



# Mobile IP

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# Key Terms

- Patents: expensive and slow process
- Trademark: protects your brand & less expensive
- Copyright: tangible medium (code falls here)



# Trade Secrets

**\*\*From least attractive to investors to most attractive\*\***

- Bucket 1: Apps that are the business & apps that are part of a bigger business (that enable the business, i.e. Uber)
- Bucket 2: Apps that increase customer engagement
- Bucket 3: Platform technologies have potential to grow a lot, and investors think software is tough to protect (like the first two buckets) so they prefer Bucket 3
- 2 Issues with IPs
  - Be aware of content of app → if using 3<sup>rd</sup> party, do you have permission?
  - Data use & privacy → informing user in a visible way that you are collecting data



# Q&A

**Q: At what phase should a company consider/pursue protection for a mobile app?**

A: Own it from day 1. Write out a plan/contingencies ahead of time. Ownership comes into play in acquisitions.

**Q: If you file a patent, you need to defend it. What's the value of IP protection for small companies?**

A: Lawyers are expensive, but when a small company does it, you're protecting against others coming after you. The big company who might acquire you also would like it.



# Q&A

**Q: Where is data privacy going?**

A: Most trouble comes when you have a privacy policy and do not follow it.

**Q: What do you think about when valuing an app?**

A: What it's *doing*, and the pain it's *solving*. Even if it's not a standalone, it might add value to the whole pie. Will it keep customers from going to another competition?

**Q: Is there a difference between common law and registered? (CR vs TM)**

A: Copyright: often not registered because it involves disclosing some code, but you must register to get statutory damages.

TM: Common law is geographically defined and limited, allowing you to continue doing what you're doing.



# Q&A

**Q: It is difficult to patent software because of legal ambiguity and varying laws around the world. How do we have the best chances?**

A: A strong PR strategy. Having IP looks good in an IPO. Do not advertise patent pending with investors.

**Q: What do you do if you get a letter saying you are infringing something?**

A: Seek legal advice with some IP expertise that won't cost too much. Some companies will enforce, and others won't. Sometimes, concurrent use agreements and licensing agreements are possible.

