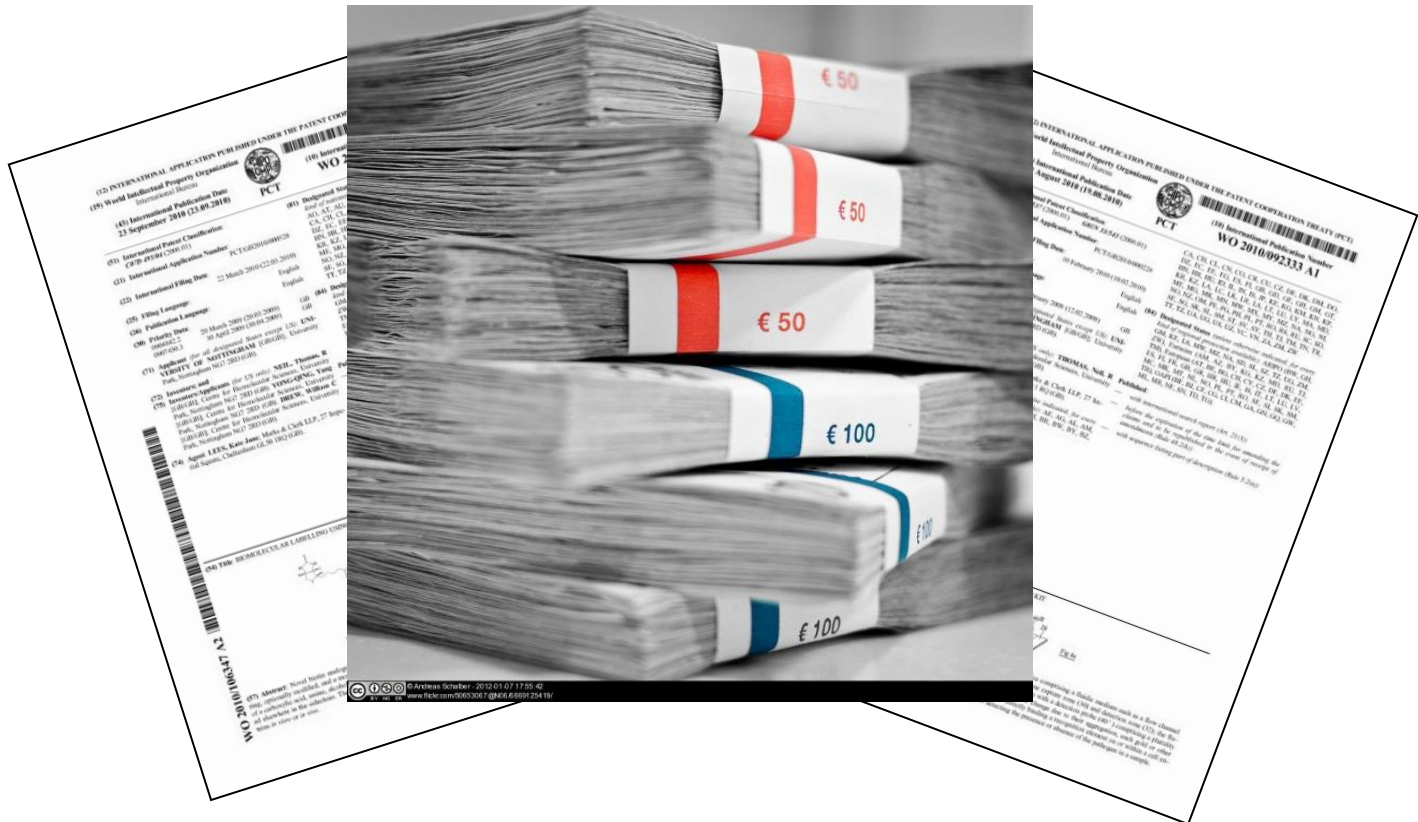


Intellectual Property



Learning Outcomes

- **Introduce the concept of Intellectual Property (IP)**
- **Why protect an idea?**
- **Patents**
- **How to get value from your patent**

What is Intellectual Property?

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

IP comes in several forms:

- **Patents – technical features of innovations**
- **Trade Marks – brand names and logos**
- **Registered Designs – appearance**
- **Copyright – graphical and literary material**

Why Protect An Idea?

Legal protection of your new idea or invention ensures the future position of your company/brand and enables you to make money in a highly competitive market place

It stops others from copying your idea allowing you to maximise the return you deserve for investing your time, capital and resources in the invention of the idea

A Well Known Example

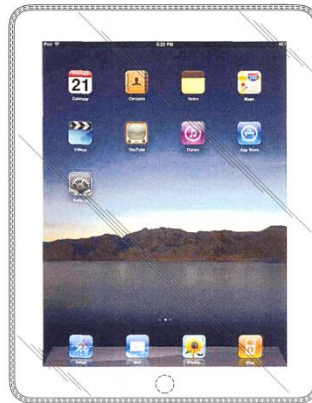


Registered Trademarks

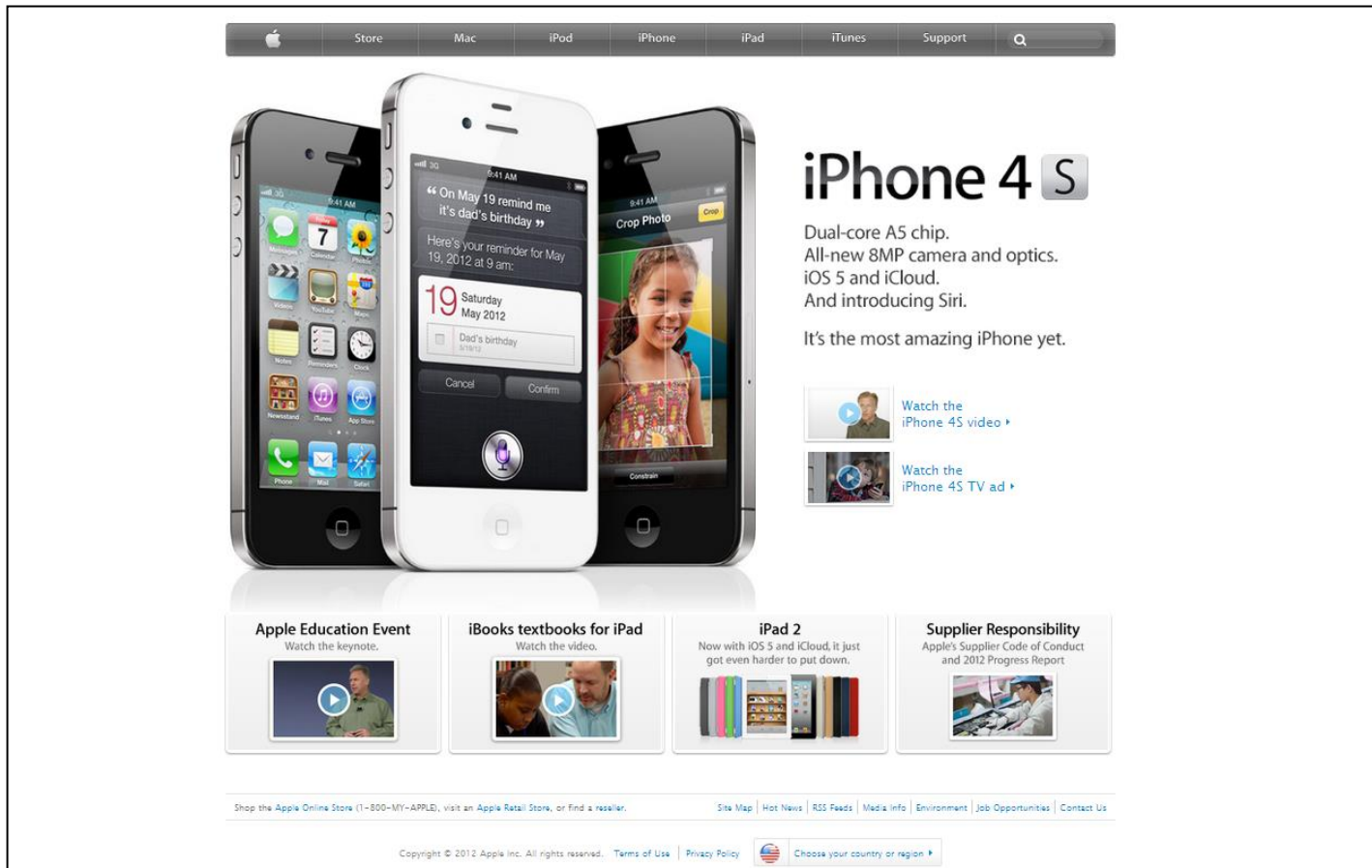
- The name “Apple” and the logo above are examples of some of the registered trademarks the company holds
- In total Apple holds approximately 8000 registered trademarks

Registered Designs

- Apple holds approximately 2700 registered designs for its uniquely styled products



Copyright



The image is a screenshot of the Apple website's product page for the iPhone 4S. At the top, there is a navigation bar with links for Store, Mac, iPod, iPhone, iPad, iTunes, and Support, along with a search icon. The main visual is three iPhones: a black one on the left showing the home screen with various app icons, a white one in the center showing a reminder notification for 'Dad's birthday' on May 19, 2012, and a black one on the right showing a photo of a young girl with a 'Crop Photo' overlay. To the right of the phones, the text reads 'iPhone 4 S' in a large font, followed by 'Dual-core A5 chip. All-new 8MP camera and optics. iOS 5 and iCloud. And introducing Siri.' Below this, it says 'It's the most amazing iPhone yet.' There are two video thumbnails: 'Watch the iPhone 4S video' and 'Watch the iPhone 4S TV ad'. At the bottom of the page, there are four promotional boxes: 'Apple Education Event', 'iBooks textbooks for iPad', 'iPad 2', and 'Supplier Responsibility'. The footer contains a shopping link, site map, RSS feeds, media info, environment, job opportunities, and contact us links. At the very bottom, there is a copyright notice: 'Copyright © 2012 Apple Inc. All rights reserved.' and a 'Choose your country or region' dropdown menu.

Store Mac iPod iPhone iPad iTunes Support

iPhone 4 S

Dual-core A5 chip.
All-new 8MP camera and optics.
iOS 5 and iCloud.
And introducing Siri.

It's the most amazing iPhone yet.

Watch the iPhone 4S video ▶

Watch the iPhone 4S TV ad ▶

Apple Education Event
Watch the keynote.


iBooks textbooks for iPad
Watch the video.

iPad 2
Now with iOS 5 and iCloud, it just got even harder to put down.

Supplier Responsibility
Apple's Supplier Code of Conduct and 2012 Progress Report

Shop the [Apple Online Store](#) (1-800-MY-APPLE), visit an [Apple Retail Store](#), or find a [reseller](#).

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Patents

Patents are the only mechanism for protecting technical ideas

Patents are property, they have value (£) and investors like to see them

Patents are a negative right i.e. they detail what cannot be done by others

The legal bit:

- a monopoly right lasting up to 20 years from filing
- disclosure of your idea to the public
- country-specific

The paper bit:

- a description of a (technical) idea
- a definition of what cannot be done by others (claims)
- the names of the inventor(s)

A social bargain...

The state grants a monopoly right, but you disclose your idea to the world

- Exclusivity in a defined technical area
- Chance to recoup your investment
- In return you pay some fees to the state
- Stimulates innovation

Patentability

Q. What can be patented?

A. Nearly anything “technical”

- **Products (molecules, materials, new composition)**
- **Apparatus (for making, purifying, extracting)**
- **Methods (synthetic methodology, process steps, treatment)**
- **Uses (as a drug, a paint stripper, etc.)**

Must be:

- **New (“novel”)**
- **Non-obvious (involves an “inventive step”)**
- **Capable of industrial application**

Novelty (& Disclosure)

Absolute worldwide novelty test

**Anything made available (disclosed) to the public
anywhere**

- The “Prior Art”
- Published documents, posters, lectures
- In order to anticipate a “claim” all the features must be in a single document/lecture/poster

Disclosure

- The invention **must not** have been made available to the public in any way, at any time, anywhere – this is very important!
- This can be guarded against though imposing a CDA

Inventive Step

The invention must not be obvious to a person who is 'skilled in the art'

The 'person skilled in the art':

- **Reads everything (speaks all languages)**
- **Makes routine selections**
- **Overcomes routine problems**
- **Doesn't make inventive leaps**

An invention may be inventive if:

- **It has an unexpected or surprising result**
- **It was not obvious to try or non-routine**
- **It overcomes a technical problem**

Exclusions from Patentability

Important Exclusions (UK, Europe)

- Methods of medical treatment/diagnosis
- Computer programs as such
- Mathematical models
- Presentation of information
- Methods of doing business

A patent attorney often avoids these

There are no restrictions in US

Inventorship & Ownership

The inventor(s) are the actual devisor(s) of the invention

Ownership may depend upon the relationship of the inventor(s) and any other parties involved

- **A business/company normally owns the IP generated by employees**
- **This is normally set-out in the employees contract**
- **This is also the case at a University**
- **Students however are not employees and a separate agreement will need to be reached between the University and the student**

The patent may be invalidated if the inventor(s) and/or owners are not correctly identified

Freedom-to-Operate

Your patent stops others from using your IP, but does not allow you to use it yourself

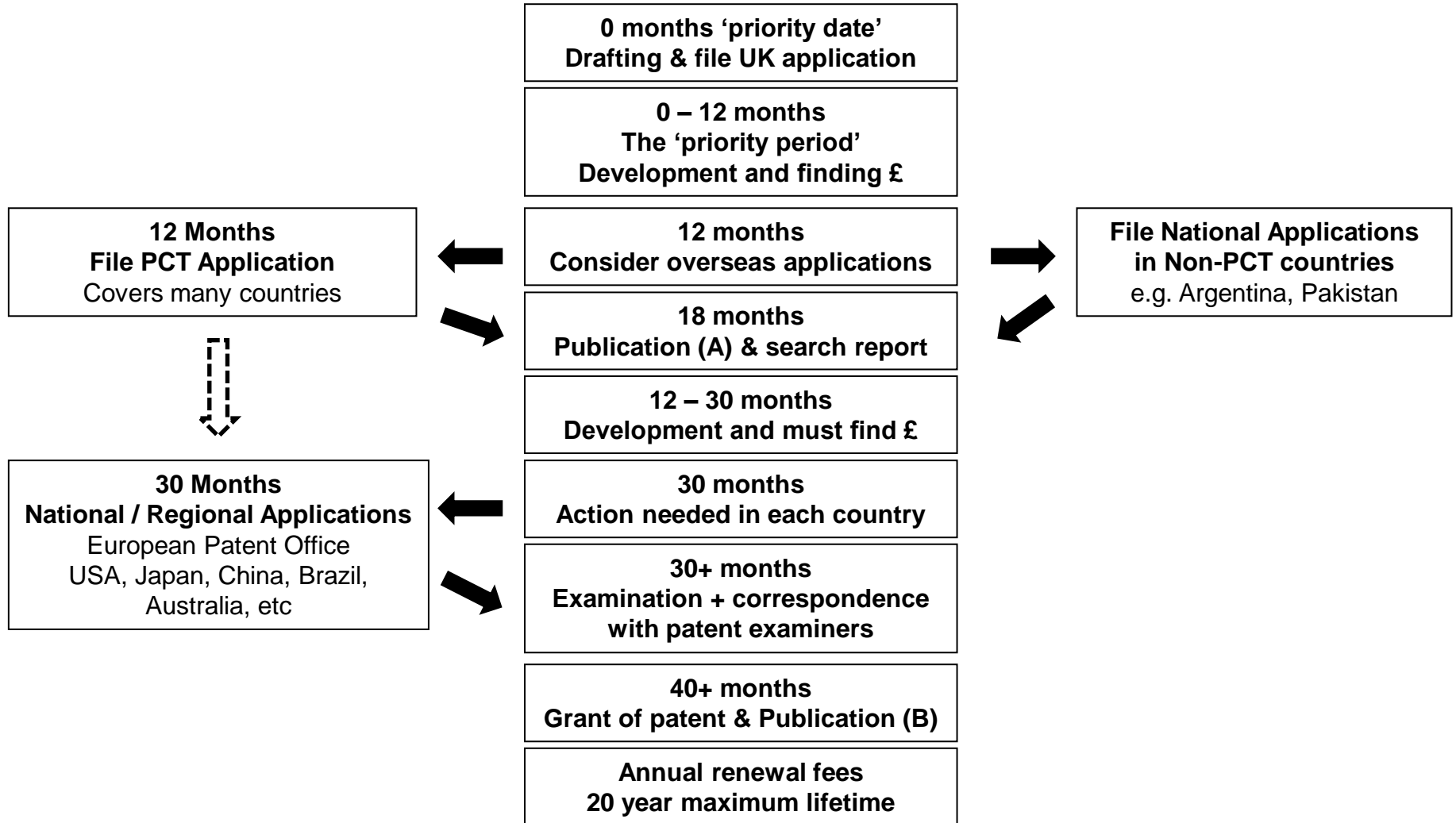
To use your own patent you may need to use something which is covered in the claims of someone else's patent, e.g.

- Patent 1 – “the wheel”
- Patent 2 – “the push bike”
- The owner of patent 2 must ask permission to make his bike!

You therefore may have to license, buy or attack the other patent to gain the full potential from your invention

Alternatively you could invent around the other patent

Procedure



Anatomy of a Patent

Title – Usually uninformative

Abstract – To help patent searchers

Description

- **Some background – what is known**
- **Generic statements defining the invention**
- **Detailed description of the invention, with reference to drawings (optional) and experimental data (usually)**

Figures – if they help explain the invention

Claims – are as broad as possible to define the full scope of protection in the patent

Getting Value from Your Patent

Patents are property, they have value (£)



Imagine your patent is like a house; you can:

- **Live in the house – commercialise your IP into a new product**
- **Take in a lodger – license your IP to a third party**
- **Let out your house – exclusive license of your IP to a third party**
- **Sell the house – assign (sell) your IP to a third party**

What Investors Look For

Effective patent protection

- Gives security against competition from third parties
- Gives reassurance that they will see a return on their investment

Freedom-to-operate

- Gives assurance that third parties will not be able to stop you entering your market place
- Gives reassurance that they will see a return on their investment

Proper entitlement of inventorship

- Gives assurance that no-one else can claim the IP or invalidate the patent
- Gives reassurance that they will see a return on their investment

Summary

- Introduced the concept of Intellectual Property (IP)
- Why you would want to protect an idea
- Patents
- Shown how to get the value from your patent

Further Reading

Mewburn Ellis LLP

- www.mewburn.com

Intellectual Property Office

- www.ipo.gov.uk

European Patent Office

- www.epo.org

Inside Careers – Career Opportunities in IP Law

- www.insidecareers.co.uk