



How to Protect IP

What is IP?

- *Intellectual Property (IP) is a means of protecting the results of innovation and creative activity*
- IP rights are negative rights.
- IP rights are territorial.
- Intangible assets which can be bought/sold/licensed.

Refresher

- Patents
- Trade marks
- Designs
- Copyright
- Know-how

How can I protect my own IP?

How can I avoid infringing the rights of others?

Why Protect IP?

- Stop others using what you've created (brand, product or process) without your permission
- Exclusivity can demand higher sales prices for licensee
- Generate income by licensing for the university and you
- Attractive to investors in licensee if a spin out

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Patents

- A right protecting an **invention**
- The deal – a patent affords a territorial privilege or monopoly for a limited period – in exchange for letting the world use your invention after monopoly expires
- Maximum duration of **20 years** in most countries

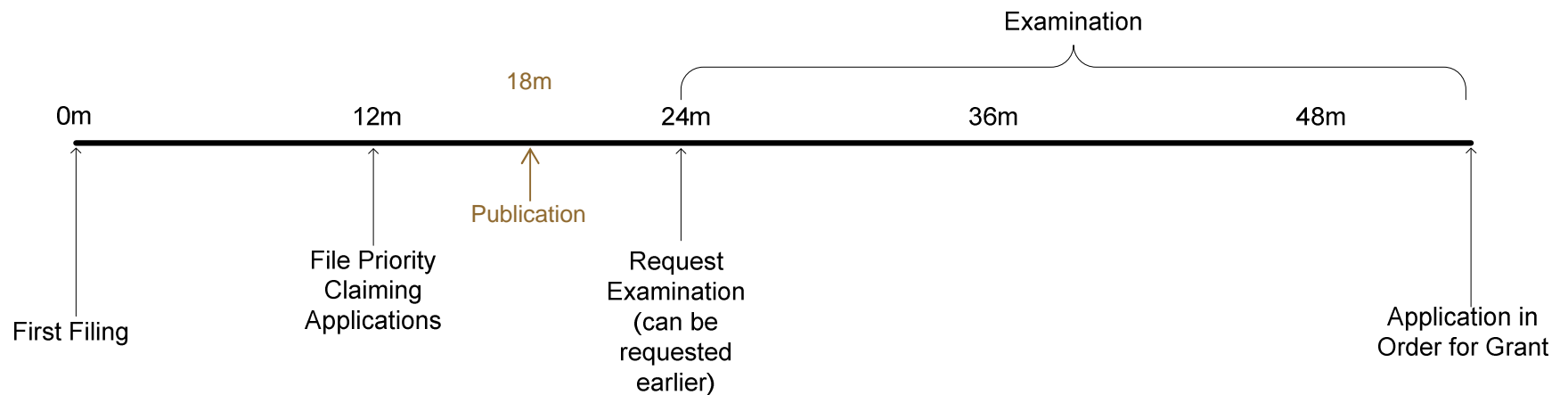
Patents (ii)

- Inventions related to **products, methods or manufacturing processes** or other aspects of new technology used to solve a technical problem
- Must be **new** – i.e. not published anywhere else before, including by the inventor/owner
- Must involve an **“inventive step”** – i.e. “non-obvious” to a person skilled in the art

Patents (ii)

- The law provides a list of “things” excluded from patent protection, including:
 - » Computer programs
 - » Business methods
 - » Mathematical methods
 - » Methods of performing mental acts
 - » Methods of playing games
 - » Presentation of information

Patents (iii)



Patenting – Things to Consider

1. Consider “freedom to operate searching” to identify potentially conflicting patents owned by third parties
2. Be very careful about disclosing your invention prior to filing
3. Talk to your patent attorney

Trademarks

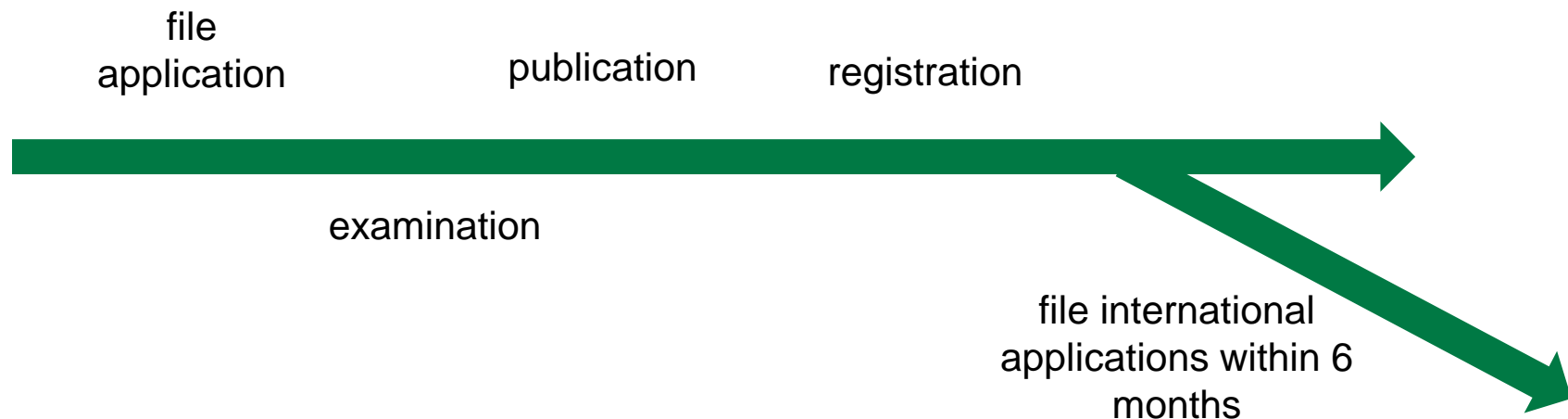
Anything which can be represented graphically e.g. Words (including personal names), colours, slogan, logo, packaging, product shape, holograms, smells, sounds...

But – **hard to protect descriptive or generic marks** and, for example, invented words

e.g. COCA COLA, LEGO, KODAK etc have broader protection than more descriptive words

- Territorial - a registration in one country or region does **not** automatically give owner rights in another
- Once registered protection can be renewed **indefinitely!**

Trademarks (ii)



Registration process in EU take ~ 6 months

IP Ownership

Trade Marks – The Applicant is the owner.

Patents – Inventor owns the IP, **unless** the invention was made as part of his/her job, in which case his/her employer will own the invention.

Copyright – The creator of the work is the owner, **except** where made in the course of employment.

Costs

Varies considerably depending upon complexity of IP and country for which protection is required.....

Trade Marks – €1000-2000

Patents – €5000 for initial filing. Total to obtain granted patent can be around €20000.

Copyright – Automatically exists – no costs

Patent Search

The screenshot shows the Espacenet website interface. At the top, there is a navigation bar with the Espacenet logo and the text "Espacenet Patent search". Below this, there are tabs for "About Espacenet", "Other EPO online services", "Search", "Result list", "My patents list (0)", "Query history", "Settings", and "Help". The main content area features a "Smart search" section with a search bar containing "Siemens EP 2007" and a "Search" button. To the left of the search bar, there are links for "Advanced search" and "Classification search". Below the search bar, there are sections for "Maintenance news", "Espacenet outages", "News flashes", "Data coverage", and "Related links". The "Espacenet outages" section mentions regular maintenance outages between 05:00 and 05:15 hrs CET (Monday to Saturday). The "News flashes" section includes a link to "read more...". The "Data coverage" section includes a link to "read more...". The "Related links" section includes a link to "read more...". The "Espacenet: free access to over 100 million patent documents" section includes a link to "Access to Global Dossier and links to the European Patent Register and national registers". The "Online products – need some answers?" section includes a link to "discussion forum". The "Espacenet: Intro" section includes a link to "Intro".

Things to Consider

1. **Where** do you need IP – consider markets, competitors, manufacture
2. **What** do you need to protect – an invention, features of appearance, your brand
3. **Who** is the owner?
4. Is your IP new?
5. Check that you do not infringe the rights of others
6. Keep records
7. Keep confidential until filed!
8. Ask questions of your TT Office about IP ***as early as possible***