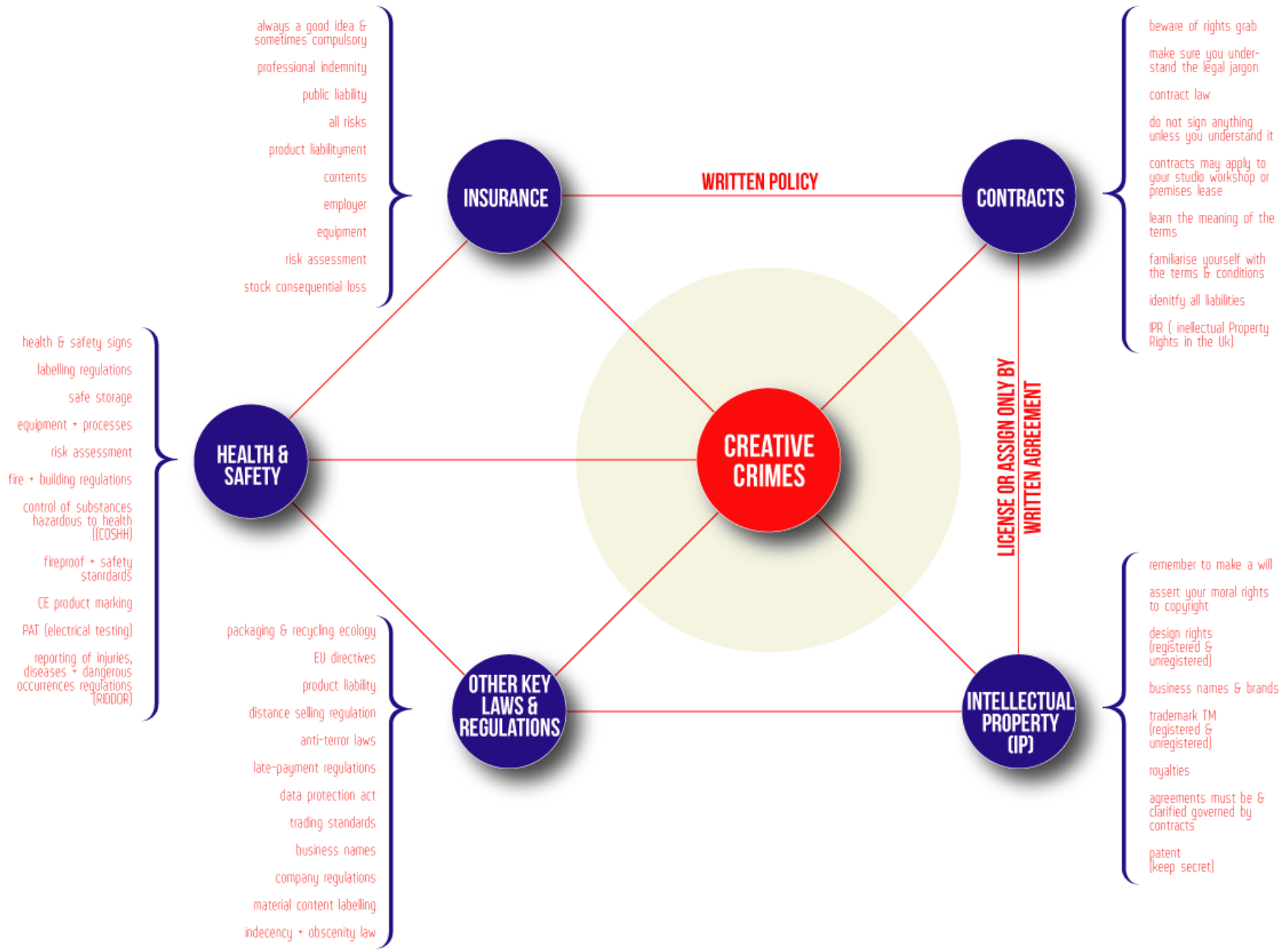


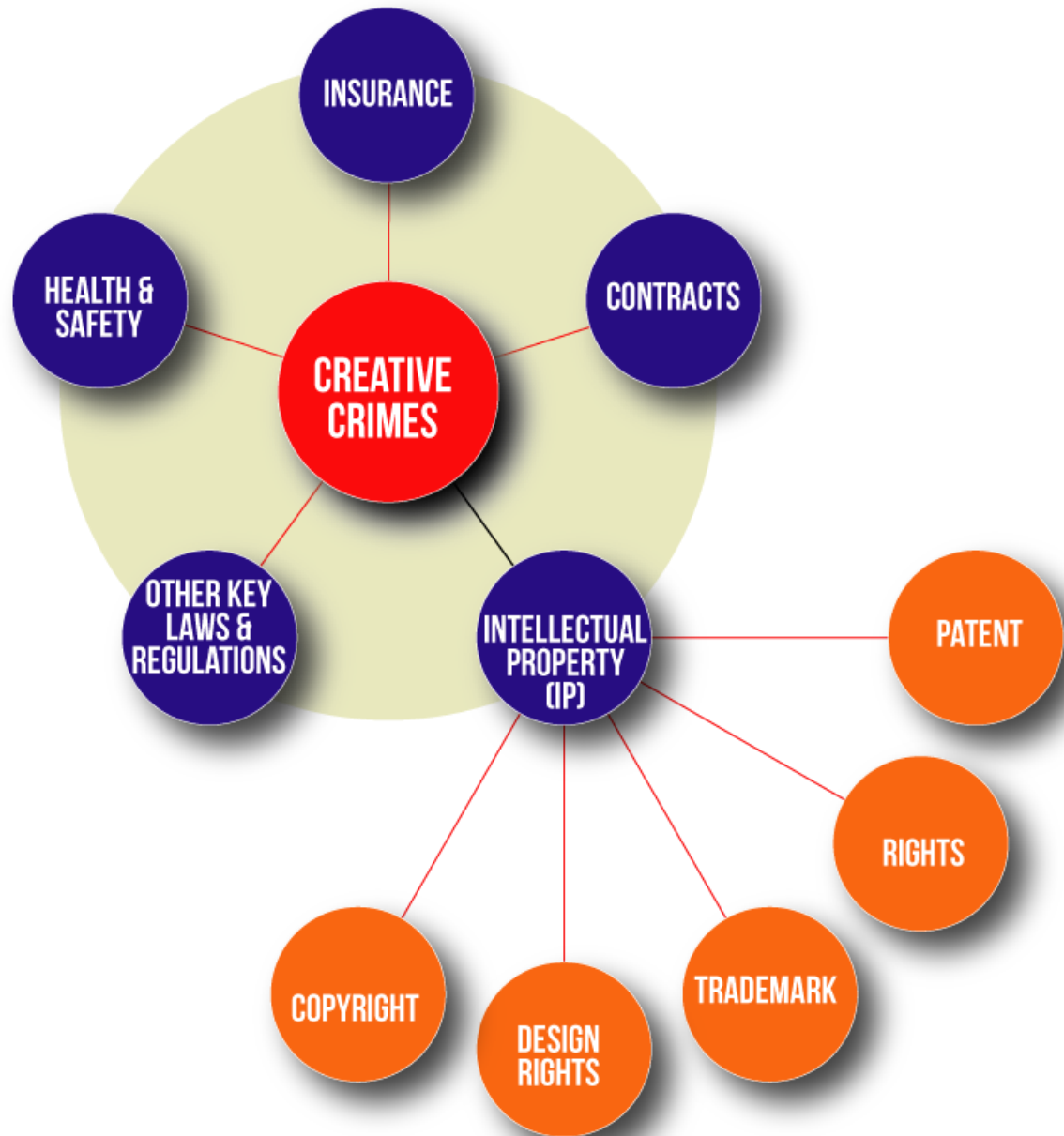
INTELLECTUAL PROPERTY PROTECTION

IPP

IPP ... **WHY ?**

**TO COUNTER
CREATIVE CRIMES**





'REMEMBER'

**IPP AIMS TO SECURE
PROTECTION OF
OWNERSHIP OF
'NEW VALUE' WHICH YOU
HAVE CREATED ...**

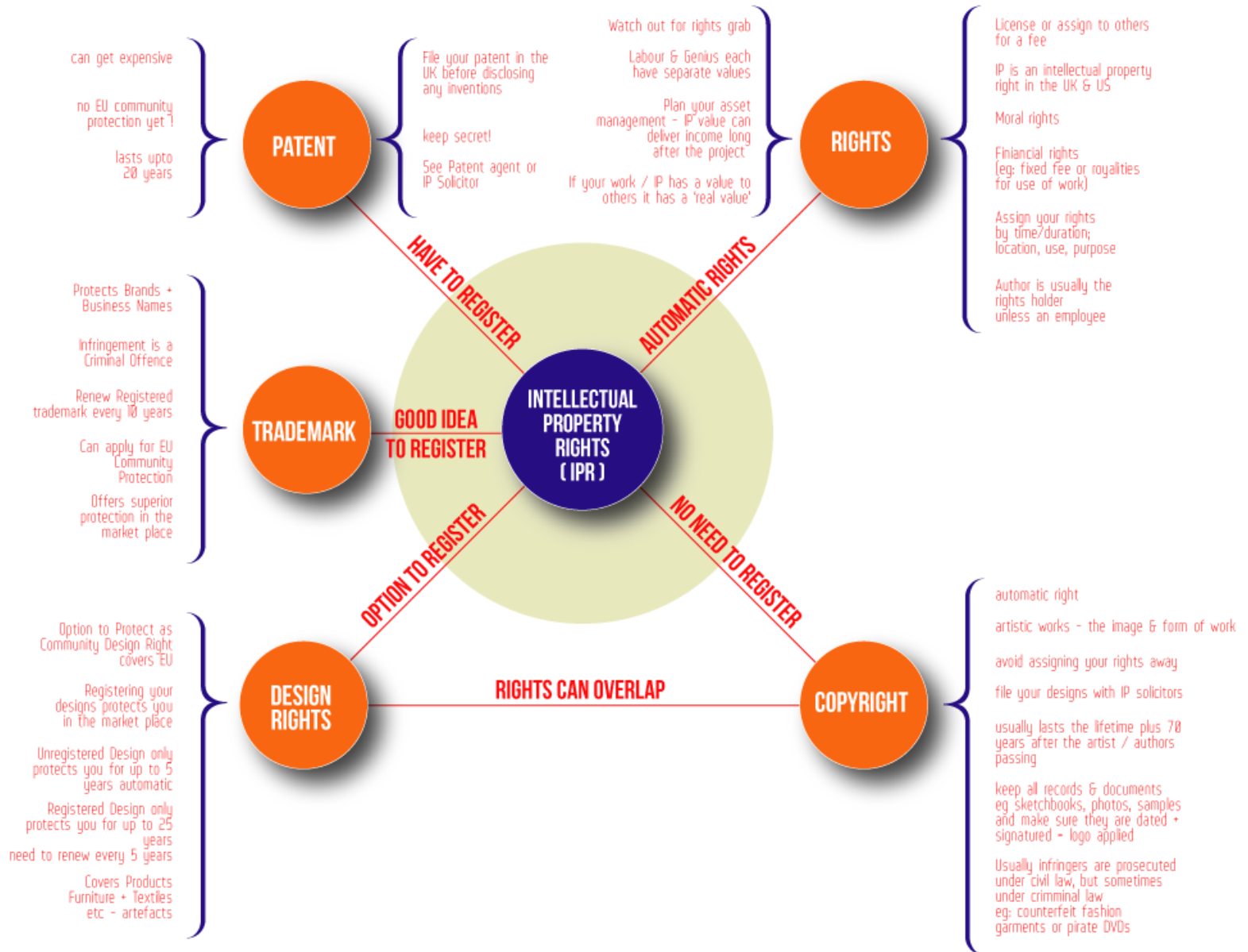
**OWNERSHIP OF
NEW VALUE MAY
BECOME AN IMPORTANT
SOURCE OF INCOME ...**

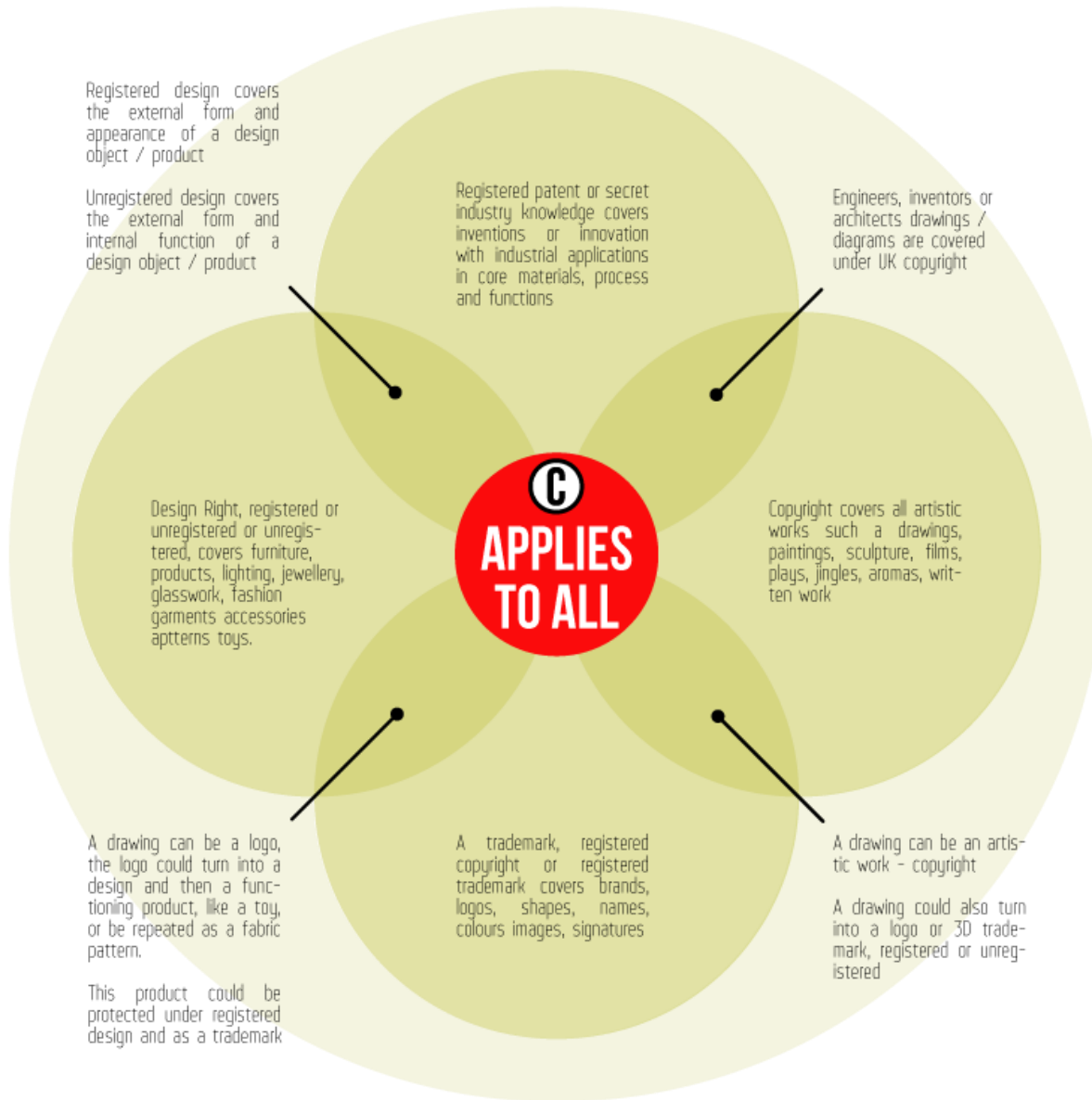
**BUT ALSO REMEMBER
OWNERSHIP OF
NEW VALUE MAY
ALSO CARRY THE
RESPONSIBILITY OF
LIABILITY...**

WHAT TYPES OF

IPP

ARE THERE ?





© COPYRIGHT
® REGISTERED
™ TRADEMARK

**COPYRIGHT
DESIGN RIGHT
TRADEMARK
PATENT
RIGHTS**

**MAKE A DISTINCTION
BETWEEN
LABOUR + GENIUS**

LABOUR = PROJECT FEES

**IP = NEW VALUE
MAGNIFIED BY THE
POTENTIAL THE SCALE OF
IMPACT**

**HOURS WORKED DOES
NOT EQUAL
INTELLECTUAL
PROPERTY**

**WHEN SHOULD YOU
PROCESS IPP ?**

**WHENEVER YOU
CREATE 'NEW VALUE' ?**

**WHAT YOUR KEY
CREATIVE SERVICES ?**



**Establishing
Innovation
Strategy**

**Trends
Drivers
Triggers**

**Specifying
Innovation
Opportunities**

**Stating
Design +
Innovation
Intents**

**Designing
Innovation
Proposals**

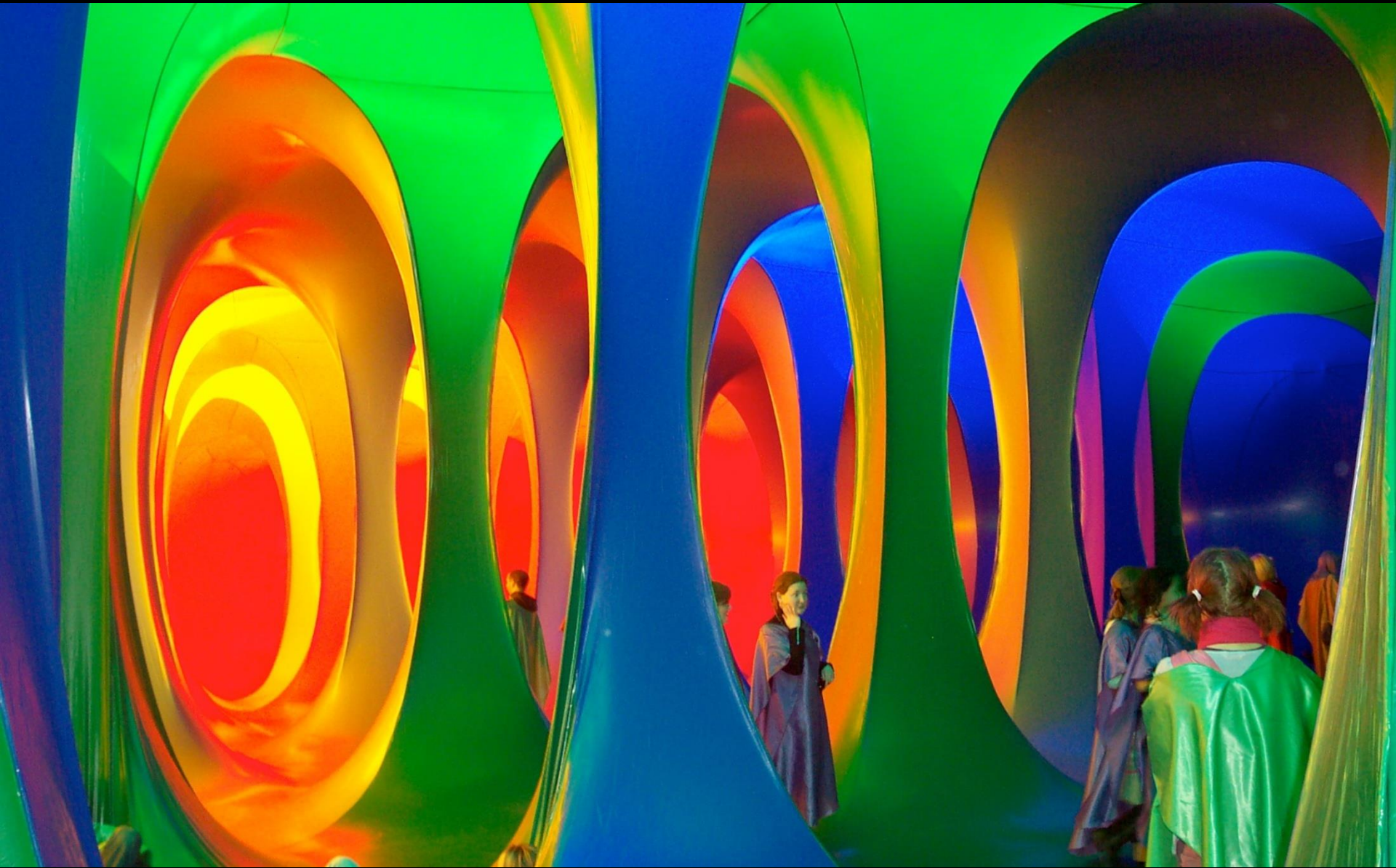
**Design
Process +
Specification**

**Commercialising
Innovation
Value**

**'Market'
Collateral**

CASE STUDIES

**NOW SOME EXAMPLES
OF WHAT MAY HAPPEN
WHEN IPP
GOES WRONG?**

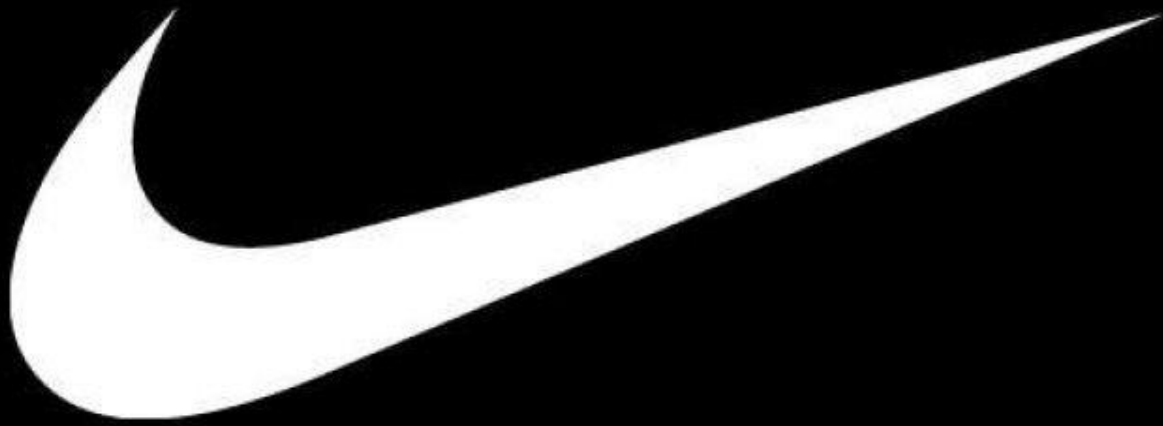














Nike.

Just Do It.

Design Protection & Intellectual Property

Purpose of this session

To introduce you the topic of Design protection / IP :

1. how to identify intellectual property;
2. how to protect intellectual property;
3. the commercial issues surrounding intellectual property; and
methods used to commercialise intellectual property.

Products of the mind



... the value of thought as a bankable asset

Products of the mind

- Intangible Assets are High Value
- Attract and secure investment
- Increase value of a business
- Competitive edge
 - **£45 billion** - APPLE Trade Mark (alone)
 - **£50 + billion** - Facebook networking technology
 - **£36 billion** - Coca Cola secret recipe and brand

... **the value of thought as a bankable asset**

Identifying Your Valuable Intellectual Property

Categorise into five main areas:

1. Brand (trade mark)
2. Look (design)
3. Copyright
4. Function (patent)
5. Knowledge (confidential information and trade secrets)

1 - Brands (Trade Marks)
Do you have a reputation?



Nature of Protection

- Trade Marks Act 2002 - sets out rules for gaining registration
- Words, logos, colours, shapes, sounds, smells (or any combination)

Considerations:

- Territorial
- National (of market) + International law search
- ® versus ™
- Business name / Domain Name / Trade Mark

Can you identify this brand by its colour?



2 - Look (Designs)



Nature of Protection

- Design Act – rules for gaining registration
- External appearance (shape, pattern, ornamentation)
- Exclusive right to make, import, sell and prevents others from imitating the design.

Considerations:

- Beware of the publicity trap! (not to be published)
- Consist of new or original features (not same as any other design already made public).

3 -Copyright

Covers:

- Literary (emails, training manuals, lyrics, computer programs)
- Dramatic (dance, mime, film scenarios or script)
- Musical (score and sheet music)
- Artistic (paintings, drawings maps, photographs, sculptures)
- Sounds recordings
- Communications (radio and TV broadcasts, internet webcasts)

3- Copyright – cont.

Considerations:

- Automatic – no registration required
- Protects the expression, not the idea
- Permission to use and attribute rightful owner (social media)
- Copyright Notice
- Ownership

3 - Copyright – who owns it ...

- Employee in normal course of employment, in which case the employer is the owner.
- Contractor carrying out a “commissioned work”, in which case the “commissioner” is the owner.

4 - Patents

Do you have something that functions well?

- products
- manufacturing process
- chemicals compounds + composition
- electrical devices + circuits

Nature of Protection

- Registration process
- Protection for 20 years (subject to payment of renewal fees)
- Exclusive right to use and license your invention

Considerations:

- Searching (to see whether a similar invention developed or published)
- Territorial
- Beware publicity trap
- Confidentiality Agreement if decide not to patent and keep a secret (Coke)
- Cost of Enforcement / Provisional Application (12 months)

Can all inventions be patented?

Can all inventions be patented?

No, it must ...

- be industrially applicable, (i.e. be able to be made or used in some kind of industry);
- contain an inventive step that is, “non-obvious”. The invention cannot be already known, or be two or more products or processes put together with no new or improved effect ;
- be new or novel (confidentiality essential prior to application)

5 - Knowledge

- Common law obligation of confidence information must be
 - Confidential; and
 - Disclosed in manner indicating confidence.

Considerations:

- Must take active steps to keep it secret.
- Contractual protection (Confidentiality and Non-Disclosure)
- Provisions in Employment Agreements
- Policies

Commercial Issues

Before starting to market or sell a product or service seek professional advice regarding:

- Search and be sure!
- Novelty assessments.
- Correct form of protection.
- Protection before you publicise.
- Get permission for source material.
- Retain ownership records/proof of ownership.
- Stop infringement happening to you (copyright notice).

IP as an investment proposition

Commercialisation – IP

- Start up, venture capital, angel investors...

Studies have shown that inadequate protection of IP is an important reason for capital providers declining to invest. It is important that you have a business plan which includes a strong program for protecting IP.

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Business Plan

Prudent, focused strategy for the next 5 years.

- An experienced, enthusiastic management team with specific objectives.
- A good marketing plan.
- Reliable market research indicating strong market opportunities and methods for realising business opportunities.
- A focus on the domestic market with room for international expansion.
- An IP portfolio able to protect those aspects of the business which determine the venture's success and establish a competitive advantage.
- Viability and revenue projections, pricing and gross margin strategies.

Licensing or Sell Outright

LICENSING

Why?

Not the best person to exploit it

Advantages?

Quality Control

Continuing Income

SELL OUTRIGHT

Why?

You get value upfront (money, skill, capital, commitment)

Smaller risk than licensing (enforcement of royalties)

Considerations

- Retain ownership?
- Who owns improvements to the IP?
- Clauses: Grant (use, modify, develop) Exclusive, Territories, Royalties