



Pre-Release Intellectual Property Checklist

Releasing a new product or service is a major business milestone. In the whirlwind of effort leading up to the release, key intellectual property (“IP”) best practices can get lost – and once the release occurs these issues may not be resolvable. This checklist should help you proactively ensure your IP is protected even in the excitement of the release. If you have questions or need help with IP issues in preparing for your release, please contact us.

For Naming Your New Product or Service:

- Verify that Product/Service name is available for use
- Consider whether your Product/Service name is confusing similar to an existing trademark
- Consider filing to register a trademark for the name and/or logo



For any distinguishing features of your Product or Service:

- Consider filing a patent application prior to your release date
- Track critical dates (e.g., disclosure and sale-related patent deadlines) to avoid losing rights



For any aspects of your system or process that you wish to maintain as confidential or secret:

- Identify specifically what can be kept confidential or a trade secret
- Establish a trade secret policy and process for tracking and protection
- Implement confidentiality procedures (e.g. in agreements and operations)
- Educate your staff and consultants on what and how to keep things confidential
- Enforce and periodically update your trade secret policy and access list
- Ensure that your staff and consultants have signed an agreement with long-term commitment to protect trade secrets



If you have any Current or former Employees:

- Ensure that everyone, including former employees, signed Employment Agreements, and address if there is no agreement
- Confirm that your Employment Agreement includes a promise to maintain confidentiality
- Confirm that your Employment Agreement assigns all rights in content generated to the Company



If you have Current or former Consultants:

- Confirm that there is a signed Contract, and address if there is no agreement
- Ensure that your Contract specifies that content generated is Work for Hire and owned by company, and that both you and your consultants agree to assist in perfecting ownership rights
- Ensure that your Contract includes a promise to maintain confidentiality

For All Software used in Developing your Product:

- Verify that you have sufficient Licenses for all software not originated by your team
- Comply with License terms, including commercial use restrictions (if any)

For All Software, including Open Source, incorporated into your product:

- Create a complete list of third party components in your shipping product
- Classify licenses according to their requirements, and ensure that you comply with them
- Generate an up-to-date attribution and license listing and include it in your license agreement/distribution

If you Collect User Data:

- Have a Privacy Policy, accessible to users, prior to them providing data to you
- Restrict data sharing/collection in accordance with that privacy policy

HIPLegal delivers practical high-tech intellectual property (“HIP”) legal solutions that fit seamlessly into our clients’ businesses because we invest in and build our client relationships into true partnerships. This foundation gives us the perspective to see an IP issue in the context of our clients’ short and long term goals – so we not only solve today’s problems but also anticipate future issues. At its core, HIPLegal is a team, both within our firm and in partnership with our clients. By understanding our clients’ business, strategy and trajectory, and leveraging our collective, complementary expertise, we ensure the strategies we design and implement align with our clients’ business values and anticipate future issues. Upon this foundation, we help clients maximize their IP through the identification, protection, and strategic use of their IP.

Our Team

HIPLegal was founded by three seasoned intellectual property attorneys, Annie Rogaski, Julie Stephenson, and Judith Szepesi. Our expertise is based on decades of in-house, litigation, strategic advice, and patent prosecution experience. With these diverse perspectives, we partner closely with our clients to navigate issues proactively, so that we can help maximize value, minimize risk, and reduce overall legal spending.



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