

# SBIR/STTR AND INTELLECTUAL PROPERTY RIGHTS

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2007

# Intellectual Property is:

- A series of rights defined by statute or case law which protect intellectual developments of one party from being copied by others if required steps are taken in a timely manner.
- Traditional and Most Common Forms are Patents, Copyrights, Trade Secrets, Trademarks, Know How, Show How and other legally developing forms.
- It is a property right.
- Protection varies from country to country.
- SBIR/STTR requires management of the process by reporting and other steps.

# A Patent is:

- A right granted by the U.S. Government or other governments to protect an invention.
  - In U.S. is a right to exclude others.
  - Other countries – the right varies.
- Protects: Processes, machines, articles of manufacture.
- Compositions.
- Biotechnology.
- Ornamental designs.
- Asexually reproduced plant.
- Rights may be lost through failure to file timely:
  - Publication.
  - Offer for Sale.

# A Trade Secret is:

- Inventions, Know How and Knowledge kept secret against unauthorized use or disclosure under contractual obligations.
- May be inconsistent with Patent Protection.
- May be easily lost.

# A Copyright is:

- A statutory right that seeks to promote literary and artistic creativity, for a limited time for the “writing” of authors and other types of works such as art.
- Software, XML and HTML works are considered writings.
- Registration is required to sue, and early registration confers certain statutory benefits.
- An exclusive right (contrast to “Right to Exclude” under Patents).
- For Software can coexist with Patent protection.

# Relation of Intellectual Property to SBIR/STTR

- Technical Data is any recorded information developed under the grant award.
  - Invention recording, reports, software and related documentation.
- Subject Inventions in SBIR/STTR are those:
  - That are patentable;
  - Conceived or first reduced to practice in performance under grant.
- Inventions must be recorded and reported timely under terms of the grant and application must be filed on a timely basis.
- You own but Government obtains non-exclusive worldwide license for Government use.

# Relation of Intellectual Property to SBIR/STTR

- You must obligate employees contractually to assign, and must notify that you will retain rights to inventions.
- You may lose rights if you fail to disclose on a timely basis.