

Technology and Intellectual Property

Maryland's emergence as one of the nation's leading centers of information technology and biotechnology businesses has led many law firms and individual attorneys to focus on technology-related issues. A key issue is protection of intellectual property (IP). "In a sense, IP is the crown jewel of a technology-based company. Assuring that a company has clear title to its IP should be of paramount importance, but it's not always given adequate attention," said Arthur G. House, a principal in Paley, Rothman, Goldstein, Rosenberg, Eig & Cooper. He focuses on enterprise development and licensing for technology-based companies, assisting both established and start-up businesses to develop legal, business alliance and acquisition strategies.

Intellectual property problems develop because there are several different sources of IP, House said. He added, for example, that "A company might license technology from a third party, but does the third party really own the IP that it is licensing?"

Also-particularly in Montgomery County, where the National Institutes of Health and other major federal research agencies are located - it is often government researchers who develop the technology that private-sector companies use. "So there may be government rights to it," House said.

Another possibility is that a company gains intellectual property by hiring someone who once worked for a competitor. "If so, the employee may be restricted by contract or the laws surrounding trade secrets from transferring the IP or even disclosing it to the new employer," said House.

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