

Patents for Start-Up Founders

What should you be thinking about?

Patents

What it protects

- A patent protects inventions. Examples include patents granted for pharmaceuticals and Dyson's patents for its bagless vacuum cleaner. The invention must be new (it must not have been made public or disclosed to anyone), and it must not be an obvious invention to someone knowledgeable and skilled in the relevant area.
- Patents are available for computer programs where they have a "technical effect" beyond the program itself. A computer program which specifies a method of controlling an anti-lock braking system in a car, for example, is protectable.
- **Registration is possible/required.**

How long does a registration last?

- Up to 20 years with renewals required from the fourth anniversary of filing and then each subsequent year.

Issues to look out for

- A single open disclosure of information (made in the absence of any conditions of confidentiality) will destroy the patentability of the invention. It is, therefore, critical that when discussing the invention with potential business partners, you obtain appropriate confidentially undertakings from them in the form of a non-disclosure agreement.
- Alternatively, and before making any disclosures of the information, a patent application covering the invention should be filed.
- The legal position generally is that if an invention comes within an employee's normal course of duties or specially assigned duties then it will be owned by the employer, but issues can arise. It is important to remain aware of employees' evolving duties, to document any special projects and to have records of contracts with employees to ensure any inventions are owned by the business.

CMS UMBRA tool

- CMS's UMBRA initiative includes a new AI driven tool available to equip members that can reduce the time it takes to analyse the infringement and validity of one patent from months to minutes. First, a validity ranking immediately allows more accurate valuation and crucial strategic insight. Second, our service searches globally on the internet for infringers to instantly reveal new licensing, litigation and competitive targets. The AI tool has other exciting uses in addition for our equip members and may be a vital piece of the funding puzzle.

For more information please contact us at equip@cms-cmno.com and we will put you in touch with the relevant team