

# An Introduction to Intellectual Property Law – Pt1

fieldfisher

David Knight – Intellectual Property Group

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# Intellectual Property Law

- What do we mean by ‘intellectual property’ (IP)?
  - From the Oxford English Dictionary - *“Intangible property that is the result of creativity”*
- Business tool:
  - Raises barriers to entry
  - Protects your (or other people’s) investment
- A method of rewarding and encouraging creativity and innovation
- A legal framework to protect and enhance commercial reputation

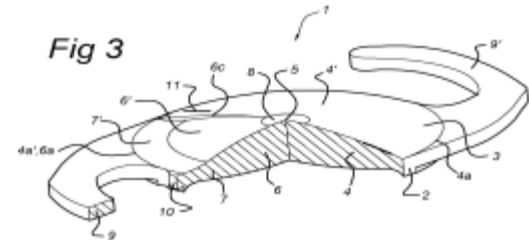
# Intellectual Property Law

- Types of IP rights
  - Patents
  - Copyright
  - Designs
    - Registered designs
    - Unregistered designs
  - Trade Mark
  - Confidential Information



# Patents

- For products or processes with technical characteristics
- Duration
  - 20 years (annual renewal fees)
- Requirements
  - new
  - inventive (i.e. not obvious)
  - capable of industrial application
  - not in excluded classes
- Has to be applied for and examined by a patent office
- Many patents are to new and inventive combinations of old things



## Excluded Classes

### Section 1(2) of the Patents Act 1977 (PA77)

- Discovery, scientific theory or mathematical method
- Literary, dramatic, musical or artistic work or any other aesthetic creation
- Scheme, rule or method for performing a mental act, playing a game or doing business, or a program for a computer
- Presentation of information

only to the extent that the patent relates to that thing as such



## Structure of a Patent

<b>United States Patent</b> [19]		[11] <b>Patent Number:</b> 4,833,729
Fox et al.		[45] <b>Date of Patent:</b> May 30, 1989
<b>[54] SHARK PROTECTOR SUIT</b>		
<b>[76] Inventors:</b> Nelson C. Fox; Rosetta H. V. G. Fox, both of Ferry Reach, Anchorage View, St. Georges, Bermuda		2,981,954 5/1961 Garbellano ..... 2/2.1 R 3,136,155 6/1964 Boud ..... 2/2.1 R X 3,832,470 9/1974 Greiter ..... 2/79 4,055,174 10/1977 LeVasseur ..... 2/2.1 R X 4,356,569 11/1982 Sullivan ..... 2/2.5
<b>[21] Appl. No.:</b> 711,280		
<b>[22] Filed:</b> Mar. 13, 1985		
<b>[51] Int. Cl.<sup>3</sup></b> ..... A62B 17/00; A41H 1/02; A41D 1/06		
<b>[52] U.S. Cl.</b> ..... 2/2.1 R; 2/2.5; 2/79; 2/75; 2/69		
<b>[58] Field of Search</b> ..... 2/67, 70, 2.1 R, 2, 2/69, 160, 161, 16, 79, 46, 2.5, 22		
<b>[56] References Cited</b>		
U.S. PATENT DOCUMENTS		
463,477 11/1891 Boucher et al. .... 2/2.1 R 1,102,772 7/1914 Lyman ..... 2/2.1 R X 1,289,839 12/1918 Lowy ..... 2/2.1 R X 1,813,965 7/1931 Storz ..... 2/67 X 2,749,551 6/1956 Garbellano ..... 2/2.1 R		
<b>FOREIGN PATENT DOCUMENTS</b>		
1011502 7/1977 Canada ..... 2/163 905234 3/1954 Fed. Rep. of Germany ..... 2/161		
<b>Primary Examiner</b> —H. Hampton Hunter <b>Attorney, Agent, or Firm</b> —Berman, Aisenberg & Platt		
<b>[57] ABSTRACT</b>		
A shark protector suit of the invention is a combined rubber suit and helmet to completely cover the body of the wearer, including a face mask for facial protection, and preferably having at least a partial lining of flotation material, such as foam sheet. The suit and helmet have a plurality of spikes extending outward therefrom to prevent a shark from clamping its jaws over the wearer.		
<b>12 Claims, 4 Drawing Sheets</b>		



## SHARK PROTECTOR SUIT

## FIELD OF THE INVENTION

This invention relates to body protection suits for wearing in shark-infested waters.

## BACKGROUND OF THE INVENTION

Known shark protection and underwater suits have not provided sufficient deterrence to sharks, since sharks are able to clamp their mouths around the limb of a person in the water.

## SUMMARY OF THE INVENTION

A shark protector suit of the invention is a combined rubber suit and helmet to completely cover the body of the wearer, including a face mask for facial protection, and preferably having at least a partial lining of flotation material, such as foam sheet. The suit and helmet have a plurality of spikes extending outward therefrom to prevent a shark from clamping its jaws over the wearer.

An object of the invention is to provide an effective shark protection suit.

## BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a front elevational view of a shark protection suit of the invention.

FIG. 2 is a back elevational view of the suit of FIG. 1.

FIG. 3 is a front elevational view of another suit of the invention.

FIG. 4 is a back elevational view of the suit of FIG. 3.

FIG. 5 is a cross-sectional view of the body portion of a suit of FIG. 1 showing the flotation lining of the suit.

FIG. 6 is a schematic outside front view of a spike protection for covering the chest portion of the suit when not in use.

FIG. 7 is a schematic inside view of the spike protector of FIG. 6.

FIG. 8 is a front elevational view of the helmet portion of the shark protector suit.

FIG. 9 is a side elevational view of the helmet portion of FIG. 8.

FIG. 10 is a top view of the helmet portion of FIG. 8.

FIG. 11 is a back elevational view of the helmet portion of FIG. 8.

FIG. 12 is a perspective view of the top flap of the breathing devices shown in FIGS. 8 to 11.

## DETAILED DESCRIPTION OF THE INVENTION

The shark protection suit of the invention, which includes an attached helmet portion, has the unexpected advantage that a shark is unable to clamp its jaws around any part of the wearer since the multiplicity of spikes extending outwardly from the suit prevent the shark from closing its mouth, should it try to attack a wearer of the suit and helmet of the invention.

With reference to the Figures, in which like numerals represent like parts, FIGS. 1 and 2 show shark protector suit 2 having attached helmet 4, gloves 6 and shoes 8. Each of these parts of the suit is preferably made primarily of rubber or rubber-like material. The garment is put on and watertight secured with zip fasteners 8 or other fasteners known in the art. FIGS. 1 and 2 show a plurality of zip fasteners 8 extending around the waist, at the ankles, from neck to waist, waist to crotch

and through the seat of the suit. FIGS. 3 and 4 show an alternative arrangement of zip fasteners. Other means of watertight fastening and arrangement of fasteners will be apparent to one skilled in the art.

Suit 2 of the invention has loops 10 on the shoulders for attaching to a life raft, seaman's pillow (such as is shown in our patent, U.S. Pat. No. 4,666,414), or other flotation device. Optionally, suit 2 may include a layer of foam material 12 under at least a part of the outer layer 14 of the suit, as shown in FIG. 5.

Metal plates 16 are attached to portions of the suit where additional protection may be needed. Plates 16, which may alternatively be of other rigid protective material, are positioned, for example, on the front of the chest of the suit, on the inside of the arms, on the sides of the body, on the insides of the legs, in the seat area, and on the gloves and shoes.

Oxygen equipment 18 may be engaged on the back of suit 2 for underwater use.

Spikes 20 extend outward from substantially any portion of the suit, for example, from the helmet, front, back, arm, leg, glove and shoe portions, as shown in FIGS. 1 to 5 and 8 to 11. FIGS. 6 and 7 show inside and outside views of spike protectors 22 which may be secured by tapes 24 over spikes on the suit, particularly when not in use, for protection.

Helmet portion 26, shown in FIGS. 8 to 11, which may include a thin layer of foam flotation material, has visor portion 28 transparently and watertight covering the face. Portion 30, covering the mouth, may be opened and closed watertight, as necessary. Portion 30 is closed against a rubber seal. Tiny drain holes 36 in the chin portion vent excess moisture.

Breathing apparatus having tubular portion 32 has a ball swivel 33 at the base of the tubular portion, for facilitating watertight breathing, as shown schematically in FIG. 8. FIG. 12 shows rubber flap 34 engaging upper end of breathing apparatus 32 to provide a watertight closure.

While the invention has been described above with respect to certain embodiments thereof, it will be appreciated that variations and modifications may be made without departing from the spirit and scope of the invention.

We claim:

1. A suit for protecting its wearer from attack by sharks comprising:

rubber suit means for substantially completely covering the wearer's body;

closed helmet means including a face mask attached to the suit means for substantially completely covering the wearer's head;

glove means attached to the suit means for substantially completely covering the wearer's hands;

shoe means attached to the suit means for substantially completely covering the wearer's feet;

elongated spike means for repelling sharks extending outwardly from the suit means and helmet means;

and rigid plate means attached to an outer surface of the suit for protecting the wearer.

2. A suit of claim 1 further comprising flotation means for facilitating floating.

3. A suit of claim 2 wherein the flotation means comprises a layer of foamed material lining at least part of the suit means.

4. A suit of claim 1 wherein the helmet means further comprises vent means for facilitating breathing.

5. A suit of claim 1 further comprising fastener means for facilitating putting on and taking off the suit.

6. A suit of claim 1 further comprising attachment means for attaching to auxiliary flotation devices.

7. A suit of claim 1 further comprising tank means for providing oxygen, engaged with the suit.

8. A suit of claim 1 wherein the plate means is attached to a front chest portion of the suit.

9. A suit of claim 1 wherein the plate means is attached to inner side leg portions of the suit.

10. A suit of claim 1 wherein the plate means is attached to outer side body portions of the suit between the underarm and hip of the wearer.

11. A suit of claim 1 wherein the plate means is attached to inner side portions of the shoe means.

12. A suit of claim 1 wherein the spike means extends outward from a plurality of the chest, back, leg, glove, shoe and helmet portions of the suit.

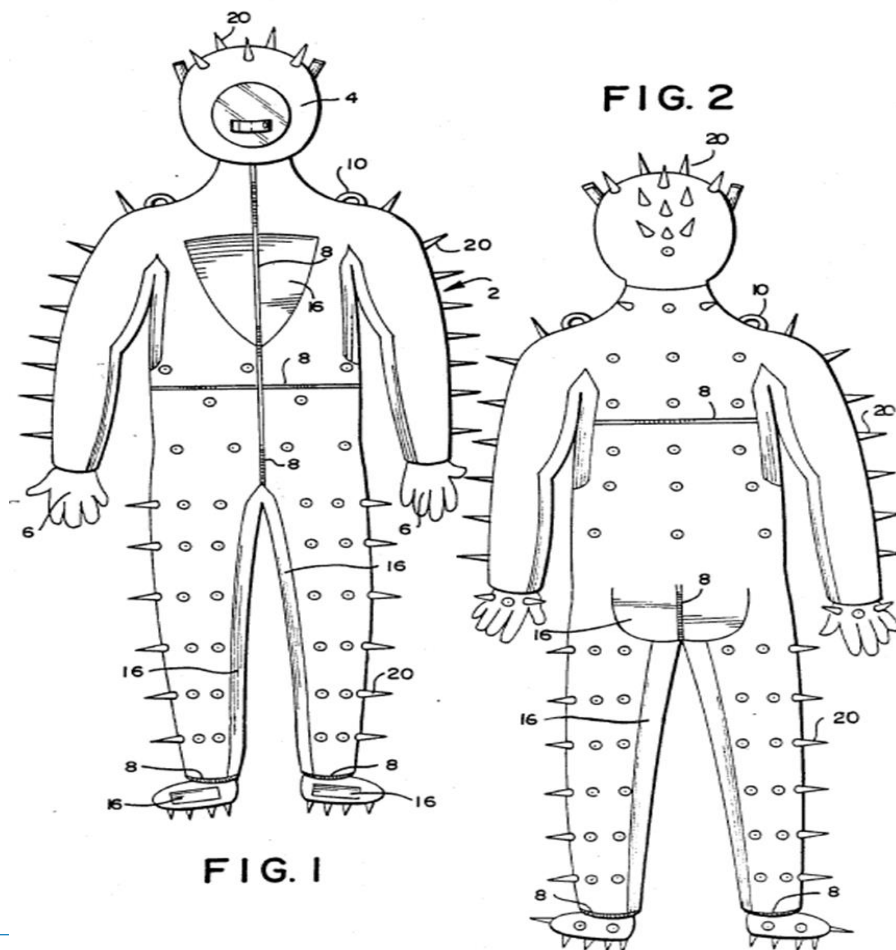


FIG. 2

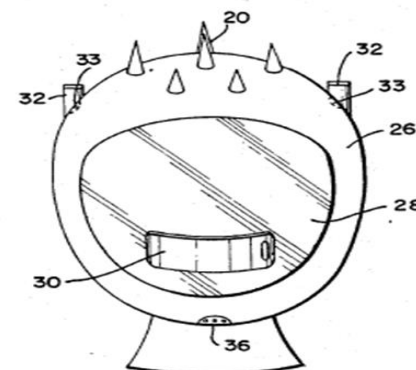


FIG. 8

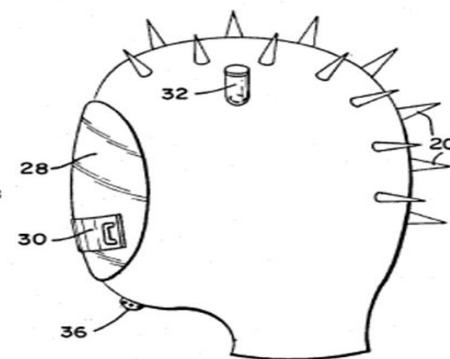


FIG. 9

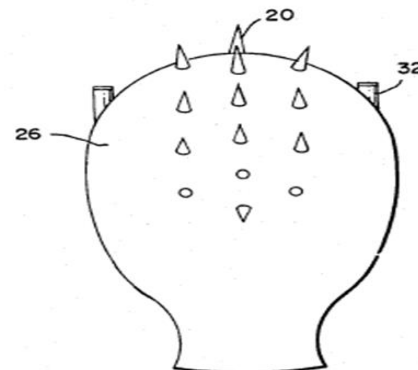


FIG. 11

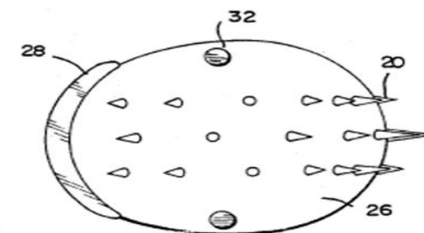


FIG. 10



FIG. 12



## The Claims

- 1. A suit for protecting its wearer from attack by sharks comprising:**
  - rubber suit means for substantially completely covering the wearer's body;**
  - closed helmet means including a face mask attached to the suit means for substantially completely covering the wearer's head;**
  - glove means attached to the suit means for substantially completely covering the wearer's hands;**
  - shoe means attached to the suit means for substantially completely covering the wearer's feet;**
  - elongated spike means for repelling sharks extending outwardly from the suit means and helmet means;**
  - and rigid plate means attached to an outer surface of the suit for protecting the wearer.**

## The sub-claims

**2. A suit of claim 1 further comprising flotation means for facilitating floating.**

**3. A suit of claim 2 wherein the flotation means comprises a layer of foamed material lining at least part of the suit means.**

**4. A suit of claim 1 wherein the helmet means further comprises vent means for facilitating breathing.**

## Patent Application

- UK
- EPO - European Patent Office
- PCT - Patent Convention Territories

## Exclusive Right

- make  
use  
sell  
offer for sale
- can licence others



# Copyright

- written works  
plays  
musical works  
recordings  
pictures  
computer programs
- protects the expression of an idea NOT the idea



# Copyright

- Requirements
  - Original – i.e. not copied
- Application
  - Not necessary – arises automatically
- Duration
  - Life of the author plus 70 years
- Protects against
  - Copying of a substantial part

## Protection for designs

- Registered Design
  - Community
  - UK
- Community Unregistered Design
- UK Unregistered Design

## Registered designs

Application - renewal fees

Available for handicrafts + 'mass produced' industrial items





## Registered design rights

- Requirements
  - New (12 month grace period)
  - Must have individual character
- Not
  - a method or principle of construction
  - features dictated solely by function or appearance
  - “Interface” exception - must not prevent interoperability of different manufacturers’ products by protecting fittings
- Exclusive right to make, import for sale, hire an identical or not substantially different article
- No need to prove copying
- Duration – up to 25 years

## EU unregistered design right

- Requirements - as for Registered Design
- Arises automatically
- Duration - 3 years from when made first available to the public
- Exclusive right of reproduction for commercial purposes of the design or documents recording the design
  - i.e. have to show copying

## UK unregistered design right

- Shape or configuration of the whole or part of an article
- No artistic appeal necessary - can be purely functional
- Must fit, must match, exception
- Nationality of creator and country of first marketing important
- Arises automatically
- Duration - 15 years from creation or  
10 years from first market

Last 5 years - Licence of Right

## Brand Protection

- Trade Marks
- Passing Off (“unregistered trade marks”)



## Passing off (“unregistered trade marks”)

- Misrepresentation by one trader that his goods or services are the good or services of another
- Necessary to show sufficient reputation



## Trade marks

- Application via UK or European Trade Mark Office
  - First come, first served
- Sign capable of distinguishing goods or services
- Infringed by using
  - same or similar mark
  - for same or similar goods/services(likelihood of confusion may be necessary)



*Cayenne*



## Confidential Information

- Right created by contract
- Contract can arise
  - in writing
  - verbally
  - by conduct
  - implicitlybut in writing always is best

## Who owns

- Original Inventor / Creator / Designer

### Unless

- Employee acting in course of employment - in which case employer owns

### Warning

- If made pursuant to a commission, the commissioner does not own

### But

- Contract can change the default
- May be different in other countries



## Enforcement

- Enforcing IP rights is expensive  
BUT do not let that put you off
  - Most IP rights effective at “Keep off the grass”
  - Few disputes go all the way to trial
- Remedies - Injunction, Damages, Costs
- Counterclaims for invalidity



**Thank you**



**David Knight**

Partner – Intellectual Property Group

E: [david.knight@fieldfisher.com](mailto:david.knight@fieldfisher.com)

T: +44 (0)20 7861 4000