European Commission

Understanding Intellectual Property Rights

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Innovation and TT Officer

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Legal Officer

Joint Research Centre

European Commission

Contents

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IP	Intellectual Property (IP) is a form of “intangible asset” which results from creations of the human mind
IPR	Intellectual Property Rights (IPR) are legal rights granted to creators of IP to give them protection over their intangible assets
!	Ideas by themselves do not constitute “intangible assets” as they have not yet materialised. Therefore, IPR can only be granted to those creations which take a material expression!

?

IPR grants you the ownership of your creation.
If you own it, then you can use it!

This means you can prevent others
from using your creation without your authorisation

If you can use it, and nobody else can without your permission,
then you can derive benefits from your creation which
will compensate your creative or economic efforts

?

Ideas by themselves have limited commercial value, whereas IPRs offer exclusive property rights

This allows businesses to commercialise their creation, safeguard a strong market position, strengthen negotiation power, attract investors, and develop a good reputation among consumers

Companies can licence and exchange their IPRs, gaining access to new markets and products, which reduces internal R&D costs while increasing competitiveness in innovation

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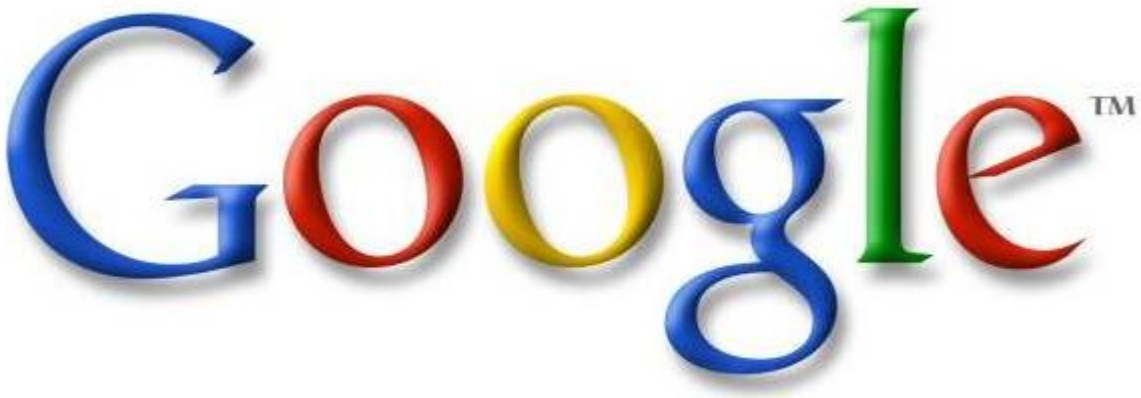
Can you guess which brand this is?



$52.1 billion

European Commission

Rank					Brand Value (USD $ Millions)		Brand Rating		Compare Brands
2013	2012	Logo	Name	Country	2013	2012	2013	2012	Select
1	1		Apple		87,304	70,605	AAA	AAA+	
2	6		Samsung Group		58,771	38,197	AAA	AAA-	
3	2		Google		52,132	47,463	AAA+	AAA+	
4	3		Microsoft		45,535	45,812	AAA-	AAA+	
5	5		Walmart		42,303	38,320	AA+	AA	
6	4		IBM		37,721	39,135	AA+	AA+	
7	7		GE		37,161	33,214	AA	AA+	
8	10		Amazon.com		36,788	28,665	AAA-	AA+	
9	8		Coca-Cola		34,205	31,082	AAA+	AAA+	

Best Global Brands 2013. BrandFinance® Global 500

http://brandirectory.com/league_tables/table/global-500-2013

Joint Research Centre

Trademark is a territorial and possibly perpetual right granted by a State giving an applicant exclusive rights over the use of a distinctive sign

Main Features

A trademark is normally composed of letters/words, graphical elements, shapes/forms and sometimes sounds or 3D depictions

A trademark must be capable of distinguishing the goods or services of one undertaking from any other, for the same or similar category of goods or services

Main Criteria

- Distinctiveness (generic v. inventive)
- Non-Deceptiveness
- Obligation to use

Application Procedures

- National (through national trademark offices)
- European (Community Trademark through the OHIM)
- International (through WIPO)

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What happens with your posts?

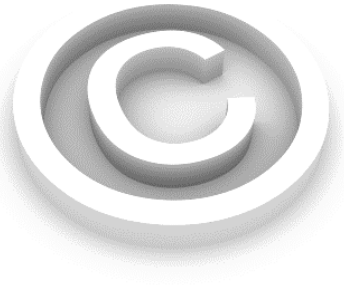
https://www.facebook.com/legal/terms

http://pinterest.com/about/terms

"You grant us a non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any IP content that you post on or in connection with Facebook (IP License)"

"You grant us a non-exclusive, royalty-free, transferable, sublicensable, worldwide license to use, display, reproduce, re-pin, modify (e.g., re-format), re-arrange, and distribute your User Content on Pinterest for the purposes of operating and providing the Service(s) to you and to our other Users"

Copyright is a type of IPR which grants protection to the expression of an idea at the time of creation



Main Features

It applies to literary, artistic and scientific creations of the mind, such as movies, music, books, drawings, works of architecture, software, databases, paintings, statues, photographs, etc..

Copyright does not apply to the idea, but rather to its expression!

Main Criteria	Originality, certain degree of creativity
	Must be fixed on a tangible medium
	No obligation to be inventive or profound

Moreover	No formal registration required
	Granted automatically at the time of creation
	Valid during the life of the creator + 70 years thereafter

Publications	Publishers usually require assignment of rights – Think twice!
Design Rights	It is possible to register a certain “design”
	This grants a stronger degree of protection than copyright
	Applies mainly to the physical appearance of a product
	Should demonstrate a degree of novelty
Software	Patentable in the US but limited patentability in Europe
	Protected by copyright at the time of creation
	Proprietary v. Open Source
	Source code: What to pay attention to when writing the software?

Important !

Obtain ownership of what you procure!

Don’t infringe others’ IPR, clear prior rights!

Ensure your rights in advance! [in collaborative work]

Commission Decision on the reuse of Commission documents (COM 2011/833/EU)

What is covered?

Commission documents - any content, whatever its medium

Written, sound, visual or audio-visual recording

What does it entail?

Such documents are available for reuse, subject to:

- acknowledgement of the source
- non-distortion of the original meaning
- non-liability of the EC for consequences stemming from reuse

For commercial or non-commercial purposes

Without charges, limitation or discrimination

Commission Decision on the reuse of Commission documents (COM 2011/833/EU)

What is not covered?

- Software, documents covered by industrial property rights
- Documents that include IPRs of third parties
- Documents excluded pursuant to Regulation 1049/2001
- Confidential data under Regulation 223/2009
- Documents from ongoing research, under certain conditions

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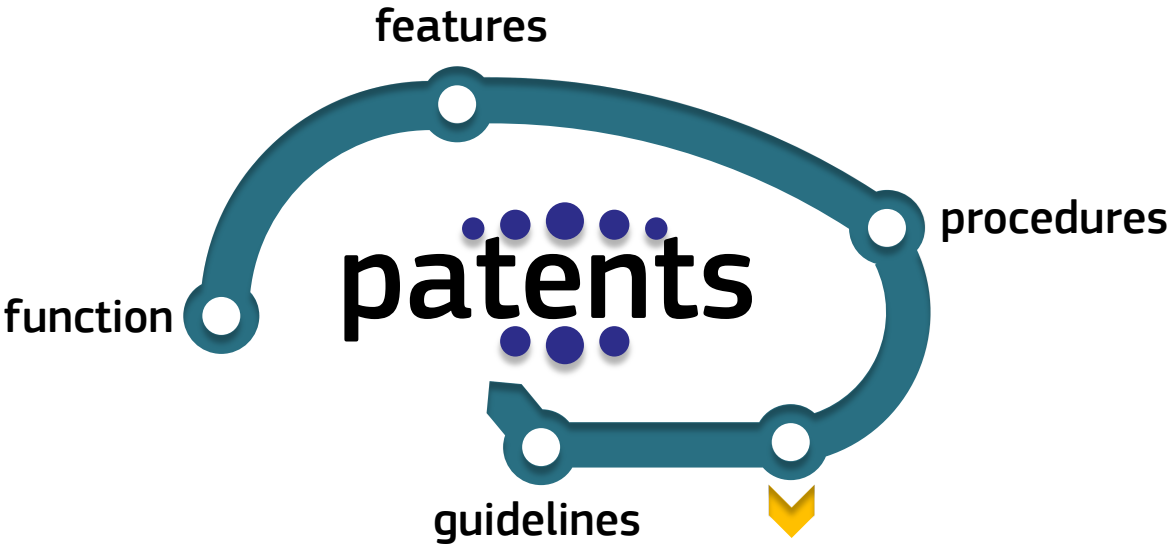
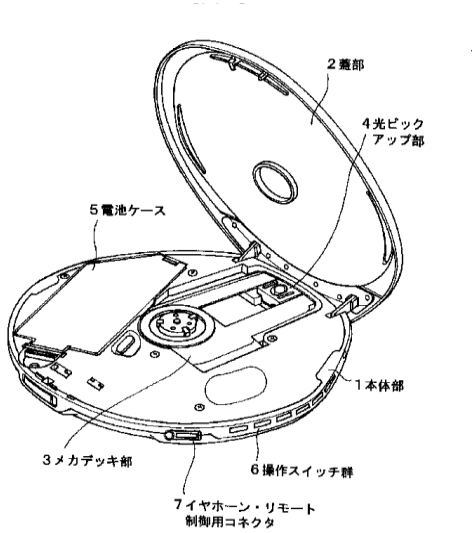

features
procedures
function
patents
guidelines

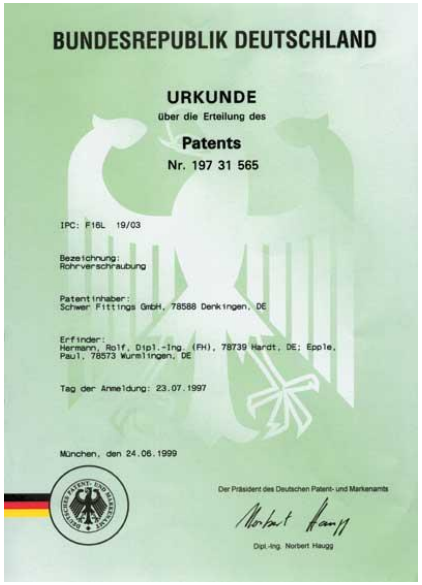
Patents allow technological advance

The public good is served when there is complete disclosure of the information or knowledge necessary to practice an invention or granted innovation

The patent-holder gets the exclusivity of rights on his invention for a certain time

Patent is a type of IPR which relates to “Technical Inventions”.
It is a territorial right granted by a State for a limited time period (20 years).




BUNDESREPUBLIK DEUTSCHLAND

URKUNDE
über die Erteilung des
Patents
Nr. 197 31 565

IPC: F16L 19/03

Bezeichnung:
Rohrverschraubung

Patentinhaber:
Schwer Fittings GmbH, 78588 Denkingen, DE

Erfinder:
Hermann, Rolf, Dipl.-Ing. (FH), 78739 Hardt, DE; Epple, Paul, 78573 Wurmlingen, DE

Tag der Anmeldung: 23.07.1997

München, den 24.06.1999

Der Präsident des Deutschen Patent- und Markenamts

Dipl.-Ing. Norbert Haugg

Technical Invention: A technical teaching which defines a relation between *technical features* and *technical effect* which needs to be *reproducible*.

Rights conferred by patents

Prevent others from making, using, selling or importing infringing products in the country where the patent was granted

Sell these rights or conclude licensing contracts

For up to 20 years from the date of filing of the patent application

! **The patent does not necessarily grant the right to use the invention!**

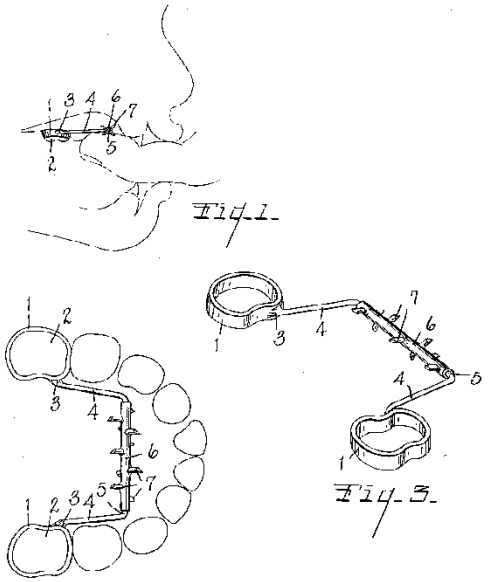
Patentability Criteria

- Novelty
- Inventive Step
- Industrial Applicability

What can be patented

Products	chemical and pharmaceutical products, materials (alloys, polymers, ...), devices, machines, electronic components, etc.
Processes	for manufacturing chemical or pharmaceutical products, for polishing steel, for controlling an industrial process, etc
Apparatus	for producing the product, etc
New uses	of known products

- Medical and surgical treatments
- Mathematical methods
- Business methods
- Discoveries
- Aesthetic creations
- New plant or animal species
- Inventions which are contrary to moral standards and public order (e.g. instruments of torture)
- The human body and any non-separate part/s thereof



- **Grey areas** : Biotech inventions and computer software

For EPO, a program for a computer is not patentable if it does not have the potential to cause a "**further technical effect**" which must go beyond the inherent technical interactions between hardware and software.

A computer-based invention can be patented if it has a technical character and solves a technical problem.

The implementation of an **algorithm** in source or object-code has to be related to a technical process to be patentable

http://www.epo.org/news-issues/issues/computers/software.html

Some examples of grants and refusals

A patent application for an invention enabling detection of the proper functioning of an ABS control unit was **granted** by the EPO, because what the unit "does" has technical character

A patent application relating to a method of scheduling tasks in an industrial process was **rejected** by the EPO.

A patent application that would improve signal strength between mobile phones by modification of the phone software, would be **granted** by the EPO.

Application Procedures

- National (through national patent offices)
- European (through the European Patent Office)
- International (through the PCT procedure via WIPO)

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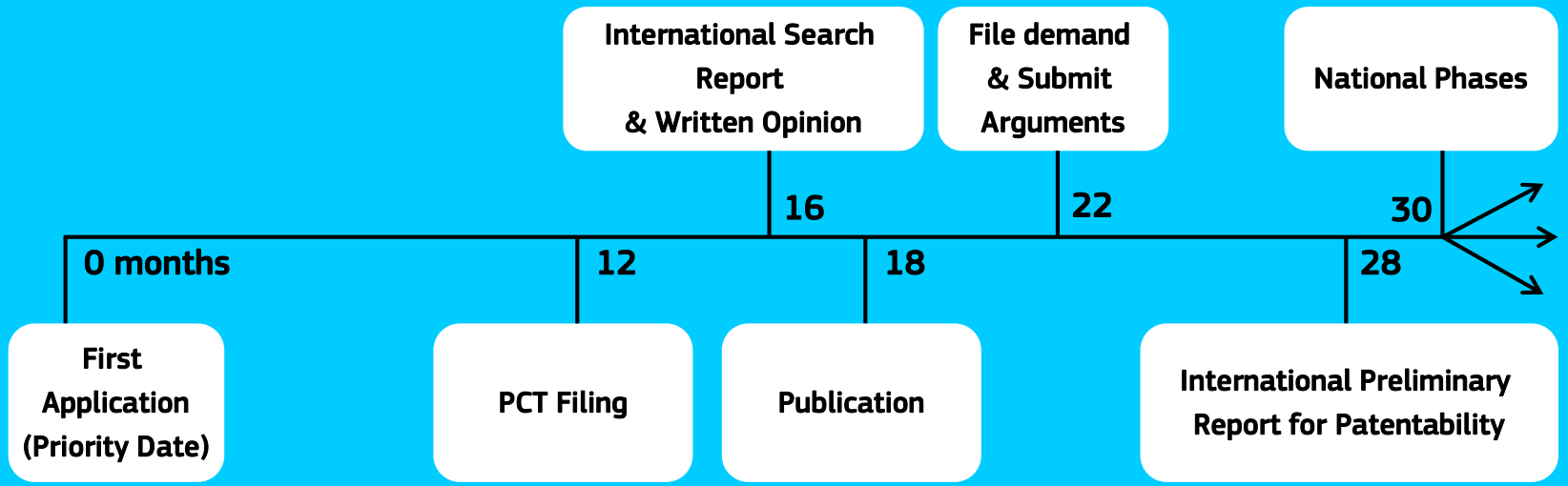
patents procedures



<< 4 to 7 years >>

Upon filing of an application, a priority date is obtained. The lifespan of the patent begins with this.
The application will be made public by the patent office 18 months after the priority date.
Granting of a patent is a long procedure!

Joint Research Centre

A patent application is filed on 1 January 1999.

The application is published 18 months later on 1 July 2000 and granted on 30 May 2001.

The patent is valid until:

a) 30 May 2021

b) 1 July 2020

c) 1 January 2019

d) some other date

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The application is published 18 months later on 1 July 2000 and granted on 30 May 2001.

The patent is valid until:

a) 30 May 2021

b) 1 July 2020

c) 1 January 2019; 20 years from the filing date of the application

d) some other date

Dr Smith discovers a new method for synthetising a new molecule. He is speaker at the European Congress of Chemists and talks about the principles of his method. A patent application is prepared and filed in the US and at the EPO a few months later.

His invention is most likely patentable:

a) TRUE, a disclosure without publication doesn´t destroy novelty
b) TRUE, but only in some territories
c) FALSE, a disclosure even partial and even oral destroys patentability
d) Both b) and c)

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d) Both b) and c)

European Commission

patents guidelines

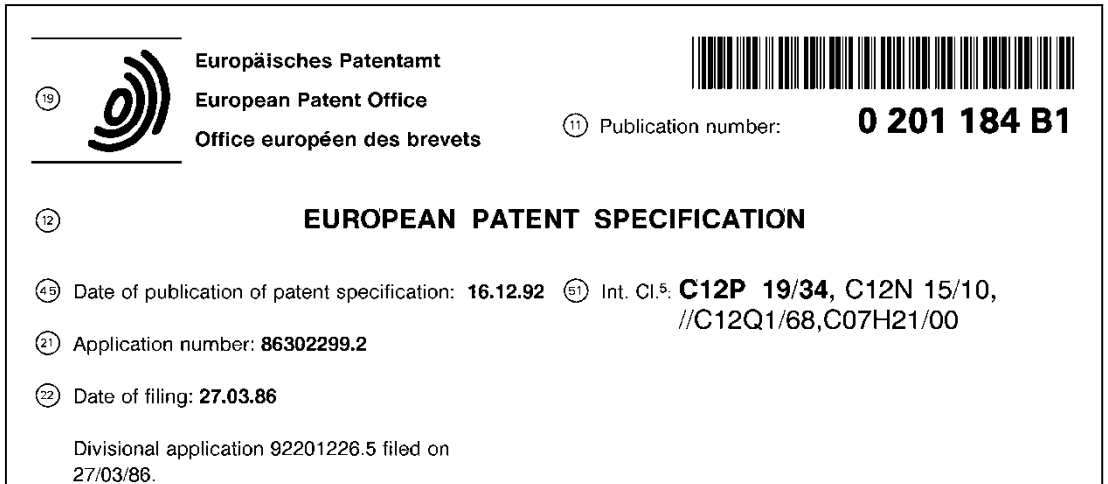
Important !

Check prior art!

Do not publish before the patent application is filed!

Know your limitations – pay attention to blocking IP!

Espacenet (EPO) and Patentscope (WIPO) databases provide access to information on patents published around the world.



(19) Europäisches Patentamt
European Patent Office
Office européen des brevets

(11) Publication number: **0 201 184 B1**

(12) **EUROPEAN PATENT SPECIFICATION**

(45) Date of publication of patent specification: **16.12.92**

(51) Int. Cl.5: **C12P 19/34**, C12N 15/10, //C12Q1/68,C07H21/00

(21) Application number: **86302299.2**

(22) Date of filing: **27.03.86**

Divisional application 92201226.5 filed on 27/03/86.

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Main Features

- No registration, so no public disclosure
- Appropriate means must be put in place to ensure secrecy
- Used to retain competitive advantage over other companies
- Could include any commercially sensitive knowledge

- Certain aspects of competition law may extend protection
- Risks of commercial espionage

Which rights are involved?

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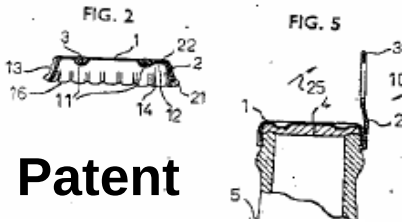
“Coca-Cola” “Coke”
Trademark (word mark)

Trademark
(figure mark)

Design rights;
Trademark (3D mark)

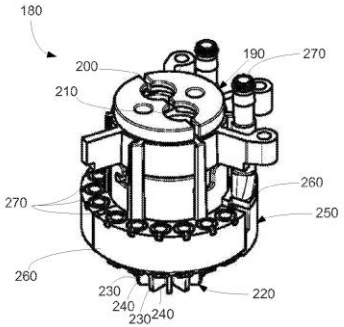


Patent

open happiness™

Trademark
(slogan)

Websites, apps, software,
Advertising material (…)
Copyright



Recipe
Trade Secret

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Which rights are involved?

Design Rights, Trademark Copyright, Patents

(Apple)

Trademark, Copyright

(McDonalds)

Industry Standards

(by ETSI) eg. for sim card design, radio signal reception etc..

Trade Secrets

(Apple, Third Parties) eg. for chip and circuit design

Other IP

(topographies of semiconductor designs)

Patents, Copyright

(many different third-parties)

(eg. Nokia, Motorola, Ericsson, Java etc...)

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Introducing Technology Transfer

Géraldine Joanny
Innovation & TT Officer

Joint Research Centre

Technology Transfer

is the overall process of converting scientific and technological advances into marketable goods or services

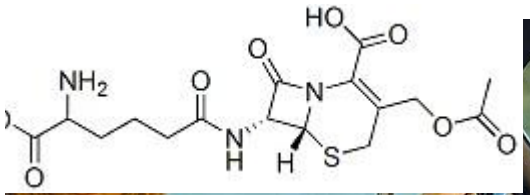
TTO Missions	Transferring science and technology to the market place through IP licence or spin-off
	Make an important contribution to the economy regionally, nationally and internationally and to the quality of public life
	Reinvest the returns from successful IP commercialisation activities back to the research centre, for example, through royalty income from licence agreements.

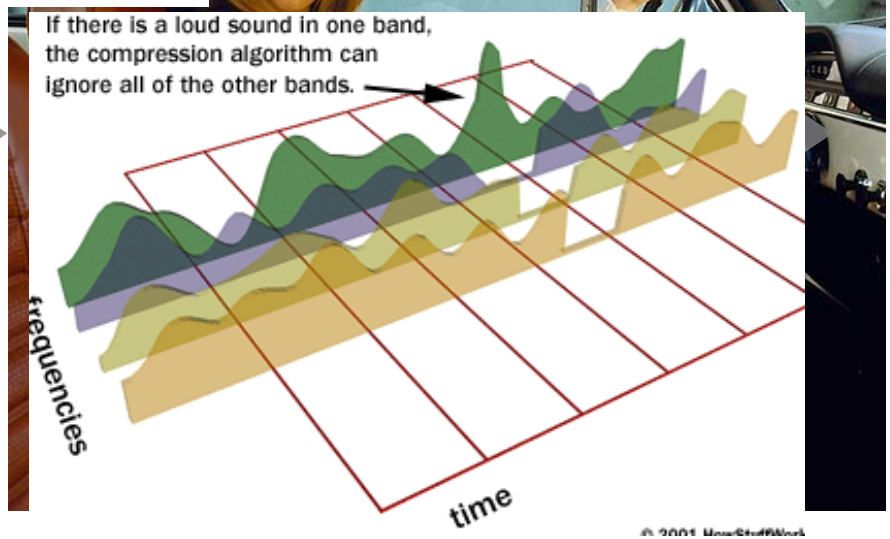
Enhances the reputation and value of the research centre or university

Technology Transfer

R&D

Friedrich-Alexander-Universität Erlangen-Nürnberg





MARKET

Technology Transfer

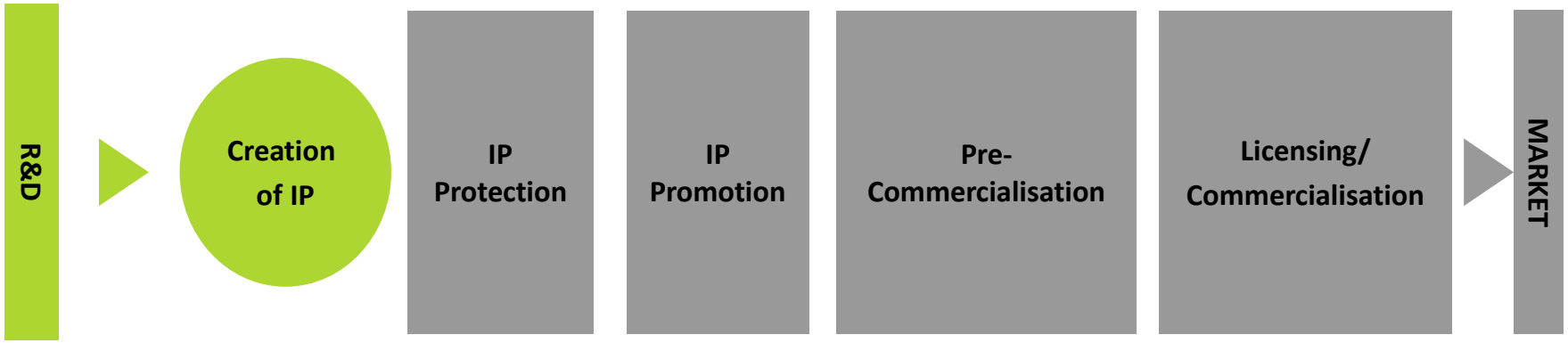
IP Identification	IP awareness
	Close contact with Researchers
	Monitoring of publications

Technology Transfer

IP Identification

- IP awareness
- Close contact with Researchers
- Monitoring of publications

Technology Transfer



The idea

What is exactly the innovation?	What necessities does it satisfy?
Why is it a unique idea? How can it be protected?	What kind of advantage would the company have And what prevents others from copying it?
Who is the client for the product?	How can one create value and make money with the idea?
Why should the client have an interest to buy the product?	Why is the product better than other comparable ones?

The seven deadly sins of the inventor

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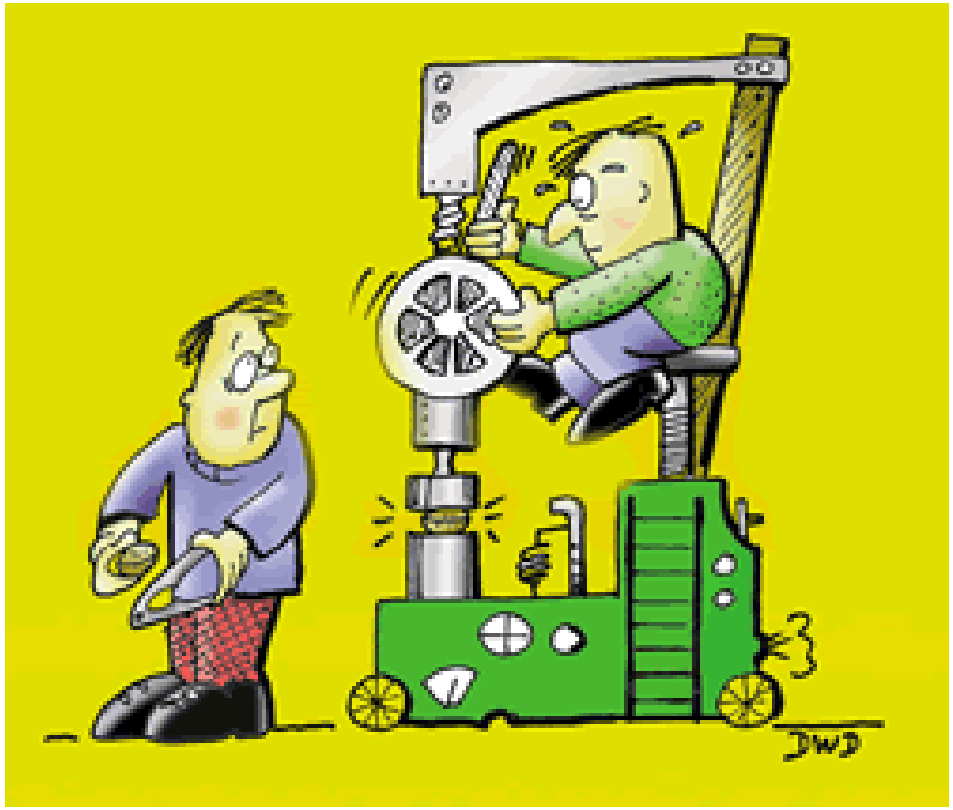


1. The invention is more complex than the problem merits.

© European Patent Office

2. The invention is not kept secret until the date of filing.

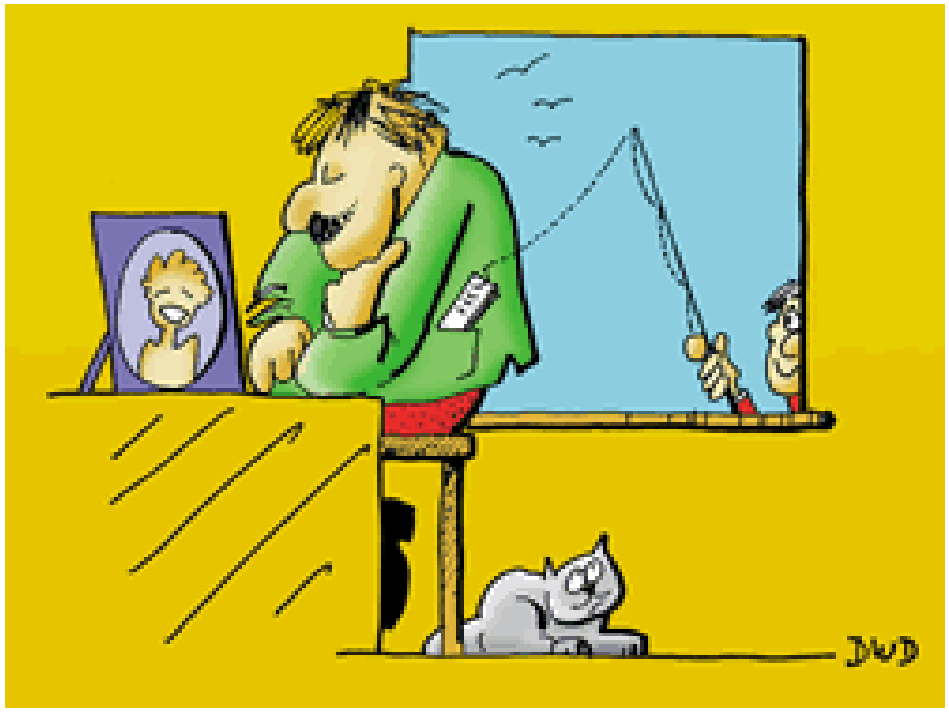
© European Patent Office

3. The invention isn't new.

© European Patent Office

5. No-one wants it.

© European Patent Office



6. An invention is safer if it's kept secret – it's usually not!

© European Patent Office

7. The inventor has an unrealistic idea of the value of his invention.

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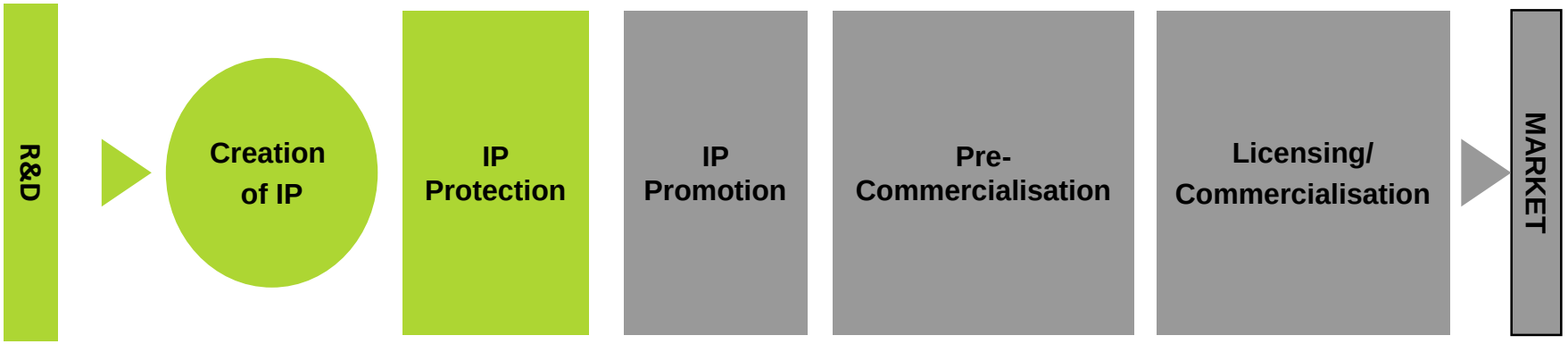
Technology Transfer



IP Promotion

- The invention was developed for/with a potential licensee
- Networking, personal contacts
- Direct mailing
- Brokerage Events – Innovation fairs
- Dissemination of Technology Profiles:
  - JRC Internet
  - Specialised websites (EEN)

JRC Internet Portfolio

FAQ | Index | Contact | Search | Services | JRC websites | Privacy statement | Legal notice

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JOINT RESEARCH CENTRE

The European Commission's in-house science service

European Commission > JRC > JRC Activities > IPR management & technology transfer Technology portfolio

At a glance | Activities | Press | News & Events | Download | Collaborations | Jobs

Activities

- Research areas
- Competitive activities
- Scientific & technical reference function
- Research4U
- Enlargement & integration action
- IPR management & technology transfer
  - IPR management
  - Technology transfer
  - **Technology portfolio**
  - European TTO CIRCLE
- Project Browser

Print this Share

Technology portfolio

In pursuing its mission to provide scientific and technical support to Community policy makers, the JRC generates 10 to 15 patents each year and 5 to 10 software products. The licensing policy of the JRC reflects the fact that most licensees will need to invest substantial time and money in product development. Terms of licence are therefore flexible. Royalties, license issue fees, exclusivity fees, and other financial terms are adapted to match the realities of the market.

As a public administration, the JRC also grants free academic licenses on its most early technologies to allow further research developments and to foster collaborative research throughout Europe.

Selected technologies and software available for licensing are listed here below.

Contact: Unit for Intellectual property and scientific co-operation

Alpha Immunotherapy

- Radionuclides for medical use
- Method for producing Actinium-225
- Method and apparatus for preparing Bi-213 for human therapeutic use
- Radioimmunoconjugates for targeted alpha therapy
- "Bifunctional Chelating Agent for 225Ac" (1) and "Synthesis of a novel bifunctional chelating agent for 225Ac complexation" (2)

Health and Environment

- System for detecting brain activity
- Device for collecting fluids escaping from an underwater source
- Mobgas©
- Method of making a sorbent, the sorbent obtained by this method and the uses the sorbent as feed additive and medicine
- Method and system for force estimation in utilizing minimally invasive robotic surgery system
- Automatic sample clean-up system

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JRC Technology Profile

A multi-level summarisation of large surveillance image streams

Description

Images and video are being captured and stored at an ever increasing rate. With this trend likely to continue, the need for tools to review large image sets is becoming a central issue in video based forensics. Currently the effort required to review these captured images and video are significant.

The VideoZoom review tool aims to make the best use of a reviewer's time by presenting summarised images taken from a fixed camera. The system presents all the information in the video in a compact way allowing a reviewer to quickly understand what happened in a video and to decide what to investigate in detail.

The VideoZoom review tool creates a 'pyramid' of summary images built from the video. It then presents the summaries in layers of increasing detail. Each subsequent layer provides more information than the last to the reviewer, allowing them to decide if further consideration is necessary. A reviewer can smoothly *zoom out* to see many images at once, or *zoom in* to see a single image in full detail.

Innovative aspects and main advantages

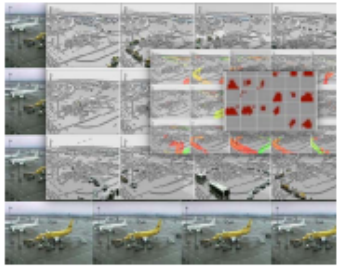
- Reviewer-guided approach, summarising large volumes of information without removing events or objects.
- Reduced number of images for the reviewer to identify relevant events.

Areas of application

- Image reviews for nuclear safeguards inspectorates
- Image forensics based on surveillance streams
- Video summarisation

Stages of development

Prototype is under evaluation by nuclear safeguards inspectorates. Granting of non-exclusive licences is possible.



Scientific contact

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Institute for Transuranium Elements
Joint Research Centre, Ispra
European Commission
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Licensing contact

Intellectual Property & Technology Transfer Unit
Joint Research Centre, Brussels
European Commission
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Reference: 2894

www.jrc.ec.europa.eu/technology_portfolio

Joint Research Centre

Technology Transfer

Pre-Commercialisation

Confidentiality Agreements NDA	Protects the data and information shared about the parties
	Limits the scope for which the data can be used
	Typically for a limited time
Material Transfer Agreements	Protects material transferred between the parties
	Establishes clear ownership of the material
	Defines scope and purpose of the transfer

Pre-Commercialisation

Option Agreements

Gives the right to one of the parties to evaluate the assets to determine whether to enter into a licensing deal

Constitutes a commitment of the owner of the IP to grant the rights if the grantee wants to exercise the option

May require the licensor not to license that IP to anyone else during the option period

Technology Transfer

Commercialisation

Licence Agreements

Allows the licensee to use and exploit the IP (in the absence of the licence agreement, the user would be infringing the licensor's legal rights)

Defines the scope, duration and geographical areas

Terms would typically include law and jurisdiction, obligations, liabilities, sub-licensing, options to developments

Defines the payments, including royalties and lump sums

Technology Transfer

Spin-off Creation

The perfect initiative

Promising product

Strong IP

Qualified team

Sustainable business model

Close to the market

Large market

Funding

Things can go wrong

The IP wasn't protected before disclosure

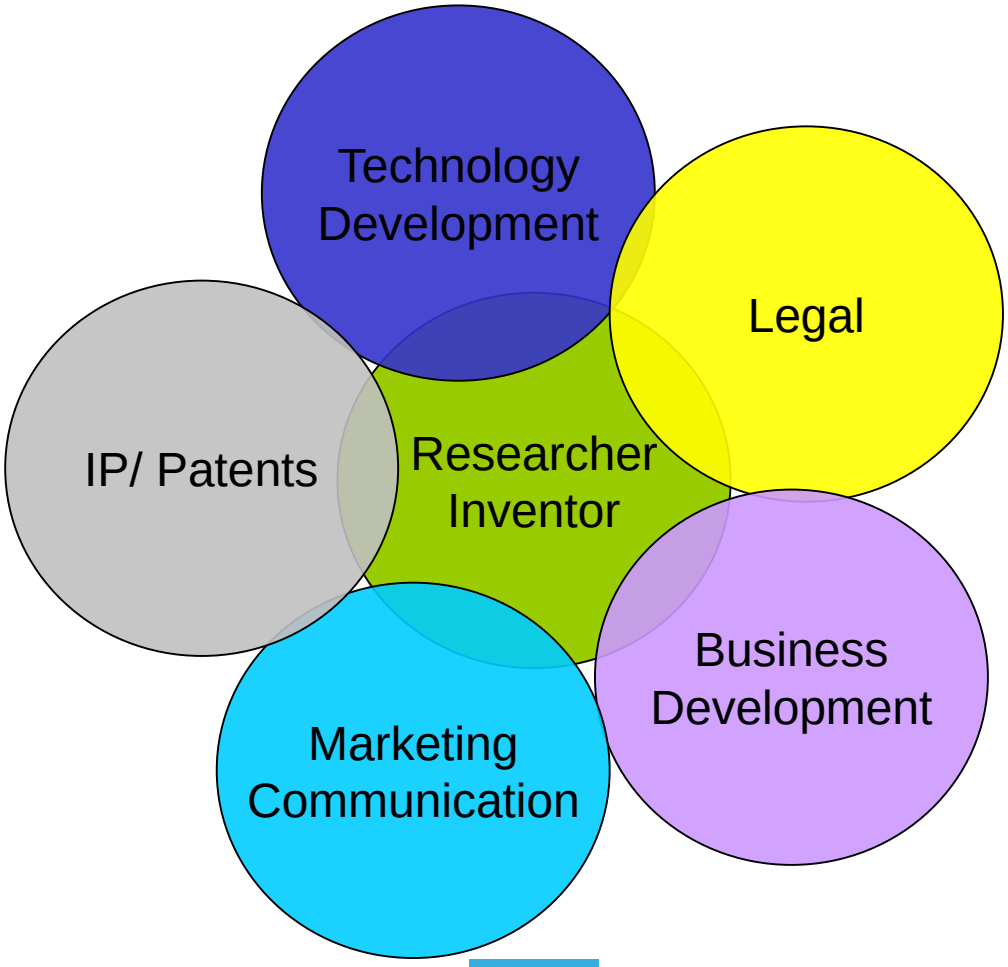
The inventors have no interest or understanding of commercial application

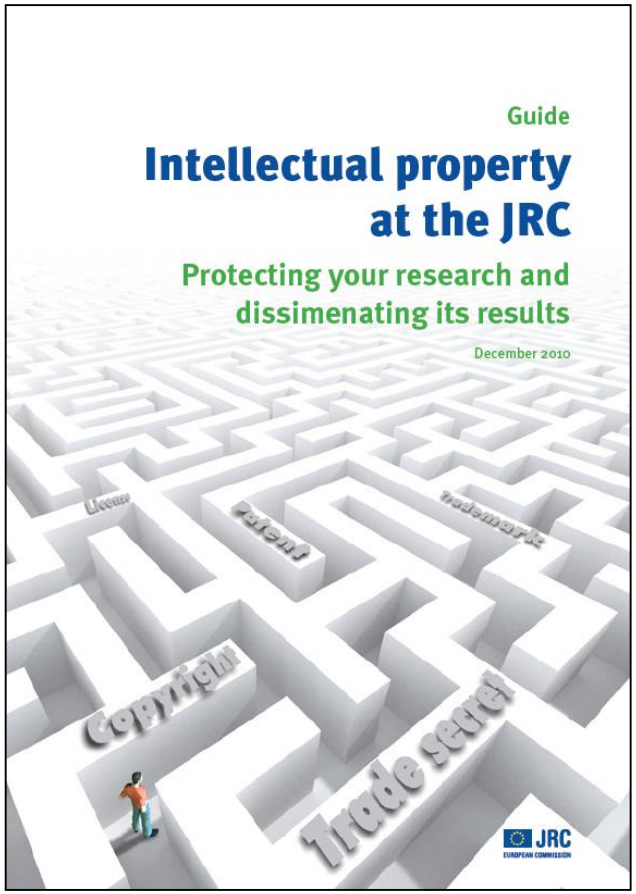
The resources/skills are not available to go to Proof of Concept

There is no licensee interested

The production of the product fails

Multidisciplinary Team work





Understanding Intellectual Property Rights and Knowledge Transfer for Scientific and Technical Officers

Syslog 439600

Introduction to Intellectual Property and Knowledge Transfer

Syslog 385945

http://www.cc.cec/dgintranet/jrc/intranet/km/documents/ip_guide.pdf

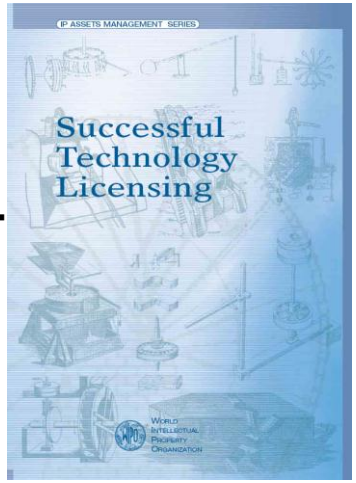
PraxisUnico.
Impact through innovation

http://www.praxisunico.org.uk

Guides
Confidentiality Agreements
Material Transfer Agreements
Options
Consultancy Agreements
Students and IP
Licence Agreements
Spin-out Transactions
Key Issues in Managing Technology Transfer Agreements
General Legal Issues

WIPO

http://www.wipo.int/ip-development/en/strategies/technology.html



European Commission

Question Time

Joint Research Centre