

DEVELOPING AN IP STRATEGY FOR PROTECTING A COMPANY'S PRODUCTS AND INCORPORATING THE PROTECTION STRATEGY DURING THE PRODUCT DEVELOPMENT PROCESS

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FIRST STEPS – PRE-PROTECTION STRATEGY

1. Where did “it” originate?
 - a. Inventor or outside company?
 - b. Internal Development?
2. Has “it” been “disclosed” for patent purposes?
 - a. Disclosures have landmines that should be located early in the process.

NEXT STEPS – WHAT IS “IT?”

Patent

- Does it have any utility that is protectable?
- Is it worth protecting?
- Is it a new design?
- Utility vs. Utility Model vs. Design Patent and/or combinations of each
- UM and DP = Fast Enforcement
- How quickly do you expect to see knockoffs/counterfeits?

Trademark

- Word Mark?
- What is available internationally and in China?
- 3D Mark?

Copyright

- Vs. Trademark
- Standalone

NEXT STEPS – WHAT IS “IT”? (CONT.)

- Product Life Cycle
- Have you already missed your chance?

WHERE WILL YOU MAKE “IT” AND WHERE WILL YOU SELL “IT”?

- Trade War supply chain disruption issues
- Major Markets
- Sales projections

WHERE WILL YOU NEED TO PROTECT “IT”?

- Depends on Product Type

China

- Alibaba, DHGate
 - Robust internal IP infringement staff with internal decision making
 - Ability to narrow enforcement by jurisdiction
- Direct Action
 - Factory Raids Involving Local Authorities

United States

- Amazon and other 3PMs
 - Design Patents
 - Utility Patents
 - Trademarks
 - Utility Models are not helpful here.
 - New address requirements
- Social Media
 - Design Patents and Trademarks (so far)
 - Early Days for Infringement and Enforcement