

## IP Strategies for Startups and Entrepreneurs

### **\*\*Absolute novelty\*\***

Concept: A requirement in patent law that an invention must be new and not previously disclosed to the public before an application for a patent is filed.

Related terms: Novelty, prior art

In the context of IP strategies for startups and entrepreneurs, it is crucial to ensure that an invention meets the absolute novelty requirement to be eligible for patent protection. This means that any public disclosure, sale, or use of the invention before filing a patent application can prevent the inventor from obtaining a valid patent. Therefore, it is recommended to keep the invention confidential until a patent application is filed.

### **\*\*Copyright\*\***

Concept: A form of legal protection for original works of authorship, including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture.

Related terms: Original works of authorship, fair use

Copyright protection arises automatically as soon as an original work is created and fixed in a tangible form. For startups and entrepreneurs, it is essential to understand the scope of copyright protection and how to enforce their rights. This includes registering the copyright with the appropriate government agency, using copyright notices, and negotiating licenses and permissions for using copyrighted works.

### **\*\*Design patent\*\***

Concept: A form of legal protection for the ornamental design of a functional item, such as a product or device.

Related terms: Utility patent, ornamental design, functional item

Design patents can provide startups and entrepreneurs with a competitive advantage by protecting the unique appearance of their products. To be eligible for design patent protection, the design must be new, original, and ornamental, and the item must be capable of being manufactured. Design patents can last for up to 15 years from the date of grant.

### **\*\*Fair use\*\***

Concept: A legal doctrine that permits the use of copyrighted works for certain purposes, such as criticism, commentary, news reporting, teaching, scholarship, or research.

Related terms: Copyright, transformative use, four-factor test

Fair use is an important exception to copyright protection that allows the use of copyrighted works for specific purposes without obtaining permission from the copyright owner. For startups and entrepreneurs, it is crucial to understand the four-factor test for fair use, which considers the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used, and the effect of the use on the market for the original work.

**\*\*Freedom to operate (FTO)\*\***

Concept: The ability to commercialize a product or process without infringing on the intellectual property rights of others.

Related terms: Intellectual property rights, patent clearance, infringement

FTO is a critical consideration for startups and entrepreneurs when developing new products or processes. Before launching a product or service, it is essential to conduct a thorough FTO analysis to ensure that the product or process does not infringe on any existing patents, trademarks, or copyrights. This analysis can help startups and entrepreneurs avoid costly litigation and potential damage to their reputation.

**\*\*Infringement\*\***

Concept: The unauthorized use or violation of someone else's intellectual property rights, such as patents, trademarks, or copyrights.

Related terms: Intellectual property rights, trademark infringement, patent infringement, copyright infringement

Infringement can result in legal action, including injunctions, damages, and attorney's fees. For startups and entrepreneurs, it is essential to understand the scope of intellectual property protection and how to avoid infringing on the rights of others. This includes conducting thorough FTO analyses, negotiating licenses and permissions, and seeking legal advice when necessary.

**\*\*Intellectual property (IP)\*\***

Concept: A legal term that refers to creations of the mind, such as inventions, literary and artistic works, symbols, names, images, and designs used in commerce.

Related terms: Patents, trademarks, copyrights, trade secrets, industrial design rights

IP protection can provide startups and entrepreneurs with a competitive advantage, protect their brand, and generate revenue through licensing and enforcement. It is essential to understand the different types of IP protection and how to secure and enforce their rights.

**\*\*Licensing\*\***

Concept: The granting of permission to use someone else's intellectual property rights, such as patents,

trademarks, or copyrights, in exchange for payment or other consideration.

Related terms: Intellectual property rights, royalty, exclusive license, nonexclusive