Intellectual Property & Start ups

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OVERVIEW

• Types of intellectual property & Why is it important?
  知識產權的類別

• Recognizing IP in your business
  辨別你的知識產權

• IP Systems Mechanics
  知識產權系統的運作

• Steps for the Entrepreneur
  企業家需要考慮的課題
EXAMPLES

Copyright 版權
Computer codes of the app
Webpage advertisements
網頁廣告的計算機程式碼

Designs 外觀設計
USD738901S1 - Computing device
display screen with graphical user interface
包含圖形使用者介面的計算機顯示屏

Trademarks 商標
85170655
86469371  UBER

Patents 專利
US9305310B2 - Enabling a user to verify a price change for an on-demand service
容許使用者確認用於按需服務的價格變動
WHY IS IP IMPORTANT?

• Your IP is likely to be your first major asset!  ➢ Distinguishes you from others.

• What type of IP do you have? 你擁有什麼IP?

• What are you going to do with it? 该IP具有何等價值?
  - Sell it? License it? Make something with it? Litigate?

Tip: Recognizing IP is always about the commercial outcome. Let your Attorneys worry about the logistics.

辨别IP通常關係到商業決定，申請流程相關的問題可以交由專利代理人處理。
STEPS FOR THE ENTREPRENEUR

• Am I infringing? 我的業務有造成侵權嗎？
  ➢ Would you be stepping on someone’s toes?

• Regular IP Audit 定期對你的IP進行審核
  ➢ What has been created, by who, and is it of value now or in the future?

• Capture the IP 保護你的IP
  ➢ NDAs, Secret Use Protections. Filing for IP Registrations
  ➢ 保密協議，秘密使用保障，申請/登記IP保護

• Realizing Value of IP 實現你的IP的價值
  ➢ Licensing, Enforcement, Asset Value (Valuations)
  ➢ 授權, 行使權利，估價
## Startups vs Corps – Is there a Level Playing Field?

<table>
<thead>
<tr>
<th>Factors</th>
<th>Big Companies</th>
<th>Start ups</th>
<th>Startup Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Money</td>
<td>Lots</td>
<td>Limited</td>
<td>Work to your Budget; Use Govt Funding</td>
</tr>
<tr>
<td>Manpower</td>
<td>Lots</td>
<td>Limited</td>
<td>Use the right resources; Don't delegate to short term staff</td>
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<tr>
<td>Experiencing Errors</td>
<td>Likely</td>
<td>Likely</td>
<td>Get things done quickly. Minimize Waiting time</td>
</tr>
<tr>
<td>Litigation Risk</td>
<td>Likely</td>
<td>less likely</td>
<td>identify good strategies; investor/angels networks; opportunities</td>
</tr>
<tr>
<td>Negotiation Strength</td>
<td>Significant</td>
<td>Limited</td>
<td>Focus in your own field and be realistic</td>
</tr>
<tr>
<td>Growth Opportunities</td>
<td>Highly Dependent</td>
<td>Unlimited</td>
<td>Run with your idea/turn a profit/no rules</td>
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IP SYSTEMS MECHANICS

• Jurisdiction Based 基於管轄權
  ➢ Every Country will have its own IP Protection Regime
    由每個國家自行提供獨立的知識產權保護制度

• Multi Stage Process 多階段申請流程
  ➢ File in one Country, get protection in others at a later time.
    在一個國家提出申請，然後才申請在其他國家的保障

Key Words to Remember: Paris Convention, PCT, Madrid Protocol 巴黎公約, 專利合作條約, 馬德里議定書
PATENT APPLICATION GRANT (PAG)  

✓ Government Assistance Funding – Up to $270,000  
  政府資助基金 - 上限港幣27萬

✓ Covers 90% of your Patenting Costs  
  資助你的專利費用的90%

✓ New Applicants Only (intended to help new inventors)  
  只限新申請人(旨在幫助新發明人)
TIPS - ALL YOU NEED TO REMEMBER cont’d

- IP needs to be captured ASAP, often before it is disclosed
  快速保護你的IP，通常在公開IP前

- Periodic Review and Follow up
  定期評估及跟進你的IP

- Don’t get held up by Infringement/Capturing IP
  不要被侵權或保護IP施延你的進度
TIPS - ALL YOU NEED TO REMEMBER

- Government Funding is available in Hong Kong
  香港政府有提供資助

- People mess up! Don’t Stress!!!!

**PRO TIP:** Remember WHY you are working with your IP! Think “REASONS FOR”!

**PRO TIP 2:** For Start ups, growing your business is MORE IMPORTANT!
THANK YOU!

FEEL FREE TO CONTACT ME AT

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