Welcome to our educational video clip on:

Introduction to Intellectual Property and Intellectual Property Rights

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Key questions

- What is meant by “intellectual property” and “intellectual property rights”?
- Which are the IP protection tools available?
  - Patent
  - Utility Model
  - Industrial Design
  - Trademark
  - Copyright
What is meant by “intellectual property” and “intellectual property rights”?
Intangible assets

Results of creative efforts from the human intellect

Such creations cannot be materially measured

INTANGIBLE ASSETS
Business assets

- **Tangible Assets**
  - e.g. buildings, machinery, infrastructures...

- **Intangible Assets**
  - e.g. know-how, human resources, business relationships, brands...

**Intellectual Property**
Intellectual Property

REGISTERABLE

COPYRIGHT & related rights
Literary & Artistic Works
Related rights
Databases ...

‘SOFT IP’
Secrets
Know-How
Confidentiality

INDUSTRIAL PROPERTY
Trademarks
Patents
Industrial Designs...

UNREGISTERABLE

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Soft IP

**No specific definition**
“Soft IP” are intellectual assets which are not included in industrial property or in literary and artistic works, but have an important value for organisations.

**Soft IP components**
Know-how, trade secret, confidential information

**Protection of Soft IP**
- **Are not protected** by registration and specific IP legislation
- Fall under the category of **intangible rights** – associated with other IPR
- **Free of charge**
- Do not involve long or complex registration-processes, **BUT** require internal management
Which are the IP protection tools available?
Industrial property

- Generally protects inventions
- Refers to industry and commerce
- Can take the form of patents, industrial design, trademarks, etc.
**What is a patent?**

It is a title providing the **inventor** and/or the **applicant** with the **exclusive right** to prevent others from possessing, using, selling, manufacturing and importing the patented invention or offering to do any of these things within a definite geographical area.

**What can be patented?**

Patents maybe granted for any invention concerned with the **functional** and **technical** aspects of **products** and **processes**. To qualify for patent protection the invention must fulfill the so-called **conditions of patentability**:

- Novelty
- Inventive step (non-obviousness)
- Industrial Applicability (utility)
- Patentable subject matter
How to apply for a patent?

**NATIONAL PATENT**
Patent applications need to be filed before your National Patent Office (NPO).

**EUROPEAN PATENT**
One single application, in one official language may be filed:
- at your NPO, or
- at European Patent Office (EPO).
EPO grants patents having the effect of a national patent in designated countries (max. 38). You may decide to maintain it in force in some or all of them.

**INTERNATIONAL PATENT**
By filing an international application, patent protection can be obtained in each designated states between 133 worldwide. PCT applications may be submitted:
- to your NPO,
- to the EPO, or
- to the WIPO.
Utility model

What is a utility model?

It is a title of protection for certain inventions, such as inventions in the mechanical field. Utility models are usually sought for technically less complex inventions or for inventions that have a short commercial life and normally do not meet the patentability criteria.

The requirements for acquiring a utility model are less strict than for patents. While the "novelty" requirement must always be met, the "inventive step" or "non-obviousness" may be much less or even absent.

In the EU only 17 countries provide registration process. The latter is often significantly simpler and faster, taking - on average - six months. Usually, utility models are much cheaper to obtain and to maintain.

Duration of protection: between 6 & 10 years, without renewal
What is an industrial design?

It refers to the right granted in many countries to protect the **original**, **ornamental** and **non-functional features** of a product that result from design activity. The right concerns merely the **appearance** (the 'design') of a product, not the product itself. It allows the owners to exclude others from making, importing, selling, hiring or offering articles for sale in which the design is embodied.

What can be protected?

It maybe granted for **visual features** of a product (i.e. shape, ornamentation, pattern, configuration, etc.). Designs that are dictated solely by the article’s **function** are excluded from protection. To qualify for protection the design must show:

- **Novelty**
- **Individual character**
Design registration

How to register a design?

NATIONAL DESIGN
An application must be filed before your National Intellectual Property Office (NIPO).

EUROPEAN DESIGN
One single application, in one official language may be filed at the Office for the Harmonisation of the Internal Market (OHIM) in Alicante – Spain. A CRD is enforceable and enjoy uniform protection throughout the territory of the European Union.

INTERNATIONAL DESIGN
By filing an international application, to WIPO in Geneva you may be able to obtain the protection in several states that are members of The Hague system.

Duration of protection: up to 25 years, without renewal
What is a trademark (TM)?

It is a **sign**, or a combination of signs, used in the trade to **identify** and **distinguish** the **goods or services** of one enterprise from those of another. A trademark owner is granted exclusive rights to:

- use the mark in relation to the good or services with respect to which it is registered
- prevent others from using a substantially identical or deceptively similar mark in relation to the goods or services registered by the mark.

What can be protected as trademark?

**Words, letters, numerals, pictures, shapes** and **colours**, as well as any combination of the above.

It is now allowed for the registration of less traditional forms of trademark, such as **three-dimensional signs** (like the Coca-Cola bottle), **audible signs** (sounds, Nokia jingle), or **olfactory signs** (smells, such as perfumes).
Trademarks normally perform four main functions:

- *Distinguishing the products or services* of one enterprise from those of other enterprises
- *Referring to a particular enterprise* which offers the products or services on the market
- *Referring to a particular quality of the product or service* for which it is used
- *Promoting the marketing and sale of products*, and the marketing and rendering of services.
Trademark requirements

Which are the requirements to seek registration?

In order for a sign to be eligible for a trademark protection it must:

- Be distinctive
- Not be deceptive
- Not be descriptive
- Not belong to the exclusions provided by the law
- Be in conformity with public order and morality.

Duration of protection: 10 years, renewable indefinitely
## Trademark registration

### How to register a trademark?

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<th><strong>NATIONAL TM</strong></th>
<th><strong>EUROPEAN TM</strong></th>
<th><strong>INTERNATIONAL TM</strong></th>
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</table>
| Applications must be filed before your National TM Office. Registrations can be cancelled if the holder is not using a mark. | One single application, in one official language may be filed at the Office for the Harmonisation of the Internal Market (OHIM) in Alicante – Spain. A CTM is legally enforceable and enjoy uniform protection throughout the territory of the European Union. | By filing an international application, TM protection can be obtained in each states member of the Madrid system, designated by the applicant. Applications may be submitted:  
• to your National trademark Office  
• to the OHIM  
• to the WIPO. |
If you make a **second filing** (within 6 months for a design or trademark, and 1 year for a patent) in either another country party of the Paris Convention, or with an international authority such as the OHIM, the EPO or the WIPO, you will be able to claim your earlier filing date as a “**PRIORITY DATE**”. This is important as you want to be the first to have filed for protection.
Copyright

• Does not protect the ideas themselves but only the form of expression of ideas represented in a physical embodiment.

• The creativity protected is the originality in the choice in the arrangement of words, musical notes, colours and shapes.
Copyright

What is copyright?

Copyright relates to literary and artistic creations, such as poems, novels, music and paintings, but also includes cinematographic works, architectural works, sculptures, TV and radio broadcasts and many others.

What can be protected?

Copyright protects only the expression of ideas as long as it is original.

A work is ‘original’ when it is created independently and
- skill,
- labour
- judgment
are applied to it.
Do I need to apply for a copyright protection?
Copyright

- There is **no formal registration process** required in order to obtain protection.

- Copyright protection **arises automatically** on creation of the work, provided it is original.

- The term of **copyright depends on the type of work that is protected**, when it was made and whether it was published.

Generally, protection lasts for 70 years after the death of the creator.
What rights will I receive for copyright?
Copyright

Thanks to the copyright, owners can prohibit or authorise that their works be:

- copied or reproduced in various forms,
- distributed to the public in copy format
- performed in public
- broadcasted and used on-line
- translated into other languages
- adapted, such as novel into screenplay

Mostly there are two types of limitations to copyright:

- Free use
- Non-voluntary licences
Thank you for your attention. We look forward to getting in touch with you.

For questions and general IP advice, please contact our Helpline team:

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