FPA Patent Attorneys

Intellectual Property

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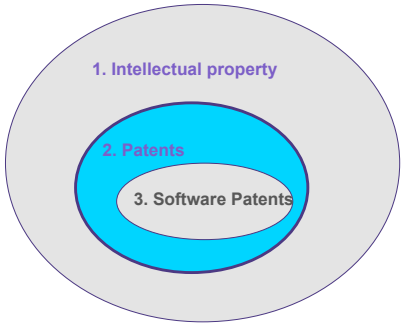
Overview



Intellectual property

"Patents and copyrights are the legal implementation of the base of all property rights: **a man's right to the product of his mind.**"

"What the patent and copyright laws acknowledge is the paramount role of mental effort in the production of material values: these laws protect the mind's contribution in its purest form: **the origination of an idea**."

- Ayn Rand in Capitalism: The Unknown Ideal

Intellectual Property

How they differ:

- What they protect
- Duration
- How to acquire
- How to enforce

Intellectual Property

Patent

- Protects functionality
- Duration up to 20 years
- How to acquire
  - Practical utility
  - New
  - Non-obvious
  - Eligible subject matter
- How to enforce
  - Falls within the patent

Intellectual Property

Design

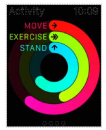
- Protects appearance
- Duration around 10-25 years
- How to acquire
  - Not identical or substantially similar
- How to enforce
  - identical or substantially similar


AU design no. 342337


AU design no. 331716


AU design no. 334926


AU design no. 333713



AU design no. 360961

› Technology Intelligence

Apple fires employee after daughter's video of iPhone X goes viral

share Save 7

Apple's iPhone X in the new leaked footage CREDIT: YOUTUBE

Intellectual Property

Trademark ®

- Protects brands
- A sign capable of distinguishing a trader's goods/services.
- Duration indefinitely
- How to acquire
  - First use in commerce
  - Honest concurrent use
- How to enforce

substantially identical and/ or deceptively similar

Intellectual Property

Copyright ©

- Protects Expression of an idea. Literary, artistic, musical, performance…includes computer programs (in C++, Fortran, etc)
- Duration until death+70years
- How to acquire
  - No registration required
  - Original work upon material form
- How to enforce
  - Substantial copying
  - Will not protect against independent creation / function

Intellectual Property

Trade secret

- Protects confidential information
- Duration as long as can be kept confidential
- How to acquire
  - Information imparted under an obligation of confidence
  - Information has quality of confidence
  - e.g. closed-source software?
- How to enforce
  - Unauthorised use or disclosure
  - Detriment
  - Ineffective against reverse engineering or independent formulation

Why patents?

A legal contract:

Between the patentee and the government

Right to exclude others from exploiting your invention for a fixed period

In return for a full disclosure of the invention

Why patents?

Patentee's perspective: Encourages R&D (e.g. pharmaceuticals)

Society's perspective: Encourages disclosure of incremental inventions

Government's: International obligations:

- World Trade Organisation
- TRIPS agreement – minimum standards for IP

"*Subject to [some exclusion], patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application…*"

Why patents?

Patentee's perspective:

Sword

- Royalty
- Cease & desist

Shield

- Deter competitors
- Create risk and uncertainty

Treasure chest

- Negotiate
- Increased valuation
- Attract capital investment

Who owns a patent?

Ownership

- Inventor
- Employer
- University

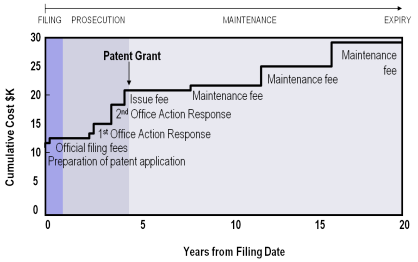
Assignments

- Transfer of ownership

Licences

- No transfer of ownership
  - sole
  - exclusive (not even the patent holder!)
  - non-exclusive

Costs & benefits

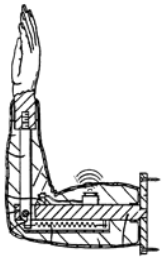


(Source: http://timreview.ca/article/501)

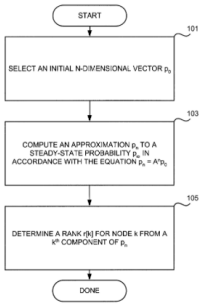
US 5356330 (1994)

Apparatus for simulating a ‘high five’

...providing the user with a convenient outlet for the release of excitement



US 6,285,999 (1998) Google’s PageRank patent



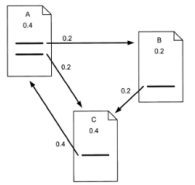


FIG. 2

The basic idea was that information could be ordered in a hierarchy by “link popularity”; the more links a page had, the more popular it was, and thus should be ranked higher.

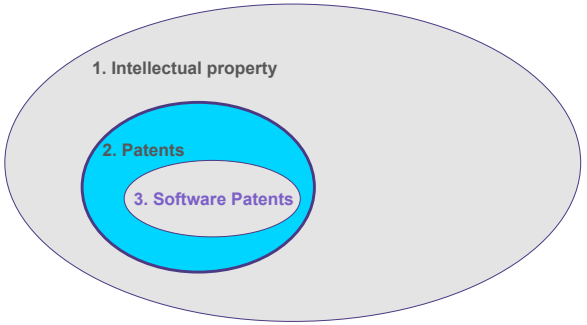
What can be patented vs what is worth patenting

Technical considerations
- Patent vs Secrecy
- New & non-obvious?

Commercial considerations
- Costs of obtaining patent rights
- Is there a market?
- How do I enforce patent rights

Strategic considerations
- Do I want to attract capital?
- Do my competitors patent a lot?

Overview



Patent claim e.g. #1

A method for establishing cryptographic communications comprising the step of:

encoding a digital message word signal M to a ciphertext word signal C, where M corresponds to a number representative of a message and

$$0 \leqq M \leqq n-1$$

where n is a composite number of the form

$$n = p \cdot q$$

where p and q are prime numbers, and

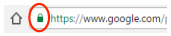
where C is a number representative of an encoded form of message word M,

wherein said encoding step comprises the step of:

transforming said message word signal M to said ciphertext word signal C whereby

$$C \equiv M^e \pmod{n}$$

where e is a number relatively prime to $(p-1)\cdot(q-1)$.



MIT, US patent no. 4,405,829, filed 1977

Patent claim e.g. #2

A method for diminishing cross channel interference in a data reduction process during the transmission and storage of digital signals from N dependent channels, the method comprising the steps of:

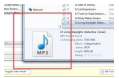
transforming blockwise scanning values of signals from the time domain into the frequency domain in spectral values, said spectral values being encoded, transmitted and/or stored, decoded and transmitted back in N channels in the time domain;

determining a single quantity which is a measure for an overall spectral separation between the different channels, based on the spectral values for corresponding blocks of the different channels;

comparing the quantity with a predetermined threshold;

performing common encoding of said channels when the quantity falls below the predetermined threshold; and

performing separate encoding of said channels when the quantity exceeds the threshold.



Fraunhofer-Ges, US patent no. 5,812,672, filed 1991

Patent claim e.g. #3

A method for transmitting data in a confined multipath transmission environment at radio frequencies in excess of 10 GHz,

said data being provided by an input data channel coupled to transmission signal processing means in turn coupled to antenna means,

said method comprising the steps of:

modulating said data, by modulation means of said transmission signal processing means, into a plurality of sub-channels comprised of a sequence of data symbols such that the period of a sub-channel symbol is longer than a predetermined period representative of the time delay of significant ones of non-direct transmission paths; and

transmitting, by said antenna means, said sub-channel symbols at said radio frequencies in excess of 10 GHz.

CSIRO, US patent no. 5,487,069 , filed 1992

Thank you.

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