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IPFORSTARTUP –achieving growth and sustainability in Entrepreneurship

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Your Goodies Bag, specially designed to support start-ups, get tech support or discount offer from our partner, only for IPFORSTARTUP clients



YOUR PERSONAL INTELLECTUAL PROPERTY (IP) TOOL KIT : Intellectual Property Advice on your fingertips

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IP and your business
What is IP?

In Startup culture everything starts with an idea and it can worth a millions.

Every Startup, entrepreneur large or small is built on tangible assets like Goodwill, Brand, Trademarks or simply say Intellectual property rights in the form of copyrights or other forms.

Coca-Cola & Maggi has secret recipe, which is protect under trade secrets-Intellectual Property rights. Giaini Kulf through franchising model has become India's one of successful business. Can they do it without IP rights with them? Of course not. For these companies the value of their IP, whether it's a **Trade Mark** (Giani, McDonald, Old Monk) **Patent** (involve innovation) **Design** (coco-cola bottle is registered as industrial design) **Copyright** (mobile app, website design or new technology for instance android application) or **trade secret** is their physical assets that value billions of US dollar today. They have capitalised their IP assets because they know IP is important & its always crucial to have good IP strategy from start.

Fact: Do you know 90% of Indian startup fail in very first year and one of the reason is ignoring Intellectual Property rights of their company. For more information on protecting your IP go to www.ipforstartup.com

Patent
Support & protect Innovations.

"If people copied our idea it would be detrimental to our business"

In an increasingly competitive market, it is crucial that a company develops and aligns its patent strategy with its business goals, leveraging the most value from existing IP assets. A patent can be granted to only novel & new invention. Inventions and innovations such as machines, industrial processes, mobile applications (US), game developer, pharmaceuticals, computer hardware, electrical appliances and biological products and processes and more. Patent doesn't apply to artistic creations, theories, and mathematical models.

Why you should consider patent? Patents protect & stop others from making, using or selling your invention in return for a full, public disclosure. Before discussing or pitching for funding you must have confidentiality agreements and provisional patent registration, only attorney are bound to keep your secrets before your application is file for-registration.

Patents can give protection for 20 years provided & renewals fees can be are paid each year after expiry of such first 20 years. It always advisable to protect your invention on early stage, that's make it little costly, fee also depends on your invention but its always very cheap comparing what you pay for litigation suit and time, patent provisional registration is cheap way to cover your protection and it give you 12 months to work on the product development or find investor. Once it completely registered you can license or sell it , it's your assets now. Do you know most of the IT/Pharmaceuticals companies earn millions \$ revenue through further licensing their patent invention?



IBM who used the same technique in the 1990s to monetize its own patents to make more than \$1 billion annually in revenue. Microsoft uses its patents to make deals with the major Android vendors, which amount to more than 70% of Android's market share. Kodak's license is an example of a struggling company that use its patents portfolio to make additional revenue. For example, it is said that Kodak's licensing programs have generated more than \$3 billion in revenue since 2004. Now you understand, why you should protect your invention. For more information on protecting your IP go to www.ipforstartup.com

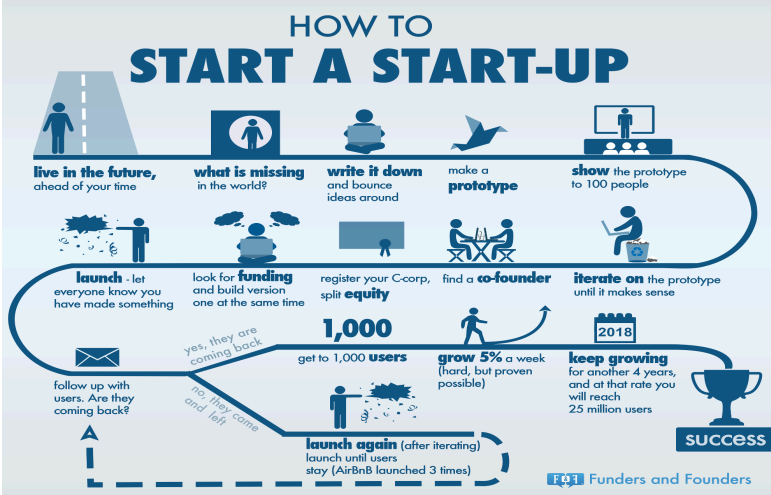


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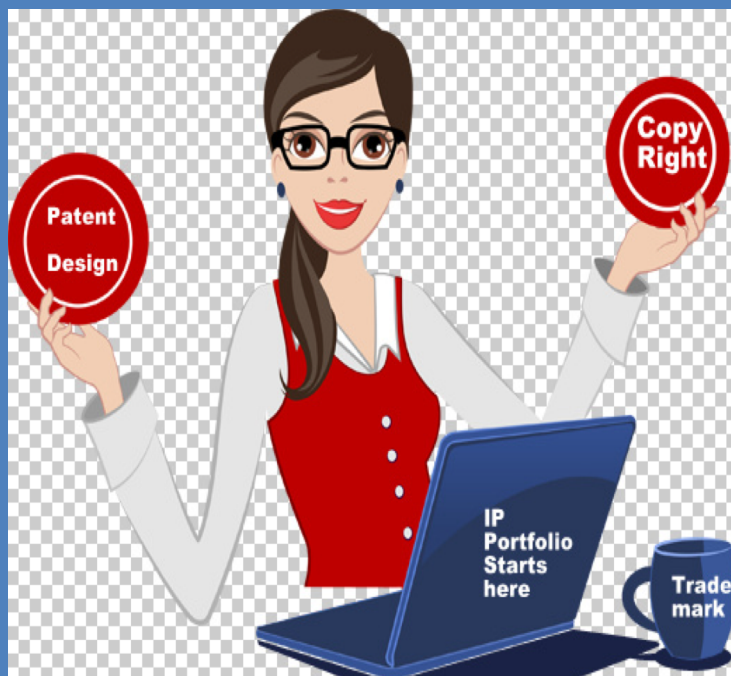
Trade Marks Protect Brands.

Protecting a brand at early stage is crucial step; it does protect early stage start-ups and companies, TM is shield to protect interest of company. From Trademarks search, registration National or International jurisdiction to litigation every single action needs to be in line with your business strategy.

A trade mark distinguishes the goods and services of one trader from those of another, Many people refer Trademark as company goodwill recognition, yeah that's true that what make your company stand out from others. When you look at reebok or apple as brand what you think of ? We tell you popularity, trusted brand, quality or product and service they offer.

Would you buy shampoo label as Apple, we bet you don't even its best quality because you know apple belong to computer not shampoo so its automatically degraded quality of that shampoo. Trademark helps companies to establish their goodwill and market presence they are in. Now think of your brand that is successful startup and scaling and expanding and grey market start manufacturing your goods or service under your TM. Do you need to care? Yes because all your hard work is going in vain you even don't come to know how someone just flush off your goodwill by creating a counterfeit good of low quality. That's why you should care. Intellectual property Rights provide legal protection for some of the most important aspects of a brand. In 2013 Dairy major Amul of Gujarat has won a trademark dispute with a milk producers' co-operative union in West Bengal, which sought to market a brand of milk named 'Imul'.

A trademark can be a word, a phrase, a picture, and can even be a shape, colour, sound, aspect of packaging or any combination of these. Registered trademarks can be identified by the ® symbol. For more information on protecting your IP go to www.ipforstartup.com



Design (Industrial): Protect product appearance

If you have an idea and it's unique, do lots of research and before introducing it to the market.

In an increasingly design-conscious world, a key differential or between competing products is their appearance. Successful companies across the globe understand fundamental role that design protection can play in the commercial success of their products.

And it's not just the design of the product itself; the design of the packaging, advertising materials, fonts, logos, icons and GIs can be equally as important. Mastering the patchwork of protection that is available to protect designs is more important than ever before. Even you think Design is not crucial factor for business read this and think again. <http://her.yourstory.com/anusha-jain-bonjour-0503>

For more information
On protecting your IP go to www.ipforstartup.com

Copyright: Protect Creative works

Are you e commerce business, web designing, app developer, marketing companies, musician, artist, architect, and Interior designer, Fashion designer or involve in creative work field than copyright protection is for you. Copyright protects owner of a creative and give exclusive right to control from copying and distribution without its-permission.

Examples of copyright work are web designing, social media content writing, books, art, music and sound recordings, photographs, software, databases, films and print, radio and television. This would include marketing materials, television and radio ads, etc. Copyright does not protect an idea, only the expression of an idea. The term of protection for copyright material is the life of the creator plus 70 years from the end of the year in which they died. Some of Sherlock Holmes novel, Disney characters are copyright material.

It is always advisable to put the letter 'c' in a circle © at the end of your work, followed by the year, for example, © John Smith 2013, to let other know you own a copyright of a particular work.

Domain: Protect your Domain name & for Trademark.

This is very important and crucial lots of people think obtaining a domain name gives them exclusive ownership or protection of brand name, is that true? No of course not and its does not give you any legal right to use domain name as trademark.

Lets understand with the example of business case related study. Mr X registered & obtains a domain name www.milkman.com, he also forms a Registration for his company. Now from domain name its understood what Mr. X is trading with, MR.X is smart entrepreneur he carefully chooses Name which express his company service and goods, highly visible in Google search and he is scaling his business and traffic on website, everything Going good, but suddenly Mr. X received a legal notice from Mr. Y attorney to stop using this name because Mr. X forget to register it as TM and Someone else did it, even Mr. X has bought the domain name, Mr. X doesn't have any legal right and no other legal remedy to protect its venture and has to pay infringement damages, even Mr X appeal for unregistered trademark protection, but problem is to submit evidence of prior use and of course what you can done in some thousand will cost laacs (Case is different in Well-known trademarks like Google are protected under WIPO policy).

For Startup companies website name are very important and should protect it asap even before starting business operation, we recommend domain Registration and trademark simultaneously. For more information on protecting your IP go to www.ipforstartup.com

IP TIPS:

Create your Business sustainable

A great business starts with great ideas. Here are our Fifteen top tips for sustainable business success.

- Registration or incorporation doesn't provide any legal rights to use your business name as a trademark.
- When you taking a commissioning work from a third party always ensure that your term of work mention clear on who owns the copyright in such work.
- Use a confidentiality agreement if disclosing information to a third party before applying for a patent or Non-Disclosure form before sharing an idea with investor.
- Keep records of your work, it may help to prove ownership if someone infringe your IP rights.
- Make sure you have licences in place to use IT software.
- If you are playing music in your business, you will need public performance licences from the PRS and PPL the collecting societies that represent songwriters, record producers and performers.
- Do research the market – make sure you are not infringing anyone else's IP with your product or trading name.
- Investigate IP insurance - there are policies that can cover litigation costs. India has few with other names
- Owning the domain name for your website provides no legal rights to use that name as a trade mark.
- Businesses need to avoid leaking their IP rights
- Inventors need to be IP cost-aware. Check the full cost of patent ownership and exploitation. Don't reach a stage where you can't afford the costs of continuing the process and seek to sell the invention during the patent application stage.
- Don't assume you are automatically protected when you start to trade internationally.
- IP can be a tradeable asset including a vehicle to raise finance.
- Do your IP audit on regular basis, nothing is static your IP assets also need to check periodically.
- Educate yourself

IP Business Planning:

Protect your future and write your success story

IP is foundation of success story especially if you are startup or young entrepreneur. You need to plan and manage and protect your IP assets. Your success also depends on how much value you give to your IP assets, you might be busy in planning your growth and ignore IP but it can be value in Millions of money in future. An OYO room Trademark is one of them. Few things you need to do.

- 1) Startup need to think about IP right from the beginning
- 2) Your intangible assets might be greater than you realise
- 3) Keep an inventory of your IP assets. IP audit will help you when it comes to value your IP also identify legal rights associated with them.
- 4) Identify the products or services that can be key to you business like it can be logistics system.
- 5) For more information on protecting your IP go to www.ipforstartup.com

Valuation & Audit of IP portfolio

Check how much your IP assets Trade worth?

Value your IP assets, it can be customer data or it can be trade secretes or unique service technique. In startup culture all e commerce website also has service technique it can be useful or USP for your business. You should also understand how much for this technique your competitors are ready to pay.

Don't underestimate the power of common man and don't underestimate your IP assets.

Consult a Professional advisor

You can't afford or can you afford not to? Read more

Hiring an IP lawyer is not that expensive as you think and your litigation cost can be cover by IP insurance (contact us for more), but before you hire a lawyer you should educate yourself on IP basics it help you understand your needs and help you to save time and money.

Engage the right IP advisor and work effectively with them is crucial specially when you are filling patent or valuing your assets.

For more information on protecting your IP go to www.ipforstartup.com

Considering Trading Overseas?

Expand your business

IP is territorial protection doesn't automatically protect you Internationally you may need to protect it in all countries you want to Trade or you can follow International filling system which protect you all major continents. Likewise, for Trade mark you can file your protection under Madrid system and For Patent, you can apply under the PCT which covers most countries worldwide or apply under the European Patent Convention (EPC) to countries in Europe. It's always Advise you to seek a Protection in your home country first or Apply for dual protection at same time. For Design, you can apply for-Hague-System. We strongly advise you to seek professional advice from an IP Attorney on protecting your IP assets

Licensing your IP?

Equip you with flexibility & Create opportunity for additional income

Successful businesses derive impressive income and expand from licensing their invention or copyright creative work like music.

One of the set example of MNC like Nestle, Cadburys are Swiss and UK companies and they don't manufacture every good in UK and ship to India or different countries. IP rights give companies management to license of their product in different countries and control and supervise business, from manufacturing, Quality, product's appearance and even packaging and marketing literature and materials. Startup needs to assess the objectives of business and how IP licensing might help meet them.

IP protection is affordable than you think: Know more on application, renewal and advice.

IP protection is affordable if you manage from early stage. Trademarks are generally one time investment for 10 years of protection and it continue Forever after paying renewal fee. Patent cost a little expensive as that to Trademark because it involve claim and heavy research drafting. But you can Also apply provisional protection which is easy and economical way to get protection for the period of 12 months and in between you can manage your Finance and when you apply for complete protection its doesn't repeat your cost other than additional claim and some drafting charges for start-ups. For More information on protecting your IP go to www.ipforstartup.com

Franchising: Expand your existing brand on other capital

Trademark generates option of Franchising and expansion growth on other capital. In addition to growth you can also license further IP assets like promotional materials, marketing & business system & trade secrets. We don't need to tell you how McDonalds and other player are earning from franchising model. Franchisee is best way to expand on other capital and earn fee or regular royalties, well known trademark can also get some percentage of gross turnover from Franchisee. For more information on protecting your IP go to www.ipforstartup.com

Enforcement and costs: Your responsibility as business

IP infringement cases are civil proceedings in which a right holder prosecutes an infringer. Enforcement cost can differ on case to case and in High Court and supreme court it can cost you a fortune, why spend money on litigation when you can protect your IP from early stage at affordable price. For more information on protecting your IP go to www.ipforstartup.com

Don't infringe others: Your liability and avoid costly mistakes.

You want your business growth so other does as responsible businessman you should not infringe other IP rights that can cost you fortune and also lead to shut down your business. IP litigation infringement claim covers compensation from courts also penalised permanent injunction to carry out the work. For more information on protecting your IP go to www.ipforstartup.com

IPFORSTARTUP About us

IPFORSTARTUP is initiative to support business, innovation, and startups & helps them to understand how Intellectual property can add value to their ideas and expansion. Our motive is to support ideas into sustainable business success. In addition to facilitate patents, Trademark & designs, IPFORSTARTUP supports business to achieve their full potential we support starts through our networking collaboration & partnership. We covered all your incorporation requirement and commercial, corporate matters other than IP. We are one stop solution for startup its business strategy, legal support or securing funding.

Working in partnership

We love startup and we are also one of them therefore we understand your need that's why to give you enrich experience. Our exclusive partners & we work closely with startup community.

Legal & Business Support:

We are expert in that so you don't have to look anywhere else

Technical support:

We partner with startup community, tie up exclusively with technical experts and companies which that help you launch your product, enrich your web experience and more.

HR Advisory & Other support:

We partner with HR expert so they can help you to manage your HR advisory service, recruit for you and you can also post startup jobs on our web portal.

Funding Collaboration:

We know this is your favourite part that's why we work closely with our funding resources. We don't support unicorn ideas but we like to pitch our investors and secure your funding if we see a sustainable growth in your startups. We are also committed to women empowerment, social startup so we have classified our portfolio to support all kind of startup we are not just only looking for e commerce startup. We strongly support rural initiative and manufacturing startup from different region.

IP for business: Legal Advice centre and business consultancy

Our Legal & Business strategists that can help your business grow and sustain in this competitive word. Do you 90% of startup closed within one years of operation one of major reason was not following compliance and ignoring Intellectual Property (IP). IP is not just law tool it's your asset and you can't just simply ignore or we say afford to ignore it.

Our Legal Advice Centre support IP business query and explains what best for you and how to protect your business and how you can use them to reap additional capital over the time. Our Legal Advice is Free for Startup. To understand your business needs most of our lawyers worked on sector based approach and so we do. We also organised Workshop and Lecture time to time with our community partner to reach Startup so they understand why it's important.

Follow our Facebook page <https://www.facebook.com/ipforstartup/> and Twitter <https://twitter.com/ipforstartup> to get important insights.

IPFORSTARTUP

Contact us on our web portal

<http://www.ipforstartup.com>

Or

Write us

nass@ipforstartup.com

We advise business worldwide through our networking collaboration, with strong presence in Europe and Asia.

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Disclaimer:

This presentation is prepared for education purpose only. It's an initiative to Educate Startup community & highlights the Importance of considering Intellectual property from news agency and expert found 90% of startup fails within one year of time and one of the main reasons is not following up with legal compliance and protecting IP assets. IPFORSTARTUP is inspired by this fact to come up with this Startup IP pack and observing lack of knowledge between startup communities. Please read terms and condition to use. © Ipforstartup 2016

IP TOOL KIT STARTUPs PACK: TERMS AND CONDITIONS OF USE

1. Definitions and Interpretation

"IPFORSTARTUP", "we" or "us" means IPFORSTARTUP (and words such as "our" shall be interpreted accordingly);

" IPFORSTARTUP " means the alliance of legal practice professional known as IPFORSTARTUP, comprising members which are separate and distinct legal entities and which are affiliated to entities of IPFORSTARTUP but are not, themselves, entities of it. Further information in respect of these members can be found at the Legal Notices page at www.ipforstartup.com; " IPFORSTARTUP " means each and all of the following and each and all of their respective members, partners, employees, representatives and agents (as the case may be): the IPFORSTARTUP; any other entity of IPFORSTARTUP; any member of IPFORSTARTUP Group; and any body or entity controlled or owned by any entity of IPFORSTARTUP (including the IPFORSTARTUP Entity) or any member of IPFORSTARTUP or any of their respective members, partners, employees, representatives or agents (as the case may be).

2. Scope and terms of the Start-up IP Pack

You should note that:

2.1 the Startup Intellectual property (IP) Pack is intended as a general overview of some of the key legal issues that are likely to be relevant to a start-up business in India and does not claim to be comprehensive or provide specific legal advice or other advice. It is not possible to provide comprehensive advice, whether legal or otherwise, on the matters that may apply in the particular circumstances of your business in this Start-up (IP) Pack. Accordingly, matters which you consider to be important, or which may otherwise be considered important, to your particular circumstances or business may not have been addressed in the Start-up IP Pack, or may not have been addressed in sufficient detail for your purposes. Consequently, the Start-up Pack cannot in any way act as a substitute for obtaining your own legal advice and other advice; and

2.2 we have not updated the Start-up Pack since 1 April 2016 to take account of any subsequent events or changes in law, and we have no duty or responsibility to do so.

3. By downloading and/or accessing and/or reviewing and/or using the Start-up IP Pack you confirm that:

3.1 you have fully considered the provisions of these terms and conditions, have obtained such legal advice as you consider appropriate and consider such provisions to be reasonable; and

3.2 you have read and understood these terms and conditions and you understand that they may affect your rights or responsibilities and you agree to be bound by these terms and conditions.

4. No reliance or claims by you/any other party

4.1 You acknowledge and agree that these terms and conditions are a condition to our agreement to provide you with access to the Start-up Pack and that neither we nor any IPFORSTARTUP Person:

4.1.1 owes or accepts any duty, responsibility or liability to you or any other party, whether in equity, contract, tort or otherwise, in respect of the Start-up Pack or in respect of any information contained in or derived from the Start-up Pack; and

4.1.2 shall be liable in respect of any direct or indirect losses (of whatever nature), costs, claims, demands, expenses (including, without limitation, legal expenses) other liabilities incurred or suffered by you or any other party arising out of your use, or any other party's use, of the Start-up Pack, or any information contained in or derived from the Start-up Pack, or our provision of the Start-up Pack to you or any other party.

4.2 You agree that you will not rely on the Start-up Pack and will not bring any action, proceedings or claim against us and/or any IPFORSTARTUP Person where such action, proceedings or claim in any way relates to or concerns or is connected with your use, or the use by any other party, of the Start-up Pack or any information contained in or derived from the Start-up Pack.

4.3 You acknowledge and agree that by making the Start-up Pack available to you, neither we nor any IPFORSTARTUP Person is making any representation, statement, warranty or assurance in relation to the accuracy or completeness of the Start-up Pack or any matters mentioned or information contained in it.

4.4 You agree to indemnify us and each IPFORSTARTUP Person and to hold us and each IPFORSTARTUP Person harmless against all actions, proceedings and claims brought or threatened against us and/ or any IPFORSTARTUP Person and against all direct or indirect losses (of whatever nature), costs, claims, demands, expenses (including, without limitation, legal expenses) and other liabilities which we and/or any IPFORSTARTUP Person incur or suffer from time to time arising out of or in connection with your failure, or that of any other person to whom you provide a copy of the Start-up Pack in accordance with paragraph of these terms and conditions, to comply with these terms and conditions.

5. No distribution of the Start-up IP Pack

5.1 Subject to paragraph 4.2, you must not copy or distribute the Start-up Pack or otherwise make it available to any other person.

5.2 A copy of the Start-up IP Pack may be provided by you:

5.3 if and to the extent required by the laws of any relevant jurisdiction or by any securities exchange or regulatory or governmental body to which you are subject; and

5.4 to any person,

provided that, in each case, you take all steps necessary to ensure that the recipient understands and agrees that the Start-up IP Pack is provided to them subject to the same terms and conditions as those set out in these terms and conditions in relation to our provision of the Start-up Pack to you.

6. Subsequent version(s) of the Start-up IP Pack

You acknowledge and agree that, by making a copy of the Start-up IP Pack available to you, we do not assume any duty or responsibility to provide you with any subsequent versions of the Start-up IP Pack (if any).

7. No reliance on supplementary information or explanations

If we, in our absolute discretion, agree to give information and/or explanations to you and/or your professional advisers (to whom we assume no duty or responsibility) in relation to the Start-up IP Pack, you acknowledge and agree that any such information and/or explanations are given subject to the same terms and conditions as those set out in these terms and conditions in relation to the Start-up Pack.

8. No lawyer/client relationship with you

Our agreement to provide a copy of the Start-up Pack to you does not constitute or create a lawyer/client relationship between us (and/or any IPFORSTARTUP) and you and/or those persons to whom you make the Start-up Pack available in accordance with these terms and conditions.

9. General

9.1 Liability Nothing in these terms and conditions shall be applicable to the extent that it constitutes a limitation or exclusion of liability for death or personal injury caused by negligence or constitutes a limitation or exclusion of liability for our fraud or reckless disregard of professional obligations

9.2 Applicable law and jurisdiction These terms and conditions and any dispute or claim arising out of or in connection with it, its subject matter or formation (including, without limitation, any non contractual dispute or claim) are governed by and shall be construed in accordance with Indian law, and you irrevocably agree that the courts of India shall have exclusive jurisdiction to settle any such dispute or claim.

9.3 Entire agreement

These terms and conditions constitute the entire agreement and understanding between us in respect of their subject matter.

9.4 Third party rights

Pursuant to the Contracts (Rights of Third Parties) Indian contract act 1872, each and every IPFORSTARTUP shall be entitled to the benefit of and to enforce the provisions of these terms and conditions.

9.5 If any provision of these terms and conditions is or becomes illegal, invalid or unenforceable in any respect, that shall not affect or impair the legality, validity or enforceability of any other provision of these terms and conditions.

9.6 If any illegal, invalid or unenforceable provision of these terms and conditions would be legal, valid or enforceable if some part or parts of it were deleted, such provision shall apply with the minimum deletion(s) necessary to make it legal, valid or enforceable.

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