

# Protecting intellectual property vital

I'm not an entrepreneur. But if I was, I'd take a former Richland Bomber's advice and protect my intellectual property. You should, too.

Merriam-Webster describes intellectual property (IP) as "property that derives from the work of the mind or intellect." Two of the forms that we often hear about are copyrights and patents.

Other forms include trademarks, service marks, mask works, trade secrets and even a company's know-how.

Let's concentrate on the two most popular forms. Generally, copyright laws apply to IP's artistic category, protecting expressive works, and patents apply to inventions. Regardless of the form, intellectual property protection should be an integral part of any startup's business strategy.

Many startups don't take the necessary steps to protect their IP adequately, either because of inexperience or limited resources such as money and time.

"Often startups decide to put off dealing with IP protection until later in the developmental process and they view IP as a task to be checked off, rather than an integral part of a startup plan," says Sean Grygiel, a patent attorney in New York City and a Richland High grad. He spoke

recently at a Three Rivers Entrepreneur Network meeting in Richland.

"The risks of not adequately planning for and protecting a startup's intellectual property could jeopardize one of its most valuable assets when it comes to valuating the company," he said.

These risks include: inadvertently forfeiting patent rights because of an early public disclosure; inadequately describing and claiming inventive concepts in the initial patent filings; improperly relying on provisional applications; and failing to prevent intellectual property from walking out the door as employees, developers and consultants come and go.

Cheryl Cejka, director of technology commercialization at Pacific Northwest National Laboratory, added, "If your startup is centered around a single product based on a portfolio of IP, you'll want in-depth protection, including examining competitors' patents."

She said it's similar to building a fence around your product. "You protect the core idea or product, but become familiar with what's similar to it so that you can extend your claim up to a competitor's fence," she said.

Involving a lawyer early in the business process also helps ensure that a startup's intellectual property aligns with its business and technical development plans.

This alignment helps avoid unnecessary spending on patent applications that are too narrowly focused, or focused away from, the technology or its appropriate market.

Plus, investors get warm, fuzzy feelings about businesses that already have protected intellectual property because it lends credibility and helps protect their investment.

All of this emphasizes the point that startups should have an intellectual property plan as part of their overall business and development plan.

Your plan should include a sufficient budget for seeking legal counsel that's familiar with how to shield your ideas from being used and abused by other people or businesses. The burning question likely is, "How much will it cost to protect my ideas?"

Grygiel said a domestic patent application typically costs \$10,000 to \$20,000 if done through an attorney. And international patents can be several times that depending on jurisdictions.

A copyright application is significantly less expensive at about \$500. But if a company plans for these costs early, this will be money well spent and likely will improve the company's valuation in the long run.

Grygiel works at Fish & Richardson P.C., a firm known for early clients such as Thomas Edison and the Wright Brothers.

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