

NGI

AN INTRODUCTION TO INTELLECTUAL PROPERTY

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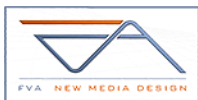


TETRA

Business **accelerator** for NGI beneficiaries



INTELLECTUAL
PROPERTY
INSTITUTE
LUXEMBOURG



Q-PLAN
INTERNATIONAL





TETRA services to accelerate your business

Training

- Managerial/entrepreneurial skills, transversal competencies & soft skills
- How to access to new markets, public tenders
- Investment readiness – attracting funding
- Guidance on equity funding
- Intellectual property (IP) rights

Mentoring

Speed mentoring during bootcamps, and tailored remote mentoring for 20 selected teams that participated in bootcamps

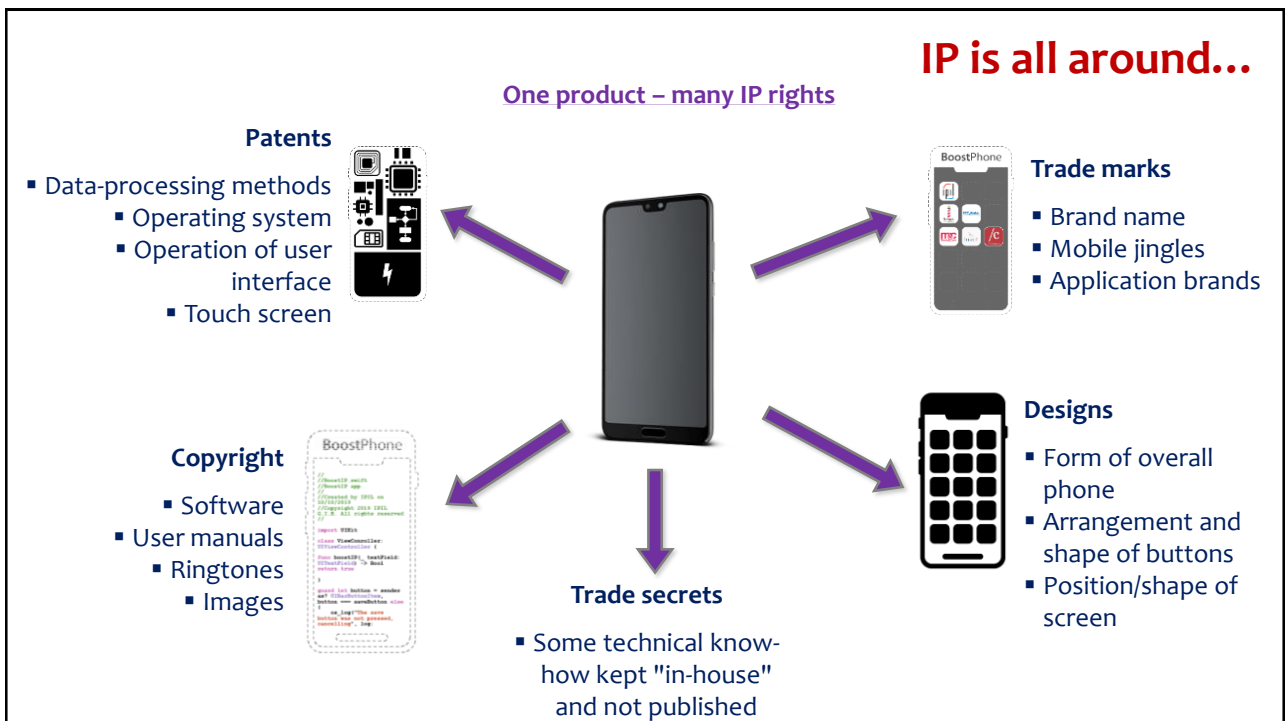
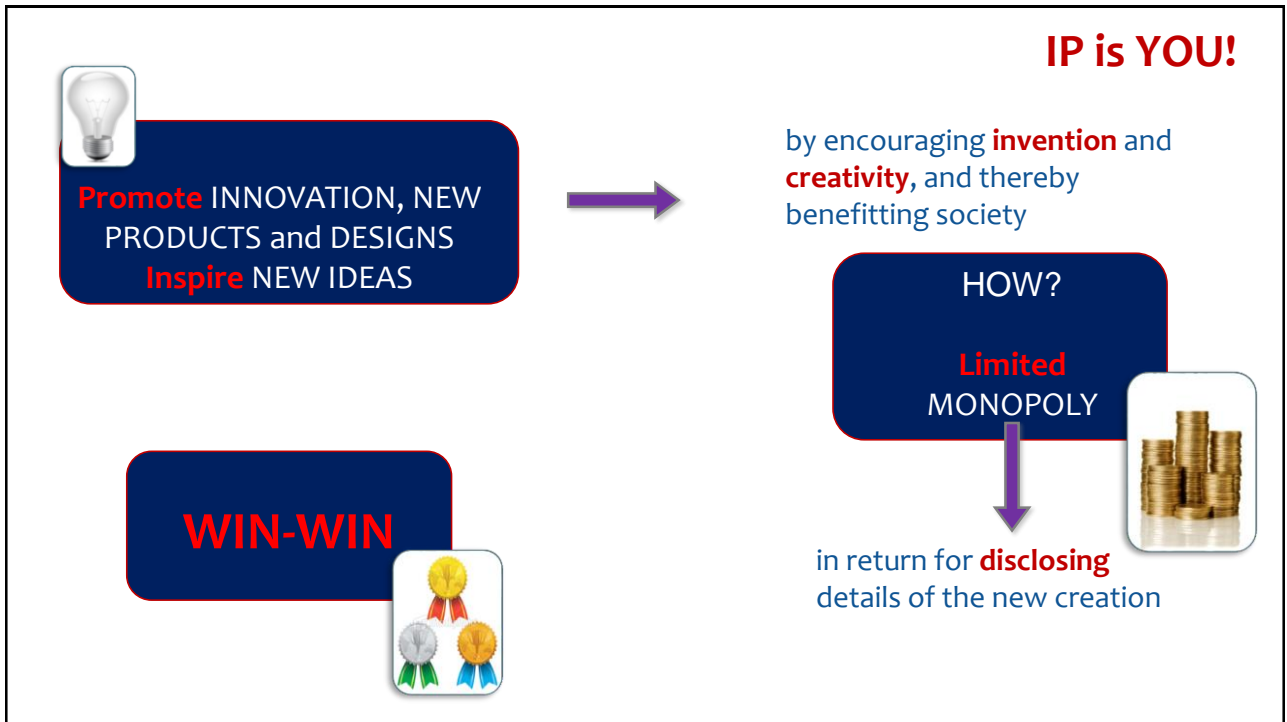
Networking

Matchmaking with corporates and investors, connecting with DIH, pitching guidance

More on: <https://business.ngi.eu>

INTELLECTUAL PROPERTY





TRADE MARKS



What is “a trade mark”?

Protects signs which identify goods and services of a particular source and **differentiates** them from the others.

What can be a “trade mark”?

- ✓ Able to be represented by any type of technology
(letters, numbers, words, slogans, logos, shapes, holograms, sounds, colours, etc.)
- ✓ Distinctiveness
- ✓ Non-descriptiveness
- ✓ Not deceptiveness
- ✓ Not against public order and morality



Connecting People



“Best app”



Not distinctive

“Mobile app”



Not distinctive, and descriptive

“LinkedOn”



Similar to **Linked** 



Trade marks

Trade marks are registered according to categories of goods and services (defined in the 45 Classes of the Nice classification)



The owner of a registered trade mark is granted exclusive rights to:

- ✓ **use the mark** in relation to the goods or services with respect to which it is registered, and
- ✓ **prevent others** from using a substantially identical or deceptively similar mark in relation to identical or similar goods or services as those registered under the mark.

TERRITORIAL RIGHTS !

Filing a trade mark

NATIONAL TM

- National rules
- National IP office

EU TRADE MARK

- Single application
- One language
- Members of the EU27
- Through EUIPO



INTERNATIONAL TM APPLICATION (MADRID SYSTEM)

- Single application and single set of filing fees
- One language
- Members of the Madrid System
- National rules after application – national TMs
- Through the national IP offices, EUIPO or WIPO



Majority of countries: **10 years of protection**
extendible unlimitedly

DESIGNS

What is “a design”?

Protects **the appearance** of products – not the product itself.

- **Ornamental**



- **Aesthetic**



- **Non-functional**



- ✓ Novel in design
- ✓ Having an original / individual character
- ✓ Not against public order / morality



INSPIRATION BEHIND THE NEW DESIGN



TERRITORIAL RIGHTS !



Designs

NATIONAL DESIGN

- National rules
- National IP office

REGISTERED COMMUNITY DESIGN (RCD)

- Single application
- One language
- Members of the EU27
- Through EUIPO



Unregistered Community Design (UCD)

3 years of protection from the public disclosure without extension

INTERNATIONAL DESIGN APPLICATION (The HAGUE SYSTEM)

- Single application and single set of filing fees
- One language
- Members of the Hague System
- National rules after application – national designs
- Through the national IP offices, EUIPO or WIPO



Majority of countries: **5 years of protection**
with 4 times 5-year extension (5 + 4x5 years)

PATENTS



What is “a patent”?

Protects **technical inventions** for a limited period of time in a limited geographic area.

In order for an invention to be patented:

- ✓ NEW (novel)
- ✓ INVENTIVE STEP (non-obvious)
- ✓ INDUSTRIAL APPLICABILITY

Patent documents are published: all technical knowledge available **to the public**.

A patent confers to its owner the exclusive rights **to prevent others from** making, using, offering for sell, selling or importing defined invention.



What is patentable, what is not?

Only **technical inventions** are patentable ...

Not inventions:

- ✗ Discoveries, scientific theories
- ✗ Mathematical methods
- ✗ Literary / Artistic / Aesthetic works (different protection form)
- ✗ Schemes, rules or methods for playing games/doing business
- ✗ Presentations of information
- ✗ Computer programs (**as such**)

Non-patentable inventions:

- ✗ Diagnostic/treatment methods (on human/animal body)
- ✗ Plants & animal varieties (different protection form)
- ✗ Inventions contrary to public order/morality



Patents are territorial

Not to be confused with the world-wide novelty requirement!



Patents are only valid in countries (like other IP rights!) in which the application is filed –and then be granted.



Territoriality vs novelty

You invented a chipset.
But then, you noticed that there is already a patent/patent application
for the same/similar chipset in Greece:

You **cannot grant** a patent **anywhere** in the world because your invention is not novel!

You **can commercialise** the chipset **in Germany** because there is no patent filed/granted in Germany.

The owner of the Greek patent **can enforce patent rights only in Greece**, nobody can **get a patent in any country** for the same/similar invention.

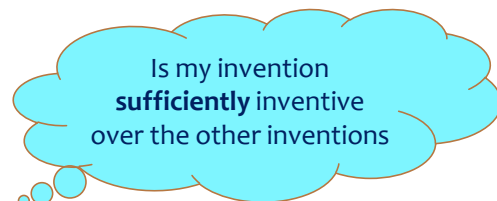
The patent owner can confiscate the German chipset on the Greek border, if the German manufacturer wants to enter into the Greek market. But the patent owner cannot claim his patent rights for the German market.

Same invention? Similar invention?

- No definition/criteria of “similarity” for inventions
- Not easy to determine
- Needs expertise

Patentability criteria

- Novel ✓
- Industrial applicability ✓
- INVENTIVE STEP (non-obviousness) ?



“Shouldn’t be obvious for the **skilled person** in the state of the art”



Patent databases

Patents

NATIONAL PATENT

- National rules
- National IP offices

EUROPEAN PATENT

- Single application
- A single set of fees
- One language
- Members of the EPC (38)
- Single procedure at EPO
- Validation in countries after the grant
- One European Patent in the end
- Through the national IP offices, or the European Patent Office (EPO)



PCT APPLICATION

- Single application, single application fees
- One language
- Members of the PCT (152)
- Application procedures at WIPO (international phase)
- National rules after entering into national phases
- Bundle of patents in the end
- Through the national IP offices, EPO or WIPO



20 years of protection from the filing date

Computer Implemented Inventions (CII)

Computer programmes (*per se*) cannot be protected by patents

BUT

patents can protect computer implemented inventions

*“inventions, whose **implementation** involves the use of a computer, a computer network or other programmable apparatus, **realised by means of a computer programme** (i.e. software)”*

Condition: It must have a technical character and a technical effect.

Copyright protects **the expression of the method** (the code, design, graphics, user manuals, etc.) not the method itself.



Computer Implemented Inventions (CII)

Protection will be on:

- Processes
 - A device for executing a process
 - A computer program, executed on a processor, that execute a process
 - A support function executing an action
-
- | | |
|--------------------------------------------|--------------------------------|
| ✓ Treatment of physical data | ✓ Computer architecture |
| • Control of an engine | • Management of cache memories |
| • Data compression (image, sound...) | |
| • Telecommunication protocol (WiFi, 4G...) | |
| • Increasing time of treatment (big data) | |



COPYRIGHT



What is “copyright”?

Copyright relates to literary and artistic creations

- ✓ novels and poems
- ✓ music, paintings, sculptures, photographs
- ✓ artistic performances
- ✓ cinematographic works, TV and radio broadcasts
- ✓ architectural works, maps, plans, drawings
- ✓ **computer programs / software (expression)**



Copyright

- ✓ no formal registration (*in most of the countries*)
- ✓ **automatically** arises upon creation of the work, provided that it is **original**
- ✓ subsists in the **physical expression** of the work (not mere ideas!)
- ✓ in general, protection lasts **70 years after the death of the creator**
- ✓ Not completely harmonized at EU/international level → national rules

Economic rights

Copyright owners can prohibit or authorise that their works be:

- copied or reproduced
- distributed to the public
- communicated to the public
- translated
- adapted, such as a novel into a screenplay

Moral rights

Right of Attribution: right to be mentioned as the author

Right of Integrity: right to object to derogatory actions in relation to the work

TRADE SECRETS



Trade secrets

- ✓ confidential information
- ✓ know-how
- ✓ risk of information leakage
- ✓ responsibility is on the owner
- ✓ no registration, free-of-charge
- ✓ information protected as long as it is kept secret
 - ✓ Internal management is important
 - ✓ NDAs, etc. must be in use



Winners are known only to two accountants 48 hours in advance. The ballots that contain the votes are handled by two executives of PWC auditors. They count each vote by hand and note down the numbers on paper by a pen.



Only two executives know the formula and it is very fiercely guarded by keeping it under lock in the Sun Trust Bank in Atlanta.



IP DATABASES



IP Searches

PATENTS:

EPO Espacenet: <https://worldwide.espacenet.com> (> 110 million)

WIPO PatentScope: <https://patentscope.wipo.int/search/en/search.jsf> (> 85 million)

Google Patents: <https://patents.google.com> (> 17 million)

National Patent Office Databases

TRADE MARKS:

EUIPO eSearchPlus: <https://euipo.europa.eu/eSearch> (EUIPO Database of TMs & Designs)

EUIPO TMview: www.tmdn.org/tmview (TMs worldwide)

WIPO Global Brand Database: www.wipo.int/branddb/en (TMs worldwide)

National Patent Office Databases



DESIGNS:

EUIPO eSearchPlus: <https://euipo.europa.eu/eSearch> (EUIPO Database of TMs & Designs)

EUIPO Designview: www.tmdn.org/tmdsview-web (Designs worldwide)

WIPO Global Design Database: www.wipo.int/designdb/en/index.jsp (Designs worldwide)

National Patent Office Databases

IDEAS / for proving purpose:

WIPO Proof: www.wipo.int/wipoproof/en/ (new service)

BOIP iDepot: www.boip.int/en/idepot (free in June!)

**A QUICK SUMMARY...****TRADE MARK**

- Protects brands
- 10 yrs + indefinite renewal
- ✓ Representable
- ✓ Non-descriptive
- ✓ Non-deceptive

**DESIGN**

- Protects aesthetic character
- 5 yrs + 4 x 5 yrs = 25 yrs
- ✓ Novel
- ✓ Original / individual character

**PATENT**

- Protects technical inventions
- 20 yrs
- ✓ Novel
- ✓ Inventive step
- ✓ Industrial applicability

**COPYRIGHT**

- Protects literary and artistic creations
- No registration
- Death + 70 yrs
- ✓ Original
- ✓ Only physical expressions not ideas

**TRADE SECRETS**

- Protects confidential information
- No registration
- Not time-binding: as long as it is kept secret
- Management is particularly important



What's next?

Follow our upcoming IP webinars for NGIs on:

- ✓ Introduction to IP Commercialisation (in July!)
- ✓ IP Protection in Software Development
- ✓ IP in Open Innovation and Partnerships
- ✓ IP and Software Code Management
- ✓ IP and Standards



+ Our bootcamp session (ONLINE! on 29 September-1 October)

Info and registration here:

<https://business.ngi.eu/news-events/events/1st-build-up-bootcamp/>

Q & A



**THANK YOU FOR JOINING US
AND
SEE YOU NEXT TIME!**

General inquiries: info@tetraproject.eu
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More on: <https://business.ngi.eu>



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