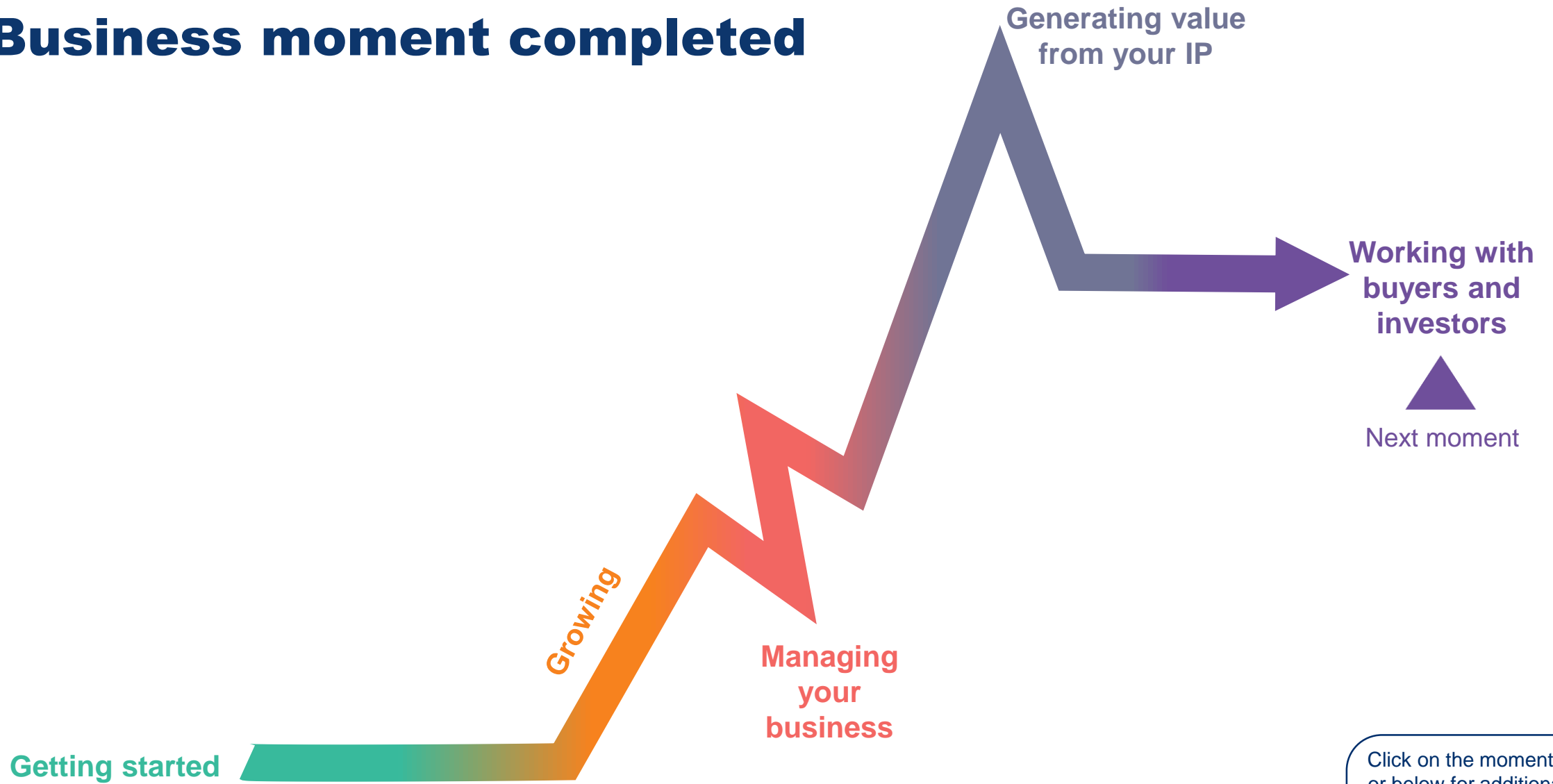


If you do license, franchise or sell, make sure your IP is protected, be clear on what's being shared, what you get in return, and how you're protected in the future.



You might be able to tap your IP as a source of finance.

Business moment completed



Click on the moment to jump to it or below for additional resources



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IPBD website



Working with potential buyers and investors

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What investors and buyers want to know

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What IP assets are you using?

Do you own them? Can you prove it? Are there any restrictions on their use?



What contracts do you have related to IP?

Will a buyer be able to use the IP assets? Many agreements limit transferability or require permission.



Are you using someone else's IP without permission?

Acquisition by a larger company can compound risk.



Do you have IP rights in key markets?

IP rights are only valid in the markets where you've secured protection.





Proving you own your IP

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What you think is your IP may actually belong to someone else.
Have you taken specific steps to get IP assigned to your business?



FORMATION

IP contributed by a founder needs to be formally assigned to your company.

Put contributions in writing now if you haven't already.



EMPLOYEES

Come prepared with employment agreements that create an obligation to assign IP to the company.

If you don't have these agreements:

- Put them in place now for current employees.
- Get past employees who created critical IP to assign it to the company in writing.



See also 'Expanding the team'



IP CREATED FOR YOU

Was it created under a contract?

Did the contract require the IP to be assigned to you?

If not:

- Is the IP critical?
- Can you still get it assigned?



Can you take an agreement with you?

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Many agreements do not transfer to a new business owner automatically. You may need to take certain steps to transfer it.



Look at your key agreements with customers, suppliers, and partners to see what's required.



You may need to:

- Tell the other party in the agreement about the transfer within a certain time frame,
- And/or ask permission to transfer the agreement in all cases or to certain parties like a competitor.



If the agreement does not transfer automatically, you may need to negotiate with the other party.

- Ask the buyer of your business for permission to reveal information about the potential sale.
- Consider the needs of your business and its new owner when finalizing terms.



For IP licenses, understand the scope of your rights if the agreement does transfer.



Is your license limited to certain product lines, technologies, or geographies?



Does the scope of your licenses match how the business plans to grow or the buyer plans to use the IP?

If the way you or your buyer plan to use it doesn't match your rights in the agreement, you may need to negotiate with the licensor.



Tell your IP story

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Be ready to explain how IP impacts your business strategy to potential buyers or investors.

What's your competitive advantage?





How does the IP you own protect it?



How was your company's IP developed?



Do your competitors have similar IP?



Is anyone else using your IP?

What does your IP prevent your competitors from doing?





Do you use third party IP and will you continue to have the rights to it?




Are there any restrictions on the IP you use?




Does your IP have value to others outside your business?





How are you mitigating IP risks?






How are you safeguarding your intellectual property?







Do you have the following?

- Employment agreements
- Confidentiality agreements with suppliers, partners, customers
- Cybersecurity measures



How do you know that you are not using third party IP?





Are you complying with the terms of your existing agreements?



Takeaways on working with buyers and investors

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Be clear on what IP you use. Know if you own it or just have the right to use it.



Be prepared to prove you own your IP. You should have agreements establishing that these rights belong to you.



Make sure you protect your company as it grows. Try to negotiate ownership of key IP rights so you can build on what you have created.



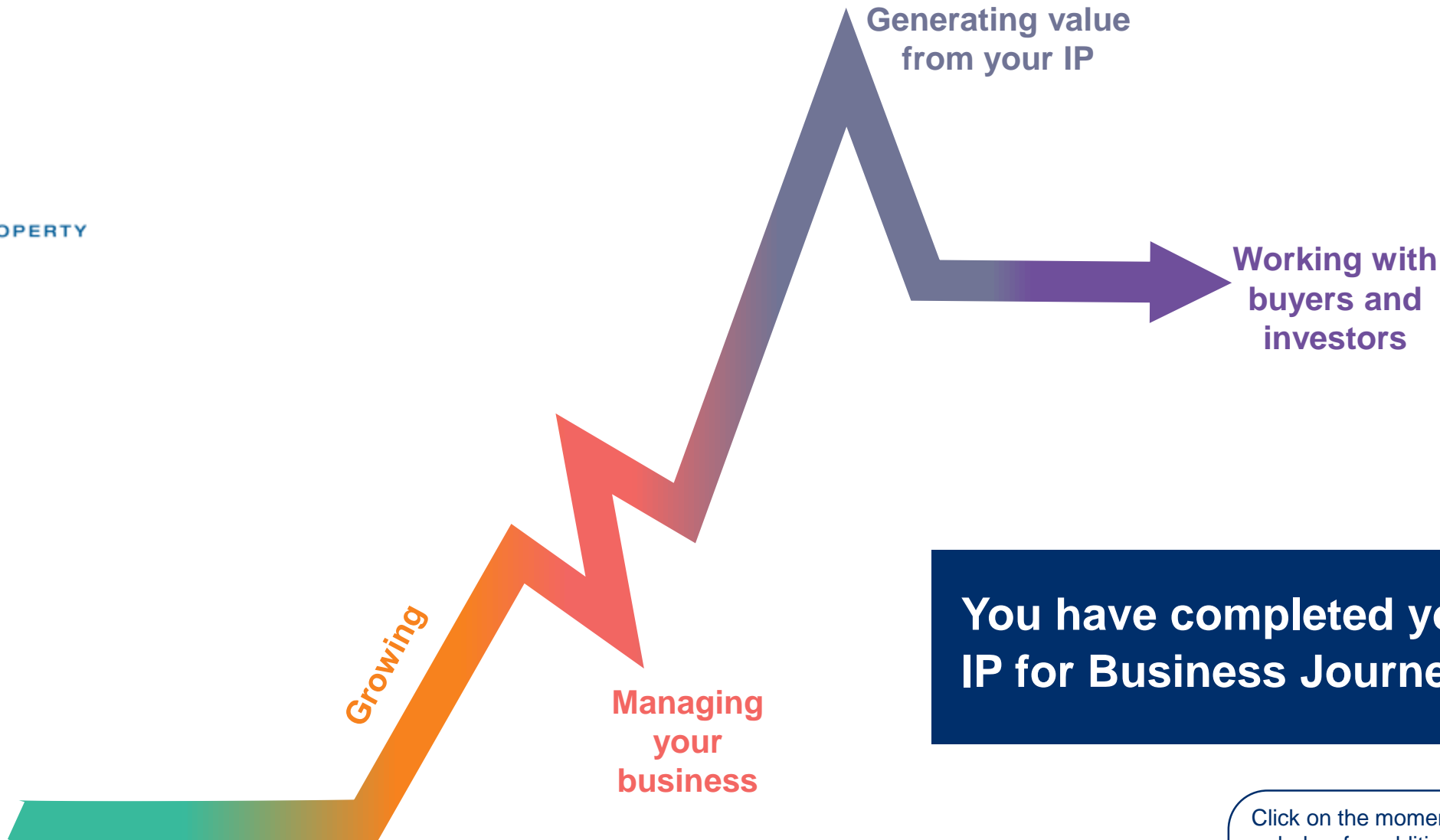
Make sure key agreements, especially licenses can transfer if you get acquired. You may need to negotiate to secure these rights.



Learn to tell your IP story.



Getting started



You have completed your IP for Business Journey!

Click on the moment to jump to it or below for additional resources



Resources



IPBD
website



Resources

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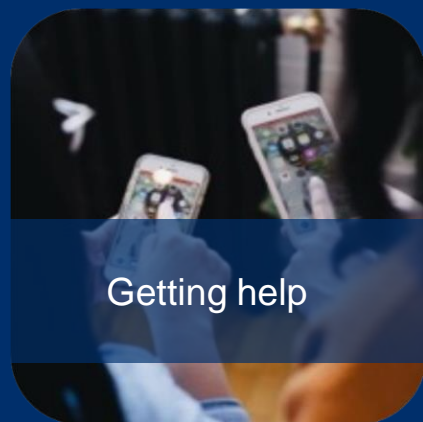
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Getting help



IPR glossary



WIPO databases and
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Getting help



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NATIONAL AND REGIONAL IP OFFICES

In most countries you will have one or more intellectual property office. They are a great starting point.



WIPO Directory of National and Regional IP Offices

TECHNOLOGY AND INNOVATION SUPPORT CENTERS (TISCS)

They provide information and services that can help exploit your innovative potential and create, protect, and manage your IP rights.



WIPO Directory of TISCS

IP SUPPORT INSTITUTIONS

There are many IP support institutions that offer advice and sometimes funding to support your business.



IP Support Institutions



SEEK LEGAL ADVICE FROM



LAW FIRMS

For general legal and specialist IP advice.

IPR glossary



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Overview of IP rights



Copyright



Industrial designs



Patents and utility models



Trademarks









Trade secrets



Overview of common IP rights



IP right	 Copyright	 Industrial designs	 Patents	 Utility models	 Trademarks	 Trade secrets
What it protects	Creative outputs like artworks, writing, music, video, software, website content and images.	2D or 3D features like shape, patterns, lines, or color. May also be relevant to graphic symbols and icons.	Inventions, like a new product or process, or an improvement to either of these.	Some types of inventions and can be easier to secure than patents.	A sign that can distinguish goods like words, phrases and images.	Any information that has commercial value due to its confidential nature.
How long it lasts	Author's lifespan + 50 years at a minimum.	At least 10 years – varies from country to country.	Generally 20 years.	Usually 7-10 years.	Usually 10 years – renewable.	As long as the information remains confidential.
How to protect	Automatic. Voluntary registration may offer additional benefits in some countries.	File an application with the relevant IP office.	File an application with the relevant patent office.	File an application with the relevant patent office. Not available in all markets.	Apply for registration through a trademark office.	There is no registration process, the owner must take reasonable measures to keep it safe.
Cost of protection	+	+++	+++++	+++	++ - ++++	+ - +++
Looking for international protection?		WIPO's Hague System	WIPO's PCT system	WIPO's PCT system	WIPO's Madrid System	

Copyright

Copyrights protect original creative works and give creators various rights over their work for a limited period of time.

What it protects:

- Books, translations.
- Plays, musicals, performances.
- Music, films, video games.
- Works of art: drawings, photos, sculptures, architecture and other visual arts.
- Computer software and some databases.
- Certain elements of a website and mobile apps.

What rights you get:

You control who can

- Use
- Reproduce (e.g. print publication or sound recording)
- Distribute
- Publicly perform
- Broadcast
- Translate or
- Adapt (e.g. from a novel to a screenplay)

the copyrighted work in most circumstances.

How long it lasts:

The lifetime of the author plus 50 years at a minimum.

Works that are no longer subject to copyright protection enter the public domain and anyone can use them.

How to protect and cost:

Protection is automatic. Voluntary registration may be available in some countries.

Cost is low.

When is this relevant in business?



- When you launch a new creative product on the market.
- When you use the creative content of others.
- When you develop your website or share content online (including on social media platforms).
- When you write software or use software developed by others.
- When you create an original database.



More info on copyright and related rights



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Industrial designs

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Industrial design rights protect the appearance of products.

Types of assets protected:

- The appearance of products - shapes, patterns, lines or colors, etc.
- Many different products, from packaging, containers and furnishings, to jewelry, electronic devices, textiles and more.
- Industrial designs may also be relevant to graphic symbols, graphical user interfaces (GUI), and logos.

What rights you get:

You decide who can make, sell or import products using your design.

How long it lasts:

At least ten years, but can vary from country to country. In many countries, an industrial design must be renewed to get the full term of protection.

How to protect and cost:

File an application to the relevant IP office. WIPO's [Hague System](#) helps secure protection internationally.

Cost is higher compared to other types of IP.

When is this relevant in business?



- When developing a design and product.
- When developing a visual identity for your brand.
- When using others' designs.
- When generating revenue from others using your design.



More info on industrial designs



Patents & utility models

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Patents and utility models give their owners control over the destiny of their invention.

Types of assets protected:

- Inventions in any field of technology, from an everyday kitchen utensil to a nanotechnology chip.
- An invention can be a product – such as a chemical compound, or a process, for example a process for producing a specific chemical compound.
- Many products contain a number of inventions. For example, a laptop computer can involve hundreds of inventions, working together.

Qualifications for protection:

Patents are granted for inventions that are new, useful in some way, and be a significant improvement over what already exists.

Utility models also protect inventions in some countries. They can protect less significant improvements compared to patents.

What rights you get:

You control who can make, use, or sell an invention

How long it lasts:

Generally 20 years from the application filing date for patents and 7-15 years for utility models.

Once a patent or utility model expires, an invention enters the public domain and anyone can commercially exploit it.

How to protect and cost:

File an application to the relevant patent office. WIPO's [PCT system](#) can help secure protection internationally.

Cost is very high compared to other types of IP.

When is this relevant in business?



- When you develop a new invention or an improvement to an existing invention.
- When developing new technology
- When working with a supplier
- When you want to use someone else's invention.
- When you want to generate revenue from your invention.



More info on patents



More info on utility models

Trademarks



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A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises.

Types of assets protected:

- words, names, letters, numerals, drawings, pictures, symbols, color shades used as distinguishing features,
- three-dimensional features such as packaging and
- non-visible signs such as sounds or fragrances,
- or any combination of them.

What rights you get:

Let's you decide who can use what's protected for particular goods and services.

You can choose to use the trademark yourself or license it to others.

How long it lasts:

Initial term is usually ten years.

It can be renewed indefinitely on payment of additional fees.

If you are not currently using it, you may lose protection.

How to protect and cost:

Apply for registration through a trademark office.

WIPO's [Madrid System](#) can help secure international protection.

Cost is moderate.

When is this relevant in business?



- When you start a new business and build a brand.
- When you design a logo or packaging.
- When you plan a marketing campaign.
- When you want to franchise.
- When you want to let others use your brand.



More info on trademarks



Trade secrets

Trade secrets are intellectual property rights on confidential information.

Types of assets protected:

- Technical information: e.g. manufacturing processes, data, algorithms.
- Commercial information: e.g. distribution methods, suppliers and clients, advertising strategies.
- Financial information, formulas and recipes and source codes.

Qualifications for protection:

Confidential business information that provides an enterprise a competitive edge and is unknown to others.

To qualify as a trade secret, the information must:

- have commercial value because of its secrecy,
- not generally known or easy to get within the relevant technical or business field,
- the holder of the information must take reasonable steps to keep the information secret.

How long it lasts:

As long as you can keep it a secret.

Registration process and cost:

There is no registration process, the owner must take reasonable measures to keep it safe.

Cost can vary from low to very high.

When is this relevant in business?



- When developing a process or product that you can keep confidential. Trade secrets may provide an advantage over other rights like patents and utility models.
- When something you create is not patentable or not worth pursuing a patent for.
- When you share or receive information (e.g. with/from suppliers, partners, competitors).



[More info on trade secrets](#)



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GENERATING VALUE FROM YOUR IP

WORKING WITH BUYERS AND INVESTORS

RESOURCES

- Getting help
- IPR glossary
 - Overview of IP rights
 - Copyright
 - Industrial designs
 - Patents & utility models
 - Trademarks
 - Trade secrets
- WIPO databases and resources



WIPO databases and other resources

GETTING STARTED

GROWING

MANAGING YOUR
BUSINESS

GENERATING VALUE FROM
YOUR IP

WORKING WITH POTENTIAL
BUYERS AND INVESTORS

RESOURCES

- Getting help
- IPR glossary
- WIPO databases and resources

DATABASES



PATENTSCOPE
for inventions



Global Brand
Database
for trademarks



Global Design
Database
for designs

OTHER RESOURCES



IP for Business
Guides



WIPO's IP
for Business
Website



WIPO's IP
Diagnostics



Want to learn more, visit
<https://www.wipo.int/sme/>



Visual glossary

BUSINESS TERMS



Assets



Awareness



Business model



Business partnership



Business process



Cash/money



Competitive advantage



Competitors



Confidential



Creative work



Customers



Database



Design



Dispute



Document



Duration/term



Human Resources



Innovation



Intelligence



Investment



Key questions



Legal



Loan



Location



Market



Monetize



Ownership



People



Product(s)



Quality



Resources



Revenue growth/loss



Revenue stream



Risk



Strategy



Success



Supply chain



Target (market/audience)



Team



Technology



Tips



Transaction



Visibility

Visual glossary

ACTIONS



Access



Acquire



Adjust



Assess/analyze



Assign



Audit/Review



Buy/Sell



Change



Check



Consider



Do



Don't



Expand



Fund



Grow



Identify/oversee



Invest



Merge



Monetize



Partner



Pause



Pay



Protect/secure



Recycle



Search



Secure



Share/distribute



Stop



Transfer



Understand



Value

Visual glossary

INTELLECTUAL PROPERTY TERMS



Brand



Contracts



Copyright



Design rights



Exclusive license



Franchise



Intellectual property rights



Invention



License



Non disclosure agreement



Patent



Register



Trademark



Trade secret



Utility model

EXTERNAL LINKS



Publication



Web link