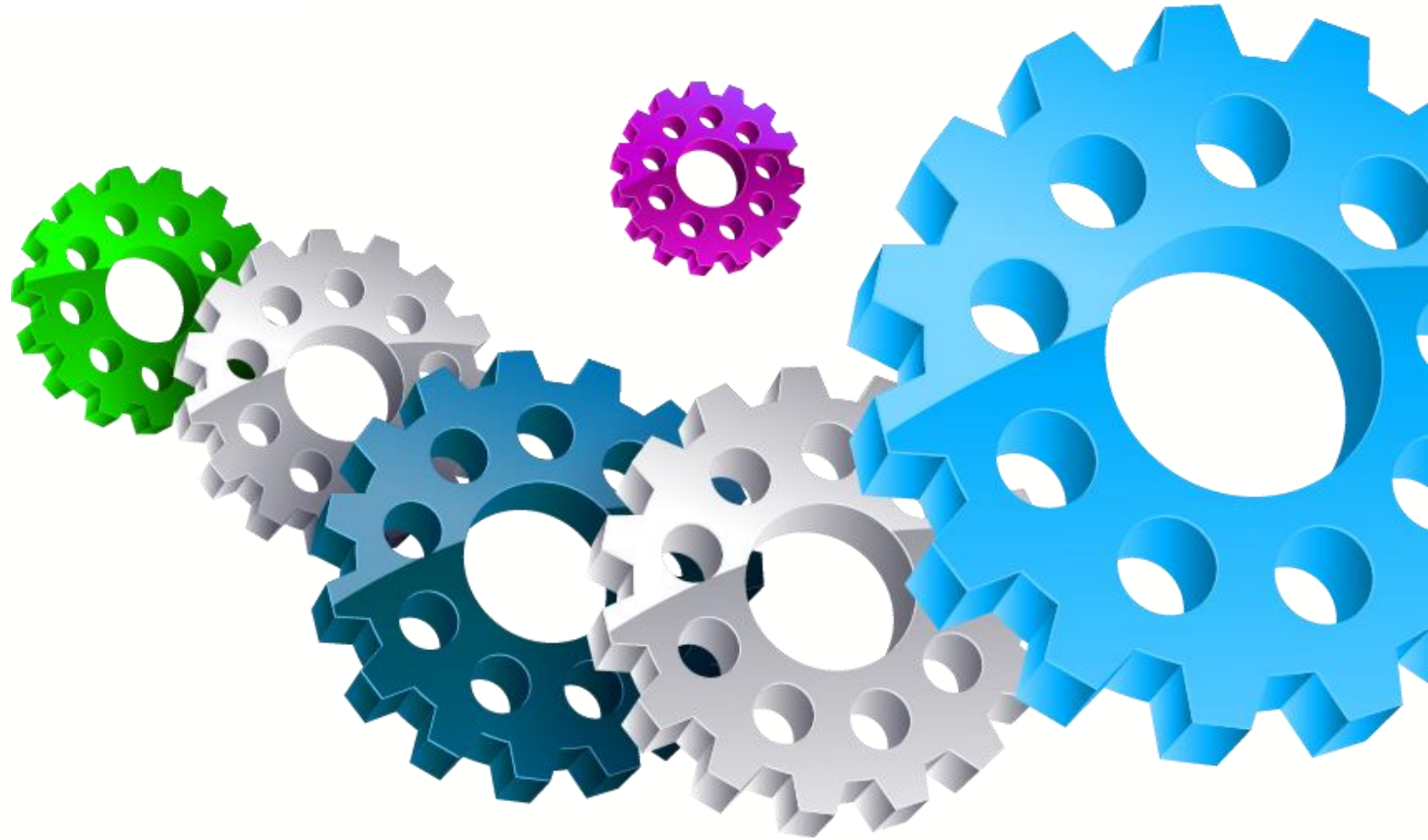


# *Intellectual Property For Business*



4 de Fevereiro  
Empreendedorismo FCT 2019



**Attribution**

Others can copy, distribute, display, perform and remix  
your work if they credit your name as requested by you



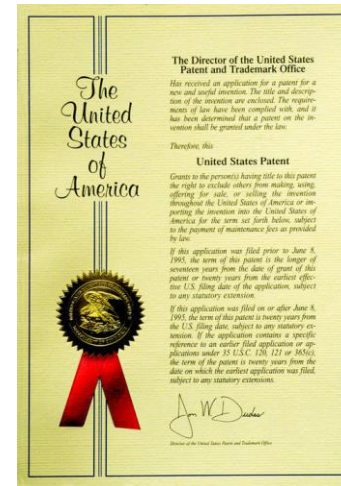
**Research and Innovation Accelerator**

Faculty of Science and Technology | UNL

# Starting from the bases: Intellectual Property

*"refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce"*

(source: OMPI)



Intellectual Property Rights

Knowledge (IP) can be exchanged between organisations leading to improved use of said knowledge and to **innovation**

# Examples of Intellectual Property

Regardless what product a organisation makes or what service it provides: **YOU CREATE IP!**

- Website/APP
- List of customers
- Innovative methods and processes
- Inventions
- Brands
- Scientific publications
- Know how of the organisation's employees and collaborators, which they have acquired through training, study or experience;



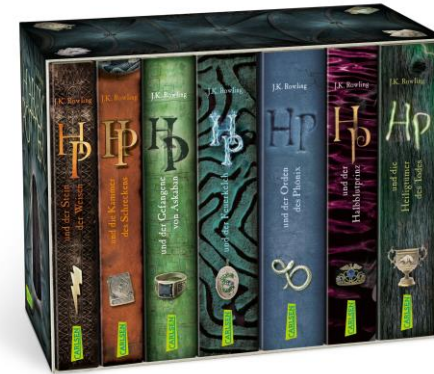
# IP is present in almost every product/service



Coca-Cola®  
EUR 58,7 billion



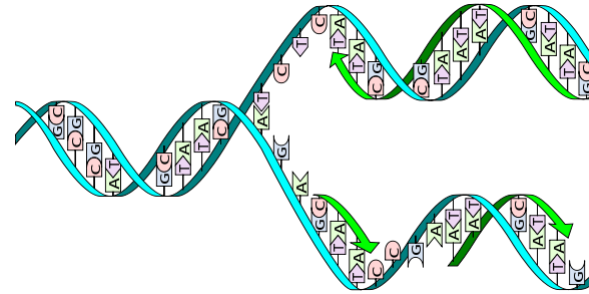
Apple® iPod touch®



Harry Potter  
EUR 681 million



Polaroid® instant camera



PCR  
EUR 225 million





# Intellectual Property



## Industrial Property Rights

## Copyright

∴ Literary Works;  
∴ Artistic Works;  
∴ Software

## Technology Rights

∴ Patents  
∴ Utility Models

## Commercial Rights

∴ Trademarks  
∴ Logos  
∴ Designs



# Main principles of Intellectual Property Rights

## Principle of Territoriality

IP rights are territorial rights.

In general, the exclusive rights are only applicable in the country or region in which a patent has been filed and granted, in accordance with the law of that country or region.



# Main principles of Industrial Property Rights

## Duration of the protection

Intellectual Property rights grant a monopoly on the intellect creation for a **limited amount of time** depending on the type of right that is protected.

- Copyrights - 70 years after the death of the author
- Patents - 20 years after the registration
- Industrial designs - 25 five years after the registration
- Trademarks - indefinitely as long as renewal fees are paid



# Main principles of Industrial Property Rights

## Rights Conferred

An IP Right grants to its owner a monopoly on the product of the mind protected. Nobody without his authorization may use, commercialize etc. the protected item.





# Main principles of Industrial Property Rights

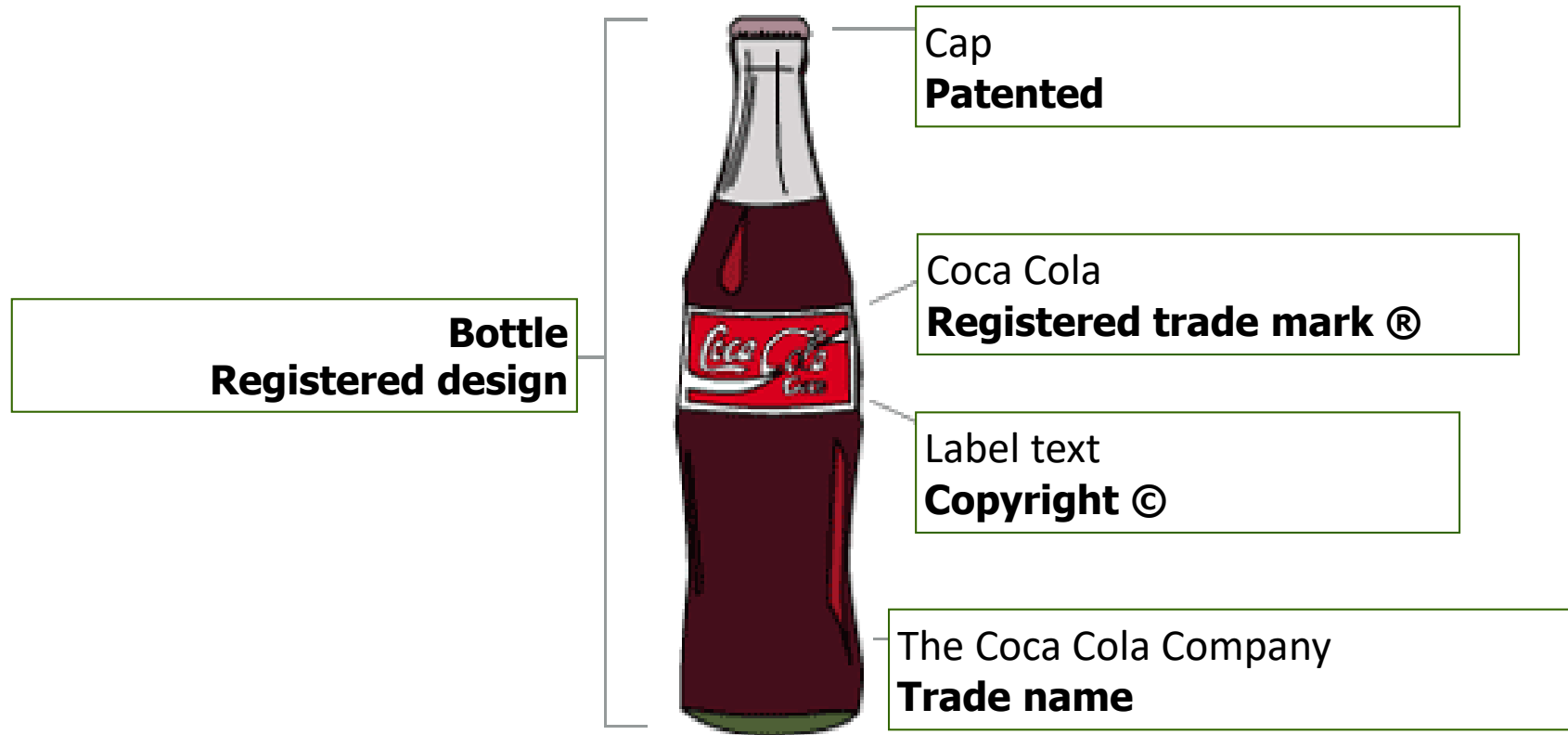
## Public Disclosure



All intellectual works protected by IPR will, at some point of the process and depending on the type of the IP right, **be disclosed to the public**, in order to foster societal innovation.



# One product – many IP rights



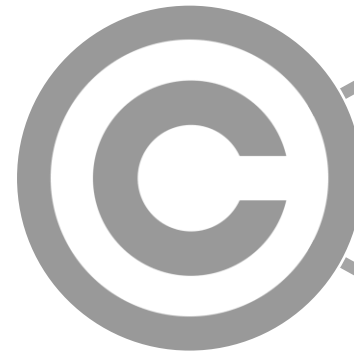
# Copyright

➤ Classic examples: books, music, movies, games...

➤ Others:

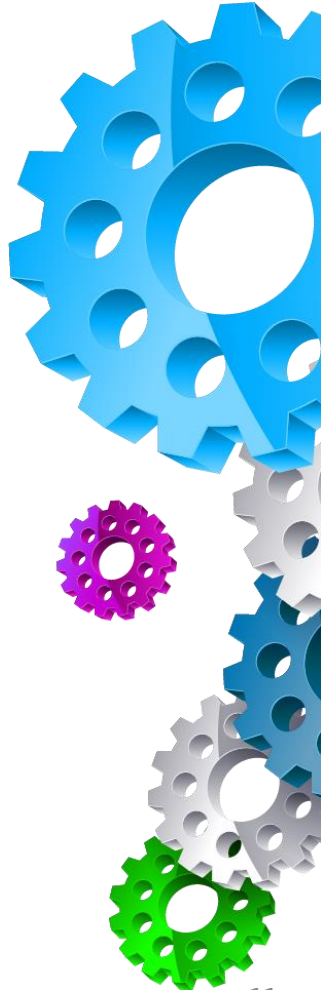
- Website;
- Brochure;
- Product label;
- Manual of instructions;
- Corporate vídeo;
- Advertising;
- Computer software, etc...

**For works to be  
protected by  
copyright:**



They must exist in some  
form

They must be original



# Copyright

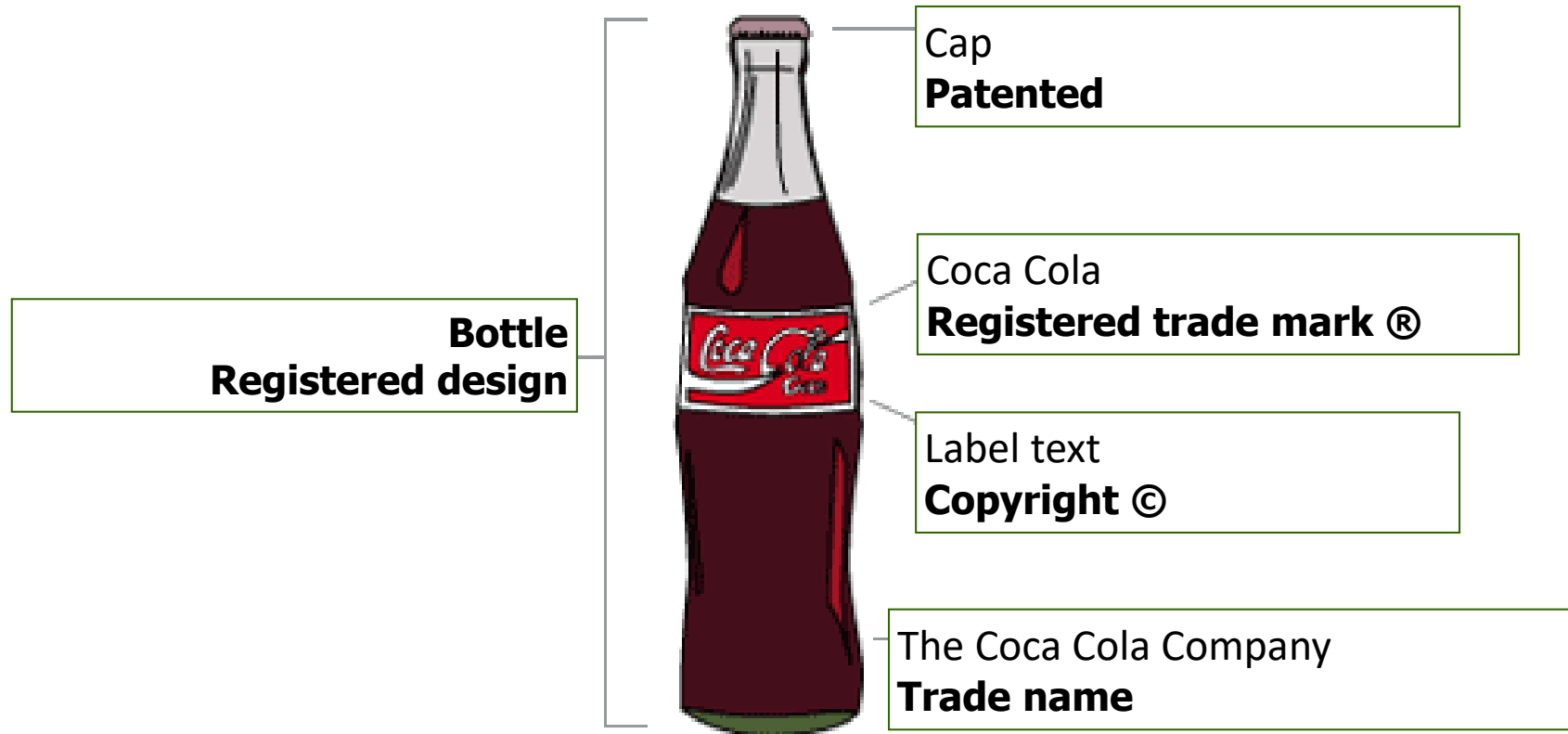
## Copyright protection in the EU exists automatically

- it arises from the moment the work is created and no registration is required;
- they last until **70 years after the death** of the author;

**Common practice:** attach a copyright notice to the work.



# One product – many IP rights





# Trade Marks & Logos

## Logos



Signal that identifies one entity that offers services or sells products

Used in establishments, advertising, correspondence...

## Trade Mark



Signal that identifies products or services

Distinguishes the products/services of one company from another



# Trade Marks & Logos

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## Registry

Subject to novelty exam

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## Rights granted

Prevent others to use it

---

Transmitted or License to other

---

## Use in Business

Advertisement

---

Raise consumer awareness

---

Allow market differentiation

---

Work as guaranty/prestige/quality symbol

---



# Trade Marks & Logos

## NATIONAL



**Application** – 130 - 250 €  
 + Per class - 30 – 65 €  
**Renewal fee** - every 10 ys

## EUROPEAN



**Application** – 850 – 1000 €  
 + 1 class - 50 €  
 ≥ 3 classes – 150 €  
**Renewal fee** - every 10 ys

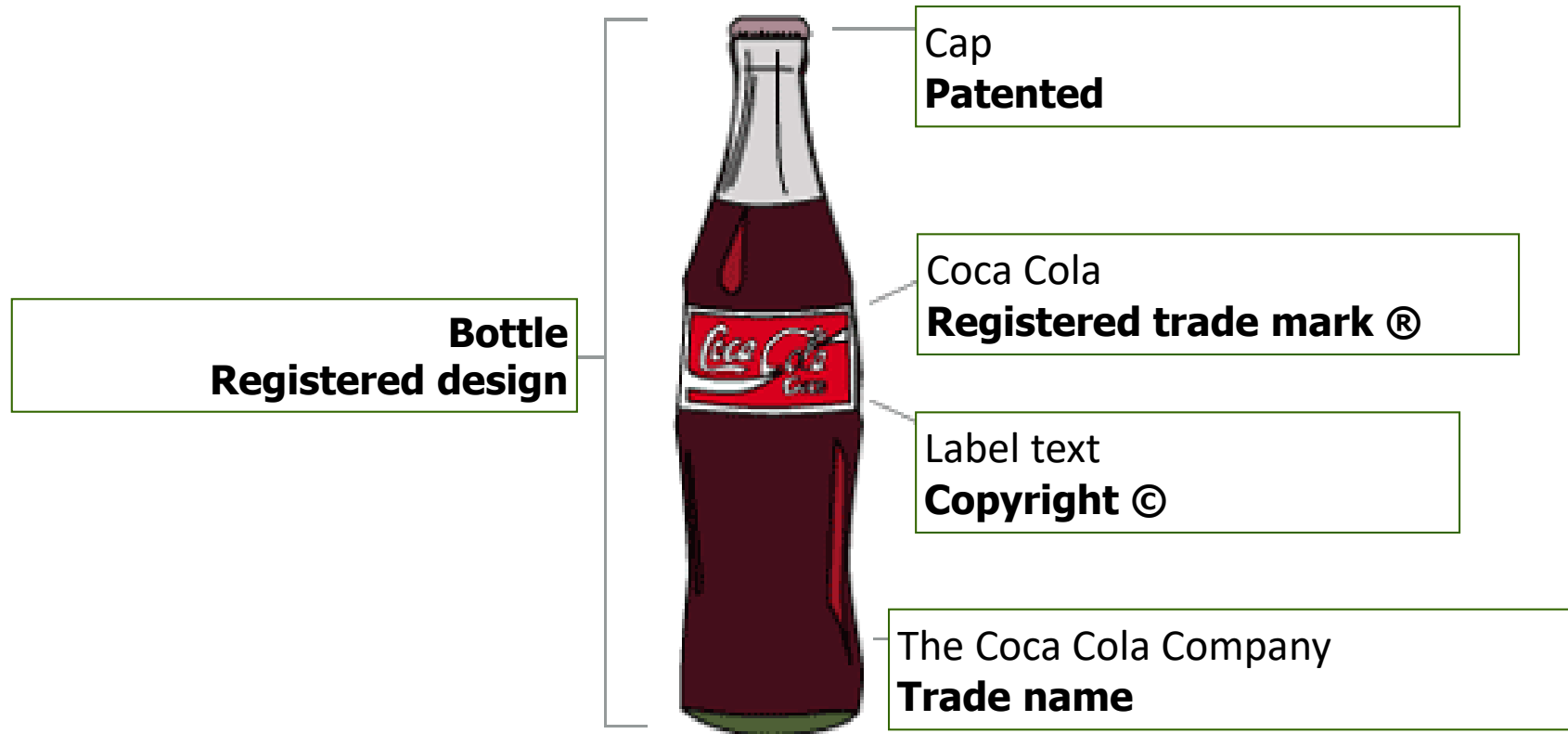
## INTERNATIONAL



**Application:**  
 Basic fee  
 Contracting Country fee  
 Fee per class of goods  
**Example:** 1 class, EP+ US – 2000 €



# One product – many IP rights



# Registered Design

- Protects the visual aspect of a product;
- Exam: formal requisites; does not evaluate novelty;
- Time: valid for 5 ys, renewable for a total of 25 ys;



## EUROPEAN



### 27 countries:

- 1 product: 350 €
- 2-10 products: 115 €/product
- > 11 products: 50€/product

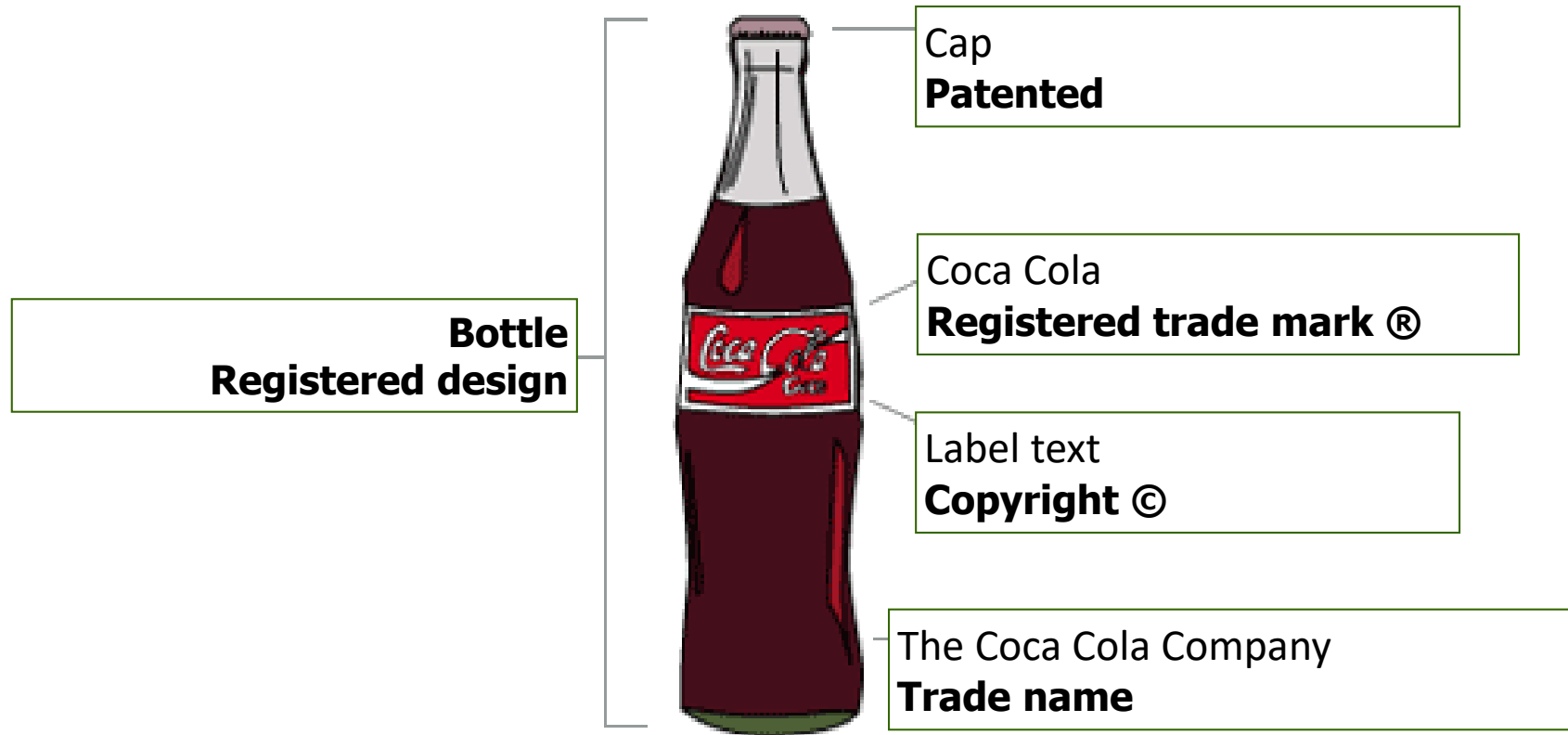
## INTERNATIONAL



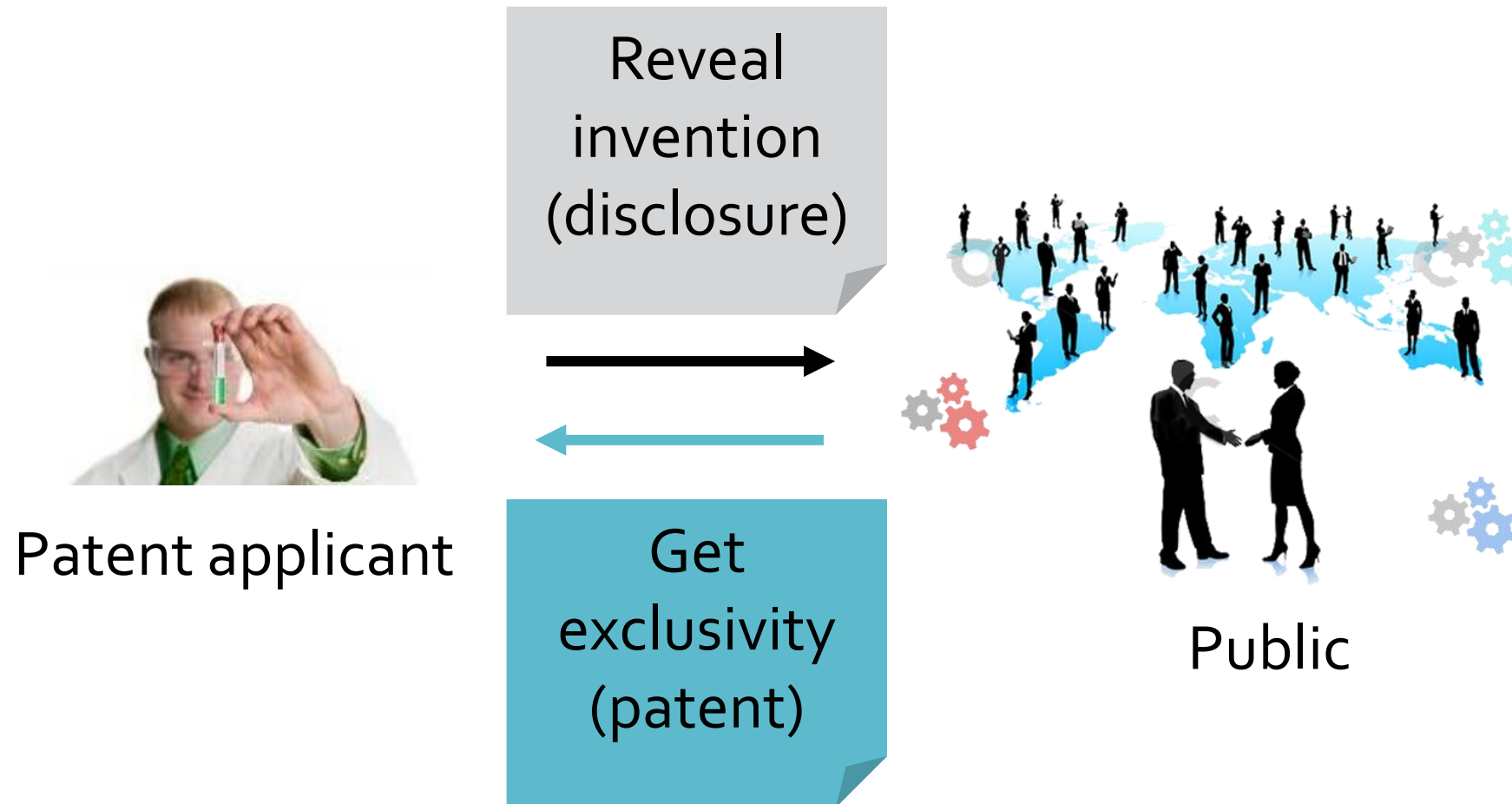
Depends on the country. Use online calculator



# One product – many IP rights



# Patents as a social contract



# Rights conferred by patents

- Right to **prevent** others from making, using, offering for sale, selling or importing infringing products in the country where the patent was granted
- **Exception:** non-commercial purposes (private use, academic research)
- Right to assign, sell or license these rights



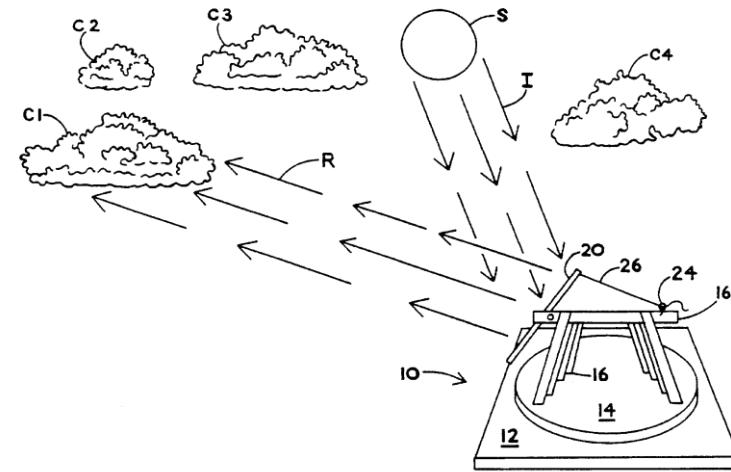
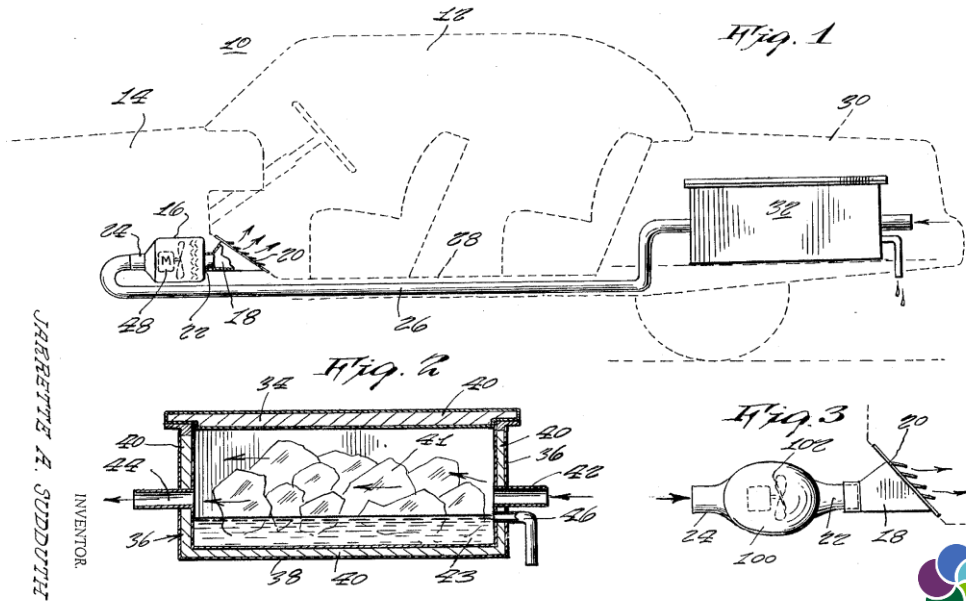
**These rights belong to the patent owner.**



# What is an invention?

It's a new solution for a specific technical problem

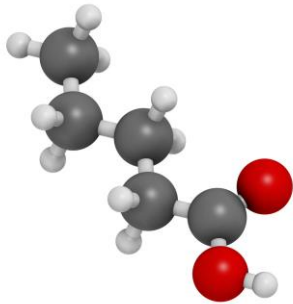
A **technical teaching** which defines a relation between technical features and technical effect



Reproducible !!

# What exactly can be patented?

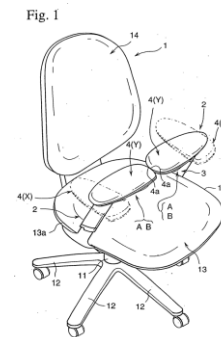
- chemical substances, pharmaceuticals



- processes, methods, uses



- products, devices, systems





# What cannot be patented?



**An IDEA cannot be patented!**

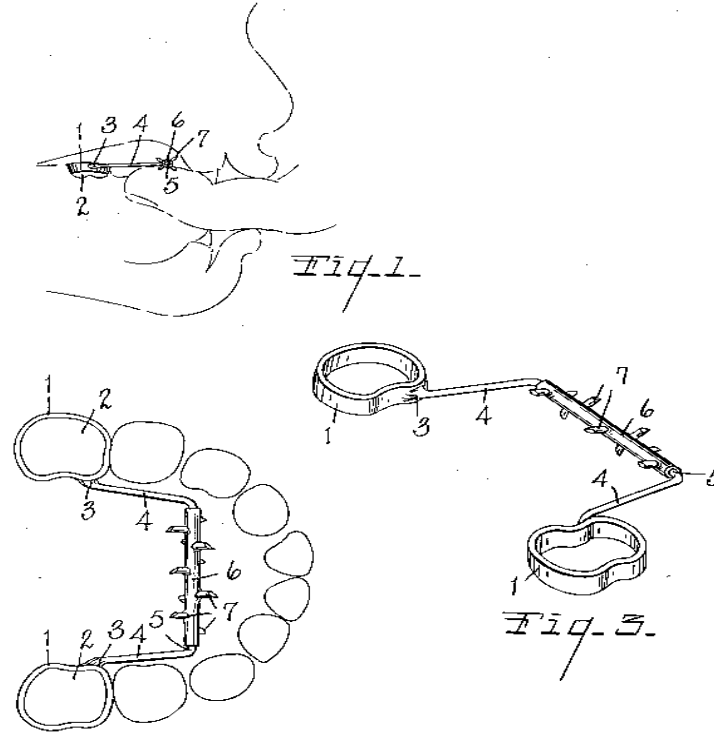
The invention itself has to be produced!

While all inventions start with an idea, not every idea can be called an invention.



# What cannot be patented?

- ✓ Computer programs
- ✓ Medical and surgical treatments
- ✓ Mathematical methods
- ✓ Business methods
- ✓ Discoveries, science theories
- ✓ Aesthetic creations
- ✓ New species of plant or animal
- ✓ Inventions which are contrary to moral standards and public order (e.g. instruments of torture)
- ✓ The human body and any non-separate part/s thereof



# A patentable invention must be:

- Capable of industrial application (reproducible)
- New/Novelty
- Inventive Step/non-obvious

# Do's and don'ts for safeguarding novelty



## Don'ts

- Do not **publish** any articles, press releases, conference presentations/ posters/ proceedings, lectures or blog posts, etc. before you file
- Do not **sell** any products incorporating the invention before you file



## Do's

- Sign a non-disclosure agreement (**NDA**)
- Seek professional advice at an early stage
- File before anyone else does!



# Patents Protection

## NATIONAL



Código da Propriedade  
 Industrial (CPI)  
 Scope: Regional



## EUROPEAN



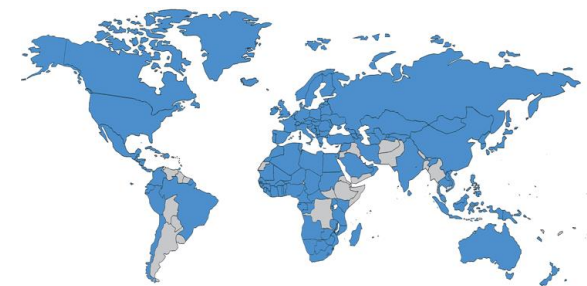
Munich Convention  
 1973.10.05  
 (European Patent Convention – EPC)  
 PT entry : 1992.01.01



## INTERNATIONAL



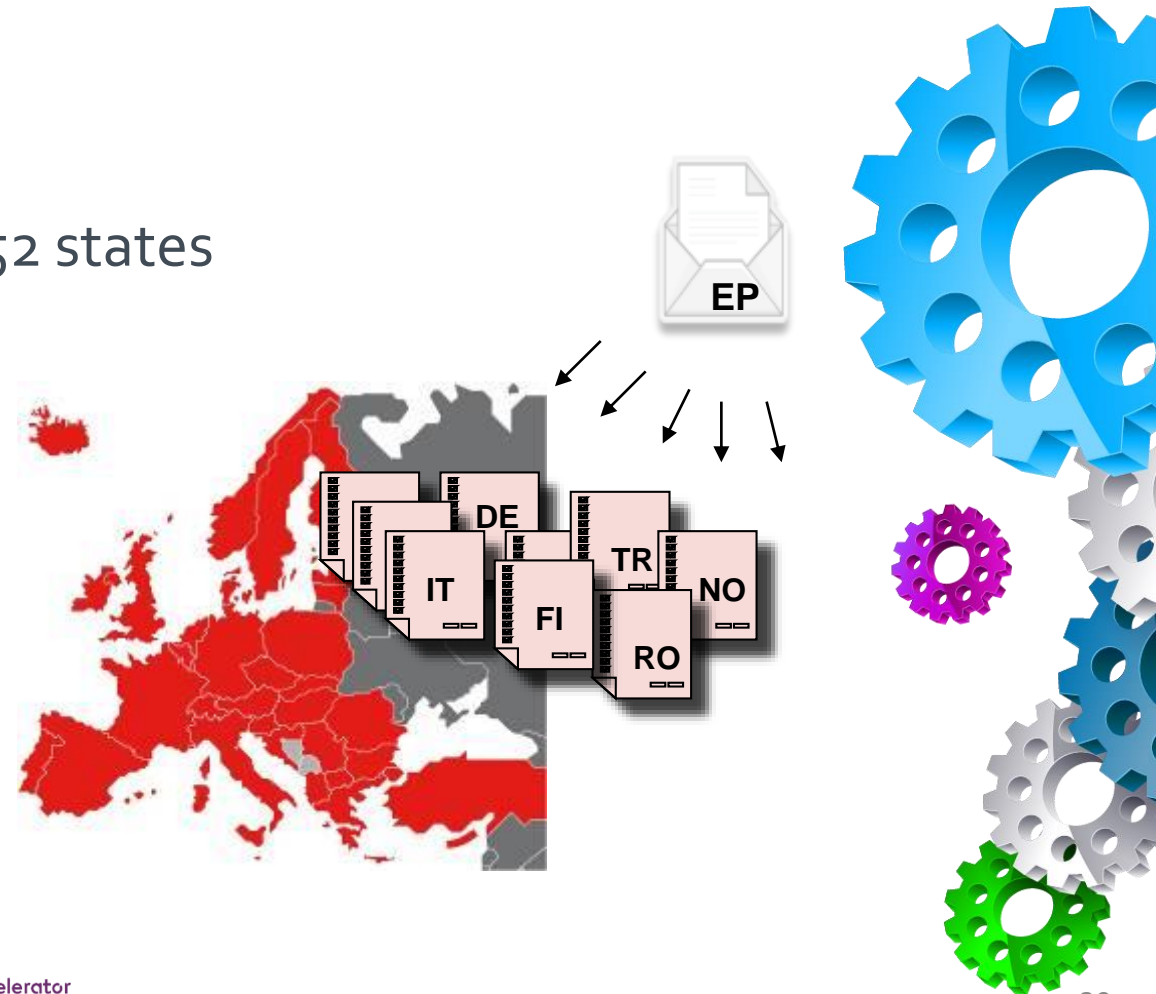
Patent Cooperation Treaty – PCT  
 1970.07.19  
 PT entry: 1992.11.24



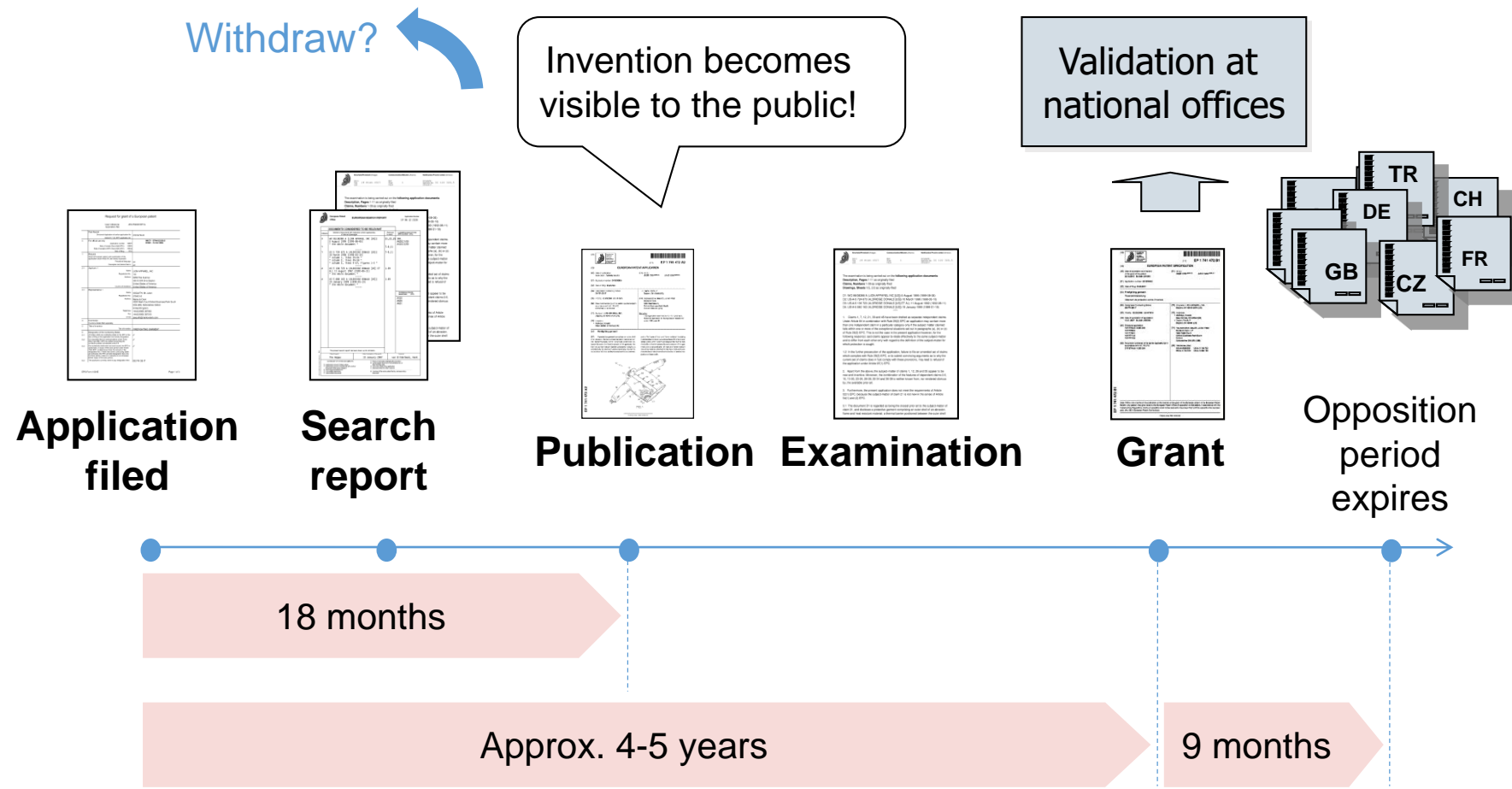


# The regional route – European Patent

- One application filed at one office for up to 52 states
- One procedure
- Applicant selects the desired states
- Results in a bundle of national patents



# The grant procedure before the EPO

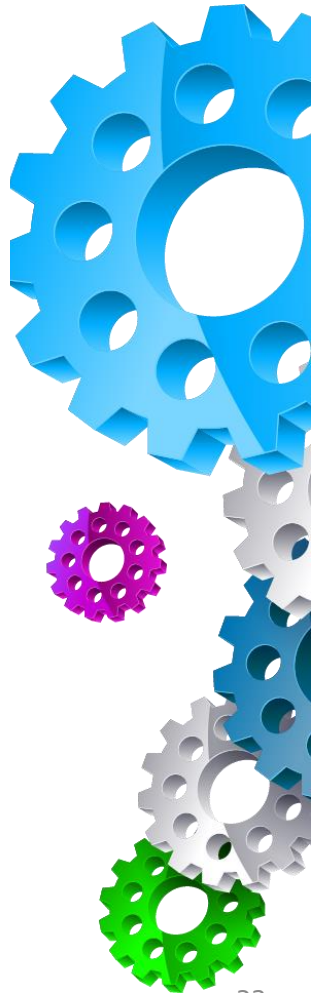


# The international route (PCT)



# Patents are expensive....

- Application fee
- Additional fee per page
- Search fee
- Additional claim fee
- Publication fee
- Examination fee
- Granting fee
- Annual fees/territory
- Patent Attorney fees

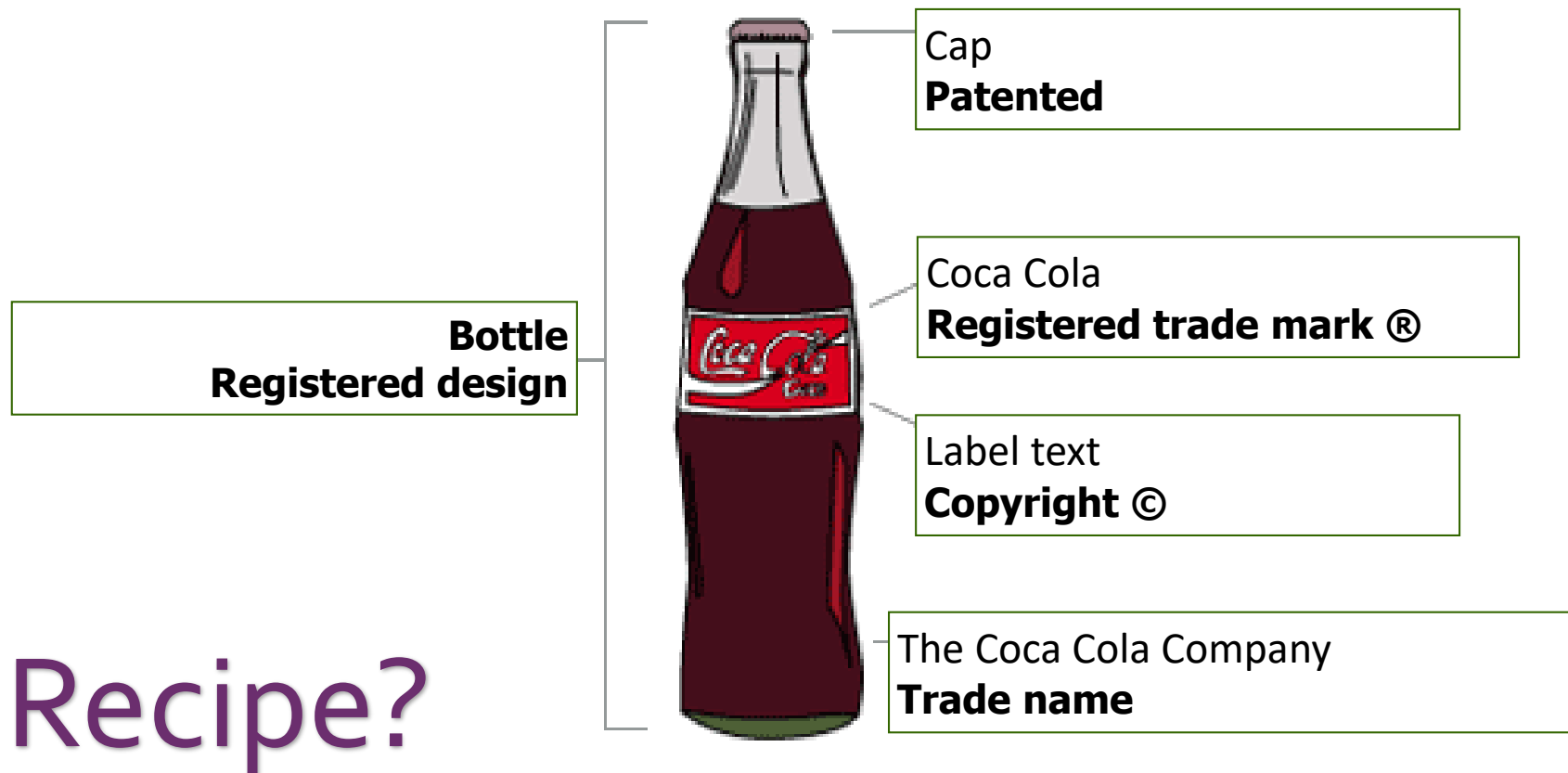


# Patents are expensive....

- National Patent Application (PT): 1500 €
- PCT Application – 5000 – 10 000€
- European Patent Application (EP): 3500 €
- US Application: 3500 €
- Other national Patent Application : 5000 €
- Reply to notifications: 1500 €/each
- Granting fee: 3000-5000 €
- Annual fees/territory – average 500€



# One product – many IP rights





# Trade secret



- A trade secret is confidential information in the context of business commerce or trade.
- In order for a given piece of information to classify as a trade secret, it has to meet all of the following requirements:



- It is a secret in the sense that it is not known or readily accessible to a wide circle of persons
- It has commercial value because it is secret
- It has been subject to reasonable steps, by the person lawfully in control of the information, to keep it secret<sup>1</sup>



# Trade secret



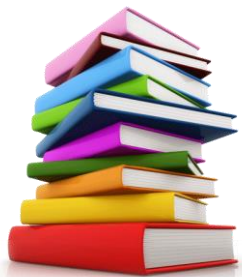
➤ Valuable resource to many companies when assets may not, for example, be patenteable but have great commercial value and therefore need to be protected;

➤ Most highly-valued types of trade secrets:

- ✓ Business methods
- ✓ Market analyses
- ✓ Business relationships
- ✓ Pricing information
- ✓ Cost information
- ✓ Personnel information
- ✓ Customer or supplier lists
- ✓ Financial information
- ✓ R&D data
- ✓ Process know-how and technology
- ✓ Computer programs
- ✓ Computer databases
- ✓ Formulae and recipes



# Sum-up: The different types of IP (I)



Legal right

What for?

How?

Time (PT)

Patents

New inventions

Application and  
examination

20 y

Utility  
models

New inventions

Application and  
registration

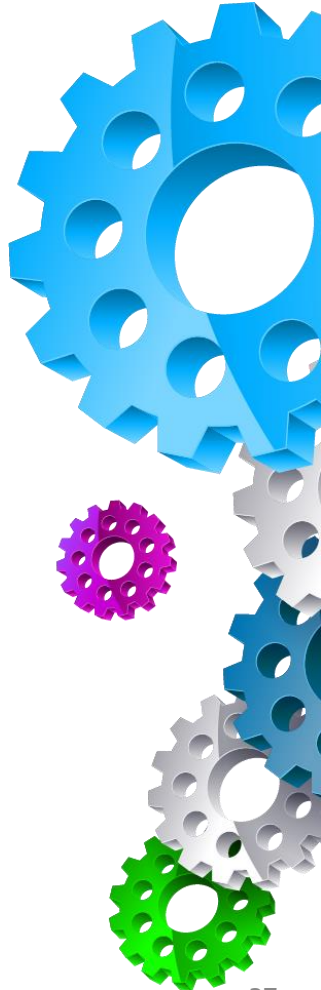
6 + 2 + 2 y

Copyright

Original creative  
or artistic forms

Exists  
automatically

Life + 70 y



# Sum-up - The different types of IP (II)

## Legal right

## What for?

## How?

## Time (PT)

Trade marks

Distinctive  
identification of  
products or services

Use and/or  
registration

10 y  
renewable

Registered  
designs

External appearance

Registration

5 y  
Renewable  
for 25y

Trade  
secrets

Valuable information  
not known to the  
public

Reasonable  
efforts to keep  
secret

indefinitely

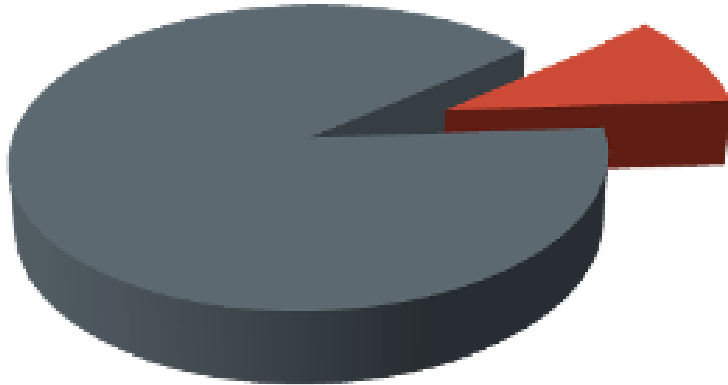


# From an idea to a product: do not reinvent the wheel!

- ✓ **15-25% of all R&D efforts** are wasted each year on inventions that have already been invented – up to 60 000 M/year costs in Europe (2006 data);
- ✓ **80%** of the information which can be found in patents is not available anywhere else in comparable detail.

90%  
in public  
domain

10%  
protected



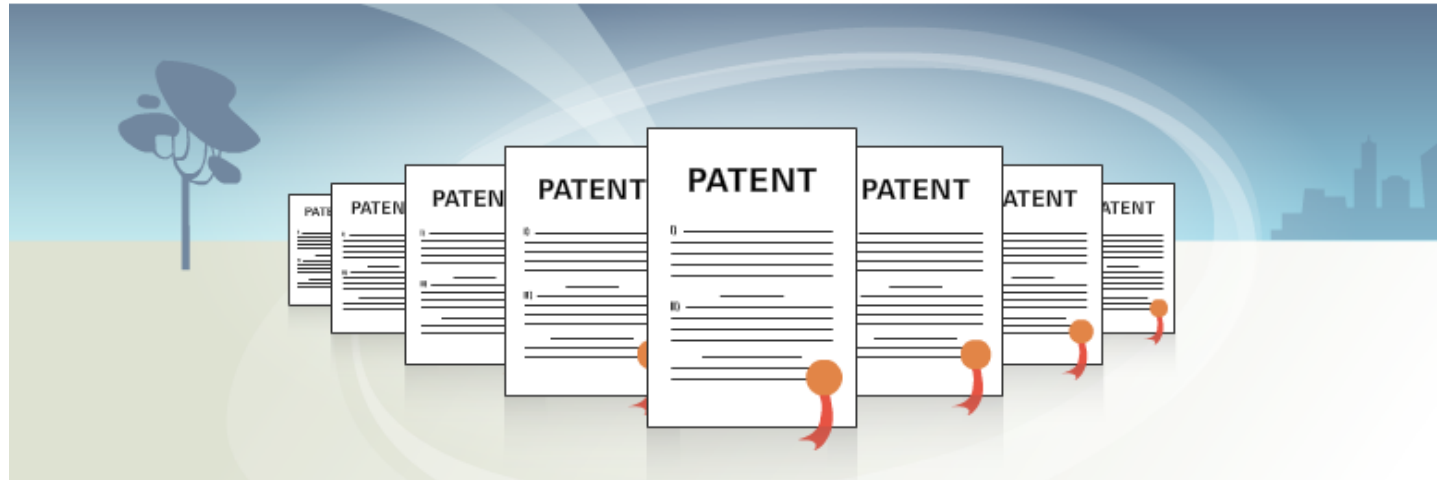
**You can find many  
great solutions for free!**

Reasons

- Applications rejected/withdrawn or patent invalidated
- Payment of renewal fees discontinued
- Patents have lapsed



# Patent Databases



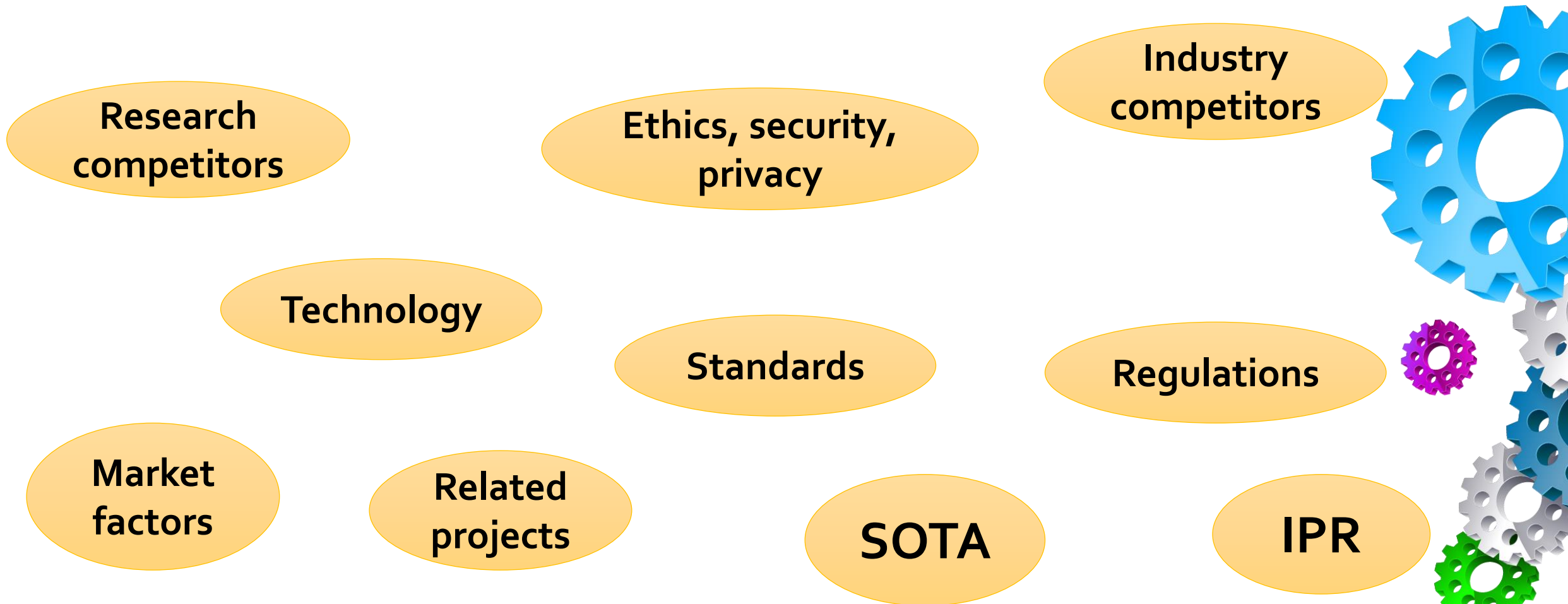
Discover the World of Patent Information  
Explore the landscape, and  
Take the interactive **Patent Information Tour**

- ∴ [www.inpi.pt](http://www.inpi.pt) | Portuguese Patent Office
- ∴ [www.wipo.org](http://www.wipo.org) | World Intellectual Property Office
- ∴ [www.uspto.gov](http://www.uspto.gov) | US Patent and Trademark Office
- ∴ [www.espacenet.com](http://www.espacenet.com) | Europe's network of patent databases





# Gathering information: understand the landscape



# How can business profit from IP?

## With patents you can:

- profit from licensing agreements
- have an asset on the company accounts
- impress investors & share-holders
- signpost to others in the market
- use patent information to solve R&D problems;
- know your competitors' plans
- find new suppliers & partners

*IPR can be part of a  
broader strategy to  
make money!*



# Some tips for your pitch

- Identify your types of Intellectual Property assets
- Identify the corresponding Intellectual Property Rights
- Define your IP strategy for each IPR
  - Is it a design, a trademark? Make sure you say that what you are showing is not the final version
  - Is it a patent? Make sure you say what it does and never how it works
- Check the time of register for each IPR, include it in your roadmap
- Check the costs of your IPR, depending on your roadmap





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FCT NOVA, Library