

Vinson&Elkins

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

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

April 28, 2022

UT LAW | CLE

2022 CORPORATE COUNSEL  
INSTITUTE



1

## The Panel



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



**Devika Kornbacher**  
Partner, Head of Tech Transactions

**Vinson&Elkins**  
Established 1917

V&E

For Information Only ©2022 Vinson & Elkins LLP velaw.com

2

2

## First things first Discussion Topics

### THEN

- Statutory IP Protections

### NOW

- Emergence of Digital Transformation

### FUTURE

- The “Known Unknown”

3

## THEN Statutory IP Protections



4

## 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.**

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Identifying Your IP: Why is it Important and How to Protect It

Also available as part of the eCourse

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

First appeared as part of the conference materials for the  
44<sup>th</sup> Annual Corporate Counsel Institute session

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