

Forward thinking
Straight talking

IP essentials *for start-ups*



Gateley / IP

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IP essentials for *business*

Our patent and trade mark attorneys at Gateley IP work alongside IP solicitors at Gateley to bring you all your intellectual property experts under one roof, making it simpler and more efficient to protect, enforce, and maximise the value of your IP. From launch to scale-up, maturity, and exit, we deliver joined-up strategies and practical advice - combining legal, technical and commercial expertise to ensure your IP works hard for your business. IP essentials for start-ups is a collection of resources developed by our IP experts to guide you through the key steps, decisions and strategies needed to protect, manage and maximise the value of your IP from the outset.



Setting up your *IP for success*

The first 30 months are crucial for new businesses as they strive to take advantage of significant opportunities for growth whilst navigating numerous challenges and mitigating the high risk of early failure.

Why IP matters for start-ups

Your brand, product designs, inventions, and even your website content may be protectable as intellectual property (IP) rights. Our sector specialists can advise in this instance.

These rights help you to:

- prevent competitors from copying
- secure competitive advantage
- attract investment
- generate revenue
- build long-term value

The steps outlined below will vary depending on the industry sector(s) within which your business operates. Here are the steps to take to ensure you get your IP right from the outset and set your business up for success.

1. Keep it confidential

Disclosing an idea prematurely could result in a business being unable to secure the necessary IP rights needed to prevent copying or to exploit ideas commercially.

Include advice on:

- Avoiding premature disclosure and how this impacts your ability to secure IP rights
- Using non-disclosure agreements (NDAs): requesting NDAs drafted by IP professionals for discussions with collaborators, suppliers, and partners
- Reviewing employment contracts: ensure IP clauses are included to protect business-owned creations

2. Understand the different types of IP

Learn the basics of patents, trade marks, design rights, copyright and trade secrets so that you can identify the existing and potential IP assets within your business e.g. brand names, logos, inventions, designs, content, software, etc (see 'Types of IP' on pages 12-13)

3. Engage an IP professional

Check that any IP firm is regulated by IPReg and that the individual is qualified as your usual solicitor or business advisor is unlikely to have the relevant skills. You can find a list of qualified IP professionals here:

- CITMA – Chartered trade mark attorney
- CIPA – Chartered patent attorney / EPI – European patent attorney
- UK Law Society – IP Solicitor

There is never a wrong time to engage an IP advisor, however, if you haven't already done so, you may wish to seek advice to prepare for:

- Product or brand development
- Investor discussions
- Collaborations or licensing

At Gateley we have all the IP professionals you need under one roof – [click here to meet the team](#)

4. Research existing IP before launch

Use an IP professional to undertake clearance searches for patents, trade marks and designs before launching a product or brand, to avoid unknowingly infringing another party's IP, leading to potential IP disputes. Clearance searches are not mandatory but they are very useful in helping identify legal and commercial risks.

Avoid infringement: Launching without checks can lead to costly disputes and damage your business's reputation.

Email info@gateleyip.com to arrange a call with one of our IP experts

5. Create an IP strategy

Where do you see your business in 5-10 years' time? Ask your IP expert to undertake a structured review identifying risks and uncovering opportunities, with a view to ensuring that IP is protected, utilised, and monetised.

There are three IP strategies that can be employed, separately, or together by a business, and these are:

- Defensive IP strategy – to deter competitors and to safeguard against infringement claims
- Offensive IP strategy – to protect market share and generate revenue
- IP licensing model – to commercialise and monetise IP assets

6. Budget for IP

Check with Innovate UK to see if you qualify for IP Audit funding (see our section on 'Budgeting for IP' on pages 10-11)

7. Protection & registration

- Register business name and logo: Consider trade marking your brand names, logos, slogans, and product names in relevant jurisdictions early (see 'UK trade mark application process' on page 14)
- Patent application: If you have a novel invention consulting a patent attorney is essential (see 'UK patent application process' on page 17)
- Patent filing process and costs timeline: If you have a novel invention, consult a patent attorney
- Register copyright: For original content like software, marketing materials, and publications
- Protect trade secrets: Implement NDAs and internal confidentiality protocols
- Secure domain names & social handles: Align with your brand and prevent cybersquatting

8. Obtain IP ownership from contractors to allow for collaboration

Ask an IP solicitor to draw up non-disclosure agreements (NDAs) to mitigate the risk of theft or misuse of your ideas when collaborating with freelancers and contractors and ensure that contracts give you ownership of what they produce. Employment contracts for your employees should also be checked to clarify IP ownership.

9. Create an IP policy

Create an IP policy: Outline how IP is created, managed, and protected within the business.

Educate staff: Train employees on IP basics and internal policies.

Monitor for infringement: Set up alerts and put in place IP watching services.

At Gateley we have all the IP professionals you need under one roof – [click here to meet the team](#)



Budgeting for IP

Early stage businesses have limited money to spend. As such, when it comes to allocating budget, IP is often low on the list of priorities.

However, according to the World Intellectual Property Organisation's (WIPO) 'Unlocking IP-Backed Financing report for the UK' report on the UK, international research has shown that IP – particularly patents – play a significant role in successful fundraising at the earliest stages of a business's lifecycle.

This is because it demonstrates the area of the market where your business can achieve exclusivity, as well as a platform for future growth.

Did you know?

An estimated 70 to 80 per cent of the value of UK businesses is made up of intangible assets such as IP, according to the WIPO's report.

Demonstrating the potential for registrable IP at an early stage can help your business secure funding through grants or venture capital.

In the UK, there are also ways to maximise the value of your IP through tax reliefs and service discounts.

Save money on IP services with:

IP Audit

Did you know that you can get funding of up to £2,500 towards an IP audit? Providing that you contribute £750 inc VAT and use a UK-based IP professional, you could access funding of £2,250 inc VAT to gain a better understanding of your IP's untapped potential. Our team can help you to check your eligibility and conduct the audit once the funding is secured.

Achieve significant tax reductions with:

R&D tax credits

R&D tax credits are a UK government incentive allowing SMEs to recover a proportion of their qualifying development costs, either as a reduction in corporation tax or, if loss-making, as a cash payment to support cash flow and growth. To be eligible projects must seek to achieve an advance in science or technology and involve overcoming technical uncertainty. The scheme can be a valuable, non-dilutive funding source for early-stage businesses investing in new products, processes or services. Given the complexity and increasing HMRC scrutiny, it is important to seek advice from a specialist accountant or R&D tax adviser.

Patent Box

This UK Government tax incentive allows profits derived from patented technology to be taxed at a corporation tax rate that is significantly lower than the headline rate. Our team of patent attorneys are experienced at supporting clients in obtaining UK patents that can then be used for Patent Box purposes. This includes ensuring that all relevant products and processes are captured by the patent, as well as documenting product coverage across large portfolios and liaising with your tax advisers.

[Find out more here](#)

Secure additional funding with:

R&D grants

UK Research and Innovation (UKRI) provides a range of regular funding competitions and Knowledge Transfer Partnerships for early-stage businesses developing innovative products, services, and processes. These opportunities don't just provide a source of non-repayable funding; they also help applicants to build connections and access specialist knowledge within their industry. A better understanding of your IP can increase your likelihood of securing a grant during the highly competitive application process. We can help with that.

Achieve significant tax reductions with:

IP-backed finance

Very early stage businesses have traditionally relied on angel investment or venture capital to secure much-needed funding. Increasingly, high-street lenders and banks in the UK, however, are now willing to accept IP as a form of collateral when issuing a business loan. Many even offer targeted services for early-stage, innovation-based businesses. We work with banks, high-street lenders and investors to conduct due diligence on their behalf. As such, we know what they're looking for when it comes to investments and loans. We can help you to understand what they're looking for too.

Did you know?

In 2022, the UK Government announced a research and development budget of £39.8bn for 2022-25, representing the largest budget ever allocated for R&D projects.

Smart IP spend starts here.

We can help you focus on what matters most and avoid costly missteps. Contact us at info@gateleyip.com to maximise the value of your innovation.

Types of IP

	Patents	Trade marks	Design rights	Copyright	Trade secrets	Geographical Indications (GIs)
Protects	Protects inventions, allowing control over use and commercial exploitation.	Protects a brand's identity by granting exclusive rights to its products or services.	Design rights protect the appearance of a product. This can be the whole or part of the product itself.	Protects original works of authorship, allowing control over how their work is used.	Any confidential business information which provides an competitive edge and is not publically disclosed.	Protects foodstuffs, wines and spirit drinks products exhibiting distinctive qualities due to their geographical environment of origin.
Examples	Inventions, processes, machines, technical solutions. E.g., Dyson vacuum technology, Apple iPhone features, Pfizer COVID-19 vaccine.	Brand names, logos, slogans, product packaging. E.g., Nike swoosh, McDonald's golden arches, Coca-Cola logo, Apple name, Adidas stripes.	Visual apperance including shape, patterns, and ornamentation. E.g., Coca-Cola bottle, iPhone design, fashion patterns, furniture styles, car body designs.	Books, music, films, software, artwork, poetry. E.g., Harry Potter books, Harry Styles' music, Marvel, Microsoft software, Van Gogh paintings, Rupi Kaur poetry.	E.g., Coca-Cola recipe, Google's search algorithm, KFC's seasoning blend, manufacturing processes, customer databases.	Scottish salmon from Scotland, Jersey Royal Potatoes from Jersey (Channel Islands), Champagne from France, Darjeeling tea from India, and Prosciutto di Parma (Parma Ham) from Italy.
Key benefits	Patents provide exclusive rights to inventions, promote innovation, and support commercialisation opportunities.	Trade marks protect brand identity, enhance recognition, and grant exclusive rights to use branding elements.	Design rights protect the visual appearance of products, offer exclusive use, and help maintain a competitive edge.	Copyright protects original works, ensures creator recognition, and enables control over reproduction and distribution.	Trade secrets protect confidential information, preserve competitive advantage, and avoid the need for public disclosure.	GIs preserve regional identity, ensure product authenticity, support local economies, and boost consumer trust.
Time span	Typically lasts up to 20 years from the filing date, subject to annual renewal fees, although it is possible for this term to be extended in certain circumstances.	Lasts for 10 years from the filing date and can be renewed indefinitely to maintain protection (varies by country).	Design rights initially last for 5 years from the filing date and can be renewed every 5 years, up to a maximum of 25 years.	Typically lasts for the life of the author plus 70 years (varies by country).	In the UK, copyright generally lasts for 70 years after the end of the calendar year in which the author dies.	Indefinitely provided the product continues to be made according to its registered GI specification. Registration of a GI can be objected, amended or even cancelled if the product has not been produced for 7 years.

UK Trade mark *application process*

Step

1Before
brand
launch***Appoint a Trade Mark Attorney***

Discuss filing with your attorney i.e. the suitability of your chosen trade mark, and which 'classes' (groups of goods or services) and terms you wish to register.

Provide details of what you would like to register i.e. written words, slogans or illustrations.

Step

2

Optional

Conduct clearance searches

To determine the risk of infringing any existing IP and the likely success of obtaining a registered trade mark.

Step

3***File the trade mark application at UK Intellectual Property Office (UKIPO)***

Step

4Within
4
weeks***Examination report issued by UKIPO***

Consider any objections raised by the examiner and review any third-party marks that have been cited during examination.

Step

5Usually 2
months***Application published in the trade marks journal***

(2 months and extendible by 1 month by interested parties)
This allows for any oppositions to be presented.

Step

63-4
months***Trade mark registration***

Provided your application is not objected to or opposed, your trade mark will be registered around 3-4 months from when the application was filed.

You will receive a certificate of registration which allows you to:

- Object to others' use of similar or identical marks
- Use, sell, and license your trade mark

Step

76
months***Deadline for filing overseas application***

Step

8Due
every 10
years***Renewals******Opposition***

If someone opposes your application, seek legal advice from a Trade Mark Attorney

- Negotiate a settlement with the opposing party
- Withdraw your application, which may mean you have to re-brand before re-applying
- Defend the opposition



NOTE:

It is possible to obtain a granted UK patent in as little as 12 months. Your patent attorney can discuss alternative strategies suitable for your business should you wish to accelerate the patent application process.

UK Patent *application process*

Step

1Month
0***File UK Patent Application***

Submit application, description, claims, drawings, and abstract to UK IPO. Request prior art search (must be done within 12 months).

Step

2Approx
within 6
months***Receive search report***

Step

3By 12
months***Finalise application***

Last chance to consider new filings for UK or overseas applications claiming priority.

Step

4Around
18
months***Publication***

IPO publishes your application and search report.

Step

5By 24
months***Request examination***

Pay fee and request substantive examination (must be within 6 months of publication).

Step

6Around
35
months***Substantive examination***

IPO issues first examination report; respond within 4 months.

Step

7***Grant or refusal***

Patent granted if requirements met; otherwise, application may be refused.

Step

8From
48
months***Renewal fees***

First renewal fee due (year 5); renew annually up to 20 years.

IP FAQs

Start-up stage

Question	Answers
What IP do I have in my business that I should consider protecting?	<ul style="list-style-type: none"> ➤ Brand assets: business name, logo, slogan and domain name; ➤ Product or service innovations: inventions, technical solution, prototypes and software algorithms; ➤ Creative content: Website copy, marketing materials, product manuals, videos, software code; ➤ Product design: visual appearance of a product, packaging, UI/UX elements; ➤ Confidential information and know-how: business plans, customer lists, pricing strategies and internal processes; ➤ Commissioned work and collaboration: content, code, or designs by a freelancer or contractor; and ➤ Strategic IP assets: pitch decks, investor materials and product/service roadmaps. <p>If you're unsure if you have something protectable, please contact a patent or trade mark attorney.</p>
What types of IP should I consider protecting?	At the start-up stage, you should focus on protecting patents, trade marks, copyright, design rights and trade secrets. This will be determined by your business model and assets.
How do I register a trade mark or patent?	To register for a trade mark or patent in the UK, you would usually apply through the UK Intellectual Property Office (UKIPO), although there may be some instances when a business might choose to file internationally or overseas. Trade marks protect your brand name or logo, while patents protect inventions. For more information, please get in touch with a patent or trade mark attorney who can guide you through your IP journey. Please also see our essential guides to UK patent / UK trade mark / copyright and design protection for further information.
Can I afford IP protection at this stage? / Is IP protection expensive for small businesses.	Costs can vary, but IP protection doesn't have to be expensive. You can prioritise key assets, use NDAs to safeguard ideas, and adopt phased protection as your business grows. Many start-ups use budget-friendly strategies to protect what matters to them early on.

Question	Answers
What happens if someone copies my idea or brand?	Start by documenting what has been copied. Contact your trade mark or patent attorney or IP solicitor to discuss your options. It may be easily resolved with a business-to-business discussion or you may end up sending a cease and desist letter or taking legal action to protect your rights.
Who owns employee-developed IP?	<p>The first owner of IP is typically the creator of the IP. Where more than one person has a relevant input, there can be joint owners. However, the law in the UK is such that IP generated by employees in the course of their employment will typically be transferred automatically to the employer. The company then becomes the owner of the IP without the need for any specific assignment.</p> <p>There are, however, exceptions to this rule. This is to be expected, because otherwise employers could potentially claim rights to any invention made by an employee during their employment term regardless of whether it was related to their duties/ responsibilities and/ or relevant to the business. However, the exceptions can provide scope for employees to try to claim ownership in IP that properly belongs to the company.</p> <p>The status of company directors or shareholders can take them outside of the automatic transfer of IP because the law refers specifically to employees. This can be addressed by ensuring that their contracts contain clear provisions on IP.</p>
Do I own the IP created by freelancers or contractors?	Generally, IP is usually owned by the person who creates it, unless the contract clearly states otherwise. To ensure your business owns the IP, include an assignment clause in the agreement before any work begins.
How do I protect my business name and logo?	<p>You can protect your business name and logo by registering them as a trade mark with the UK Intellectual Property Office (UKIPO). The mark must be distinctive, not descriptive, and not confusingly similar to existing marks. The application must also clearly state the goods/services the mark/s relate to.</p> <p>A registered trade mark gives you legal rights to stop others using your brand/logo without permission and helps build brand recognition.</p>

Question	Answers
How do I prevent employees or partners from sharing confidential information?	Use clear contracts with confidentiality clauses, supported by non-disclosure agreements (NDAs) where needed. Limit access to sensitive data, provide training on handling confidential information, and setting out clear consequences for breaches.
How do I select the right IP professional for my business, and what to expect?	<ul style="list-style-type: none"> ➤ Patent attorneys: help protect inventions and technical innovations by drafting and filing patent applications, and advising on patent strategy. ➤ Trade mark attorneys: specialise in brand clearance and advising on the risks in adopting and protecting brand names, logos, and slogans through trade mark registration and enforcement. ➤ IP solicitor: advise on legal issues such as contracts, disputes, licensing, and enforcement of IP rights, including litigation if needed. ➤ IP commercialisation: consultants focusing on turning IP into commercial value, helping with strategy, partnerships, licensing, and investment readiness.
Do I automatically own the IP in my ideas? / Do I need to register all IP rights?	You don't automatically own IP just by having an idea, it must be expressed in a specific form. Some IP rights arise automatically (like copyright), while others (like patents and trade marks) need to be registered to give you legal protection. It is important to identify what needs registering to safeguard your business property.
When should I start protecting my IP?	As early as possible, ideally before any public disclosure, collaboration, or pitching to investors. Delaying protection can risk losing your rights or allowing your ideas to enter the public domain. Early action helps to safeguard your competitive edge.
What are the biggest IP mistakes start-ups make?	<p>Common mistakes include:</p> <ul style="list-style-type: none"> ➤ Delaying protection; ➤ Assuming ideas are automatically protected; ➤ Entering into deals where IP arrangements are adverse for the company ➤ Failing to secure IP from freelancers or partners; and ➤ Overlooking trade marks or domain names. <p>Many start-ups also miss opportunities to align IP strategy with business goals. Early advice can make all the difference.</p>
How can I use IP to attract investors or partners?	A strong IP portfolio shows you are serious about innovations and protecting your competitive edge. It reduces risk for investors, builds confidence in your business model, and can significantly boost your valuation during funding rounds or exit planning. Registered rights and clear ownership also make partnerships smoother and more secure.



IP *glossary*

At Gateley, we believe in straight talking and keeping things simple. Intellectual property can be complex, but we cut through the jargon to give you clarity and confidence. This glossary is designed to help you understand key IP terms in plain language, so you can make informed decisions that deliver maximum commercial benefit.

A-C

- **Abandonment:** When an IP right or application is no longer pursued or maintained.
- **Assignment:** Legal transfer of ownership of IP rights.
- **Authorship:** The originator of a creative work, relevant in copyright law.
- **Background technology:** Pre-existing technology referenced in new innovations.
- **Branding:** Strategic development of a product or company identity.
- **Brand clearance / searches:** Checking that your chosen business or product name is available and does not infringe anyone else's rights before launch.
- **Cancellation:** Legal process to revoke a registered trade mark or design for non-use to invalidate based on other rights.
- **Cease and desist Letter:** Formal notice demanding that a third party stops the infringing activity.
- **Certification mark:** A mark indicating compliance with standards or origin.
- **Claim:** Defines the scope of protection in a patent.
- **Collective marks:** Trade marks owned by associations, used by members to show they belong to a recognised group or meet set standards.
- **Copyright:** Protects original creative works like content, code, and designs.
- **Creative commons:** Licensing framework for sharing creative works.



IP glossary

D-L

- **Design registration:** Formal registration of a design with the UKIPO for stronger protection than unregistered design rights.
- **Design right:** Protects the visual appearance of a product, including its shape, configuration, texture, colour, pattern, and ornamentation.
- **Derivative work:** A new creation based on an existing copyrighted work.
- **Disclosure:** Revealing details of an invention or creative work outside of confidence.
- **Divisional application:** A separate patent application derived and divided out from an earlier one.
- **Doctrine of equivalents:** Legal principle allowing protection beyond literal wording of patent claims.
- **Due diligence:** A review carried out by buyers or investors to ensure your IP is properly owned, registered, and free from disputes, affecting the company's valuation
- **Exemplary damages:** Punitive damages awarded in IP litigation (jurisdiction-dependent).
- **Express abandonment:** Formal withdrawal of an IP application.
- **Freedom to operate:** Ensures your product doesn't infringe existing IP.
- **Geographical indicator (GI):** Protects product names linked to a specific geographical origin and a quality, reputation, or characteristic essentially attributable to that origin.
- **Generic term:** A word or phrase that cannot be protected due to common usage.
- **Infringement:** Unauthorised use of IP rights.
- **IP audit:** A systematic review of your IP portfolio to check ownership, registrations and risks, ensuring rights are up to date and properly protected.
- **IP disposal:** Selling or retiring IP assets no longer in use.
- **IP enforcement:** Legal actions to protect IP from infringement.
- **IP holding company:** Entity created to manage and protect IP assets.
- **IP legacy planning:** Ensuring IP is transferred or preserved during exit.
- **IP portfolio:** A collection of IP assets owned by the business.
- **IP strategy:** Planning how to identify, protect, and use IP assets.
- **IP valuation:** Determining the financial value of IP assets.
- **Licensing:** Granting permission to use IP under agreed terms.
- **Likelihood of confusion:** Standard for assessing trade mark disputes.

M-Z

- **Mark:** A symbol, word, or phrase used to identify goods and/or services.
- **Non-disclosure agreement (NDA):** Contract to protect confidential information.
- **Passing off:** a common law action used to protect unregistered trade mark rights in the UK. The three principal elements which must be demonstrated to succeed in a passing off case are goodwill, misrepresentation and damage.
- **Patent:** Protects inventions and technical solutions.
- **Patent family:** Patents filed in different countries for the same invention.
- **Prior art:** Existing knowledge or materials available to the public and relevant in assessing patentability.
- **Public domain:** Works not protected by IP rights and free for public use.
- **Registration:** Official recording of IP rights with a relevant authority.
- **Right of publicity:** Protection of personal identity from unauthorized commercial use.
- **Scope of protection:** Legal boundaries of an IP right.
- **Service mark:** A mark used to identify services.
- **Trade mark:** A sign capable of distinguishing goods and/or services.
- **Trade dress:** The visual appearance of a product or its packaging.
- **Trade secret:** Confidential business information that provides a competitive edge.
- **Transfer agreements:** Legal documents formalising the sale or transfer of IP.
- **UKIPO:** UK Intellectual Property Office, the official government body for IP rights in the UK.
- **Use in commerce:** Requirement for trade mark validity (jurisdiction-dependent).
- **Utility patent:** Patent protecting functional aspects of inventions (term used in some jurisdictions).
- **Work made for hire:** A work created under employment or contractual terms.

IP at a glance

IP experts

- > Patent attorneys
- > Trade mark attorneys
- > IP solicitors

Sectors

- > Life sciences
- > Medical technology
- > Chemistry
- > Physics and electronics
- > Software & AI
- > Advanced engineering & manufacturing
- > Consumer goods
- > Cosmetics, beauty & personal care
- > Higher education



Offices
throughout
the UK in 9
locations

IPReg Intellectual Property
Regulation Board

Our services

1

IP protection

Providing comprehensive protection for new technologies, including patents, trade marks, and designs, to strengthen commercial position and safeguard innovation.

2

IP clearance & FTO

Offering targeted clearance searches and freedom to operate (FTO) assessments to identify infringement risks and deliver clear, actionable guidance for safe product launches and market entry.

3

IP assessment & strategy

Delivering structured portfolio reviews and strategic advice that simplify complex IP rights and support confident, commercially driven decision making.

4

IP disputes

Managing highly technical disputes with early, specialist intervention and efficient resolution strategies tailored to your commercial objectives.

5

IP commercialisation

Helping identify, manage, and leverage opportunities around your IP to generate value and that aligns with your business strategy.

6

Patent Box

Helping businesses position their innovations for Patent Box by identifying patentable features and securing the protection needed to access this relief.

7

Private equity

Supporting investors and portfolio companies with IP-led value creation, deal structuring and post-acquisition integration to enhance returns and exit readiness.

8

IP administration & renewals

Managing the essential processes that sit behind every application, deadline, and portfolio decision, to ensure complete confidence in the handling of your IP.



Gateley took the time to understand our business and business strategy to be able to truly partner with us as we expand and grow and protect our IP. Legal 500

For more information get in touch at info@gateleyip.com

Gateley / IP

gateleyip.com

Gateley IP is the trading name of Adamson Jones IP Limited, Symbiosis IP Limited and Groom Wilkes & Wright LLP.