

Intellectual property commercialisation & protection checklist

From idea to exit – turning IP into commercial advantage

IP is a strategic asset – central to brand value, competitive edge and investor confidence – securing and commercialising it is a priority.

1. Identify what you own

- Catalogue your IP assets.
 - Brand assets (names, logos, domains, taglines).
 - Technology (codebases, technical know-how).
 - Content (website copy, collateral, product designs).
 - Data (proprietary datasets, ML inputs/outputs).
 - Patents or patentable inventions.
 - Confidential know-how/trade secrets.
- Clarify ownership.
 - Ensure written IP assignment from all founders, staff, contractors and advisors.
 - Check that rights vest in the company, not individuals.

2. Protect core IP

- Trade Marks.
 - Register brand names/logos early in the UK and internationally.
 - Monitor for infringements.

- Patents.
 - Protect technical innovations with a patent strategy.
 - Avoid public disclosure before filing. Use NDAs and confidentiality protocols.
- Copyright.
 - Automatically protects original content (e.g. code, designs).
 - Consider watermarking or voluntary registration.
- Design rights.
 - Register product and packaging designs where applicable.
- Trade secrets.
 - Protect sensitive know-how via confidentiality policies and NDA. Limit access on a need-to-know basis.

3. Get the legal foundations right

- Assignment & confidentiality.
 - Include IP assignment clauses in all employment and consultancy agreements.
 - Use NDAs for external discussions or collaborations.
- Review licensing of third-party inputs.
 - Audit use of open-source libraries – check for copyleft risks.
 - Review permissions for third-party content or data.

4. Commercialise your IP

- Choose the right model.
 - IP licence (exclusive or non-exclusive).
 - White-labelling/franchise/JV.
- Document revenue streams.
 - Set out royalty rates, milestones, audit rights and termination terms.
 - Define scope (territory, field of use, exclusivity).
- Consider tax and funding implications.
 - Explore Patent Box relief.
 - Highlight IP protection in investor decks and due diligence.

5. Prepare for growth & exit

- Clean up historic gaps (missing assignments, legacy logos).
- Ensure the cap table reflects key IP contributors.
- Create an IP section in your data room.
- Maintain a current IP register that aligns with contracts and filings.

Final thoughts

Investors back businesses that can clearly show what they own and how they protect it. A robust IP strategy isn't just about legal hygiene – it's a value multiplier. Getting this right early unlocks funding, avoids disputes, and positions you for a successful exit.

Let's talk

Ashfords advises scaling businesses on all aspects of IP protection and monetisation. We regularly assist with:

- IP due diligence and audits
- Employment/consultant IP terms
- Tech development and licensing agreements
- IP strategy for fundraising and exit events
- Trade mark and patent protection

If you'd like a quick review of your current IP protections, we're happy to help.

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