

Strategic Use of Intellectual Property to Scale up a Business

Intellectual property
and public funding

Leveraging intellectual property
for private sector financing

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Working Group 9 –Webinar
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Agenda

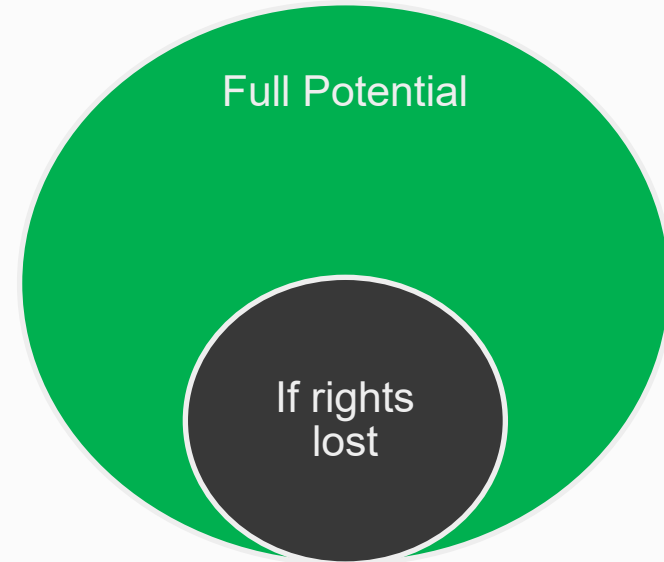
- ❑ GET EARLY STRATEGIC IP ADVICE
- ❑ BE READY FOR DUE DILIGENCE BEFORE APPROACHING INVESTORS
- ❑ PUBLIC AND PRIVATE FUNDING

Note: None of the information presented is legal advice. You should consult with your own strategic advisors for any specific advice before proceeding with your actions.

AVOID LOSING POTENTIAL IP RIGHTS



- Preserve maximum *potential*/value of IP
- Cannot leverage what you have lost, don't own or validly license
- Early filing of foundational patent(s) synched with business plan



Which piece would you want to invest in?



U.S. Patents

Utility 20-year term from priority filing

Design 15-year term



Trademark

Renewable Indefinitely

Requires continuous use
Protects brand identity and
goodwill

What forms of IP are most
appropriate for your venture?



Copyright

The Berne Convention

U.S. duration

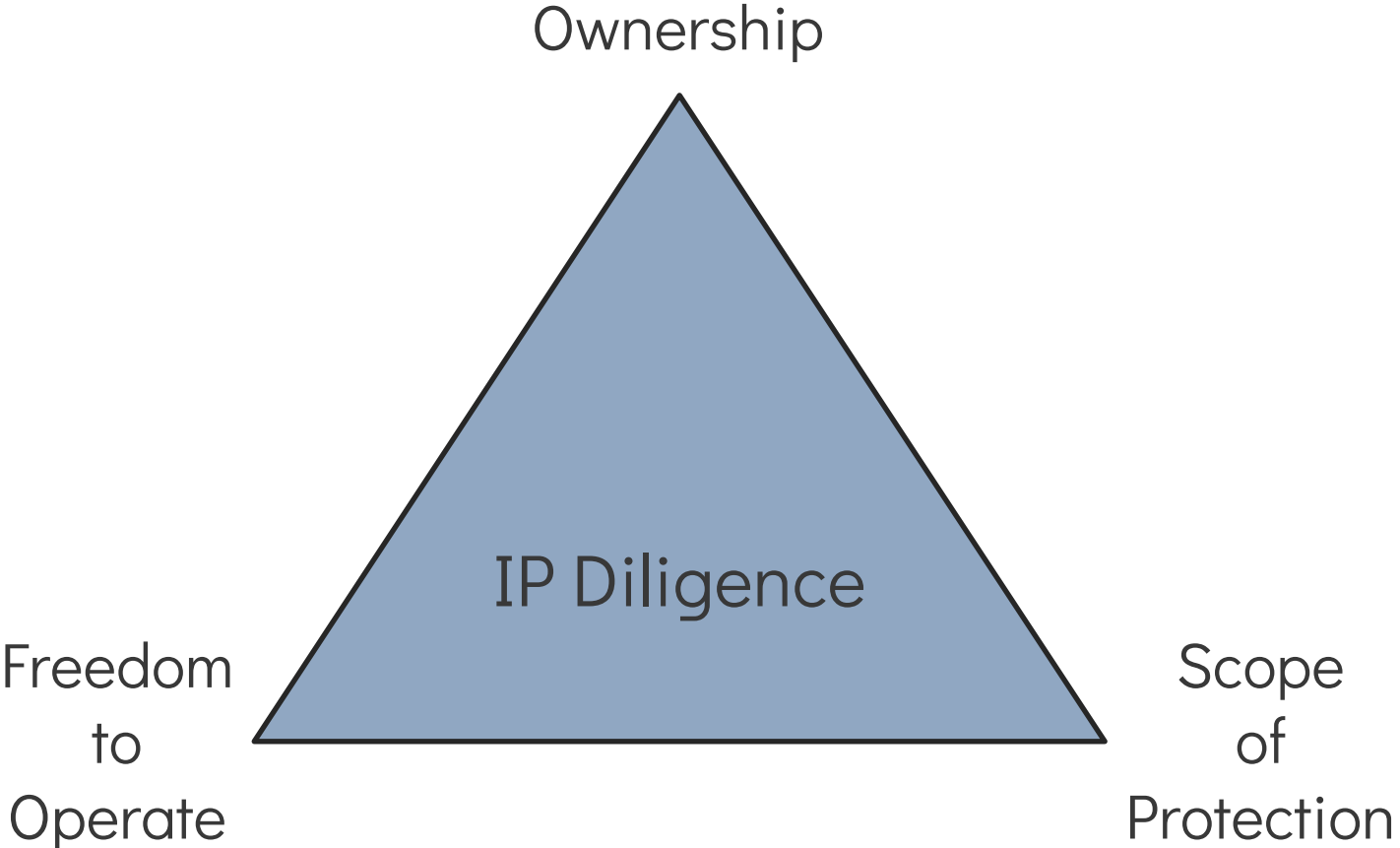
E.U. duration



Trade Secrets

Can last indefinitely

Must not be able to reverse engineer
Requires strict protections/procedures



Public Funding Examples

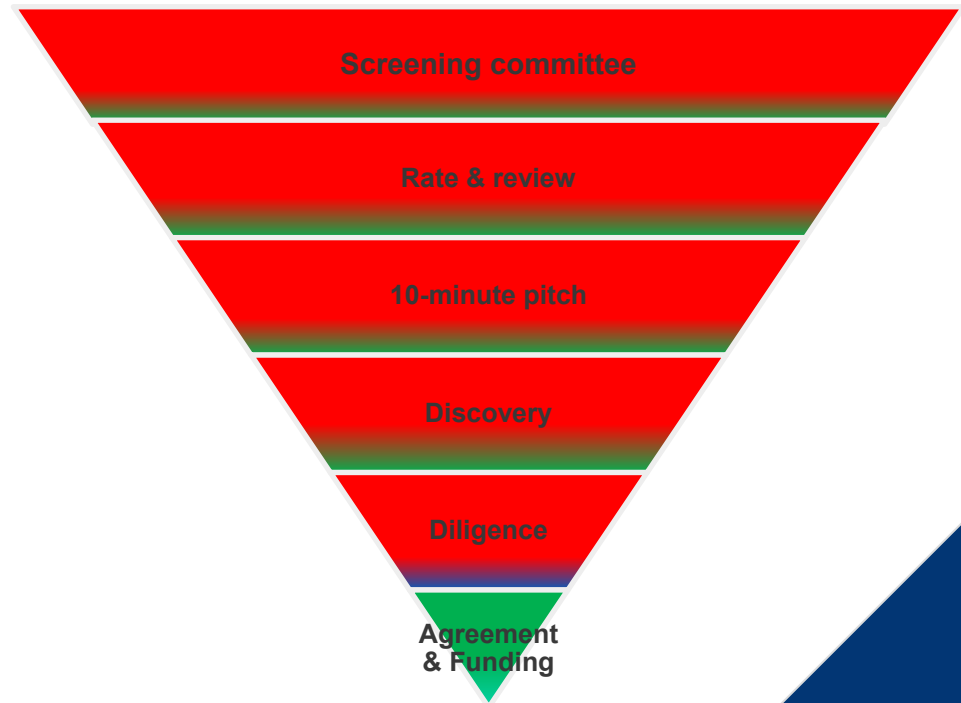
- “America’s Seed Fund”: Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs
- Congressionally Directed Medical Research Programs (CDMRP)
- Biomedical Advanced Research and Development Authority (BARDA) (non-dilutive and dilutive)
- Other, e.g., public/private seed funds (may be dilutive)

Early- Stage Private Funding

- Begins with YOU!
 - “bootstrapping” (personal funds, loans, friends and family, business proceeds)
 - How far can you (or should you) go on your own?
- Angel/seed investors
- “Super angels”/early-stage VCs
- Sector/impact specific funds
- Equity crowdfunding

Typical Angel Investment Group Process

- Get pitch ready first (remember early strategic advice!!)
- Compelling business model, practice, practice, practice...
- May take ~3-6 months



A few resources...

- [Angel Capital Association](#)
- [Small Business Innovation Research \(SBIR\)/Small Business Technology Transfer \(STTR\)](#)
- [DEPARTMENT OF DEFENSE - CONGRESSIONALLY DIRECTED MEDICAL RESEARCH PROGRAMS](#)
- [Biomedical Advanced Research and Development Authority \(BARDA\)](#)
- [European Patent Office - SME Info](#)
- [European Union Intellectual Property Office](#) (trademarks, designs)
- [U.S. Patent and Trademark Office - Startup Resources](#)
- [PCT Contracting States](#)
- [Countries bound by the Paris Convention but not the PCT](#)

- *The Startup Checklist*, David Rose
- *The Lean Startup*, Eric Ries
- *Venture Deals, Be Smarter Than Your Lawyer and Venture Capitalist*, Brad Feld; Jason Mendelson



Thank You!



Questions?

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