

Introduction

All companies begin with an idea. The details of protecting intellectual property, however, can be daunting, especially if your idea is in the field of medical technology. Medical devices and methods of treatment that employ them are protectable as intellectual property. The most advantageous type of intellectual property will depend on the exact nature of the technology, such as whether it is reverse-engineerable by competitors, as in some compositions or methods of manufacture. Perhaps protection of the medical technology is needed only for the form of expression of the idea, as in a medical instruction manual or kit. In any case, it is imperative before any action is taken by the individual or a group that at least initial steps are taken to protect their work..

Source: <https://www.medicaldesignandoutsourcing.com/intellectual-property-medtech-startups/>

1. Trademarks and Service marks

Trademarks are intended to be indicative of the source of a product or service, and generally take the form of brands or logos. Trademarks and service marks can be registered with the United States Patent and Trademark Office (Patent Office) and are usually indicated by the symbol "TM" or "SM" in superscript, or, if the mark is registered, "®". A service mark is a trademark used in the United States to identify a service rather than a product.

2. Copyrights

Copyright is protection for works of authorship and visual arts, and can be protected with the United States Copyright Office. Generally, copyright protects an expression of an idea in a tangible form, rather than the idea itself. As employed in most medical technology-based startups, copyright protection will apply to publications and other written materials, such as internal manuals, product literature, and company announcements. It is important to note, however, that computer software, such as the programming of robotic components, is also subject to copyright protection, and such protection is often used as an alternative or in addition to patent protection..

Types of IP



3. Trade secrets

Trade secrets can include almost any type of information that is generated within a company that is not generally known to, and not readily ascertainable through proper means, by the public. Trade secrets can include technology that is generated by the company, employee know-how and customer lists, and can be maintained indefinitely, usually through the use of employment agreements and confidentiality agreements with third parties. Technology that is kept confidential, but can be reverse-engineered if disclosed, should be protected by patents before any public disclosure, such as during fundraising efforts or by the commercial launch of a product..

4. Patents

Patents are by far the most common means for protecting innovative medical technology. Most relevant to medical technology are "utility patents," which protect the way an article is used; less relevant are patents for a design or a plant.

Generally limited to a statutory term of 20 years from the filing date at the Patent Office, issued patents provide a right to exclude competitors from making, using, selling, offering to sell or importation of any invention that is a process, machine, manufacture, composition of matter or improvement thereof.