INTERNATIONAL CENTER OF NEW ENGLAND

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THE ROLE OF PROPRIETARY ASSETS IN LICENSING AND JOINT VENTURES

I. PROPRIETARY ASSETS - WHAT ARE THEY?
WHAT CAN YOU DO WITH THEM?

A. PATENTS
B. TRADE SECRETS AND KNOW-HOW
C. TRADEMARKS
D. TRADE NAMES
E. COPYRIGHTS

A. PATENTS

1. BASIS - U.S. CONSTITUTION

ARTICLE I SECTION 8 - POWERS OF CONGRESS NOT LIMITED EXCEPT #8
COLLECT TAXES, COMMERCE CLAUSE, COIN MONEY, DECLARE WAR,
PROVIDE ARMY & NAVY, SET UP D.C., ETC.

#8 "TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHTS TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES"

2. INVENTION -- SOMETHING THAT WAS NOT THERE BEFORE

3. RIGHT TO EXCLUDE OTHERS
   NO RIGHT TO DO ANYTHING
   NOT MONOPOLY
   BELL TELEPHONE EXAMPLE
   EUROPEAN COPIER COMPANY EXAMPLE
4. U.S. AND FOREIGN -- NO EXTRATERRITORIAL RIGHTS
5. PATENT APPLICATION -- NO RIGHTS UNTIL ISSUED
6. PATENTS DISCLOSE INFORMATION AVAILABLE AT TIME OF FILING PATENT APPLICATION
   ISSUED PATENT USUALLY DOES NOT INCLUDE ACTUAL COMMERCIAL DETAILS WHICH ARE NEARLY ALWAYS DEVELOPED AFTER PATENT APPLICATION IS FILED AS PATENT APPLICATION SHOULD BE FILED IN U.S. PATENT AND TRADEMARK OFFICE AT AN EARLY STAGE OF DEVELOPMENT.
7. WHAT PATENTS COVER
   EDISON PATENT -- CARBON FILAMENT
   FERMI & SZILARD ATOMIC REACTOR PATENT
8. LIFE OF PATENT
   U.S. -- 17 YEARS
   FOREIGN -- MAINTENANCE TAXES
9. COSTS
10. WHY PATENTS?
    A. SECRECY VS. DISCLOSURE
    B. SOME PROTECTION OF R&D EXPENDITURES
    C. HELP SMALL COMPANY VS. BIG COMPANY.
       POLAROID
    D. USEFUL IN LICENSING AND JOINT VENTURE BUSINESS ARRANGEMENTS

B. TRADE SECRETS AND KNOW-HOW

1. WHAT YOU KNOW THAT SOMEONE ELSE DOESN'T
   "HOW TO ... "
2. KODAK COATING SECRETS
3. COCA COLA

C. TRADEMARKS

1. BRAND NAME OF PRODUCT
   LIKE PERSON'S FIRST NAME
   (LAST NAME -- GENERIC)
2. ORIGIN OR SOURCE OF PRODUCT
3. INDICATES QUALITY OF PRODUCT
4. VALUE
   COCA COLA -- TRADE SECRET
5. INDEFINITE LIFE
6. CONTINUOUS USE
7. PROPER USE -- ADJECTIVE, NOT NOUN
   COKE -- TAVERN SUITS
   ASPIRIN, KEROSENE, ESCALATOR, LINOLEUM
8. SANFORIZED -- PATENT AND TRADEMARK
9. PEPSI COLA -- USSR
10. FRANCHISING

D. TRADE NAME -- NAME OF COMPANY

E. COPYRIGHTS
   BOOKS -- MUSIC

II. WHAT ARE YOU LICENSING?

LICENSEE -- LICENSOR

PROPRIETARY ASSETS

1. YOU WILL LET LICENSEE USE ONE OR MORE OF YOUR
   A. INVENTIONS
   B. KNOWLEDGE HOW TO ...
   C. PRODUCT NAME
2. MAY INCLUDE TEACHING LICENSEE HOW TO USE INVENTIONS AND/OR YOUR KNOWLEDGE
3. MAY BE ONE-SHOT OR CONTINUING