

for businesses that misuse data or that cannot provide evidence of permission to use a person's data for a specific purpose, which can be up to four per cent of a business's turnover.

If you run any form of email communications with your customers, make sure you get them to opt in so that you can show that they gave consent.

**Licences**

Depending on the sector you're venturing into with your business, you may need to apply for a licence – especially if it is public-facing, such as a restaurant.

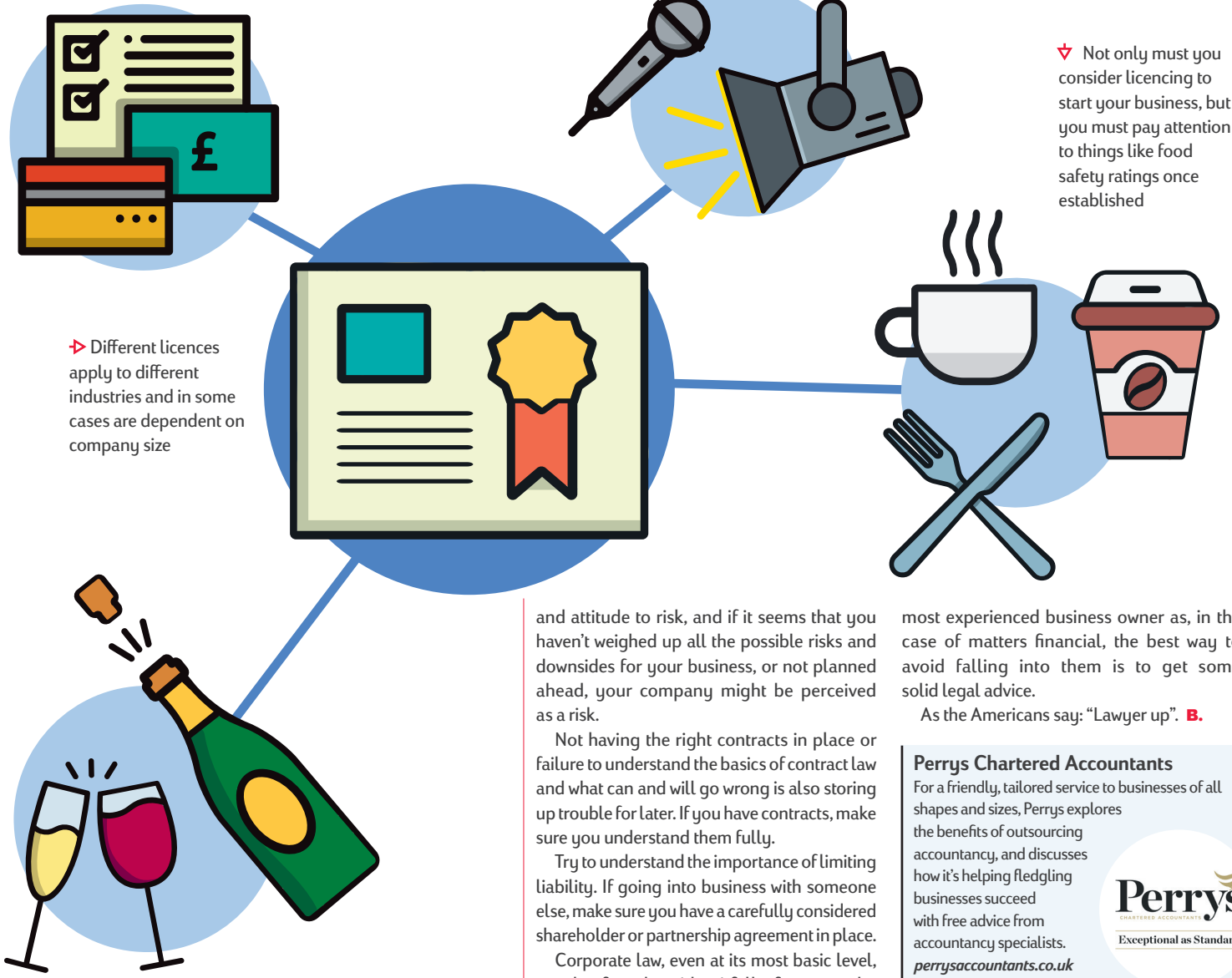
It is more likely a business with employees will need to obtain a licence than a small, home-based start-up, but the easiest way of finding out which one will be relevant to you is to use the government's official gov.org.uk licence finder service.

The first thing you will notice is these cover a wide range of areas. You will need a licence for selling alcohol for example, manufacturing with chemicals, medicines and for entertainment. If a part of your business is lending money or credit-related, you will need to obtain a licence from the Financial Conduct Authority before you're able to operate. Likewise, if you're going to be dishing-up food and drink, you will need a licence from the Food Standards Agency, who will carry out regular checks on the premises.

Indeed, if obtaining a licence is paramount to the operation of the business, it is best to take out insurance in case for whatever reason, this is ever taken away from you.

**Key considerations**

Not obtaining the right legal advice at the outset can adversely impact your ability to generate finance. Potential lenders will assess credibility



▷ Different licences apply to different industries and in some cases are dependent on company size

and attitude to risk, and if it seems that you haven't weighed up all the possible risks and downsides for your business, or not planned ahead, your company might be perceived as a risk.

Not having the right contracts in place or failure to understand the basics of contract law and what can and will go wrong is also storing up trouble for later. If you have contracts, make sure you understand them fully.

Try to understand the importance of limiting liability. If going into business with someone else, make sure you have a carefully considered shareholder or partnership agreement in place.

Corporate law, even at its most basic level, can be fraught with pitfalls for even the

most experienced business owner as, in the case of matters financial, the best way to avoid falling into them is to get some solid legal advice.

As the Americans say: "Lawyer up". **B.**

**Perrys Chartered Accountants**

For a friendly, tailored service to businesses of all shapes and sizes, Perrys explores the benefits of outsourcing accountancy, and discusses how it's helping fledgling businesses succeed with free advice from accountancy specialists. [perrysaccountants.co.uk](http://perrysaccountants.co.uk)



# Why Intellectual Property is important to your start-up

**Promotional Feature**

Starting your own business can be one of the most exhilarating and challenging times in your life. However, business leaders occasionally overlook some of the basics of intellectual property (IP) and the importance of getting things right at the outset. Protecting and commercialising IP can be the difference that turns a new business from zero, to hero!

IP is crucial to every single company, no matter its size or stage. It can define why customers choose you over a competitor – and in essence serves as your business's unique selling point (USP).

For nearly every business, IP lies in their branding – names, slogans and company logos – customers use them all to identify and choose goods and services over those of others. This can be protected by trade marks.

If your business is in the tech sector, and relates to providing new technology (in whatever form) to customers, or a new way of doing things, then a patent may be obtainable. For other businesses, copyright or know-how may be more relevant. Nevertheless, many business leaders don't appreciate why protecting this form of IP is so important, or even that it is possible in the first place.

**Commercialising IP can sometimes be the difference that turns a new business from zero, to hero!**

Protecting the IP in your business will help you secure your market position. It allows you to prevent copycats or imitators from using your logo or brand name, or stop them providing a new technology or service in the same way that you do. Added benefits include giving investors confidence in your business and knowledge that their investment is secure. Protected IP can also be used as a source of revenue, for example by licensing in territories in which you don't yet (or can't yet) operate in and amassing licencing fees.

However, identifying the IP in your business and making strategic decisions on what to protect first and how, is not always straightforward. Mathys & Squire's team of highly trained and specialist patent, trade mark and design attorneys work closely with businesses and innovators to uncover IP in their operations and advise how best to protect, defend and commercialise it.

Andrew White is a European Patent Attorney and a chartered UK Patent Attorney. Andrew has an active approach to engaging with London's burgeoning start-up community. He provides support and advice to a number of start-up accelerators and incubators in the UK, discussing all aspects of IP including strategy, registered designs, agreements and licencing, as well as



Andrew White

patents. Andrew has been commended by clients for his proactive approach and understanding of business strategy. He likes to develop long term relationships with clients and their technical teams

to really understand where a business is going and how IP can be used as a tool to complement those drivers and help them grow.



**GET IN TOUCH!**

To learn how you can protect the IP in your business, contact Andrew on [ajwhite@mathys-squire.com](mailto:ajwhite@mathys-squire.com) or visit [mathys-squire.com](http://mathys-squire.com).