




Intellectual property (IP) – The basics



IP: What's in it for you?



INTELLECTUAL PROPERTY INSTITUTE OF CANADA
INSTITUT DE LA PROPRIÉTÉ INTELLECTUELLE DU CANADA



Objectives

- Recognize the strategic value and benefits of intellectual property (IP)
- Understand the various forms of IP
- Learn how to protect and use your IP
- Discover a wealth of IP resources

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IP: What's in it for you?

- IP can be a valuable business asset
 - How to achieve value?
- IP information and protection may help avoid costly mistakes.

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Benefits of IP information

- Identify trends
- First look at the competition
- Identify key contacts
- Find solutions to problems
- Avoid duplication of effort
- Prevent infringement

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Types of IP

- [Trade secrets](#)
- [Patents](#)
- [Trade-marks](#)
- [Copyrights](#)
- [Industrial designs](#)
- [Plant Breeders Rights](#)
- International implications

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[Trade secrets](#)

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What is a “trade secret”?


- The confidential information can be:
 - specific product information; or
 - business information.
- Any confidential information used in a business that gives a competitive advantage, and that can be kept a secret.



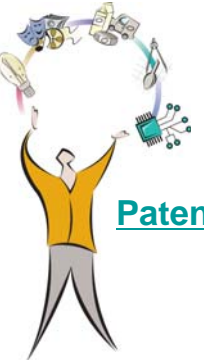
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Trade secret protection

- Trade secrets are protected by confidentiality and licence agreements.
- Protection lasts forever, as long as confidentiality is maintained.
- If the trade secret is disclosed, protection is lost.



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Patents


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The “deal” of the patent

The owner provides a full public disclosure of the invention.





The Canadian government provides a grant of exclusive rights in Canada to the owner for 20 years from the date of filing.



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What is patentable?



- a product
- a composition
- a machine
- a process
- ... or their improvement
- The invention must be a) new, b) useful and c) non-obvious.

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Patenting process

- Before filing an application:
 - Keep your invention confidential prior to filing.
 - Search patent databases and scientific literature.
- Patent application (will be published):
 - Consult a registered patent agent.
 - Draft and file.
 - Request examination.
 - Respond to CIPO’s requests.

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International Systems

- Every country has similar patent systems
- How to get around novelty problem?
 - Paris Convention
- How to simplify applications in multiple countries?
 - Patent Cooperation Treaty (PCT)
- Tricky timelines

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Costs

- Agent's fees to prepare application: ~\$3K to \$12K
- Drawing costs
- Filing costs per country: \$500 to \$5K
 - Use of PCT to reduce
- Additional agent's fees
- Translation fees
- Maintenance fees

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Special Types of Applications

- Provisional Applications
 - US has a system to establish priority date by application that will not be examined
 - Need to file formal application within 12 months
- Canadian Informal
 - Can get date without full specification

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Trade-marks

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What is a trade-mark?

- Word(s): **KODIAK** 
- Word & design
- Design 
- Slogan: "ZOOM-ZOOM" 
- Shape 

- A trade-mark *must be used* in association with a good or service

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TM protection & registration

- Common law rights: automatic upon use of the mark.
- Registration of the mark: exclusive rights for renewable 15 year periods.
- International rights: without registration may have 'common law' rights; registration on actual use gives presumption throughout country
- Int'l priority within 6 mos.

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Preservation of a trade-mark

- Use it or lose it.
- Avoid generic use.
- Licence its use to others.
- Promptly stop unlicensed use.

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Copyrights

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What is copyright?

- It is the exclusive right to produce or reproduce a creation:
 - literary
 - dramatic
 - musical
 - artistic

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Copyright protection

- Copyright is automatic but registration provides better protection.
- Use proper marking:
 - © owner's name, year.
- In Canada, term is generally life of author plus 50 years
- Other countries may be different

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Copyright and the Internet

- How will you police copying of your material on your website?
- Just because you don't see a © or other copyright notice doesn't mean you can copy it
- Need to verify rights before using material

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Industrial designs

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What is an industrial design?

The visual features of shape, configuration, pattern or ornament, or any combination of those features applied to a manufactured article.

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Industrial design protection

- Industrial designs must be registered for protection.
 - Keep confidential prior to filing.
 - Search, file with CIPO and await a response.
- Registration of the design gives a maximum of 10 years of protection
- International protections
- Costs

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Plant Breeders Rights

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Plant Breeders Rights

- New plant varieties arising from traditional cross-breeding techniques
- Application required
- International application

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Summary of IP forms

	Protect	Application required	Term
Trade secrets	Confidential information	no	indefinite
Patents	Inventions	yes	20 years
Trade-marks	Words, logos, slogans	recommended	15 years, renewable
Copyrights	Writings, music, art, plays, etc.	recommended	life + 50 years (many exceptions)
Industrial designs	Visual features	yes	up to 10 years
Plant Breeders Rights	New plant variety	yes	18 years

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Policing IP Use

- Different countries; diff approaches
- Infringement
 - In general, use by any unlicensed party is considered infringement.
 - An owner is responsible for stopping unlicensed use.
- Some assistance available at borders

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Dispute resolution

- Resolution mechanisms could include:
 - direct negotiation
 - mediation
 - arbitration
 - opposition
 - litigation

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Summary

- IP is a valuable business asset and appeals to consumers and investors.
- IP information and protection help avoid costly mistakes.

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What should you do next?



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Capitalize on your IP

- Learn more about IP.
www.cipo.ic.gc.ca/learnaboutip
- Search Canadian and international on-line databases.
- Consult a registered IP professional.

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Contact us

<p>CIPO – Canadian Intellectual Property Office</p> <ul style="list-style-type: none"> • Learn about IP • Consult databases <p>www.cipo.ic.gc.ca 1-866-997-1936 cipo.contact@ic.gc.ca</p>	<p>IPIC – Intellectual Property Institute of Canada</p> <ul style="list-style-type: none"> • Consult registered IP professionals to help you get the most from your IP <p>www.ipic.ca 613-234-0516 info@ipic.ca</p>
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