03/25: Intellectual Property

The Capstone Experience

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Spring 2013
What’s left? March

• Week 9
  • 03/11: Team Status Reports
  • 03/13: Creating and Giving Presentations

• Week 10
  • 03/18: Team Status Reports
  • 03/20: Camtasia Demo

• Week 11
  • 03/25: Intellectual Property
  • 03/27: Ethics and Professionalism
What’s left? April

• Week 12
  ▪ 04/01: Beta Presentations
  ▪ 04/03: Beta Presentations

• Week 13
  ▪ 04/08: Beta Presentations
    (Project Plans Due by Midnight)
  ▪ 04/10: Team Status Reports

• Week 14
  ▪ 04/15: Beta Presentations
  ▪ 05/17: Team Status Reports

Conflicts?
Start working on project videos.

Note the change.
What’s left? April, May

• Week 15
  ▪ 04/22: Project Videos
  ▪ 04/24: Project Videos and All Deliverables (Including Administrator and User Manuals)
  ▪ 04/25: Design Day Setup (2:30pm – Done)
  ▪ 04/26: Design Day (6:30am – 2:30pm)

• Week 16
  ▪ 05/01: Project Videos

Cannot miss any of this for any reason. Do not schedule interviews during this time.
Caveat Emptor

• Opinions Expressed
  ▪ My Own
  ▪ Do Not Represent MSU

• Not an Attorney

• No Warranty

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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
  – Harder to Obtain
  – Easier to Enforce Protection

• Copyright
  – Own “Text” For Life of Author + 50 Years
  – Protect Via Copyright
  – Easy to Obtain
    ▪ Automatically
    ▪ “© 2013 by Wayne Dyksen. All Rights Reserved.”
    ▪ By Formally Registering
  – Harder to Enforce Protection

Check with an IP attorney.
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…
  – 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
    o Product Plans
    o Software
    o Schematics
    o 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
    o Employer
    o Position
    o 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