How to Protect IP
What is IP?

- Intellectual Property (IP) is a means of protecting the results of innovation and creative activity.

- IP rights are negative rights.
- IP rights are territorial.
- Intangible assets which can be bought/sold/licensed.
Refresher

• Patents
• Trade marks
• Designs
• Copyright
• Know-how

*How can I protect my own IP?*

*How can I avoid infringing the rights of others?*
Why Protect IP?

• Stop others using what you’ve created (brand, product or process) without your permission

• Exclusivity can demand higher sales prices for licensee

• Generate income by licensing for the university and you

• Attractive to investors in licensee if a spin out
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Patents

• A right protecting an invention

• The deal – a patent affords a territorial privilege or monopoly for a limited period – in exchange for letting the world use your invention after monopoly expires

• Maximum duration of 20 years in most countries
Patents (ii)

- Inventions related to products, methods or manufacturing processes or other aspects of new technology used to solve a technical problem
- Must be **new** – i.e. not published anywhere else before, including by the inventor/owner
- Must involve an “inventive step” – i.e. “non-obvious” to a person skilled in the art
Patents (ii)

- The law provides a list of “things” excluded from patent protection, including:
  - Computer programs
  - Business methods
  - Mathematical methods
  - Methods of performing mental acts
  - Methods of playing games
  - Presentation of information
Patents (iii)

- First Filing
- File Priority Claiming Applications
- Request Examination (can be requested earlier)
- Examination
- Application in Order for Grant
Patenting – Things to Consider

1. Consider “freedom to operate searching” to identify potentially conflicting patents owned by third parties

2. Be very careful about disclosing your invention prior to filing

3. Talk to your patent attorney
Trademarks

Anything which can be represented graphically e.g. Words (including personal names), colours, slogan, logo, packaging, product shape, holograms, smells, sounds…

But – **hard to protect descriptive or generic marks** and, for example, invented words

  e.g. COCA COLA, LEGO, KODAK etc have broader protection than more descriptive words

- Territorial - a registration in one country or region does *not* automatically give owner rights in another
- Once registered protection can be renewed **indefinitely**!
Trademarks (ii)

Registration process in EU take ~ 6 months
IP Ownership

Trade Marks – The Applicant is the owner.

Patents – Inventor owns the IP, unless the invention was made as part of his/her job, in which case his/her employer will own the invention.

Copyright – The creator of the work is the owner, except where made in the course of employment.
Costs

Varies considerably depending upon complexity of IP and country for which protection is required…..

**Trade Marks** – €1000-2000

**Patents** – €5000 for initial filing. Total to obtain granted patent can be around €20000.

**Copyright** – Automatically exists – no costs
Things to Consider

1. **Where** do you need IP – consider markets, competitors, manufacture
2. **What** do you need to protect – an invention, features of appearance, your brand
3. **Who** is the owner?
4. Is your IP new?
5. Check that you do not infringe the rights of others
6. Keep records
7. Keep confidential until filed!
8. Ask questions of your TT Office about IP *as early as possible*