

Basics of IP

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MIPFrontiers

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Definition

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

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Protection

IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create.

IP Benefits

- 1 Exclusive rights to use material
- 2 License use of material
- 3 As a form of property, it can be sold just like physical property



(Source: EU IPR Helpdesk)

- If someone infringes IP rights, it is generally for IP right owners to use any remedies available under [civil law](#)
- However, in many cases it may be better to try and negotiate a solution to illegal use
- You can make sure you bring the existence of IP in dealings with people
- If some IP rights are intentionally infringed on a commercial scale, there may also be the possibility of prosecuting that person for a criminal offence.

Types of IP

Types of IP

- Copyright for material
- Designs for product appearance
- Trademarks for brand identity
- Patents for inventions



(Source: EU IPR Helpdesk)

Copyright

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture, and films, to computer programs, databases, advertisements, maps, and technical drawings.

More definitions!

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Design

A design refers to the appearance of the whole or a part of a product resulting from the features (contours, colours, shape, texture or materials of the product or its ornamentation etc)

Trademark

A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises.

More definitions!

Trademark

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Patent

A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. To get a patent, technical information about the invention must be disclosed to the public in a patent application.

- A patent gives an inventor the right for a limited period to stop others from making, using or selling an invention without the permission of the inventor.
- Patents are generally interested in functional and technical aspects of products and processes
- Most patents are for incremental improvements in known technology - evolution rather than revolution
- Patent rights are territorial

Can I patent computer software?

- It is possible to patent programs for computers which, when run on a computer produce a “technical effect”.
- For instance, an improved program for translating between Japanese and English is not patentable because linguistics is a mental process, not a technical field.
- On the other hand, a program which speeds up audio enhancement may be patentable because it produces a technical improvement in a technical area.

Do you have patent rights?

- In short - **yes**
- But - if the invention is made during the course of your duties and those duties are such that an invention may be expected to result
- Students and university staff, as inventors, are entitled to any resulting patent - provided there is no other agreement in place between the employee and employer
- Individuals and corporate bodies may apply jointly for a patent



(Source: EU IPR Helpdesk)



The European IPR Helpdesk Your Guide to IP in Horizon 2020



More definitions...

Background

Tangible or intangible input (data, knowhow, information) which is held by the project partners prior to their accession to the agreement.

Results

All results which are generated under the project - whether or not protectable.

Exploitation

Utilisation of results in research activities, which are **not** part of the project

Key success factors for bridging academic/non-academic sectors:

- Clear and transparent contracts
- Agreements on IPR

Things to consider:

- Different IP policies/interests; Publication vs. Exploitation
- Different IP laws/regulations
- Joint protection and exploitation of results
- Granting access to [background/results](#) for/by seconded staff

- In Horizon 2020, generally the grant agreement establishes that the results of the project belong to the participant generating them.
- It is advisable to take appropriate measures to properly manage ownership issues (e.g. lab books)
- Situations of **joint ownership** might arise
- In cases of joint ownership, both owners can use the results for non-commercial purposes on a royalty-free basis
- MSCA fellows are entitled to access rights to the beneficiaries' **background and results** for the purpose of allowing them to undertake the research activities under the project
- Open Access does not interfere with patenting!

Things to do:

- 1 Read your institution's/company's IP policy
- 2 Keep a lab book!
- 3 Ask your supervisor/line manager on relevant **background IP** for your PhD project

Useful links:

- 1 H2020 IP helpdesk: <https://www.iprhelpdesk.eu>
- 2 IP management in H2020 MSCA projects:
<https://www.iprhelpdesk.eu/node/3030>

Patent search:

- Austria: <https://www.patentamt.at/en/patents/>
- France: <https://bases-brevets.inpi.fr/en/home.html>
- Spain: <https://www.oepm.es/en/invenciones/index.html>
- Sweden: <https://was.prv.se/spd/search?lang=en>
- UK: <https://www.gov.uk/search-for-patent>

UNITED STATES PATENT OFFICE

168,495

ARTIFICIAL FLOWER BUNNY
Emmanuel Benetos, Astoria, N. Y.

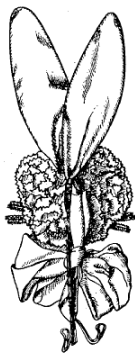


Fig. 1

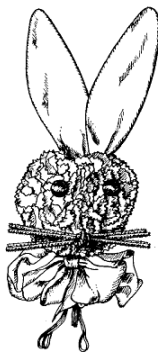


Fig. 2



Fig. 3

INVENTOR,
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Edward Bennett

ATTORNEY



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