

MICHIGAN STATE

U N I V E R S I T Y

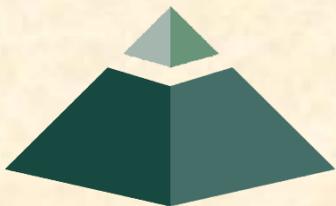
11/01: Intellectual Property

The Capstone Experience

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*From Students...
...to Professionals*

Caveat Emptor

- Opinions Expressed
 - My Own
 - Do Not Represent MSU
- Not an Attorney
- No Warranty

THIS LECTURE IS GIVEN IN THE HOPE THAT IT WILL BE USEFUL, BUT WITHOUT ANY WARRANTY. IT IS PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE ENTIRE RISK AS TO THE QUALITY AND PERFORMANCE OF THE LECTURE IS WITH YOU. SHOULD THE LECTURE PROVE DEFECTIVE, YOU ASSUME THE COST OF ALL NECESSARY SERVICING, REPAIR OR CORRECTION.



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...
- Must Protect
- Types of Protection
 - Copyrights
 - Patents
 - Trademarks
 - Trade Secrets
 - Etc..
- Check with an IP attorney.



Patent vs Copyright

- Patent
 - Own “Idea” For 20 Years
 - Protect Via Patent Process
 - Harder to Obtain
 - Easier (but not Easy) to Enforce Protection
- Copyright
 - Own “Text” For Life of Author + 50 Years
 - Protect Via Copyright
 - Easy to Obtain
 - Automatically
 - “© 2017 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?

- Happy Birthday
- Software



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 Escapes



IP Enforcement

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



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 earns your employer \$1B?
 - ...leave your employer to patent an idea on your own?



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



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



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.



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



What's ahead?

[1 of 3]

- Week 10
 - M, ~~10/30~~: ~~Design Day and the Project Video~~
 - W, ~~11/01~~: ~~Intellectual Property~~
- Week 11
 - M, 11/06: Camtasia Demo
 - W, 11/08: Ethics and Professionalism

What's ahead?

[2 of 3]

- Week 12
 - M, 11/13: Beta Presentations
 - W, 11/15: Beta Presentations
- Week 13
 - M, 11/20: Beta Presentations
 - W, 11/22: Team Status Reports
- Week 14
 - M, 11/27: Beta Presentations
 - W, 11/29: Team Status Reports



**Email legitimate conflicts by
November 6.
If you've already emailed me
a conflict, email it again.**



What's ahead?

[3 of 3]

- Week 15
 - M, 12/04: Project Videos
 - W, 12/06: Project Videos and All Deliverables
 - W, 12/07: Design Day Setup
 - Fr, 12/08: Design Day
- Week 16
 - W, 12/11: Project Videos

Attendance is required
at all of these meetings.
See the next slide.

Design Day Booklet Proofs 01

- Download pdf.
- Proof carefully.
 - Check only for errors, not style.
 - Check everything including sponsors page and schedule page.
 - Documents edits.
 - In Email with Details
 - On Printed Copy of Page(s)
- Email Results
 - Use template provided in email.
 - By 4:00 am Thursday Morning



Recall: Meeting Attendance

- Must Attend (No Excuses Accepted)

- Your Team Presentations
- All Project Video Viewing
- Design Day

Do NOT schedule interviews.
Do NOT schedule ANYTHING.
Do NOT buy plane tickets.

- From the Syllabus

We will be viewing the final project videos together during the regularly scheduled meeting times on December 4 and December 6 and during the scheduled final exam time, which is Monday, December 11, 3:00 – 5:00 p.m. Attendance by everyone for viewing all project videos is required. Do not schedule any trips during these times. Interviews will not be accepted as an excuse for missing any of the final project video viewings. If you are absent for any of these final all-hands meetings, you may lose all of your Attendance points.

