



Sabety+associates PLLC

IP Lawyers for Technology,
Electronic Media and Fashion



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The Essential IP Toolkit: A Start Up Checklist

Patents

- Identify the name(s) of the person(s) who conceived of the invention. Include their address(es).
- Check whether the people identified above have signed the IP assignment form
- List the title of the invention
- Indicate whether the invention was developed using U.S. Government funding
- Indicate whether you qualify for a “small entity” status under the SBA regulations
- Provide a detailed overview of the invention, including any documentation or diagrams
- Is the company’s product or service already offered for sale in the market? If so, when was it first offered for sale?
- Is the company’s product or service described in a publication, marketing materials or on a website? If so, when did that occur?
- Have you filed a provisional application? If so, when? Provide application numbers and filing dates.
- Have you filed any other U.S. patent application? Provide application numbers and filing dates.
- Have you filed an international application filed over the subject matter/product? If so, when? Provide application numbers and filing dates.

Copyrights

- Identify the name(s) of the person(s) who was the actual author of the drawing, music, text, fabric pattern or code. Include their address, citizenship.

- Indicate the type of work sought to be copyrighted (e.g., audiovisual, graphic, drawing, sound recording, literary work, computer software, fabric pattern etc.)
- Provide the title of work
- Provide the year of completion
- Provide the date of 1st publication (if published); nation of 1st publication (if published)
- Clarify whether the work was created as a “work for hire” (if so, confirm that there is a signed IP agreement)
- Provide the name of the copyright claimant (e.g., the individual author or the company to whom the copyright has been transferred)
- Indicate whether there is a limitation of copyright claim (whether any material is excluded from the copyright claim)
- Provide copy of the deposit (e.g., music file, photograph, etc.) to be filed with the registration.

Trademarks

- Identify the mark sought to be trademarked
 - Provide alternatives, if case your brand name is already in use by another entity
- If the mark is a logo or graphic, provide an image file to be used as the mark
- Identify the owner of the mark (e.g., company that owns the mark or individual)
 - If owner is a company, list entity information and state of incorporation or formation
- Provide an address for the owner of the mark (note that PO boxes are not accepted)
- Provide an email address for owner of the mark
- Describe the goods or services that the business/owner will sell
- If you have a website, provide the URL
- Confirm whether you own the domain name
- If mark is already in use: indicate the earliest date of first use in commerce for the listed goods or services and provide a photograph of mark used in connection with goods/services

Miscellaneous

- Confirm you have obtained signed assignments from all of your employees and/or contractors who work for the company.
- Confirm you are licensed to use the code that makes your website, app, etc.
- Confirm you have licenses for your website code, artwork, audio and video comprising your website, app, music video, fabric design, etc.
- Confirm you have signed non-disclosure agreements in place with your employees, vendors and/or contractors
- Confirm your privacy policy disclosure is up-to date with applicable law
- Confirm your company data is secure and that you are in control of the cloud accounts that hold the data.
- Review any license agreements with Sabety + associates, PLLC.