IP101 for Entrepreneurs - Protecting Your Innovations and Your Business

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Davis Graham & Stubbs
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# Intellectual Property Overview

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<tr>
<td><strong>What is protected</strong></td>
<td>Inventions - Process, machine, manufacture, or composition of matter</td>
<td>Ornamental characteristics embodied in, or applied to, an article of manufacture</td>
<td>Business related information (formulas, techniques, information)</td>
<td>Art, in an all encompassing sense</td>
<td>Marks that indicates the source or origin of goods or services</td>
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<td><strong>Requirements</strong></td>
<td>Utility, novelty, and non-obviousness</td>
<td>Novelty and non-obviousness</td>
<td>Commercial value, generally not known, and reasonable efforts of secrecy</td>
<td>Original, authorship, and fixation in a tangible medium</td>
<td>Use in commerce and either distinctiveness or secondary meaning</td>
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<td><strong>Protects Against ...</strong></td>
<td>Making, selling, offering for sale, and importing</td>
<td>Making, selling, offering for sale, and importing</td>
<td>Stealing</td>
<td>Copies, performances, displays, and derivative works</td>
<td>Use of a mark that causes the likelihood of confusion</td>
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<td><strong>Endures until ...</strong></td>
<td>20 years from filing date</td>
<td>15 years from issuance</td>
<td>Public Disclosure</td>
<td>The life of the author +70 years</td>
<td>Abandoned</td>
</tr>
<tr>
<td><strong>Rights of Independent Creators</strong></td>
<td>None</td>
<td>None</td>
<td>Full</td>
<td>Full</td>
<td>None</td>
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## Startup Resources

Many startup businesses face unique IP-related challenges, such as IP portfolio prerequisites to secure funding, and the possibility of costly patent infringement demand letters and lawsuits. We have tailored this area of our website to suit the specific needs of startup businesses, a segment of our stakeholders that continues to be recognized as an outsized engine of job creation, economic growth, and unparalleled innovation in the United States.

This portal is part of our Startup Partnership Initiative—putting key resources and critical information for startups in a single place so it’s easier to find what you may need when you need it.

### Patents for Startups

The patent process can be challenging if you are not familiar with it. Here is basic information on the patent process.

- Patent Process Overview
- Inventors Assistance Center
- Patent FAQs
- Patent Homepage
- Search for Patents
- Official Gazette for Patents

### Trademarks for Startups

The trademark process can be confusing for a beginner, so here is basic information on registering a trademark.

- Trademark Basics
- Search for Trademarks
- Filing online
- Trademark Homepage

### Startup Assistance

The Inventors Assistance Center and Trademark Assistance Center provide information and services to the public. Center staff can answer questions on patent and trademark processes, but cannot provide specific legal advice.

- Inventors Assistance Center
- Trademark Assistance Center
- Patents Ombudsman Program
- BusinessUSA (link is external)

### Current Events

Information about conferences, conventions and other opportunities to engage.

- Upcoming Events
- Inventors Eye | Events & Announcements

[www.uspto.gov/startups](http://www.uspto.gov/startups)
Small Entity

- Must be an individual or
- A small business (less than 500 employees) or
- A non-profit organization

Independent Micro-entity

- Qualify as a small entity
- Filed no more than 4 previous applications
- Income not greater than 3x median income
  - March 2017: $169,548
- Not assigned to other than a micro-entity
- Inventions assigned to employer don’t count against you
• Special status for a final disposition within ~12 months
• Utility and plant applications
• $4,000 (normal)/$2,000 (small)/$1,000 (micro)

www.uspto.gov/startups
Pro Se Assistance Program
• Pro Se means without the assistance of an attorney
• Pro Se Art Unit expanding
• Resources for client education

Pro Bono Assistance Program
• Mi Casa Resource Center
  – Colorado, Montana, New Mexico, Utah and Wyoming
  – Jennifer Rothschild
    probopat@micasaresourcecenter.org
    303-539-5643
Additional Resources

• U.S. Patent and Trademark Office
  Denver Regional Office (RMRO)
  1961 Stout Street, 14th Floor
  Denver, CO 80294

• IP Awareness Assessment
  IPassessment.uspto.gov

• Law School Clinic Program

• Patent and Trademark Resource Centers
  Denver Public Library, 10 W. 14th Ave., Floor 3, Denver, CO 80204

Please note that the Rocky Mountain Regional Office is located in a Government Building. ID is required for entry, expect TSA level security screenings.
U.S. Patent and Trademark Office – Rocky Mountain Regional Office
Byron G. Rogers Federal Building – 1961 Stout Street, Denver, CO 80294

Employees:
• 60 Patent Examiners on campus + 34 working remotely
• 10 Patent Trial and Appeal Board (PTAB) judges on campus + 9 working remotely
• 17 Management/Staff

Office Hours: 8:30 am - 5:00 pm

Services
– Public Search Facility
  • Available from 9:00am - 4:30 pm
– Examiner Interview Room
– Hearing Room
– Public Meeting Space
Thank You

rockymountain@uspto.gov