



Lots of Variables

- Who Your...
 - ...Employer Is
 - ...Customers Are
- Very Different Rules/Laws/Policies
 - Industry
 - Privately Held
 - Publically Held
 - Government
 - Government Contractor
 - Educational Institution
 - Etc...

Intellectual Property

- “Ideas” Worth Money
 - Must be able to “fix in a tangible medium”.
 - How to Make Something
 - How to Do Something
 - Work of Art (Music, Movie, Photo, Painting, Novel, Etc.)
 - Pharmaceutical
 - Process
 - Algorithm
 - Etc...
- Types
 - Copyrights
 - Patents
 - Trademarks
 - Trade Secrets
 - Etc..
- Must Protect
- Check with an IP attorney.

Patent vs Copyright

- Patent
 - Own “Idea” For 20 Years
 - Protect Via Patent Process
 - “Easier” to Enforce Protection
- Copyright
 - Own “Text” For Life of Author + 50 Years
 - Protect Via
 - “Automatically”
 - “© 2011 by Wayne Dyksen. All Rights Reserved.”
 - By Formally Registering
 - “Harder” to Enforce Protection

Check with an IP attorney.

What’s the motivation for granting patents and copyrights?

Patent vs Trade Secret

- Patent
 - Own “Idea” For 20 Years
 - Protect Via Patent Process
 - “Easier” to Enforce Protection
- Trade Secret
 - Own “Idea” Forever
 - Protect Via Non-Disclosure and Non-Compete
 - No Enforcement Protection if Secret Disclosed

Interesting Examples of Trade Secrets

- Coke Formula
- Houdini’s Tricks

IP Enforcement

- Laws
 - US State & National
 - Non-US National
 - International
- Big Problem
 - Counterfeiting Rampant
 - Software
 - Drugs
 - Music, Movies, Etc.
 - Clothing & Accessories
 - Etc...
 - Enforcement Non-Existent in Some Countries
 - Software Alone \$51.4B Last Year

Non-Disclosure Agreement (NDA)

- You agree not to misuse company information.
 - Trade Secrets
 - Copyrights
 - Confidential Information
 - Product Plans
 - Software
 - Schematics
 - Etc...
 - Etc..
- Misuse Includes...
 - ...Disclosing
 - ...Selling
 - ...Using for Your Startup Company
 - ...Using at Next Employer
 - Etc...



Intellectual Property Agreement (IPA)

- You agree to assign all IP created to your employer.
 - Copyrights
 - Patents
 - Trade Secrets
 - Etc...
- Agreements Vary in Scope
 - Relationship of IP to Your Job
 - Time
- What happens if you...
 - ...create patented IP that makes your employer \$1B?
 - ...leave your employer to patent an idea on your own?

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Non-Compete Agreements

- You agree not to compete with your employer.
- Agreements Vary in Scope
 - Relationship of Employer Markets
 - Position
 - Time
- May Affect
 - Moonlighting
 - Career
- Can Be Very Restrictive

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Employment Agreements

- Required as Condition of Employment
- Agreement May Cover
 - Non-Disclosure
 - Intellectual Property
 - Non-Compete
 - Etc..
- Agreements Vary
 - Employer
 - Position
- Probably Non-Negotiable for You

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Remedies

- What happens if you violate an agreement?
- Agreements Vary
 - Function of
 - Employer
 - Position
 - Etc.
 - Can Be Severe
 - Should Be Taken Seriously
- Often Monetary Damages Levied Against
 - You Personally
 - Your Startup Company
 - Your New Employer
- Not to Be Taken Lightly

Typically pursued in civil courts vis-à-vis criminal courts.

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Seek Professional Advice

- If your idea is valuable, protect it.
- Invest
 - Time
 - Money
- Consult
 - Trusted, Experienced Mentors
 - State and Local Development Authorities
 - IP Attorney
- In Advance

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