



Training seminar

MANAGEMENT OF INTELLECTUAL PROPERTY RIGHTS

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***PART 1
BASICS OF INTELLECTUAL PROPERTY***

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STRUCTURE OF THE PRESENTATION

- 1. Basics of Intellectual Property (IP)***
- 2. Benefit and use of Intellectual Property Rights (IPR) Information Sources***
- 3. IPR Strategies, Utilization and enforcement of IPR***
- 4. Commercialization of IPR and Research Results***
- 5. National IP Offices, World Intellectual Property Organization (WIPO) and International Protection***
- 6. European Patent System***
- 7. IPR Management in FP7 and Marie Curie Actions***

INTELLECTUAL PROPERTY (IP)

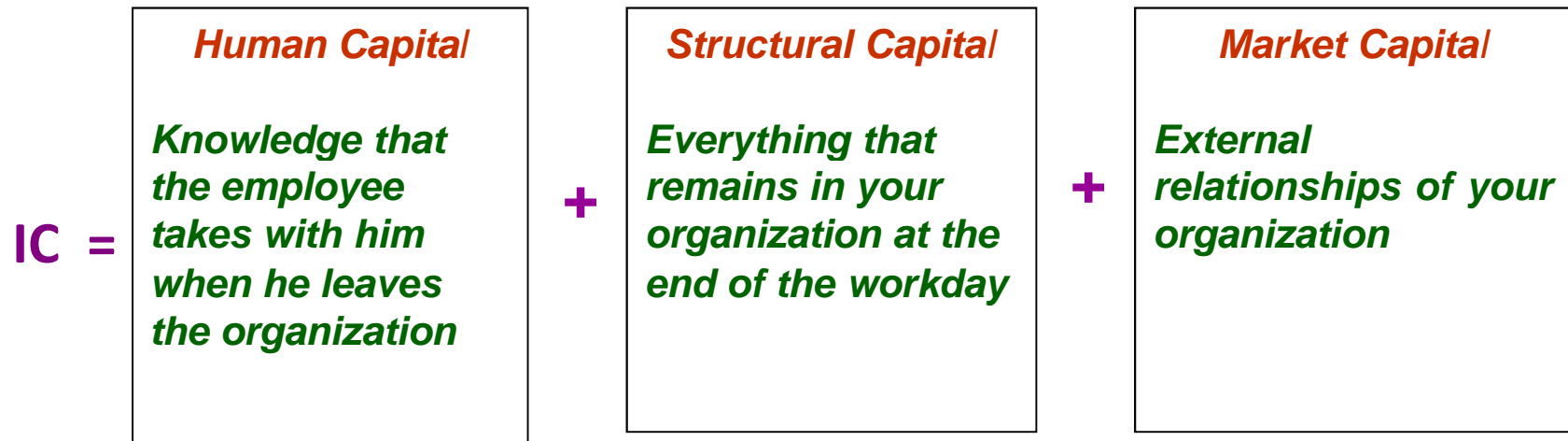
- *The concept of **intellectual property** first appeared in the History at Sybaris, a Greek city in Magna Graecia, on the western shore of the Gulf of Taranto (6th century BC).*
- *This notion was described by Athenaeus of Naucratis in the "Banquet of the Learned" (Deipnosophistae):*
- *"If any confectioner or cook invented any peculiar and excellent dish, no other artist was allowed to make this for a year; but he alone who invented it was entitled to all the profit to be derived from the manufacture of it for that time ; in order that others might be induced to labour at excelling in such pursuits."*

Senate of Venice, 1474

"Any person in this city who makes any new and ingenious contrivance, not made heretofore in our dominion, shall, as soon as it is perfected so that it can be used and exercised, give notice of the same to our State Judicial Office, it being forbidden up to 10 years for any other person in any territory of ours to make a contrivance in the form and resemblance thereof".

INTELLECTUAL CAPITAL (IC)

Collective knowledge (whether or not documented) of the individuals in an organization or society. This knowledge can be used to produce wealth, multiply output of physical assets, gain competitive advantage, and/or to enhance value of other types of capital.



The valorisation of your intellectual capital will enhance the performance as well as increase the benefits of your organization

WHAT IS INTELLECTUAL PROPERTY (IP)

Intellectual property:

Refers to the legally enforceable rights that can be used to prevent another person from using the knowledge or invention, thereby providing a competitive advantage or exclusivity in the marketplace

Includes not only technology such as inventions, discoveries, creations, or authored works which may be protected legally, such as patents and copyrights, but also the physical or tangible embodiment of the technology, such as biological organisms, plant varieties, or computer software.

INTELLECTUAL PROPERTY: A VITAL ASSET

Organisations Own Assets

- **Commercial Assets in the form of traditional property: e.g. houses, cars; unauthorised or illegal use may result in prosecution**
- **Intellectual Assets: the jewel in the crown to many organisations**
 - **Exactly the same attributes as traditional property**
 - **Unauthorised or illegal use may result in prosecution**

INTELLECTUAL PROPERTY: A VITAL ASSET

Adding value to the organization

- ***Protection stops others from trading off your creativity***
- ***Provides you with a competitive edge – one step ahead from the competitors***
- ***Gives you property rights to deal with***
- ***Adds value to your business/organization – helps you to raise funds***

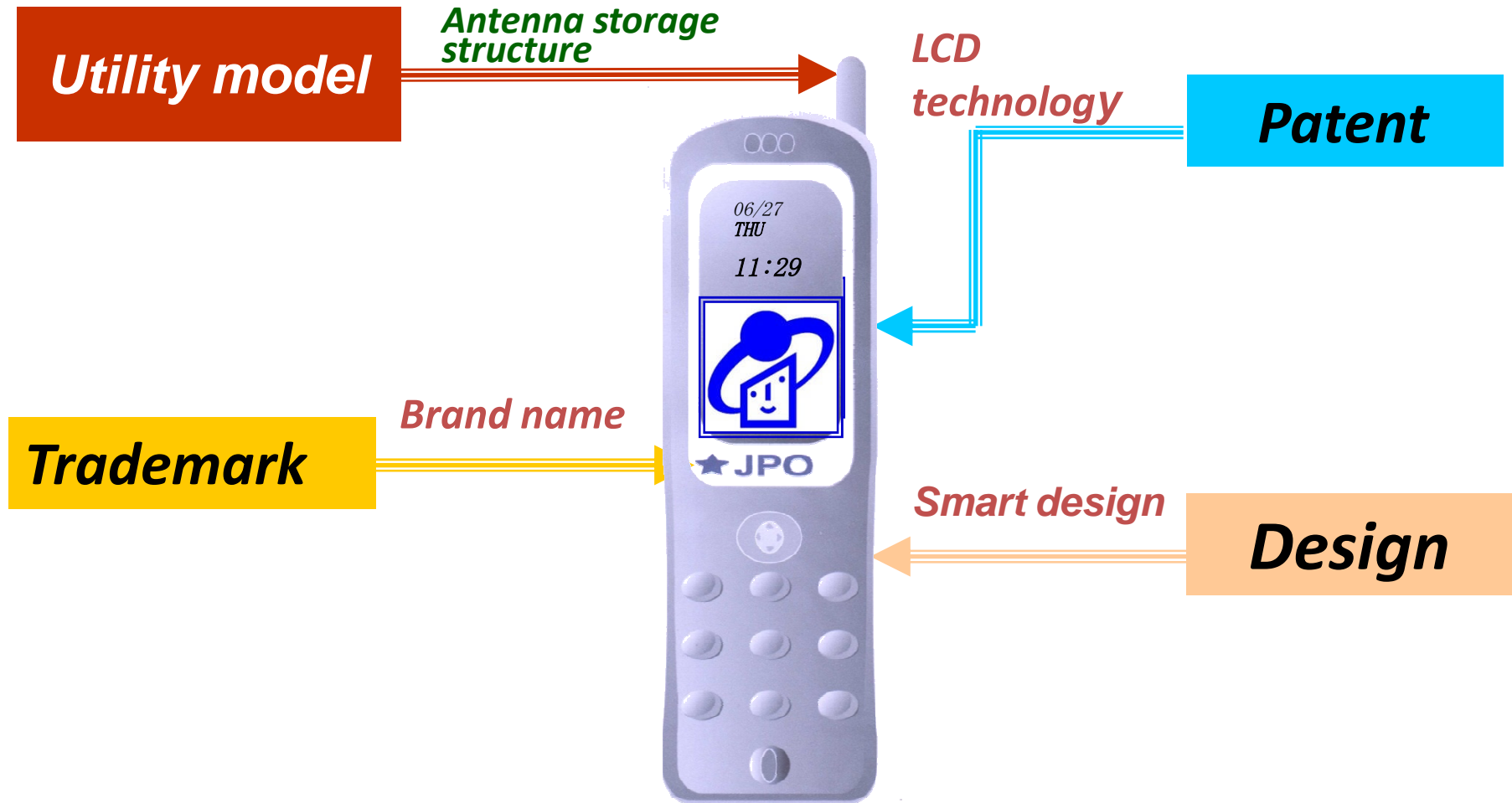
STRATEGIC REASONS FOR THE PROTECTION OF INTELLECTUAL PROPERTY

- ***Protect Market***
- ***Hinder competition***
- ***Corporate image***
- ***Royalties (income)***
- ***Bargaining power***

CHARACTERISTICS OF INTELLECTUAL PROPERTY

- ***Arises from ideas, thoughts and conceptions – i.e. products of the mind.***
- ***Often “intangible.”***
- ***Has value – usually determined in the marketplace.***
- ***Protectable through various means such as:***
 - ***Patents***
 - ***Industrial designs***
 - ***Copyrights***
 - ***Trademarks***
 - ***Trade secrets***
 - ***Biological materials***
 - ***Know-how***

CHARACTERISTICS OF INTELLECTUAL PROPERTY



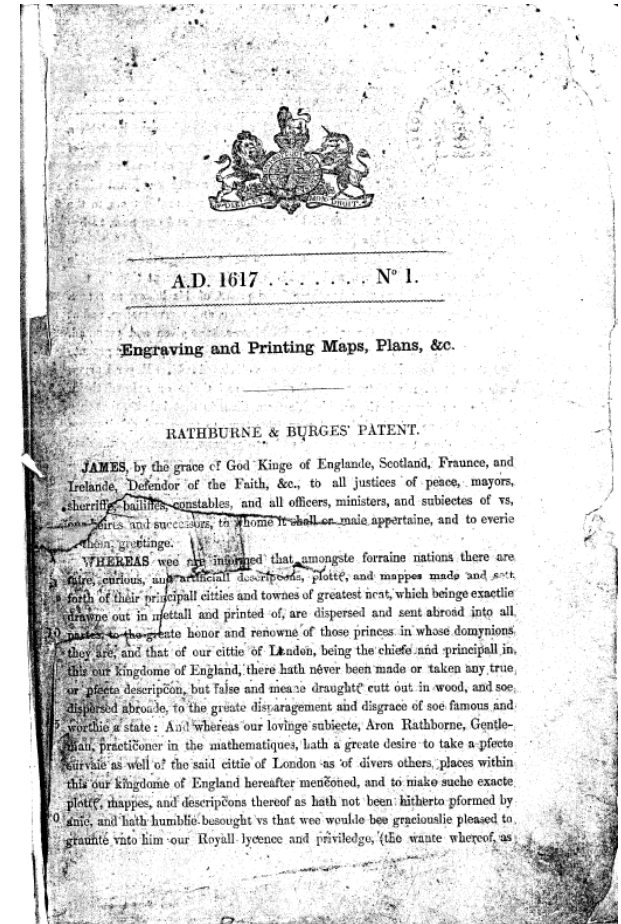
PATENTS

BASIC REQUIREMENTS FOR PATENTABILITY

1. *There must be an invention*
2. *The invention must be new*
3. *The invention must involve an inventive step*
4. *The invention must be susceptible for industrial application*

In addition, the examiner should be especially aware of the following requirements:

- *The patent application must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a skilled person*
- *The claims shall define the matter for which the protection is sought (clear and concise claims)*



English Patent, issued 1617

PATENTS

The role of patent system in Technology Transfer

- *The patent system plays a major part in the transfer of technology, which acts as a stimulus to technical innovation.*
- *The exclusive right to exploit an invention commercially makes it easier for companies to finance research and development.*
- *As exclusive rights, patents strengthen an organisation's market position.*
- *Patent inventions encourage research into alternative solutions.*
- *The licensing of patents promotes the dissemination of new technologies.*
- *Patents indicate the level of innovative activity in a particular market. They generate new investment and are a motivating force behind technical progress.*

PATENTABLE & NON PATENTABLE MATERIALS

PATENTABLE

- ***Machines/apparatuses***
- ***Composition of matter***
- ***Process and methods – new things with old materials***
- ***Improvements***
- ***Non-natural forms of life***
- ***Business methods***
- ***Ornamental designs***

NON PATENTABLE

- ***Laws of nature (e.g. $E=mc^2$)***
- ***Natural phenomena***
- ***Abstract ideas (ideas separated from a complex object, or from other ideas which naturally accompany it)***
- ***Material formulae (e.g. $C_6H_{12}O_6$)***

INDUSTRIAL DESIGN

- *Protects the external appearance of a product*
- *In a crowded market place good design makes your product stand out*
- *Simpler and cheaper than patent or trade mark*
- *Registration available across the EU*



Examples: Packaging, furnishing, household goods, toys, games,...

UTILITY MODEL

- *An exclusive right granted for an invention, which allows the right holder to prevent others from commercially using the protected invention, without his authorization, for a limited period of time.*
- *In its basic definition, which may vary from one country (where such protection is available) to another, a utility model is similar to a patent. In fact, utility models are sometimes referred to as "petty patents" or "innovation patents."*

The main differences between utility models and patents are:

- *The requirements for acquiring a utility model are less stringent than for patents.*
- *The term of protection for utility models is shorter than for patents and varies from country to country (usually between 7 and 10 years without the possibility of extension or renewal).*
- *In most countries where utility model protection is available, patent offices do not examine applications as to substance prior to registration. This means that the registration process is often significantly simpler and faster, taking, on average, six months.*
- *Utility models are much cheaper to obtain and to maintain*

TRADEMARKS "®"

A word, name, symbol or device, or a combination thereof, that is adopted and used by a person or other entity to identify his or her goods and distinguish them from the goods manufactured or sold by others, and to indicate the source of the goods

Used by their owners to identify goods, that is, physical commodities, which may be natural, manufactured, or produced, and which are sold or otherwise transported or distributed

Designation : "®" or TM (often in superscript)

International Trademark Association, www.inta.org

TRADEMARKS "®"

What can be registered

- *Name*
- *Shape*
- *Domain Name*
- *Music*
- *Colour*
- *Logo*
- *Slogan*

Slogans as trademarks

- *Just Do It*
- *I'm Lovin it*
- *Don't leave home without it*
- *Good to the last drop*
- *Think different*
- *Once you pop, you can't stop*



TRADEMARKS "®"

Invented words

Often the best – successful business that have invented words

No relationship to the product or service which they either sell or operate

Amazon

Google

E-bay

Priceline

U-bid

E-toys

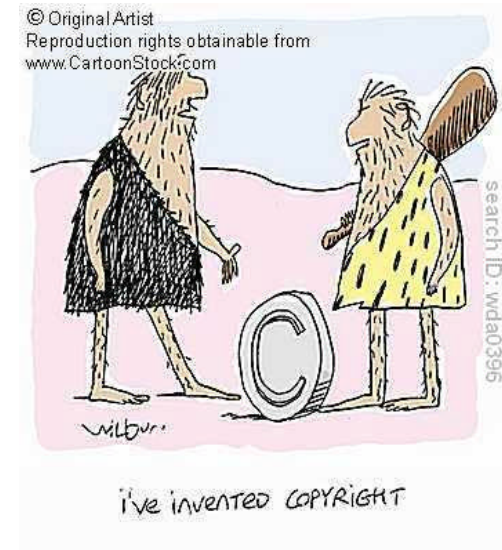
COPYRIGHT

A form of protection for original works of authorship.



Categories of works covered:

- **Literary (including software and “compilations”)**
- **Dramatic and accompanying music**
- **Musical and accompanying words**
- **Pantomimes and choreographic**
- **Pictorial, graphic and sculptural (maps and plans)**
- **Motion pictures and other audiovisual works**
- **Sound recordings**
- **Architectural works**



COPYRIGHT



- ***Subsist from the moment of creation***
- ***Last 70 years after author's death, or 120 years***
- ***Owner has the right to:***
 - ***Reproduce the work in copies or phonorecords***
 - ***Prepare derivative works***
 - ***Distribute copies or phonorecords by sale, rental, lease or lending***
 - ***Perform the work publicly (e.g., movies, songs)***
 - ***Display the work publicly (e.g., sculpture, photos)***

COPYRIGHT IN ACTION



➤ ***Paul McCartney who will be 70 in June 18, 2010 was part of the w famous Beatles from the early 60s***



- ***In 1985 they sold the rights to 251 of their records to Michael Jackson for \$47million.***
- ***What a shock for Paul McCartney when he was putting together material for his world tour in 1989 when he had to ask Jackson for permission.***
- ***Jackson's family will retain ownership until 70 years after McCartneys death***

COPYRIGHT IN ACTION



- *J R Tolkein author of Lord Of the rings died in 1973*
- *Rights to his work passed to his son as a form of a property*
- *Son never thought there would be technology to do justice to his fathers work*
- *As a form of a property sold the rights for £10,000*
- *Resultant films have scooped millions. Will continue to do so until 2043 !!*

TRADE SECRET

A trade secret is a confidential :

Practice (e.g. process, pattern, decision, benchmark)

Method

Design

Information

used by a company/organization to compete with others. It is also referred to in some jurisdictions as confidential information.

TRADE SECRET

- *Trade secrets are not protected by law in the same manner as trademarks or patents.*
- *One of the most significant differences is that a trade secret is protected without disclosure of the secret.*
- *Trade secrets are by definition not disclosed to the world at large. Instead, owners of trade secrets seek to keep their special knowledge out of the hands of competitors through a variety of civil and commercial means.*

EXAMPLE: COCA COLA (Formula)

DURATION OF IP PROTECTION

IP PROTECTION	DURATION
<i>Patents</i>	<i>Up to 20 years</i>
<i>Utility Models</i>	<i>Up to 10 years</i>
<i>Industrial designs</i>	<i>Up to 25 years</i>
<i>Trade marks</i>	<i>Up to 10 years</i>
<i>Copyright and related rights</i>	<i>✚ + 70 years</i>
<i>Trade secrets</i>	<i>Until disclosed</i>