

Vinson&Elkins

Identifying Your IP: Why It is Important and How to Protect It

Brianna Hinojosa-Smith, Yum Digital
Devika Kornbacher, V&E

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The Panel



Brianna Hinojosa-Smith
Head of Legal, Yum Digital & Technology



Devika Kornbacher
Partner, Head of Tech Transactions

Vinson&Elkins
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V&E

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First things first Discussion Topics

THEN

- Statutory IP Protections

NOW

- Emergence of Digital Transformation

FUTURE

- The “Known Unknown”

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THEN Statutory IP Protections



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THEN Trade Secrets & Patents

- **Trade Secrets**

- “... information, including a **formula, pattern, compilation, program, device, method, technique, or process**, that (i) **derives independent economic value**, actual or potential, **from not being generally known to or readily ascertainable through appropriate means** by other persons who might obtain economic value from its disclosure or use; and (ii) is the **subject of efforts that are reasonable under the circumstances to maintain its secrecy.**”
Uniform Trade Secrets Acts (all states except NY and NC)

- **Patents**

- **Right to exclude** others, for a time, from making, using, selling, offering for sale or importing the patented invention. **Complex laws surrounding licensing and ability to enforce.** Based on the U.S. Constitution and laws promulgated through various acts passed by Congress.

THEN Copyrights & Trademarks

- **Copyright**

- An **intangible interest in an original work of authorship**. **Owned by the “author” of the work and automatically protected upon creation.** Based on the U.S. Constitution and laws promulgated through various acts passed by Congress.

- **Trademarks**

- A word or a logo used to **identify the source of goods**. Similar protections include “service marks”, “trade names” and “trade dress”. The underlying rights in and to a trade name, a trademark, a service mark, or trade dress are **acquired through actual use in the marketplace.**

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[eSupplement to the 18th Annual Mergers and Acquisitions Institute](#)

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