INTELLECTUAL PROPERTY AND MOBILE APPS

LIFE CYCLE OF AN APP

CONCEPTION
- CONFIDENTIALITY
- DATA PROTECTION IMPACT ASSESSMENT
- IP CONSIDERATIONS

DESIGN AND DEVELOPMENT
- SOFTWARE DEVELOPMENT AGREEMENT
- LICENSING/ASSIGNMENT AGREEMENT
- THIRD PARTY SERVICE PROVIDER AGREEMENT

DISTRIBUTION IN APP STORES
- APP DISTRIBUTION AGREEMENT
- ADVERTISING AGREEMENT

COMMERCIALIZATION TO USERS
- END USER LICENCE AGREEMENT
- PRIVACY NOTICE

CONSIDER ALL ASPECTS OF THE APP

COMPUTER PROGRAM
- CHECK LOCAL LAWS
- AUTOMATIC COPYRIGHT PROTECTION. REGISTRATION NOT MANDARORY IN MOST COUNTRIES

NAME OF THE APP
- CAN THEY BE REGISTERED AS AS TRADEMARKS (Eg. Do they meet criteria of distinctiveness?)
  - YES → REGSISTER AS TRADEMARKS
  - NO → AMEND

LOGO

ICON

SLOGANS

IMAGES
- DO THEY CONTAIN GRAPHIC SYMBOLS OR TYPOGRAPHICAL TYPE-FACES → YES
- CHECK IF THEY CAN BE PROTECTED AS DESIGN RIGHTS
  - IN SOME CASES PROTECTION MAY BE AUTOMATIC
  - IN OTHER CASES REGISTRATION MUST BE APPLIED FOR

CHARACTERS

FUNCTIONALITY
- DOES THE APP CONTAIN ANY NOVEL OR INVENTIVE FUNCTIONALITY? → YES
- WILL THE APP BE AVAILABLE IN OTHER COUNTRIES? → USE WIPO PCT (simple application-max protection)
- APPLY FOR PATENT

CONCEPTION

Due diligence of IPRs in earlier products and services

Protecting specifications:

- **TRADE SECRECY AND CONFIDENTIALITY:**
  - Establishing a company's trade secrets policy
  - Dealing with third parties
  - Dealing with employees
- **COPYRIGHT**

Protecting preliminary design documents:

- **COPYRIGHT**
- **TRADE SECRETS**

DEVELOPMENT

Considering trade secrets protection throughout the development process

Protecting software architecture:

- **COPYRIGHT**
- **PATENTS**

Protecting your underlying code:

- **COPYRIGHT**
- **PATENTS**

Protection of GUI Design:

- **COPYRIGHT**
- **TRADEMARKS**
- **INDUSTRIAL DESIGNS**
- **PATENTS**

COMMERCIALIZATION AND ENFORCEMENT

Enforcement against third parties

- **In the case of reproduction and reutilization of underlying ideas and concepts**
  - Copyright
  - Patents
- **Copying of all or part of GUIs**
  - Trademarks and unfair competition
  - Copyright
  - Patents
  - Industrial designs
- **Intermediaries role in enforcement: the dispute resolution mechanisms of platforms**
  - Apple Store content dispute
  - Google Play procedure

Enforcement against ex-employees and protection of trade secrets