

**Value
Creation**

**Value
Capture**

**Value
Exchange**

You can't sell what you don't own

Nemo dat qui non habet

“No one can give that which he does not have”

Receiving ownership

Copyright	Trademark	Patent	Industrial Design	Trade Secret
Original creative work Code, writing, sound recording, web pages, images, signals etc.	Brands & slogans Words, logo designs, tastes, scents, sounds, etc.	New, useful, non-obvious invention Processes, products, machines, chemical compositions, etc.	Visual features Shapes, patterns, configurations, ornaments, etc.	Invention, business methods Business knowledge, processes, inventions, recipes
Life + 70 years	10 years + renewals	Up to 20 years	Up to 15 years	As long as secret

Signals

Copyright ©

© Emily Bishop, 2024

© Everybyte Digital, 2024

Trademark TM

Everybyte Digital™

Registered trademark ®

Everybyte Digital®

“This <insert> is protected by <insert law>”

“All rights reserved”

Receiving ownership

Protecting ownership

Proving ownership

Transferring ownership

Actions

Building evidence records

- Project journals
- Internal IP database
- Labelling internal documents
- “Chain of title”

Limiting/confining access

Watching for uses by others

Receiving ownership

Protecting ownership

Proving ownership

Transferring ownership

Actions taken

Showing vigilance & diligence to protect

Having organized records

Registering rights when appropriate

Receiving ownership

Protecting ownership

Proving ownership

Transferring ownership

Receiving ownership

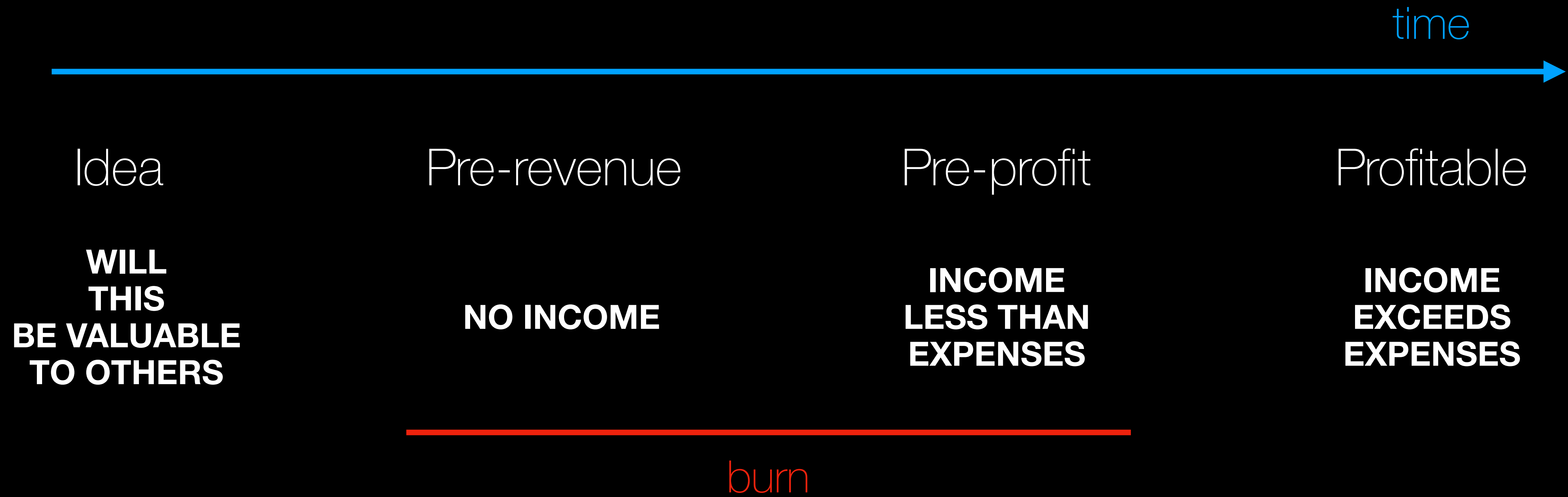
Protecting ownership

Proving ownership

Transferring ownership

For revenue

Company growth stages



Evidence of potential value

Offensive strategy

ORIGINALITY

PROOF OF INTEREST

CONFIDENCE IN CAPABILITY

Defensive strategy

NO INFRINGEMENT

PROOF OF CLAIMS

STEPS TO PROTECT

Transferring Intellectual Property Rights

Complete product = layers of rights

ACQUIRED RIGHTS

TRADE SECRETS

CREATIVE PEOPLE

ORIGINAL WORKS

Receiving ownership

Protecting ownership

Proving ownership

Transferring ownership

1

Sell whole bundle

2

Sell % ownership in whole bundle

3

Permit use of whole bundle by others

Digital products have infinite supply

“the revocable permission to do something that otherwise would be unlawful”

A License

“the licensor”

“the licensee”

“the license” or “the agreement”

“license fees” or “royalties”

Term

Territory

Treatment of third parties

Termination

Cash

T4C

Term

Date to date

Event to date

Territory

Event to even

Treatment of third parties

Termination

Cash

Term

Territory

Treatment of third parties

Termination

Cash

Everywhere

Certain places

Certain channels

Term

Territory

Treatment of third parties

Termination

Cash

Only them

Them + others

Them to others

Term

Territory

Treatment of third parties

Termination

Cash

Date?

Circumstances?

Actions/inactions?

Return/disposal?

No dumping

Term

Territory

Treatment of third parties

Termination

Cash

Flat fee?

Guarantee?

Each sold?

Expenses?

Advance?

Cap/change?

Others (not all)

- Persons who may/may not use the asset(s)
- Specified exclusions - “carve outs”
- Right to copy - e.g. backup/tests for compatibility/translation
- Right to modify - e.g. translations, adaptation to other platforms/codes
- Reporting details and intervals

Example forms of licenses for technology

Contracts/End-User License Agreements (EULAs)

Shrink-Wrap Agreements

Click-Through Licenses

Subscriptions/SaaS

OEM/Bundling Licenses

Open Source Licenses

Freemium Models

Royalty-Based Licenses

Site/seat Licenses

Enterprise Licenses

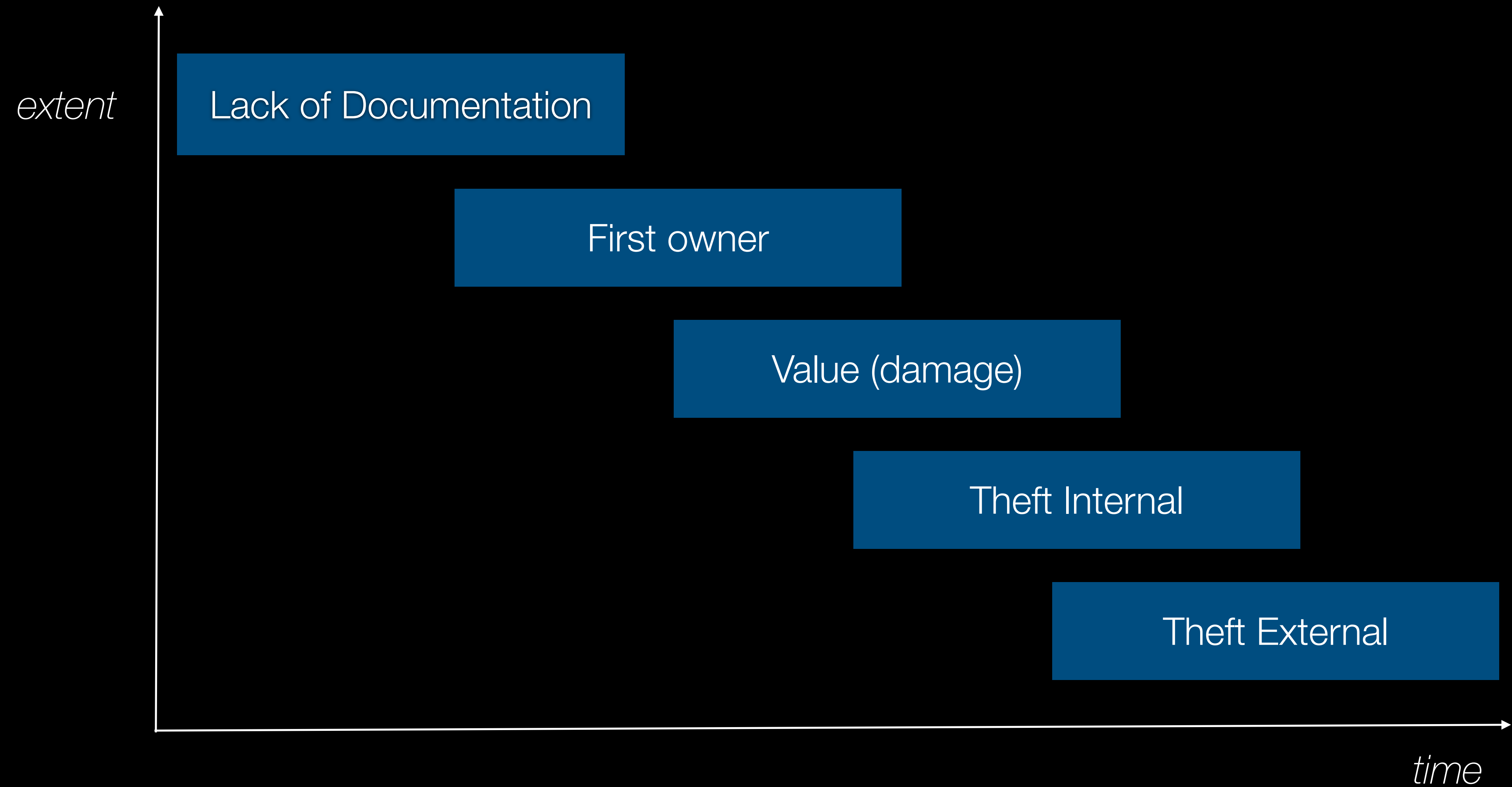
Threats

To the creator

By the creator

TABLE 1: Offences involving attribution

	Plagiarism	Copyright infringement
WHAT IT IS	Presenting work by a 3rd party as your own	Using someone else’s work without their permission
WHY IT’S WRONG	Deceit	Unjust enrichment
WHAT HAPPENS	Academic & workplace penalties	Civil & criminal liability



Threat mitigation

COMPETITORS

Litigious? Blockers? Bigger?

MARKETPLACE

Local? National? International?

ACQUIRED WORKS

Obligations/rights?

EMPLOYEES/CONTRACTORS

Acknowledgements & assignments?

IP strategy fundamentals

- Written rights agreements for employees/contractors
- Non-disclosure agreements
- Project journals
- Protection protocols for code, valuable methods, customer data, etc.
- Signals and notices where applicable



Canadian Intellectual Property Office

The Canadian Intellectual Property Office (CIPO) is a special operating agency of [Innovation, Science and Economic Development Canada](#). We deliver intellectual property (IP) services in Canada and educate Canadians on how to use IP more effectively.

Follow:



Latest

Next Generation Patents (NGP)

Coming this spring: MyCIPO Patents

Black entrepreneurs and IP

A new page for Black entrepreneurs looking to apply for IP!

- [Women in Entrepreneurship panel](#)
- [Join the legacy of Black Canadian inventors!](#)

[All notices and updates](#)

IP rights and services

[Trademarks](#)

Trademarks database, application process, fees, trademark agents, forms and the goods and services manual

[Copyright](#)

Copyrights database, copyright registration, fees and forms

[Intellectual property databases](#)

Canadian IP databases and downloadable bulk data

[Patents](#)

Patents database, application process, fees, patent agents, forms and expedited examination

[Industrial designs](#)

Industrial designs database, application process, fees and forms

[Services for patent and trademark agents](#)

Information on online statements, opening a deposit account, and IP legislation and resources

Most requested

- [File a new or amended trademark application](#)
- [Apply for a patent](#)
- [Register a copyright](#)
- [Apply for an industrial design](#)

Contact us

- [Canadian Intellectual Property Office](#)
- [Send us your feedback](#)

References

- [1] “Intellectual property in Canada,” *Canadian Intellectual Property Office*, [Online], available: <https://ised-isde.canada.ca/site/canadian-intellectual-property-office/en/intellectual-property-canada>
- [2] *Canadian Intellectual Property Office*, [Online], available: <https://ised-isde.canada.ca/site/canadian-intellectual-property-office/en>
- [3] A. Cochran, “Valuation and verification of intellectual property as the principal asset in a security interest transaction,” MEC thesis, Faculty of Computer Science, Dalhousie, Halifax, 2005