



## **Industries**

### **Start-Ups**

Innovative technology start-ups have exploded in number, as decreased barriers to entry have enabled entrepreneurs to bring ideas to reality at an unprecedented rate. Spurred by the new markets created by the Internet, social media, ecommerce and smart phones as well as decreased development costs, a new wave of start-ups has taken shape. An entire eco-system has developed around start-up businesses, with other industries, from venture funding to technology development, adapting and growing to accommodate the change.

Every start-up is based upon a core value proposition that makes it unique in the market place. Intellectual property is one of the best ways of capturing that “uniqueness” and allowing the nascent enterprise to own it in the market. Our attorneys are experts in helping startups identify how to best capture that uniqueness with intellectual property, whether it be patents, trademarks, copyrights or trade secrets, and turning it into an asset of the enterprise's books. We also help start ups to fill the gaps in intellectual property coverage through contractual protections, including confidentiality agreements, joint development agreements, works for hire agreements, license agreements, and terms and conditions for websites and mobile applications. And, when the day comes that a start-up must face others' intellectual property rights, our attorneys can help to intelligently navigate the competitive landscape and find the most cost-effective way to avoid and/or obtain rights of others. We also help start-ups avoid issues by identifying potential road-blocks before they start and providing guidance for designing around them, as well as by assisting to resolve conflicts after they have been initiated by others.

We understand that the balance between these legal tasks and the need to fund the development of a young business can be delicate. Amster, Rothstein & Ebenstein LLP has experience with start-ups of all sizes, both in protecting their IP and assessing the IP landscape of their respective businesses. Our attorneys are cognizant of the sensitive economics of the start-up industry and have the legal and technical expertise to interact with inventors, development teams, and business executives to provide efficient strategic guidance and protection in the intellectual property field. Whether social media, mobile apps, Web 2.0 businesses, or new products, we develop tailored IP strategies, from drafting IP-related



contractual protections to advising on what to protect and how to protect it. Our strategies help start-ups build their brand, protect against competition, and avoid infringement.

In addition, our attorneys have experience handling intellectual property issues for investors and potential investors. This includes IP valuations, analysis and execution of IP licensing and monetization opportunities, and analysis of competitors' IP. Our approach considers both the business economics and the realities of the IP landscape, both in the U.S. and abroad, to present a comprehensive evaluation for our clients.

#### **Related Practice Areas**

- Copyright
- Patent
- Patent Prosecution, PTAB and Ex Parte Appeals
- Strategic Counseling
- Trade Dress
- Trade Secret
- Trademark

#### **Professionals**

##### Partners

- Benjamin M. Halpern
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