

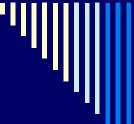
OVERVIEW ON INTELLECTUAL PROPERTY RIGHTS



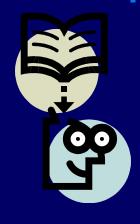
What is intellectual property?

- Intellectual Property is something produced using human intellect which has commercial value.
- ➤ Often intangible in nature, but usually contained on a tangible, fixed medium- paper, CD, computer chips.....



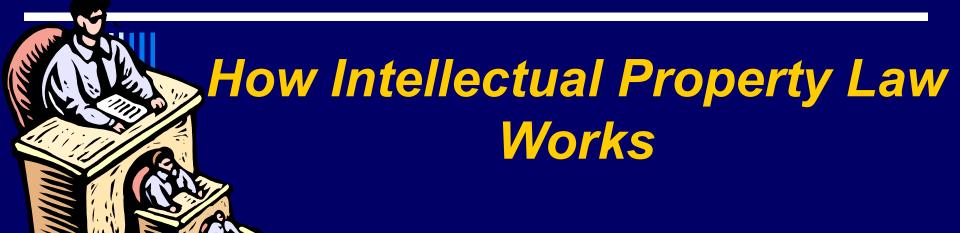


What is Intellectual Property Right (IPR)?



Intellectual Property Right

- not to be confused with IP
- it is a right vested in the asset, not the asset itself
- □ e.g.
 - an idea / invention is IP, a patent registration is an IPR
 - a customer / price list is IP, a right of confidentiality is an IPR
 - a secret production method is IP, a right to a trade secret is an IPR
 - a particular way of representation is IP, copyright or a design registration is an IPR
 - a brand / trade name is IP, a trade mark registration is an IPR



- Affirmative Rights, NOT Protection
- Allows owner to file a lawsuit against a transgressor
- Does not stop a transgressor



Intellectual Property Rights

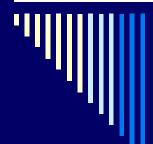
"INDUSTRIAL PROPERTIES"

PATENTS
INDUSTRIAL DESIGNS
TRADEMARKS
TRADE SECRETS
PLANT VARIETIES
INTEGRATED
CIRCUITS
GEOGRAPHICAL
INDICATORS

"COPYRIGHT"

LITERARY
NOVEL
POEM
PLAYS

FILMS
MUSICAL
ARTISTIC
DRAWINGS
PHOTOGRAHS
PERFORMING ARTS
SCULPTURES
SOFTWARE



COPYRIGHT (Governed by the Copyrights Act, 1957)

Copyright in:

- a) Original literary , dramatic, musical and artistic works;
 - -Computer Software's, Engineering Drawings
- b) Cinematographic films; and
- c) Sound recordings.

Copyright -Right to reproduce, make copy, adaptations and translations as applicable

Term: Usually lifetime of the author until sixty years following the year of death of author

Broadcast Reproduction right – Twenty Five Years Performers Right - Fifty Years

Authors Rights- Moral Rights-Authorship/Object to Alterations

Resale Share Right In original Copies

SOME ILLUSTRATIVE EXAMPLES OF WORKS.

Literary works : Novels, Diaries, Poems

Musical works: Symphonies, Jazz, Improvisation

Choreographic works : Dance, Ballet

Artistic works: Paintings, Engravings, Sculptures

Architectural works : Buildings themselves

Figurative works: Maps, Drawings and Charts of a scientific nature

Cinematographic Works: Movies, Video

Photographic works: Photographs, Photogravures

Program works: Computer Programs



OTHER CATEGORIES OF PROTECTABLE WORKS

Derivative works:

A "derivative work" means a work created by translating, arranging musically, transforming, or dramatizing, cinematizing or otherwise adapting a pre-existing work.

EXAMPLES ① translated works; ② arranged works; ③ transformed works; and ④ adapted works. To exploit these works, authorization must be obtained from the copyright owner of not only the derivative work, but also of the original work.

Compilations:

"Compilations" are works (not falling within the term "databases") which constitute intellectual creations, by reason of the selection or arrangement of their materials.

EXAMPLES

(e.g. Periodicals; Databases; Anthologies; Audio-visual works; Web pages).













TRADEMARKS

(Governed By The Trade Marks Act, 1999)

- A trade mark is any sign which can distinguish the goods of one trader from those of another. Sign includes, words, logos, pictures, or a combination of these.
- A trade mark is used as a marketing tool so that customers can recognize the product of a particular trader.
- □ To register a trade mark, the mark must be:distinctive, and, not deceptive, or contrary to law or morality, and, not identical or similar to any earlier marks for the same or similar goods.



WARIETY OF MARKS

FANCIFUL MARKS: INVENTED WORDS

ARBITRARY MARKS: HAVING REAL MEANING BUT NO **RELATION TO GOODS**

"APPLE" FOR COMPUTERS

SUGGESTIVE MARKS: GIVE HINT OF THE PRODUCT

"BABY-DRY" FOR NAPPIES

"||||||||

BRAND VALUATION

JAPANESE PATENT OFFICE REPORT

COCA-COLA

+ 6.2 TRILLION YEN

MARLBORO

IBM

+6.2 TRILLION YEN

+3.1 TRILLION YEN

SONY

+1.9 TRILLION YEN

SOME OTHER WELL KNOW MARKS

CNN 24 HR CHANNEL; DHL PACKAGE DELIVERY

COMPUTERS-

-"MICROSOFT"; "INTEL"; "UNIX"



TECHNICAL ADVANCEMENT BY WAY OF A NEW PRODUCT OR A NEW PROCESS NOT LIMITED TO OUTER VISUAL APPEAL





CONFIDENTIAL INFORMATION TRADE SECRETS

MANUFACTURING AND COMMERCIAL SECRETS



-CONSUMER PROFILES

- DISTRIBUTION METHODS

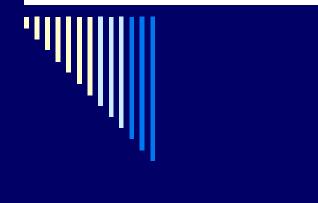
-MANUFACTURING PROCESSES

-ADVERTISING STRATEGIES

Secret

Commercial Value

Steps Taken
To Keep It
Secret





TRADE SECRET

A typical example is Coca-Cola. This soft drink was invented in 1886 and was never protected by a patent, only by a trademark (for the name Coca-Cola) and by an industrial design (for this very special design of the Coca-Cola bottle, supposed to be in the shape of a woman wearing a long skin-tight dress).

The process of the Coca-Cola drink is secret and is only known by two persons in the world. They are not allowed to travel together, so that there is no chance of them dying at the same time in an accident. The secret of the Coca-Cola process was well kept during all these years, and nobody is able to produce a drink with exactly the same taste still today. You all know that Pepsi Cola, its biggest competitor, has a different taste.



PATENTS



- A patent is a legal title granting its holder the exclusive right to make use of an invention for a limited area and time by stopping others from, among other things, making, using or selling it without authorization.
- In return for this right, the applicant must disclose how his invention works in sufficient detail.
- When a patent is granted, the applicant becomes the owner of the patent. Like any other form of property, a patent can be bought, sold, licensed or mortgaged.
- Patents are territorial rights, so an Nigerian patent will only give the owner rights within Nigeria and rights to stop others from importing products into Nigeria.

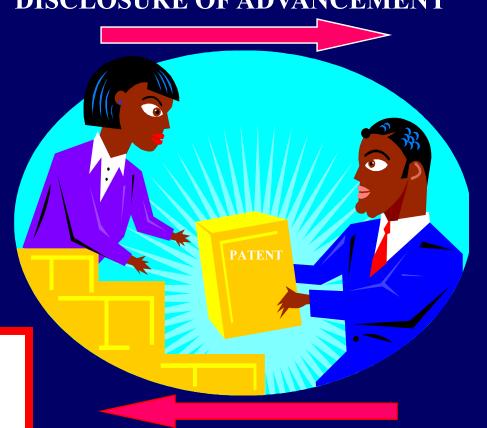
THE PATENTS LAW AND PRACTISE

DISCLOSURE OF ADVANCEMENT

INVENTOR

ASSIGNEE OF THE

LEGAL HEIR OF AN INVENTOR/HIS



THE PATENT OFFICE

20 YEARS EXCLUSIVE RIGHT ON ADVANCEMENT



IT IS A MYTH THAT INTELLECTUAL PROPERTY IS
HIGH TECH AND SO THE MOST BUSINESS OPERATORS
ARE VERY REMOVED FROM THE CONCEPT OF
INTELLECTUAL PROPERTY AND INTELLECTUAL
PROPERTY RIGHTS.

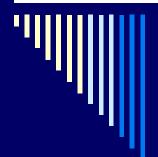




IP AS A TOOL TO COMPETE WITH MULTINATIONALS

CASE OF GOLDTOUCH TECHNOLOGIES VS MICROSOFT

- GOLDTOUCH A SMALL COMPANY DEVELOPED AN ERGONOMIC KEYBOARD MANOEUVORED INTO DIFFERENT POSITIONS TO SUIT USER NEEDS AND MOUSE DESIGN.
- ☐ FILED APPLICATIONS FOR PATENTS FOR ITS PRODUCTS.
- LICENSED TO LEXMARK AND IBM
- SUBSEQUENTLY APPROACHES MICROSOFT TO DISCUSS LICENSING.



A YEAR LATER ELEMENTS OF THE NOVEL MOUSE DESIGN FOUND INCORPORATED IN MICROSOFT MOUSE

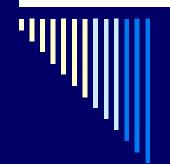
GOLDTOUCH START LOSING SALES



PRODUCT BRANDED WITH THE LOGO "MICROSOFT"
MORE ACCEPTABLE THAN
LESSER KNOWN GOLDTOUCH"

POWER OF MICROSOFT LOGO GREATLY REDUCED POTENTIAL SALES OF GOLDTOUCH DESIGN -ORIGINALITY

ONLY BECAUSE OF THEIR PATENT
GOLDTOUCH COULD EVEN THINK OF
STOPPING MULTINATIONAL MICROSOFT
FROM SELLING PATENTED
PRODUCT ADVANTAGE IP



FOR MOST PRODUCTS EVERY FORM OF INTELLECTUAL PROPERTY RIGHTS CAN BE OBTAINED



"PATENT" → For every individual improved mechanism

←CAMERA→

"DESIGN" → For outer shape & Contour / Configuration

"TRADE MARK"

Brand name or Logo for goods denoted as

R

"Copy right" > For Instruction / manual booklet denoted as ©



CD PLAYER

Industrial design protection for 3D shape

Brand name registered under

trademark

Music played on the player is tected by yright

under Patents



INTELLECTUAL PROPERTY AND MARKET



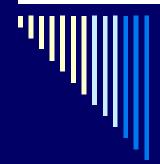
*DIFFERENTIATES YOUR PRODUCTS AND SERVICES FROM OTHERS

♦PROMOTES YOUR PRODUCTS AND SERVICES AND CREATES A LOYAL CLIENTELE

*DIVERSIFIES YOUR MARKET STRATEGIES TO VARIOUS TARGET GROUPS

***POPULAIZES YOU IN FOREIGN COUNTRIES**

*****KEEPS AWAY YOUR COMPETITORS/COPIERS



THANKS