Being a bad thing the worst thing in the world will give some space I think for the sort of philosophical debate about it really want you to leave here with you know with something practical because like him or hate them there can be part of the promotion of armament up working inside you should know that a bit about them so that didn't stop and go from there. All rights. It's such a property. Circuits such property. Is it it's a. Collective of different types of of I guess aspects I mean it's as a as a legal kind of definition it's a bundle of rights that you can that you actually essentially are in as a as a person that it create something you do something that is intellectual in nature. We didn't we didn't intellectual is a bunch of different things that you might be familiar with things like designs trademarks patents copyright Cepeda's fits in within that can touch property and then within that does the software patents specifically. The interesting thing perhaps is that the circle could be quite expanded significantly we didn't is that what I would call say like innovation as a general kind of biggest circle. Which would intersect probably through some of it too much property but not all of it that would cover all of patents sorry it innovation is essentially what patents are trying to. Encapsulate as it can touch property rights. Sir it's like probably. It deals with. And and considers ideas of their. I mean the ship of ideas and and identities and there are many different ways of looking at I pay I think this you know. Yes different philosophies on in such property. But essentially the right to the products of your mind ands that said something from an rent capitalism but it's. Yes it knowledge is the role of mental effort and production material things and protects the origination of ideas. And there's a long long history throughout the year going back to I think. I was at 500 BC one of the first 9 references to intellectual property. When chefs in the Greek colony of sub iris were granted you along with monopolies to creating particular culinary delights sets I guess. Master chef of its time ends. A bit later there was you know a literary contest contest in Alexandria. And but intake Egypt. I'm basically poet said stolen words and phrases of others and I would tried and convicted. Other cases where Roman times with. Dead. I ship interest as I should be in such a way I can that they discussed all of this in the context of our ships of paintings internships of. They have tables ends upon which the the painting appears that belong to the person that actually. How does the table in that position or is there something associated with the actual painting itself on the table. And then. Much later and this is where the the the modern kind of concept of patents came from. With that. That under certain kings and queens of of England certain people were given essentially royal favors to do certain techniques produce certain goods or services. And. The British. System. Evolved to this idea of this idea of such a monopoly switch essentially protected anyone that had a a trade or something that is specifically. The dead invented and. It was a way to an incentivized I think at the time the British were trying trying to and encourage people from continental Europe to. To take these these traits which are quite prevalent in that in Europe and move to England with the incentive of having a monopoly at the in in England so they can make a lot of money. Cuts to that but that was more in the context of a say like in our clothing and making fabric can and much more a trade sort of focus. And that's ultimately where the idea of the patents came from said. It's a vault quite significantly from the idea of trade into something more like an invention. 6 as a saying intellectual property has 5 if if not more this is actually other aspects but there's 5 kind of main aspects as a sign that this patent but that is designed this copyright this trade secrets and then try to mock and I guess all of kind of go through each of those just said that you know you. The end date the intention and what they're trying to protect. They they different various different ways they they. Check different things they lost a different amount of time that different in the way that you acquire them and they also different the way that you enforce them against other people. Yet SCEI granted patents specifically protects functionality can last up to 20 years of the standard patent modern patent US up to 20 is. And. To acquire it you actually have to essentially registered and. In order to register it you have to get you have to convince a patent office somewhere in the world putting away a jurisdiction is. That's it has practical utility is new it is not obvious and it is eligible subject matter that is the kind of controversial area in Suffolk patents. But in terms of registration that is that is that is what you would need to it convince the patent office to. 2 in order to get you out of the twenties. Enforcement it you basically have. 2 aspects to to a patent you've you've got a description which describes exactly how the invention works but then you've also got this like this but at the end which is the the claims and that claim the claim set defines the scope of the patent. Sorry then this becomes a. A. Contentious in a in a kind of litigation setting but you get to work to enforce your patent against someone what they're doing has to lie within the scope of the claims of that patent. So it becomes very important to ensure that you the claims. What it in such a way as to you caption at the top of behavior. The set design this is less about functionality in fact it's not about functionality it's about the purest since about the way something a thing. Looks. And. Various. Yeah duration I think between 10 and 25 years. Hello quite well again it's a registration system I have to establish that it's not identical assist substantially similar to something else. And again it's a kind of semi sort of way of enforcing it. But it just has to be identical or substantially similar for a design. The fifth. I think this. There's a few issues I think with by patents and designs that is probably worth. Discussing at this point which is that. Is that the timing of a. Design application and a patent application very important and to some companies extremely important because you actually. We'll lose the touch that lose your rights to an invention if something is made public prior to you actually filing your patent or design. I'm sorry yes companies like apple take this very seriously because you know they they filed multiple patent applications mostly designed app applications a year and they don't wanna lose out on that potential I am in such property rights because of that so they this sort of thing where a lot so in this situation the apple employee who was working on the iPhone X. he. Had taken a essentially a video I think it was a sophomore less resigned. Just saying of what is actually the way that he wanted it to work and. His daughter happened to come across it and then posted online and went viral this is maybe I think 2 weeks before it was actually released. And apples like well you can't do that and they've I fired him as a result yesterday it said apple takes very seriously many other companies take this very seriously because yet you do actually attention lately is your rights if you don't file. Focus public. Trademarks sorry. This protects that the it protects brands I mean you're probably familiar with many trademarks that exists when apple was fifth with apple laptops with the with the apple logo I mean that's a that's a brand but it's also it's it's a it's a sign of distinguishing. Goods and services from someone else someone else's goods and services. Vertex this meant to signify origin so that someone that is they're buying products nor is where that product came from and you can have a fairly good idea that you know it's got a certain. Quality about that product. And. Unlike the designs and patents it it lasts indefinitely just you just have to essentially use it so if you're not using it then. Then. There are ways in which like you can lose that mark but. Again this is set to acquire its a registration system. But there is there's actually 2 types of trademarks that that is the registered trademark which is like I said about registered trademark. There's also like a trademark in common law which is not registered at all it's really just you as a company asserting that. This is a trademark this is a way of distinguishing my brand from other brands my origin from other traders goods and services. So you might say that the the TM that's a common law session of a trademark which is not registered and I'd love the registered trademark usually. Winds out. So it's not necessarily the best idea to rely on a T. M. type trademark but in some cases you might not be able to even get registered because they have certain restrictions on how you would require that the the the trademark for example you could have descriptive trademarks you caught say you know if you're releasing a product colds spaghetti and it's actually spaghetti will that's yes not allowed apple computer's public couldn't release apple's cold but apple computers being laptop so what I find that that's fine. And. You you enforce felt the force your registered trademarks annual. Common law trademarks it more or less the same way it's it basically whether there's a. Something substantially identical or deceptively similar. And. There are plenty of companies around the world switch have to do with essentially knock offs Sir they try my skin can be very important in that respect. I am here just a bunch of examples of trademarks when they're old. Quite a few big with us I would I would think trademark said everywhere. I should note that it's interesting because you've got like that ality because Audi justifying which. Looks very very similar to Tim tams and you've got like the Titan which is very very similar to miles. But they get away with it because this this. When it's obviously very close but I get away with it because it's. Different enough that people are going to confuse the 2. There's. Ali other examples where they very very similar but yeah in this case they had this like an intentional attentional aiming of the life of the trademarks 22 and the logo is to say that it's kind of like a temp temp admin no actually 10 times if anyone was going to Aldean was I I want to get 10 times that I have to tell as well the justified should be okay. A quick point the idea quickly. This. I'm sick copyright I am so this protects the expression of an idea. And there's many different forms of of what. That actually entails as literary artistic musical. Performance. Computer programs as you would be aware. In a C. plus plus fortran I told old card is covered. It lasts for a really long time which is that the death of the author plus seventies. And. At in comparison to the other the intellectual property rights that we've discussed so far there's no registration Sir you get it automatically there are like copyright registers that exists I think in the US but that's not a way of getting the Cup right in the first place is just letting other people know that you have the copyright. So you don't actually need to register. You get it simply by by producing the work. In its kind of material for on site. The if you've only thought about it then you don't have coffee right but if you bring it down you've created it then you have copyright. Get. Part of it covered by. Sorry it could become covered by both. But as it if you wanted to go down the path of patenting something for that Cardi coat this night there's a reason that you couldn't device. But it's automatic for copyright patents you have to register. Yeah. Like us. I mean it that's an interesting kind of like with forensic questions like if you would if your writing say cards you might have different versions of that card on your machine you can see from the the and the file history basically that that you've created a fast there are other ways to establish who did it first in. Has the copyright but the. Yeah copyright is giving us more about like what you've actually done as opposed to who did it first. Sorry. Yeah if you've if you've worked on something that someone else has done and added to it whatever you've added to that is actually your copyright not as. Okay Sir. Come here is actually really difficult to enforce particularly in in a kind of computer myself west setting. It's really hard to establish what confidence and I think generally just to compare it is really difficult to establish the copies but it's particularly difficult to establish in in a software kind of computing center you can. Yep yep yep if you've written essentially anything. It would be covered by copyright there's that there's a restriction on how much. If if there's only like a few words or something like that or maybe even like a lot of card perhaps that's not copyright because it's too short but but once you start getting into kind of like a published work it's there's a enough that to say that you've got copyright over that yeah. This might. So if you have to. Yeah why did you decide to give the world lost users you might have to call the doctor's hospital. It is time for a little later. So we're not talking about images of section of the case with. If you have for example in his own right. Hi yes sorry. Thank you which is a. I think Facebook is probably. It interesting example because yeah when you there's all sorts of. X. contractual. As things of that kind of Facebook would put in place to say look you know if you upload something then who ends the copyright well. You know you might have it. A a license to use you are an image but then Facebook actually irons that the image and I can use it however they want this. That's that's really difficult question I don't think that it's essentially defined by the. The terms of service the perfect that Facebook provides. Yes at the cellular. Yes yes. Yeah yes ma'am yeah. Yeah. So trade secret service is. This is. A form of intellectual property and all that often gets used but you just might not know about it. As you might expect because its secrets confidential information and. The it can be kept as long as you can keep it confidential. Sorry. This is the. Perhaps an alternative to 2 patents hands because patents as a result of applying for a patent application. You have to publish what your inventions about and have to say to a person. Skilled in the very thought that the that you. Described in the invention might say self engineer how to implement that invention so that someone else could actually do it. In contrast trade figures it's like well if you can keep it secret then keep it secret having said that. You're taking the risk that if the information does get out then you've lost the confidential information I'm sorry you can acquire it in a. In the sense if you have an obligation of confidence under which. Sexually is weighted and show that that if you're talking about it to someone then they have an obligation to keep it confidential. And that if you don't talk if you don't actually get them to sign say like a nondisclosure agreement NDA and then at least you've got a kind of quality of confidence about the whatever situation you're talking to them. Sorry there may be a. Close meeting with F. R. K. because that way you can expect it to be confidential but if you're going to like say at a conference in. Giving a presentation on it then probably not. And. Yes there are potentially. Interesting. Things there in the sense of well it's closed source software we don't actually released it to anyone other than maybe like a small group is that confidential or is it. Or not I mean how how well have you established the the quality of confidence that yeah. Please see. Is this close. Is it still a trade secret. Well it. It's not if it's if it's disclosed I so you've lost the the. The confidential information it's now just like on a publicly available information. What you do have 30 is a an action against a person who has disclosed unauthorized on and on on the throwaway so. Unlike patents designs trademarks which are essentially actions that. They relate to the property itself in such public. Confidential information actually is a action against the person sorry so if they've reached confidence then you can go and see them but you can't get the confidential information confidential again once they're on several listed. The problem. That notwithstanding say $3000000000 if anybody's lazy. Last weekend I traded insults residual. You know it's a lot hi everyone I am trying to roll. Do. All. Okay Sir. Why patents. And. There are many reasons why you might want to patent. But. In a sense it's a. Weights it's a legal contract essentially with the public or the government. And it's a right to exclude others from exploiting exploiting your invention first experience time said twenties as a saying it's a return for a full disclosure of the invention so someone else can come in implemented. If they if you. I mean like they shouldn't be able to unless you give them permission to. But that you have to describe your invention in a way in which you could. And there are. They're gonna kind of philosophical reasons why the whole lack kind of patent system exists as it is at the moment. It it encourages a research and development this is particularly important in pharmaceuticals but also in in into the software computers space. And. I think the way that I'll often look at patents is. Once once a big company stocks investing a lot of money. They want a form of essentially insurance because they want to be able to say well if you know something if I've invested a lot of money in something then you know particularly what research and development said like in years I find. You want to be able to say look I want to stop someone else coming along in. Doing the same thing and patents are a way to stop that. If your at like a. You know I start up. You haven't probably even established whether someone actually really wants to copy all the thing yet sorry. It's less less important at that point I thank you your third spend as much money on getting a patent and just make sure you've developed your product in a in a way that you. It to the full extent of of what you can with them the money that you have. And. The kind of flip side of that is that. Encourages disclosures invention particularly incremental inventions as opposed to just kind of you know. Groundbreaking inventions which they might be in it at. A desire to to disclose those anyway. The patents particularly encourage incremental inventions. And. Yes this is a number of international obligations. It will trade organization the trips agreement which sets in a minimum standards for I. P. patents in particular. The show initially available for any inventions did you involve an inventive step in on a couple of industrial applications so that the because they kind of relate to the the criteria for getting a patent being granted. Tens patents can be used in multiple different ways you can see them as a as a sword in the sense that that you can in our. You get money out of it in terms of like a licensing and royalty sort of. Sense you can prevent other people from from doing the same thing. Any kind of cease and desist sort of way so if someone else is like I said within that the claims of your. Your patent then you can. In a L. save you know stop doing it. Autumn all kind of defensive viewpoint you could differ at the tech competitors bye bye if you kind of make that the the patents that you have in it in a public and say that the certain things that are you often see that the the like yeah patent pending or something like that a patent patent granted on certain products that's a way of letting people know actually this is a patent Hey so I don't even try to copy it. Because we can come up to you if you do. And that can make that could be kind of beneficial in a cut in a commercial sense not just because you're deterring competitors but also discredit of risk and uncertainty like you don't and they won't know if. If you actually do want to enforce your patent because that could be quite expensive but you're just saying well maybe I can maybe I will yeah. China. But if I look at and it's like what you have to file any technical data mentioned that if you don't have to. Yes Sir so. While it's pending. He doesn't know your desire I guess from right to enforce the patent against anyone 7 but that could be enforced at the point which it's granted so the question for the person is doing a copying as well. I'm taking that risk while it's pending. To copy but I could end up getting essentially a year and a Frenchman artists season desist letter. If it becomes granted because that's when that that you can actually enforce that patent so yeah I mean. That this would be enough to deter competitors in some situations but yet you have to have to have a granted patent in order to. Prevent someone else from doing it. If you started doing it before. M. Sunesis filed a patent than this you have to accept defense against that because you can just say look they're pricey so I've been doing it this whole time sorry. Yes I did file a patent application to it but you know I I can. It's a defense essentially side. And so this is kind of third option of a treasure chest and I think many of the other big. In a computer software kinda companies go for this sort of approach particular comes to. Such a agreeing a kind of. Not to. Stop their patent litigation against each other because you're if you're gonna say like and I think. IBM has something like 100000 patents and apples probably up that Terry you don't really want to get into a fight of like which ones are actually you know between the 2 of them are actually they're infringing to discuss I will. You know I've got these these patents to this or that I find in the I've been so well I've got this important to us a set of patents to say like a you know a computer operating system which apples I change might be infringing or something like that and. Rather than kind of actually. Going down that the positive. Starting patent litigation that W. that wealth you give us you know $1000000 and we'll just leave it alone sort of thing so that does give you the option to when you do have a big patent portfolio to negotiate with people power if the if the power differential is greater you know if apple's us is like a small company than. You know it that there's more of a. Apple could do more intensive putting pressure on on the small companies to to provide pay more in terms of license fees all that sort of thing and. Also I think maybe in a. Inom sickly smaller companies. They they will go for patents because there is. Does it an incentive I think for for people that are investing with the money to to to. Invest in them because the the for that patent protection office like I sang a bit of insurance protection. For anyone that is said I got a you know an angel investor comes along and gives them $10000000 for the. They've also got the patents that go along with that the protector attention investment. I think that's from said I'm shocked thank Sir. Basically. Yes. You. There but there are reasons why you went from a financial perspective get patents. I'm so there's a. As a kind of alluding to before this a question of **who owns a patent** does the. This is an intellectual property rights. It's not quite clearly here necessarily irons it is it the inventor is that the employer it's is at the university of and depend it really depends on the kind of contractual arrangement between the. If if there's an empty inventor that's an employee that and face that working under the a contract employment contract that's that assigns the I paid to the employer. Then. As long as they were doing that you know the inventive work during their employment contract but during the work that would that would performing under the employment contract would end up with the employer the the interesting there's a whole bunch of interesting scenarios sorry when say like an event is someone performing the inventive work outside of business hours or doing a harm. Or doing it partly higher than probably at work you know who wins the the the in the IP rights under that scenario. And there's the university's well so back off and. If you're doing something as it pops like a student or a. I guess research we have employed a research agreement. The university could end up with the I. P. as well. And. And so it. When you have a the idea of I know she feels that the idea of assignments may transfer the ownership. Often you have sex just a normal contract but you're actually assigning the the ownership to someone else and. With the resulting by the way still punch. That's a good question hi said diner. The object of the group I I am not going to be the answer is but they do change the rules sometimes. Yeah. And so you're gonna get some mistrust of Chinese ship you've got licenses weather's Norwich transfer of ownership but you can give certain. Rights to that invention away for example to exploit it in a certain jurisdiction certain. Again going back to the I. for example someone could have a license to distribute the I find in Australia. That is an apple pie could be some some distributor. Ends 6 patents can be quite expensive and that's the kind of. Goes to wards the question of well it yes it's expensive but then one of the benefits you have to kind of weigh it up in a in a sense of of will is actually gonna be worth it full full at you know the company that you that you might be working for you know the side of the of creating and that sort of thing sorry it starts kind of. Yeah low wish. At around 10. Awesome is that right I think in this. By Ken craziness is such potentially pose a. Jurisdiction. And can increase costs for each jurisdiction you end up filing in. So if you wanted to go for you know the US and Europe and Estrella and yet that's essentially where this 3 times that amount over the course of twenties. So yet you have to be kind of quite convinced that it say a good thing. As a as a science of your start up and you don't really even know or whether you're have an idea that or or the product is worth copying you probably wouldn't even get to the point of filing. If you have. It had. In mid mid stage sort of company you can make make calls the various points whether the lines kind of showed up you go actually that worth is it worth it at this point we have an established whether that's a. The product that this patent is covering is is worth it. And it's round about the the. The international filing stage is what we call the. I get this a P. C. Tait avec application which is quite expensive and that's essentially doubles or more less doubles what you what you would on. You would pay. Up front and that's the point where I was it is actually worth it we've got we've had you know 18 months old 24 months. Of you're working out whether there is something. The Shia I hear it with maple might even have a in a market that we've established is it worth the patent some cases maybe not some cases yes but that's essentially decision points you have your making throughout the course of the the patent and at any point you can decide what. Yes southwest maintaining it it's not worth getting it granted whatever. Yep. Yes so essentially runs independently sorry you've you can do whatever you want with your your products in that time of the. The guy makes a little wants to use it what would we do. Our. Well. You can't enforce it you could potentially have a in a contractual arrangement. To license it in a sense my sense that the product. And. Yeah that that's a process that can take a typical contractual situation. Yeah you don't have that there's a reason why you couldn't do something about that in that intervening period it's only at that point when it gets granted that you could actually force against someone that was using it and unauthorized way or something. But yet yeah connect indicative yes. Yeah or like what we have going on hello both like. Please report to see how much is a threat is that because of that and I. It has been granted well I mean this yes yes as long as it's filed and then there's there's a way to connect. Call back any infringement over that period of time. Depending on whether depending on the jurisdiction I think they have different points at which they they say that that is you can enforce it from. By yes so if if someone else is in that intervening amount of time has gone on copy that. Then you could go back and say look at. What can be patented what versus what it's worth patenting. There are technical considerations as the same before you got the option of maybe just having it it's a trade secret maybe as one of just keep it secret by Kathy at the recipe for coca Cola locked in a safe with only 3 people that are the combination that sort of thing. And. There is also patents. I have a set as a sign of a certain requirements so. How do you assess yourself whether it's new is it not obvious is it inventive is it the sort of thing that. Patent office would likely. Thank you this is impeccable subject matter. If you don't take that risk you don't obviously don't file you sometimes you could want to take the risk because it's so important to your business to your neck company that. It it's worth taking the risk even if you don't kind of get over the line. It's just sort of consideration on it at every every. Individual scenario. There is the commercial considerations as a saying the so it's obviously quite expensive particularly once you start to look at different jurisdictions. You have to as the saying establish that there's a market for whatever product you've got. And often it like I say if you're a startup. Don't even know if you have a market you don't know what your market is and it takes a bit of time in order to establish that first. And then there's also the question of enforcing the patent rights because that is also expensive and it's. Significantly more expensive than even a attending in the first place so. So you often can be here weighing up whether it's even worth getting a patent if you con enforce it if you don't have the ability or the desire to enforce it against other people. And. Again kind of strategic considerations am I looking for an investment am I going for a round of funding where you know people might be more interested in in your product if. If you've actually got patents that's the support it and. Are that you know if you are you in a market where that your competitors are actually renting a lot and that could be used against you in which case you actually want your own patent portfolio to have that you know that. Here are I an arsenal against them if they do turn up with a deal with you know a cease and desist sort of type letter. This is this is this I think this is an illustration of just because it can be patented doesn't mean you should. And. Yeah I think I don't know what the point of this is but it's a yeah simulating a high 5. And providing the user with a convenient outlet for the release of excitement sorry yeah not always the best idea to to be patenting. So you can hear me I can't yeah okay so can I take a little bit into. Good morning to patents in the mechanics of how you obtain a patent sopan mentions that if you're gonna get a patent it's a right that you need to register it's not like copyright way you just write some code and Hey presto you on copyright in that code. And you need to file a patent application you you need to go to the patent office the patent office will examine it and I'll say yes we think it makes the relevant criteria or not we don't. I put a hypothetical here it's a chance to show some cartoons and hopefully hopefully generate a little little bit of interest and probably tell topic fuel it it's going to go through you patent validity and infringement at least a couple requirements so you. 33 fundamental requirements for a patent that you have to have an invention that's new. Has to be inventive and has to be eligible subject matter so the last of those eligible subject matter will touch on next because that's a big can of worms for computer programs but the first 2 are pretty universal sorry something that's new and inventive and pretty much whatever jurisdiction you file a patent in they'll have some concepts of decent news is inventive is it not obvious so I will step through that and it'll also cover patent infringement and this is this is just after years and years of hearing people say crazy things about patent infringement about as long as you change something by 10 percent you know going to infringe a patent or you know if I colored in blue instead of red then I'll be a K. E. which just just every. But hopefully we're straight some of those points as well. And we did do it in the context of. A technical subject matter of changes sorry the background for this hypothetical is we live in a world and that's what she does look like that's bullshit of ever looked like this being 2000 years of Czech development and this is the high point of it bear with me I dine I I accept that's not very reasonable but. You know Welch's really suck because you sit down and you fall off them so some brought Spock says Hey let's put a fourth late on this thing and let's let's pretend that that's pretty amazing let's say you know okay is well let's go to that question so is it new well the check before I said 3 legs we go full legs it's new all right that the patent office that newness requirement is really really. Is really really straightforward is there a direct teaching to your invention in the in the body of ops the body of the church of the body of technical documentation there was a public before you filed your patent application so we just said not there's nothing out there that's got full lakes sorry it's new. The question is is inventive and maybe we'll get into that next I can't really my thoughts go he. So we say I can't yet so we saved you and as the patent attorneys say oh well I've never seen anything like this sure UNIFIL technical cation will follow patent application can I guarantee you you're gonna get a granted patent at the end of this 9 can anybody 9 and that's because that prior op basis anything published anywhere in the world by any means before you file I've got no idea what stocking Siberian university honors student faces I don't even know how to search that sorry nobody's gonna be able to tell you categorically yes you can get a patent now you cannot but what we can say is to the best of our knowledge we don't know anything. So the patent attorney com and drops a patent claims so this is the bit that been talked about. Where yeah. Each distinction yep. No that's right so your protection might apply assays I miss you so if you want to protect something in the US you file a patent application in the U. S. otherwise what if the whatever somebody does the U. S. is if your element your patent application we published sorry somebody in the US con Rachel pent up aggression ago I'm gonna patent is because your patent application itself will form part of that prior off base but it's also like it's quite expensive as been mentioned if you want you know if you want to protect your invention in Europe and the US and China and Japan Australia New Zealand you've got 6 different patent applications there which you know a very lot estimate of that is you probably looking at like $10000 a country simply to file save up to 60 K. not even looking at downstream costs of fighting with the patent office when I say wait I think your ideas need. But yeah it's it's jurisdiction based. So you can attend a jock drops your claim that says you're going to have an attorney said the really cool thing about my cherries it's got 4 legs instead of 3 so if an attorney says okay we're gonna focus on that and they say they dropped this climb and been mentioned a patent applications up to 2 sections it's got a detailed description that fills the part of the bottom where you takes the world had to do something sorry that detailed description is drafted up to to be takes out right it if it doesn't take somebody screwed me up how to perform your invention Japan will be invalid. But it doesn't mean it's what your climbing as the I guess the crux of the knob of your invention sorry you know your detailed description might say the legs discouraged to the chip ice but you don't wanna put the fact that your legs are screwed to the Chad basin a patent claim right because you don't want somebody saying we've nailed it sorry thank you very much we don't infringe we haven't you stories so the clients become a much more general general description of the invention and we end up with something that says you got to say if at least 4 legs secured so they can use that site is like ours until. If that makes any has said okay we're gonna broaden this out a bit we don't want to say for now in the full legs of course because somebody puts 5 legs on it. You know we still want to catch that. So we dropped it we file it. You go to examination and examine it picks up the space of prior operator searching searching searching and I find in the in the depths of the prior art space they find the citation and I say Hey we don't think your claim is novel we I think this thing is news. Because of the space of prior. So what do you do you go back to your client you don't go to your detailed description inside but hang on my chair looks a lot different therefore I can develop Patton you go back to exactly what you've climbed and what you find is a chair with a seat at least 4 legs. And I reckon the examiners got you at this point right. To me that looks like a state with at least 4 legs so that claim is too broad. You cannot claim something that already exists in the prior. So you got a patent attorney say okay what are we doing now and the patent attorney says well. We've got a couple of options here given what you came to me with the because we drafted a good patent application for you one option is we could focus on the backrest okay so if we go way back when. Pre existing chase didn't have a backrest ought so you might say okay well this is something that was new of the chase when you about. And it's new over the citation so we can focus on the backrest. That's the first time option. Second time option is but the second time option. Well sorry first time option is not the Packers fans kind of sin is legs that are vertical and second time options about Chris so. Again you've got a couple of options here that are going to at least for that novelty consideration right at least for this black and white Russian distinguish your claimed invention over the prior. And either of those you say yep there's nothing problem with novelty. Is the examiner can have a go at you and say well we think it would have been obvious to take these cross like a chair and make the like surgical. Maybe but that's the fun you can have right obviousness is a much more subject subjective tests the novelty obviousness becomes very hot because. Well because of hindsight mainly it's very easy to look at something and say odd now that I've seen it of course it would have been obvious to do these. Well how to do it. Before you sign the end result sorry maybe you get into an argument over this this may be done spot by the way we've got to potential clients here K. one chair with vertical legs tonight backrest to a chair it's got a backrest and we don't really care how many lakes because now we're not relying on the number of legs to distinguish us were lying on that back Chris. Have I lost people people with me. Yes. So. It'll give. And then it was trying to. Having some of that was that was going to. Trying to maximize. What I write on the other side. Yes all right well there's any number of scenarios a which was part of the part of the reason you do it for something like this it's probably somebody who says. Well so what what the scenario usually is is a somebody walks in and says Hey I've got an idea that is gonna change the world and it's gonna make me millions but it's only gonna make me millions if I've got some kind of exclusivity over it because if if if the world loves my chair and I paired it with protection without any protection then. I shouldn't use any nines fan furniture company I it's going to come along they gonna take the benefit of my intellectual thought on this very much be given may so you know what they can afford to sell this chair at a loss for the first 5 years and kept me out of the market and I get nothing where is if I get a patent I get to go to company X. inside none and I sorry you cannot produce a chair that's gone at least 3 weeks on the back press because I'll see if a patent infringement. All the game plan might be I want to go and talk to company I and I want to say Hey I've got this great idea for a chair if you want to mass produce it go right ahead a loss and see my patent application and you give me $3 for every J. manufacture. Sorry. You got 2 options there that kind of diverge and we got a check and then it will go to check guy who's really convinced that this is the next big thing they want to spend the money so I say okay let's do both of these so you end up with one patent the claims a chair having at least 4 legs that are substantially vertical so they're not criss crossed legs away still like I have the Primeira. And we didn't install the separate patent that's got a chair with at least 3 legs and a back rest again distinguish over the prior rot rot that's something different in both of those clients. So we get out patents we put a chair on the market the competition comes along and says okay I'm gonna do this. We have 2 patents can we do anything about that. Anybody. 9 he stands right now. And you can kind of figure that out right there was a piece of prior art that was cited against you he would be a pretty flawed system you may be full system anyway but it would be a very fluid system if you could retrospectively protects something that already existed sorry you got your patent attorney and say oh my gosh the positions doing these independent and he says to have done it don't even think about it and on the legal side that comes down to you split between a classic dilemma hi the your patent claims of ballot. In which case discount possibly be covered by them. Or your patent claims are invalid. Because your patent claims cover something that already existed sorry you just cannot do anything about this. Stupid but not not being very generous. I'm. He is the second the second example somebody comes out with this chair that's got 4 splayed legs. So the second patent we got talks about a backrest sorry there's no backrest there there's not a there's not a potential argument that this chair for just a second patent. The first patent we putting this limitation that the that the chase extend substantially normal to the seating plying. So then you get into a big argument as to well what's substantially normal how much is substantially normal is an angle of 30 degrees normal or not. Maybe probably not. Who the hell knows what approximately normal substantially normal mains and really again not being very generous that's that's probably a patent attorney who should have done a better job at distinguishing the the straight leg sources the cross legs so that's the sort of thing you want your patent attorney should be relying on to be looking at the language of the claims and to make sure that somebody cannot designed around them too easily. Sorry maybe we can see the competition on this one maybe we cannot if we do it's not gonna be a clear cut case because they'll be a huge argument about what's essentially a woman's. Yeah. Adam you're able to challenge how it's interpreted is that what you mean. My information. I mean all the. I find that it's not a problem right. It was I think one of the people. Yes absolutely sorry the life cycle of the patent is that first step is the patent office who looks at it and say is do we think this is valid or not if the patent said if the patent office says yes we think it's valid we trotted your patent really that's a a prime a facie validity anyone can still challenge that down the track by going to court and almost inevitably what happens is if you want to sue someone for infringing your patent the very first thing that I do is say okay we're cancelling for revocation because we think your patent is invalid and that sort of the challenge is based well it's based on the sort of thing it's based on the language of your claims is too broad it encompasses the prior ops or it might be you know you claimed an invention but you haven't actually taught the world how to how to achieve that invention sorry it can absolutely be challenged down the track and and often will be. And that's where patent patent is really challenge because that's where the money is the money is front and center as opposed to a patent office we've got a government employee who's been assigned 6:00 hours 10:00 hours whatever it is to look at a patent and make a decision on. Sorry the third competition again this one seems to be clear can we see these guys yes you know you've got at least 4 legs well you can see them on Patton won at least 4 legs that pretty much straight you get the pixie counties Benton city. That one you can say because of the backrest. That one. I don't know what the hell it is it could be a try it could be a chair. I think you want to do this sort of situation you want to figure out what it is because if your patent on it comes to you and that's you know serving try that see speak he might say well should look he yes we can have a go at it if you really really want to. What we run into the highway is if we have a go at these and it's effectively a serving platter the very first thing that the person who we serve dogs is they go inside okay the patent owner wants to adopt a really broad construction of what the word che and mains so I'm gonna go look a prior I doubt that's not in the chair I mean look for anything that's got a horizontal surface and fry that \*\*\*\* and all of a sudden you get serving platters you get dole's furniture you get I've got no idea what else but you kind of he is live and die by you Skype you cannot say I want this to be really really proliferate for engine purposes but I only want to be really really narrow facility purposes if you want to proclaim you live by that for the validity and it gets that much easy to knock out. Sorry you know it again. I don't know maybe save 90 died. Can what's in front of a superbly Sinai. So now. I'm designed version 2 of my chair my even better a chair and I decide these things really suck they're expensive I don't like them is too much uncertainty sun is going to go to market so I throw it out put in the market right. And then I get a letter from somebody else who says Hey your fringing Mike Patton. We've got a patent out on seats it's got a seating surface it's got a bunch of legs and it's got a least one onerous. Okay okay but hang on I had a pet knows my chest had a healthy somebody suing me for infringement of a patent. Charlie Mike Patton gives me a right answer to exploit my invention. Which is not on the case. So this is where you end up with that negotiation this tool chest thing the band talked about so I put a patent on a chair with 3 legs in a backrest or full vertical legs. But these guys have got a patent for a chair with armrests. So you look at these guys spend and you say well we didn't teach risks anyway so you know what we've got no basis to challenge the validity of their patent. Your even better check your vision to chair has clearly got arm rests so you infringe this thing. But the interesting point is that the knowing check company they can't actually sale manufacture market their chair in the jurisdiction you protection. And the reason for that is it's quite clear I mean there's a chair there with full economic so clearly falls within the scope of your patent. So that's where well a couple things happened so. I'm sorry for for a full exam the backrest. So you go back to them and say. Okay well you probably wouldn't concede defeat you say well that's really interesting but by the way you can't manufacture your chair without infringing Mike Patton sorry. You find some way to co exist you know I may decide what it we join forces and we'll have a nice little G. walkway over the chair market for the next 20 years maybe say look you sell your chairs and done so in may and also my chairs and I won't see you and we'll just leave happily ever after. Maybe you say I can deal with that. Without right so I'll remove my chair and all this cake cake I mean version one. But I think the point is that at least you've got patents so you've got something to go back to them and say he's a reason for you to stop talking to me in a way that isn't the end result isn't simply I'm gonna take my product off the market. Yep. Sorry blah blah blah generic estates flurry of legs at least one rest. And a bunch of language defining the nature of the arm rest. View at because my even better a chair. That might the version 2 of my chair that I put in my mind on the market. Has the arm rests. Yeah exactly. Hi. Yeah we can't get it by if I say go why and unless you know you go down invalidity proceedings etcetera I'm limited to selling version my version one share until they patent expires. Are your thing. No. 9 sorry because. Their patent. Winds that onerous. So the office K.. Unless you in the knowing check company get together and do some cross licensing or some code systems agreement I can't sell it because I need their patent for the arm rest I can't sell it because I need my patent for the backrest. Yep. I think that's the end of my. My hypothetical except for my. Read it back to annoying check code which doesn't say anything much. Is that. Kind of makes sense on well novelty in an invalidity at least obviousness we didn't really go into obviousness is it's a bit of a vexed issue and it all comes down to a question all of. At the priority date of the patent so you could take your pet never case was first filed would have been obvious to a person of ordinary skill in the ops given the prior art information to achieve your invention. Side with this chair you know it's super tempting to say. Well chase with 3 legs are out there and. Hi of course it would have been obvious to add a fourth like for stability. I don't know what the counter item to that well I do know the counter items that is the Canada games that he's. Mr Mrs examine a point me to a check points or something the prior out any way that suggests adding a fourth thanks to a chair. And by the way this from the chase has been 9 for the last 2000 years so if it's so blatantly obvious why is that nothing that you can point me to. Even that might or might not work because we're in the realm of subjectivity but the E. stop to formulate arguments on obviousness or inventiveness. That's a lot of flights. So touched on the third requirement as well right so we said 33 fundamental requirements are going to be new and inventive this is third requirement of subject matter eligibility which is really a threshold question that most your restrictions around the world introduce and it's a it's a white the government saying there are certain areas of technology that we don't want you to be able to protect all the wind up going to crop monopolies ida. Irrespective of how new and inventive the scenes so it's just the government saying no you we will not give you protection either these there's a couple of controversial areas naturally occurring biological material genetic sequences you know you can you can you patent the chain 9 stem cells human beings and the process is for the generation. They're they're ones that typically come up you know as a stray yeah has restrictions on these the strategy will not let you patent as a human being or a biological process for the generation of human beings. If you go to the patent office with the most inventive thing ever and they're gonna say not. Thank you have antibodies you cannot have protection for these. It's also the area where there's lots and lots of debate about about software patents in computer computer inventions it's typically where the where the debate rages sorry in my view it's entirely the wrong place for the debate but I'll look at my view out of for the moment sorry business methods computer implemented inventions often full fat out of is it eligible subject matter as a threshold consideration and the reason of throwing business methods in here is because by and large business methods of one flavor of computer implemented inventions and that's because the business method claims so we go back to what you're claiming it's just cut it off and have some. Generic and entirely gratuitous at times note to computer technology and maybe that's you know we've got a great business method that involves doing a B. and C. and I I grab data from C. out of a database for I use a process that to calculate the snow go to custom at least and it's stored in a computer. And it's because of the way these things require facings involved which was. 1520 years ago the moment you put a computer into applying the patent office said that's not a business method that's okay it's a computer now so you end up with these claims they're not really they're not really software it's just using computers what they meant to be useful. And then getting caught up in all of that is the rest of computer software which ranges from you know well it is a huge trying to maybe get a few examples he. Sorry. Some jurisdictions do this legislatively Europe is an example fed the European patent convention says you cannot protect software per se. This I hop the number of forests that have been killed over defining what that parasite mains is horrendous so it's not it's not really clear capital but where it comes down to in your PC you need to have some kind of technical advantage you making a computer operate fast your doing something more efficiently there's more security whatever it is. New Zealand interestingly have adopted something similar and I've given a. A very funny example in their legislation that would have a time in the actual legislation which basically says if you've got an embedded control in a machine that's okay but otherwise it's not so if you've got a washing machine with control of influence some kind of fuzzy logic to to wash your clothes and your claim is to use that method that washing machine that includes a controller doing it the New Zealand Patton of society yeah okay that's. Fundamentally eligible subject matter provides you an inventive you can have a patent. If you have that peace of logic sitting on a server and your washing machine is connected via the internet to a server. At that point in using the patent office says on a night that's that's off with her side of the computer program to a size so you can't protect it. Sorry to me it just highlights. Kind of one of the absurdities of where this is all got to at least in some jurisdictions. Some jurisdictions do by legislation others like a stray yet they leave it to the courts right in the U. S. of I think a very general legislative provisions provisions which throw back to the courts decide you figure out whether a particular type of technology is patent eligible on all S. been done quite deliberately to try an account for the fact that technology is going to movies techno is gonna move fairly quickly legislation moved very slightly sorry you don't want to have legislation that says you cannot patent software. And in 5 years figure out well actually we do know that patenting for software and then 10 years after that you finally get the legislation changed to to catch up sorry some jurisdictions that's effectively decided by the courts. It's a really complicated area of patent law it's complicated as a whole it's complicated because every jurisdiction is a little bit different and it's complicated because it's so volatile we had a decision in the stride the it just 2 weeks ago. Which were still coming to grips with the the US has been dealing with it for since a big decision the U. S. for 5 views which is saying the pendulum swing from essentially you know anything that has a computer and it is rejected as being an abstract idea to something that's more reasonable now. So rather than try and you know give you a whole bunch of information that you'll either not listen to a forget as soon as I've given it to you I think on computer related inventions I just say it is complicated. If your invention is something that gives you technical advantages sorry you know a you taking something's been done before and you were doing it in 90 percent of the processing cycles that it was done you can look at it you can say it's really technical we've just created an advantage in this computer if I'm gonna be okay if you taking a process and sighing yeah yeah they used to be online transactions if you go through this particular message passing the security is improved you start to look at technical advantages if all your advantages of business advantages you're probably not going to get that you're gonna have a hard struggle before the patent office. And it leads to another office in my view where. At times it's better to be the second here than the first and what I mean by that is I think if you're in Europe and you A. bye you were the first online marketplace she went to Europe the European patent office and said we've got software that. Posts that post something societal receives an off closes out the offer and arranges for the transfer funds I think the European patent offices well that's all business you know yes you've done a computer but really who cares this is just a 9 business process. You can't have a. If you come along next and say oh yeah we took their invention but now it's a whole lot more secure because we added this overlay of whatever it is you get to start arguing with your panda patent office that it's nothing about financial transactions anymore that's just the context what it really is about making a technical improvement to something that existed previously sorry it's a bit of an Old World but if you've got technical advantages you're looking good. The business advantages not so good and as a whole raft of stuff in between. I will hand back to ban. I have a. Sir I think just want to give some examples some actually kind of concrete examples of of patents in a kind of a software. Context. Because I think it gives you an idea of. What sort of you know technical problems that they're addressing. And so the first example is this page rank 1 which is the famous Google patent from 1998. And. The basic idea as you may know is that was that you would. You could create a hierarchy of of documents bye bye. Order by link popularity so the more links the page had the the more popular it was in this year should be ranked higher feuding is such on on on those documents. And the third page rank algorithm making you can kind of say it's. It's it's very mathematical but there's a it's it's to your to leaks so it's a mix of documents so even though it's a kind of abstract in a sense of being quite mathematical it's actually creating the the rank of documents so it's applied in a specific context of of doing as such sorry so it. You know you could argue that it's maybe a little bit abstract but it it the it got over the line because it's an application in the specific context of of links and I mean I think the algorithm itself. Was was actually an old recently old one I think from then that the. The date something in like the 19 seventies I think that had established that yeah citations between documents you could you could act actually analyze and and work out which which documents website and more in the full advantage so it's just essentially by thought but within the context of a you know such engine it's quite different you're providing it at solving a different problem and so the full year the patent was granted. So I thought I might get some. And all the chain a fake because to have a bit of a guess as to what this one 's about. Sir maybe just have a quick rating now. Take any. Suggestions thank yep. Yes. I get very very mathematical so it's you've got a. Essentially yes like the mathematics of of our say. And that was 1 that was filed in 1977 but it again it's a very specific application of the mathematics it's not just purely saying like you know this is a a mathematical formula you're actually applying it in the specific context of cryptography and determining a a a a cricket message. So the example. I guess this. Yeah it's like a to the medications. At certain sites to medications now it's MP 3 player it's. It was. But taking kinda similar you know that similar. Mathematical transformations that you make in telecommunications and applying a specific context for MP 3. I'm. Because you could reduce the the the contact down to a very small amount of. And. Maintain most of the the the content a small. File. Ends. Everyone moved. This is about probably Estrella is most famous Patton. Yep. It is. Say this is our maids something in the order of $500000000 out of this button. And yet this is again it so about how. You've got 2 different radio frequencies which essentially working out how to. Prevents the hole in the area in a vehicle like. Reflection and working out how that that those reflected signals are interfering with the different. Weblinks that say the radio frequencies that side. I think at the time that the inventors had no idea if it was going to be as useful as it was but that the various. Chip manufacturers had incorporated this method. Into the wifi chips once without even knowing about it and it's only later that they discovered it and that was a big cut US. Court case about it and he eventually though that does determine that yeah that was a part of the. The is a. It was discovered it covering the on the wifi chipsets. How do I find the chipsets side yes I made a lot of money out of that one and I think it's a fairly recently expired so sadly face yes I heard that that money is a. In the not getting it is as much as they were. Searches I guess some examples of of patent claims I think in any kind of software you know computer context yes they can be applications of of mathematics in a particularly those 3 have kinda indicate that they are. But there is specific applications of the solving a specific technical problem and it for that reason it's they are the same as inventions as opposed to say like abstract ideas for you know kind of met life generic connect computer. Steps. Don't have a car to get. All of. I'm. This one wouldn't but I suspect that they've got. Other. Patents which would cover that so that it would work maybe slightly differently for different spectrums spectrum. Yet potentially yeah so that would be one reason well that it's just a completely different method and sorry it works differently at a high spectrum that would be a lower spectrum Sir it's just. So that the inventive concept would be different. Sorry. Yeah. The governor's. Any other questions about. Well I think that's pretty much it I would say don't have any other questions generally about. Yeah right. Right exactly. Intentionally fake to a certain extent. What happens more with patent trolls is that they are not produce it's so that they don't actually have products what they do is they just go about you know configuring U. S. not so much here. They will go and like just the choir patents and then go and start enforcing them against others so that's a big thing but it's it's also much intentionally vague it's just that that's. Sibly what they how they were drafted in the first place and the patent troll could take advantage of that because they don't actually the not that there's no skin in the game for them it's just that they're just trying to here in force that they have the patents that they have legitimately against someone else is that a product producer when they're not sorry yeah it's a pretty pretty controversial area software because. You could end up in the days to patent trolls can acquire these patents which might be quite poorly drafted. At and then enforce them at the expense of the of the person that has the actual product has been going on all the hard work 7. It says sunset. Challenged. So for example. Thanks for. If there are any more. I don't see. I'm. I mean yes you could challenge it in a in a in any conduct but litigation setting in a and a court I just say that you know that the situation in other common law jurisdictions like Mr sterling US UK Canada I just say look you know this is the eighth the wrong interpretation that was given at the time but you know it's quite clear now as a result of you know new developments that. Do I maybe does harm to that it shouldn't have been granted. And it shouldn't be eligible for for patents so that could happen yes. Does it happen much better does it I don't think it does I think they really challenge it in that sense but what happens is people challenge the interpretation. All of. The law at that point and say look at her this is the wrong interpretation his new interpretation use that instead and then you know depending on how the the courts. Your end up siding one way or the other in the clip could end up in a changing the law in that respect. The other questions.