



**TAL
TECH**

**VIRTUAL REGIONAL SEMINAR ON THE
PATENTABILITY OF COMPUTER-
IMPLEMENTED INVENTIONS**

**ORGANISED BY WIPO IN COOPERATION WITH THE
ESTONIAN PATENT OFFICE**

Mart Enn Koppel
European Patent Attorney
Head of Technology Transfer

09.12.2022

**TALLINN UNIVERSITY
OF TECHNOLOGY**



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**STRATEGIES FOR TECHNOLOGY
TRANSFER OFFICES (TTOS):
PATENTING AND LICENSING OF
SOFTWARE**

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UNIVERSITY TECHNOLOGY TRANSFER

Process of transferring (disseminating) technology from the University to another person or organization to transform inventions and scientific outcomes into new products and services that benefit society.



SOFTWARE AND COMPUTER IMPLEMENTED INVENTIONS (CII)

- On one hand, business as usual: over 50 per cent of Taltech's granted patents and pending patent applications for CIIs:
- Several research groups studying human body, measuring different parameters using different sensors, where the invention is about **clever signal/data processing**
 - By optical means, e.g., determining substances or lack of substances from blood and other bodily fluids, or measuring pulse, pulse wave, oxygen saturation, etc.
 - Bioimpedance based – determining conditions of body tissues, controlling pacemakers, artificial hearts, etc
 - Using motion sensors, e.g., determining how the body moves, e.g., for training or rehabilitation or diagnosing purposes
 - From heart and brain waves
- Communication protocols, e.g., in 5G networks
- Autonomous (self-driving) vehicles
- Cryptography, cybersecurity, blockchain, inventions related to / using AI, etc
- Licensing CII patents - business as usual?

SOFTWARE AND COMPUTER IMPLEMENTED INVENTIONS (CII)

- First challenge: University researchers must publish. By publishing a clever signal processing method, broadly (mathematical method not patentable as such), its different applications may become obvious (non-inventive, thus not patentable)
- Second group of challenges: software is protected by copyright
 - Often, group of authors – proper agreements needed
 - Author's moral rights cannot be transferred in Estonia / Europa, only licensed (unlike, e.g., USA)
 - Software either based on earlier software (derivative works) – must be distributed under same the provisions (like GNU GPL)

SPECIFIC CHALLENGE

- Research supported by the EU (Horizon Europe, etc):
 - Balancing the principles of Open access / Open Science and Dissemination of Results vs Intellectual Property Rights and (commercial) Exploitation of Results
 - **Dissemination** - public disclosure of the results by appropriate means (other than resulting from protecting or exploiting the results), including by scientific publications in any medium.
 - **Exploitation** - use of results in further research and innovation activities other than those covered by the action concerned, including inter alia, **commercial exploitation** such as developing, creating, manufacturing and marketing a product or process, creating and providing a service, or in standardisation activities.

HORIZON EUROPE (TO SUMMARIZE)

- Most of the project **Results** are Intellectual Property, which may, if appropriate, be protected by **Intellectual Property Rights**
 - Including patents, including for CIIs
 - Including software (implementing the invention)
- Project beneficiaries must engage in exploitation activities
- Plan for (Commercial) exploitation of the Results must be included already in the proposal
- Dissemination of the Results must be Open Access / Open Science (mandatory Open Science practices and recommended Open Science practices)
- Results: 'As open as possible, as closed as necessary'
- Software: CC0, free licenses by Free Software Foundation, open source by Open Source Initiative: many such licenses include free patent license

=> Make sure your Exploitation Strategy is in line with your Open Access / Open Science Strategy

An abstract, vibrant background featuring flowing, liquid-like shapes in shades of blue, purple, pink, and orange, set against a light blue gradient. The text 'TAL TECH' is overlaid on the right side of this background.

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taltech.ee/en