IP Rights for MIR Software

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Disclaimer
Does not contain traces of legal advice

Intellectual Property

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Intellectual Property - General

COPYRIGHT LAW
Software (Source Code) is a written
document and without registration
copyrighted by the author's employer

COMPETITION LAW
Released Software is usually compiled
code, hiding a unrevealed trade secret

LICENSING
Legal entities (especially in business)
can make contracts with few limitations

Everything is potentially proprietary

- **Brand** (trademark)

- Design (registered design)

- **Content, Data** (copyright)

- **Software** (copyright, patent, license)

- Hardware (patent)

- **Know-How** (contracts, NDA, trade secret)

Copyright &Licensing

Copyright – Code

Code is copyright protected once it is written

Unless given permissive license (Open or Closed Source),
it is protected
→ can't be used, redistributed, compiled by anyone else

Expiration: effectively never, given relevant technology lifecycle
Owner: Your employer, maybe even university

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Patenting > Software

Patenting Basics

Patents protect a "technical instruction"
- What it is? Features → Claims
- How it is done? - Revealed → Description
- Needs to be shown → Figures

Patents protect a monopoly (max 20 years, local) for:
- Devices
- Methods
- or both

Priority is critical
Patents are awarded by "first to file" rule → Priority Date

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Patenting - Methods

Usually a flow or loop:

• technical effect in some sub-processes

• no human thought processes

Legal technicalities:

• No German utility model / Gebrauchsmuster for methods

• Patent claims can have combined process and device features

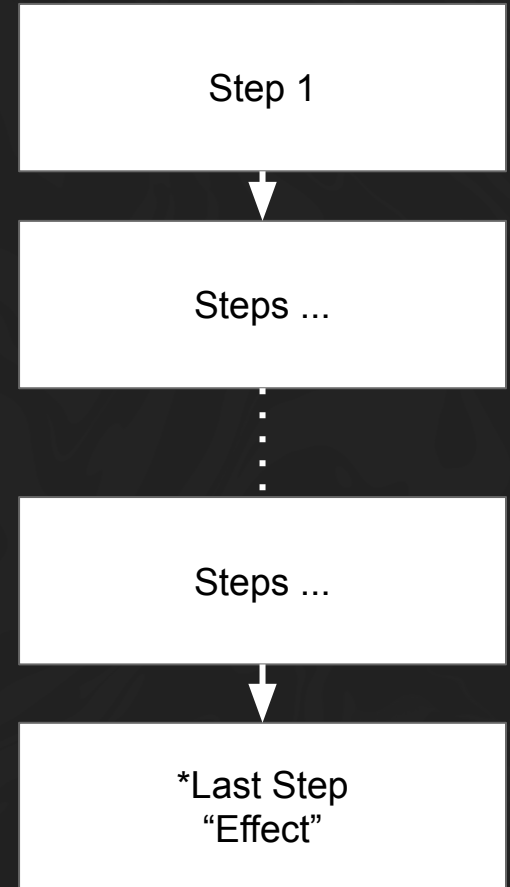• Often, separate set of claims for just the process in device patent

Patenting - Software

Patented device or method
Needs to have a **Technical Effect**

Dictation Spelling Correction - NO
Audio Restoration - YES

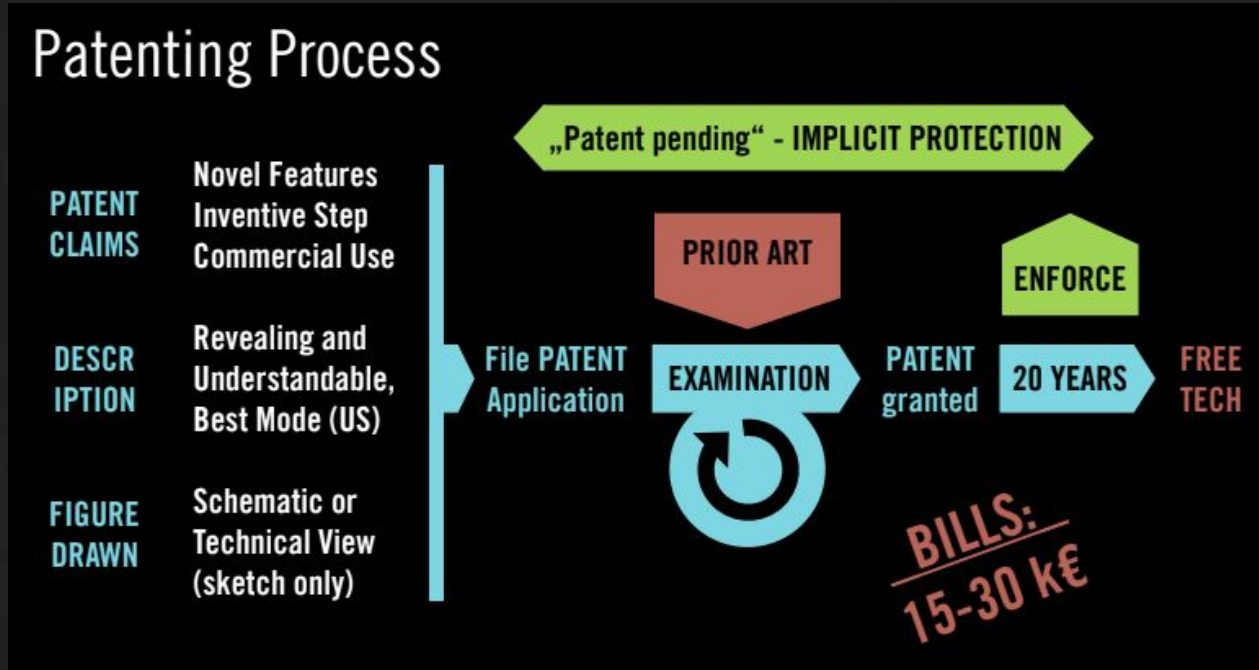***Simplified: Last step should affect audio not a database entry**

Step 1

↓

Steps ...

⋮

Steps ...

↓

*Last Step
"Effect"

Patenting - Requirements

1. Novelty - new and unique

2. Technical Step (above Prior Art)

3. Commercial Use

Patenting
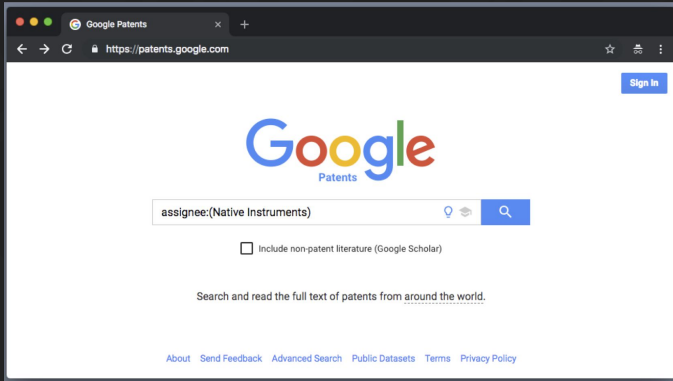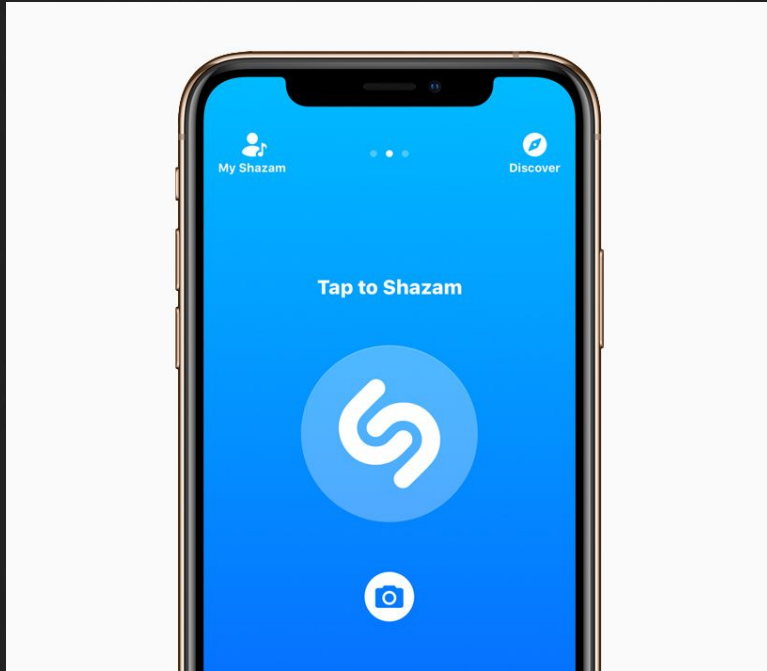
Patent Search

espacenet.com   depatisnet.dpma.de

patents.google.com

MIR Patent Example : Shazam

Shazam
- Apple bought Shazam in 2018
- Portfolio of 200 patents
- Strong brand *"(to) shazam"*

Recognize music piece using MIR
- match a short pattern via similarity to subset in a full music track

Q&A

Please ask any questions about the material presented in the talk or about anything you were missing in the presentation.

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for MIP Frontiers
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