

Introduction to Intellectual Property

A presentation
to



Types of Intellectual Property (IP)

- Patents
- Trade marks
- Designs
- Copyright
- Confidential information



The *Aladdin* Mobile Phone

Trade Mark

Patent

Design

Confidential information

Semiconductor chip
topography
(copyright)



Trade Marks

- Covers Brands, Logos, Product Names
- Trade Marks are associated with certain goods or services
- ® or ™
- Registration provides a simple and effective way of stopping unauthorised use
- Clearance of new mark before use
- Non-use will lead to loss of rights

Designs

- Protects the *external appearance* of an article
- Registered (aesthetic appeal)
- Unregistered (non-aesthetic)

- Registration must be applied for before the design is published

Copyright

- Original works of authorship
- Prevents others from copying

Copyright examples

- Instructional material
- Brochures, pamphlets, leaflets
- Software
- Data sheets
- Application notes
- Advertising
- Web pages
- Drawings
- Books
- Posters
- Pictures
- Presentations
- Videos, films
- Newsletters
- Databases

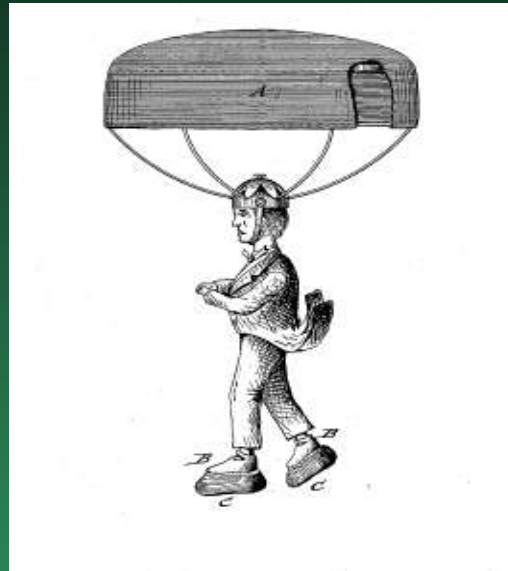
Patents

- Can be looked at as an agreement with a government:
 - Patent Applicant provides *full* disclosure of an Invention
 - Government grants a monopoly for a limited time (usually 20 years maximum)

What inventions are patentable?

- Those that are:
 - *useful*
 - *new*
 - have required some *inventive effort*

In 1879, U.S. 221,855 issued to Benjamin Oppenheimer for a fire escape. According to Ben, by using his fire escape, “a person may safely jump out of the window of a burning building from any height, and land, without injury and without the least damage, on the ground.”



His fire escape had two basic parts; a parachute that attaches to the user’s head, and “overshoes B, with elastic soles or pads C, of suitable thickness, that take up the sudden shock on arriving on the ground.”

Note particularly the detail that the draftsman leaned to the figure, such as the wind-driven tails and tie (obviously, Ben thought that men of taste and distinction were his likely purchasers).

United States Patent [19]

Mosca

[11] Patent Number: **4,488,316**

[45] Date of Patent: **Dec. 18, 1984**

- [54] **MISTLETOE SUPPORTING HEADBAND**
- [76] Inventor: **Ronald J. Mosca**, 4551 W. Sanna St., Glendale, Ariz. 85302
- [21] Appl. No.: **542,739**
- [22] Filed: **Oct. 17, 1983**
- [51] Int. Cl.³ **A42B 0/00**
- [52] U.S. Cl. **2/171; 2/174; 2/185 R; 2/186; 2/209.2**
- [58] Field of Search **2/171, 174, 185, 186, 2/244, 209.1, 209.2**

[56] **References Cited**

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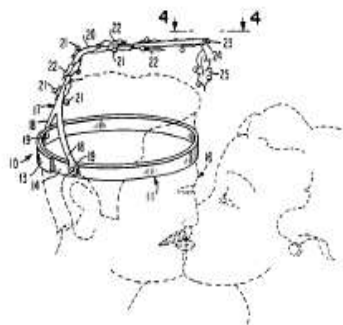
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1027151 3/1953 France 2/171

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Gershman, *Journal of American Medical Association*, vol. 168, No. 7, "Self-Adhering Nylon Tapes", Oct. 19, 1958, p. 980.

Primary Examiner—Werner H. Schroeder
Assistant Examiner—Mary A. Ellis

[57] **ABSTRACT**
This novel and unique headband device serves to support a fresh piece of mistletoe in front of its wearer's head. Primarily, it consists of a strip of material, which is suitably fastened to the head of the wearer, and it also includes a fork member, having an opening for receiving the mistletoe, which is disposed of after its use. The headband may also be used for supporting other decorative or novelty items.

2 Claims, 5 Drawing Figures



Nov. 9, 1965

Filed Jan. 15, 1963

G. B. BLONSKY ETAL
APPARATUS FOR FACILITATING THE BIRTH OF
A CHILD BY CENTRIFUGAL FORCE

3,216,423

4 Sheets-Sheet 1

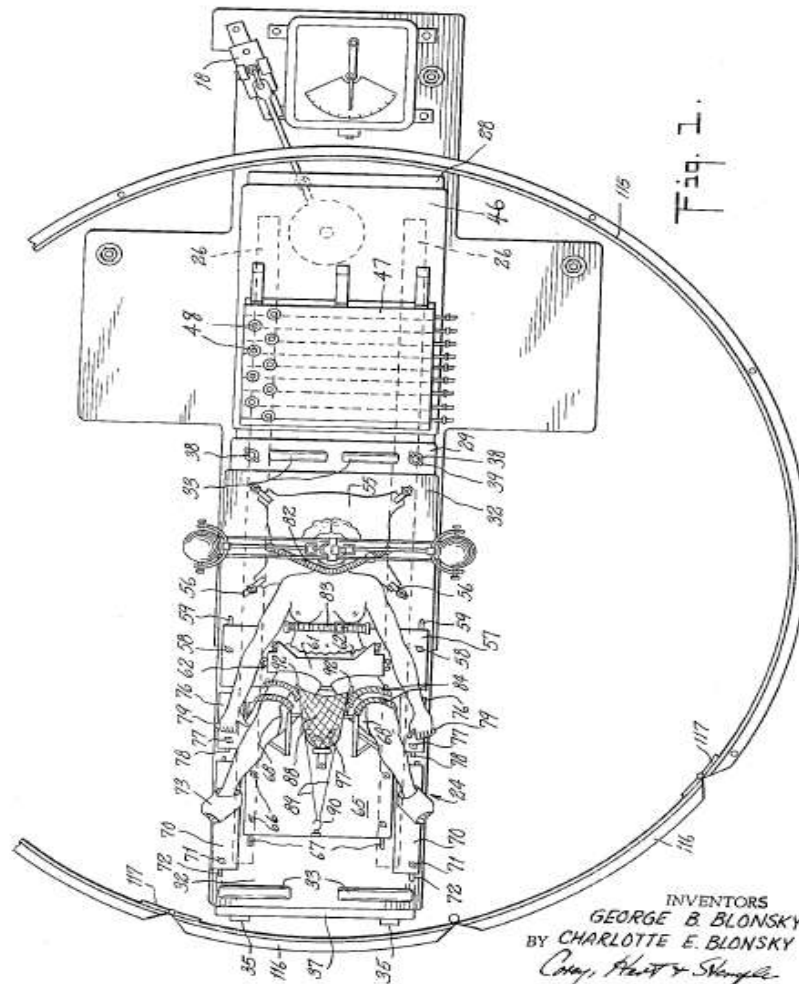
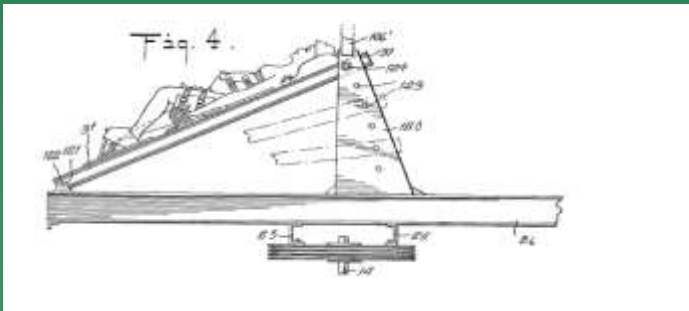
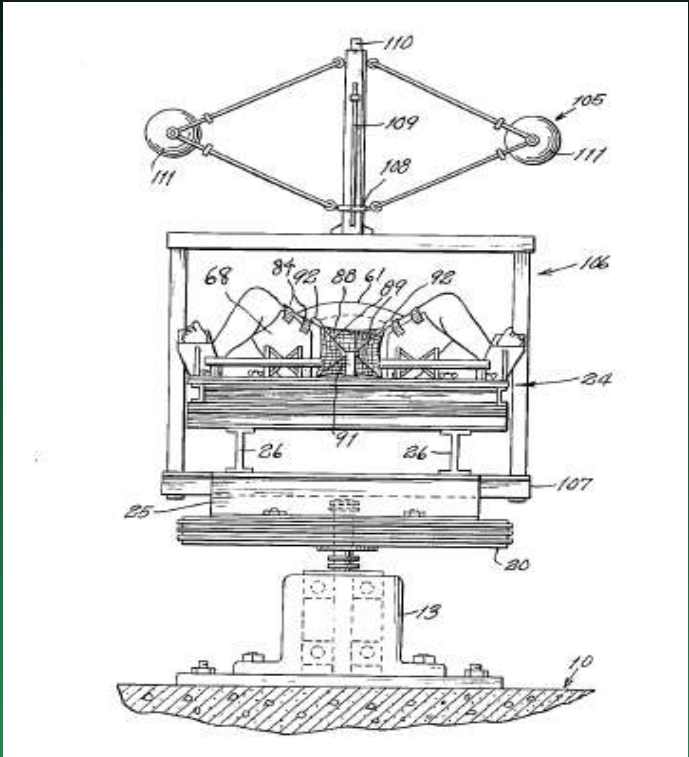


Fig. 1.

INVENTORS
GEORGE B. BLONSKY
BY CHARLOTTE E. BLONSKY
Charlotte E. Blonsky
ATTORNEYS



What does *new* mean?

- Not published anywhere in the world
- Not disclosed to anyone unless covered by confidentiality (written or implied)

What does *inventive* mean?

- Not obvious to someone skilled in the field

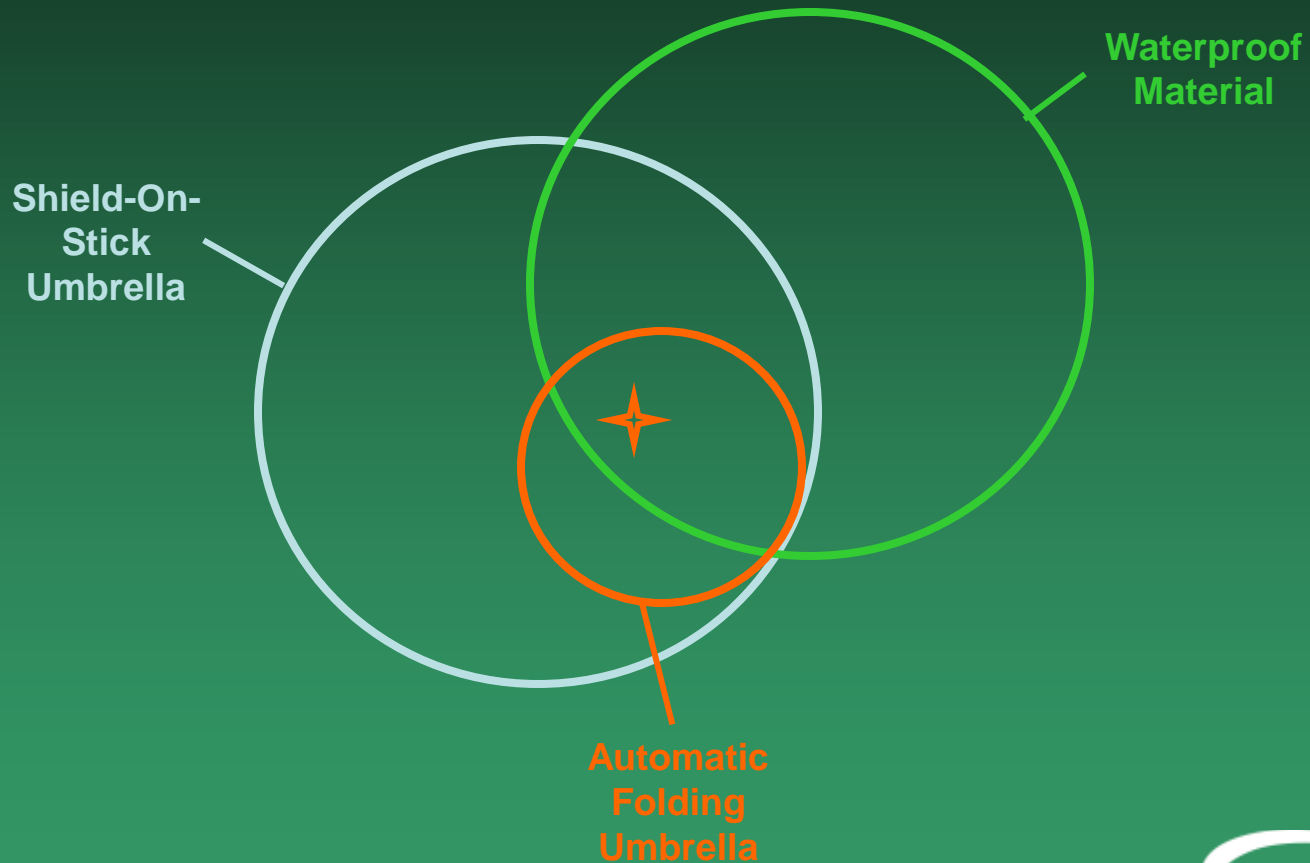
What is the monopoly?

- The right to exclude everyone else from utilising what is covered by the patent
- NOT the right to commercialise the invention oneself

Example

- Known
 - idea of umbrella – ‘shield on a stick’
 - use of waterproof material as ‘shield’ and as raincoat
- Invention – automatic folding umbrella

Example



How can a person use his/her
patents?

1. Offensively

- Market protection
 - prevent others from making, using or selling
- Revenue source
 - collect royalties for permission to make, use or sell

2. Defensively

- Market access
 - leverage into otherwise foreclosed markets
 - cross-license the patents to obtain rights under other's patents
- Freedom of action
 - prevent others from obtaining patent

Patent invention analysis

- Will competitors want to use the invention?
- At what level will the invention apply?
- How can infringement be detected?
- How can infringement be avoided?
- How to protect the company's freedom of action?

What is the basis for patent decisions?

- Likely commercial value or importance
- Apparent scope and novelty of invention
- Difficulty of detecting infringement
- Relative advantages of keeping invention as a trade secret
- Cost of obtaining patent

A WARNING!

Until a patent application is filed, the invention:

- MUST BE KEPT CONFIDENTIAL
- MUST NOT BE OFFERED FOR SALE

Keeping it confidential

- Documentation must be clearly marked as

The owner's confidential proprietary information

- Non-disclosure agreements are vital
 - for dealing with third parties regarding the invention

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