

How Startups Can Protect their Intellectual Property using their IPR

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It is an overwhelming process once you set out to start a new business. It may leave you in doubts, anxiety and a ton of other legitimate issues. One of the major areas that businesses need to stay aware about is Intellectual Property Rights. Once the fundamentals of deciding the right business structure are cleared, IPR helps to differentiate your business from those of your competitors. IPR yields you the following advantages

Can sell or licence for creating an additional revenue stream.

Offer distinctive products / services to your customers.

It can become an essential part of your marketing or branding (Exclusivity).

Intellectual properties are assets that you can use as security against loans.

Consider exploiting your IP to the fullest as it makes more sense to secure your business in the best possible manner. You can legally protect your Intellectual Property in the following manners:

Protecting Intellectual Property against any sort of infringement by others.

You can defend it in a court of law to claim your sole right on it.

Can legally stop others from using, making, selling or importing without your agreement.

You can earn royalties by licensing it or make money selling it.

Use your trademark for strategic alliances.

Essentially, there are three different ways through which a new business can secure its Intellectual Properties. This could be anything – a thought, an idea, an item, images, process, logos and so forth that represents a brand.

Here are the types of IPR that businesses can avail:

1. Copyrights

Certain protection is automatically granted to the author for their original, creative or intellectual work. Know more about copyright registration in India to ensure taking correct steps in the right direction.

Works include; Books, lectures, dramatic and musical works, cinematography, drawings, paintings, architecture, sculpture, photographs, illustrations, maps, plans, sketches, etc.

Rights: To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease or lending and to perform the work publicly in person or through an audio transmission.

Validity: It is not mandatory to register but it is highly recommended. The validity of copyright lasts the lifetime of the author and even till the 60 years after his death. The owner is given protection in most countries.

2. Trademarks

Trademark: At first, register trademark online as this acts as a brand element distinguishing your goods and services from those of your competitors and other traders in the market. It creates a distinct identity for your company and thereby securing a brand from being counterfeited.

Marks: Word mark, a logo mark or a slogan, shapes, and unconventional marks like colours, sounds, gestures, animation, holograms, etc. can be registered under trademark.

Rights: Gives exclusive right to use the mark and prevent anyone from using it without permission. The owner also enjoys the right to licence, assign and sell the mark in return for compensation.

Validity: 10 years which can be made perpetual, as long as it is renewed every 10 years. Should be applied separately in every country in which protection is required and has a market in.

3. Patents

Patents come into play when you are looking to protect a new invention that is original and can be used to simplify the lives of people.

Condition: Patent requires an idea to be novel and unique. Industrial procedures can be patented especially if a non-obvious step is introduced in it.

Rights: It gives an exclusive authority over the patented invention, the right to exclude others and exploit the patent and earn from it.

Validity: Patent protection is a territorial right and therefore it is effective only within the territory of India (or the country where applied). Separate patents are required to be filed for each country where the protection is required. A patent is valid for a period of 20 years after which it goes into the public domain.

It is best to consider IP as something that offers an additional advantage that is beyond the concept of making money or even branding for that matter. It is something with which the business esteem is connected. Insuring the intellectual property is also a common norm since it is an asset. One of the quintessential business components is to have IP protection as a part of budgeting and business plan as well.

Startup Valuation can be made on the Basis of IP Rights

New companies do not have great stocks of products or workforce to begin with. Subsequently, a large portion of the estimation of a startup, for the most part, gets from their IP rights. It has been assessed that, normally, over 80% of the estimation of a new business depends on their IP portfolio.

No Over-Stretching the Finances

Unless your startup offers something that has zero creation costs, you will need to tighten the pocket heavily even to make start making profits. Another aspect that businesses do not consider is the cost associated with not taking proper care of their intellectual properties.

Impose Control on What You Have

Many businesses echo this - "we could not care less on the off chance that somebody duplicates us, it is simply free promoting!" and this gets me winced on many occasions.

Certainly, it is pleasant to have some other businesses advancing your administrations or merchandise for nothing. But then, what about the copy that does not match or justify the standards that you offer? Practically, you can do "nothing" in such an event and your brand may have to suffer an irreversible loss.

On one hand, the new business has a highly dynamic environment but the competition and technology are at peak. One has to remain on edge every time to protect your intellectual property from being used for other substandard products and services. Protecting your IPR is the best and the only way that helps you to create a sustainable and defensible differentiator in a highly competitive market.

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