

Introduction to Intellectual Property

Ms. Rebecka Forsgren

Iqaluit, Canada

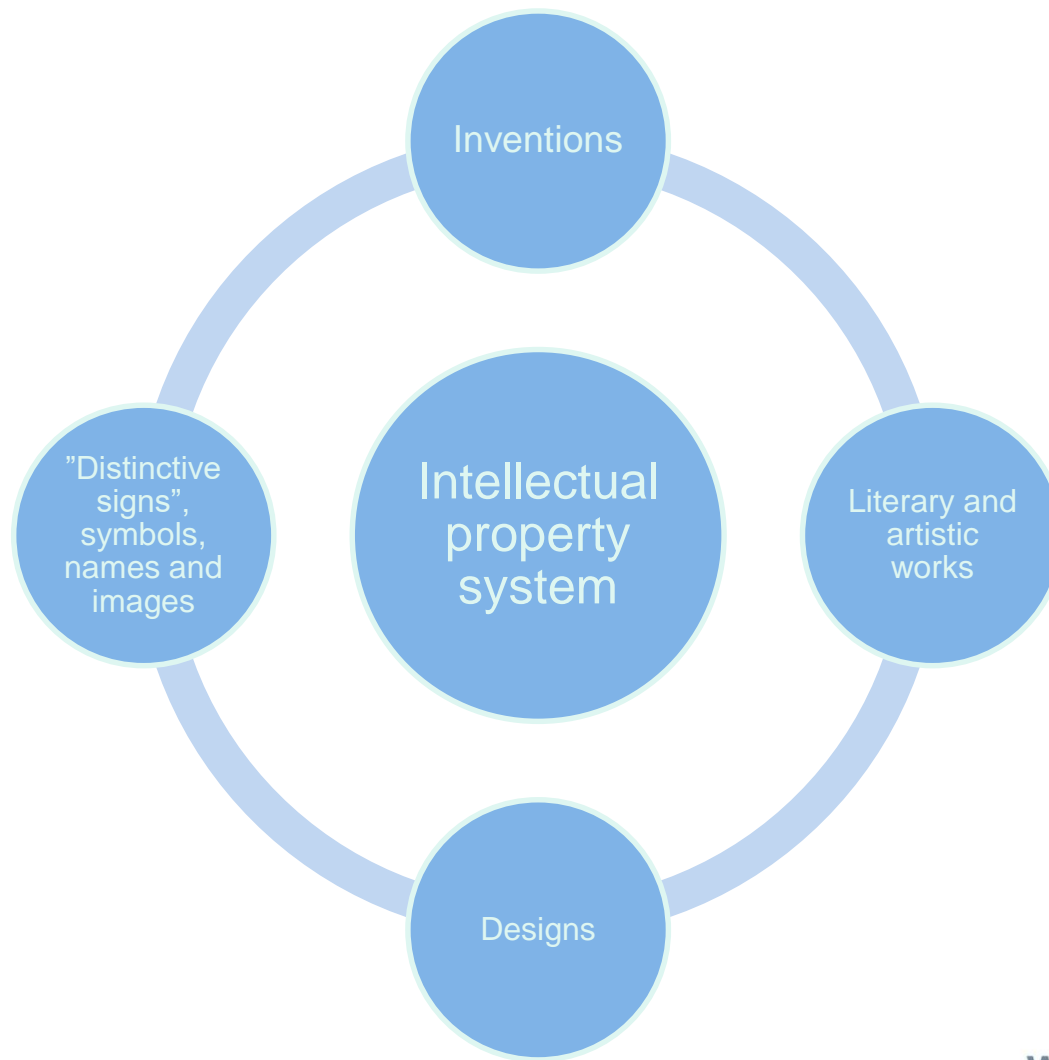
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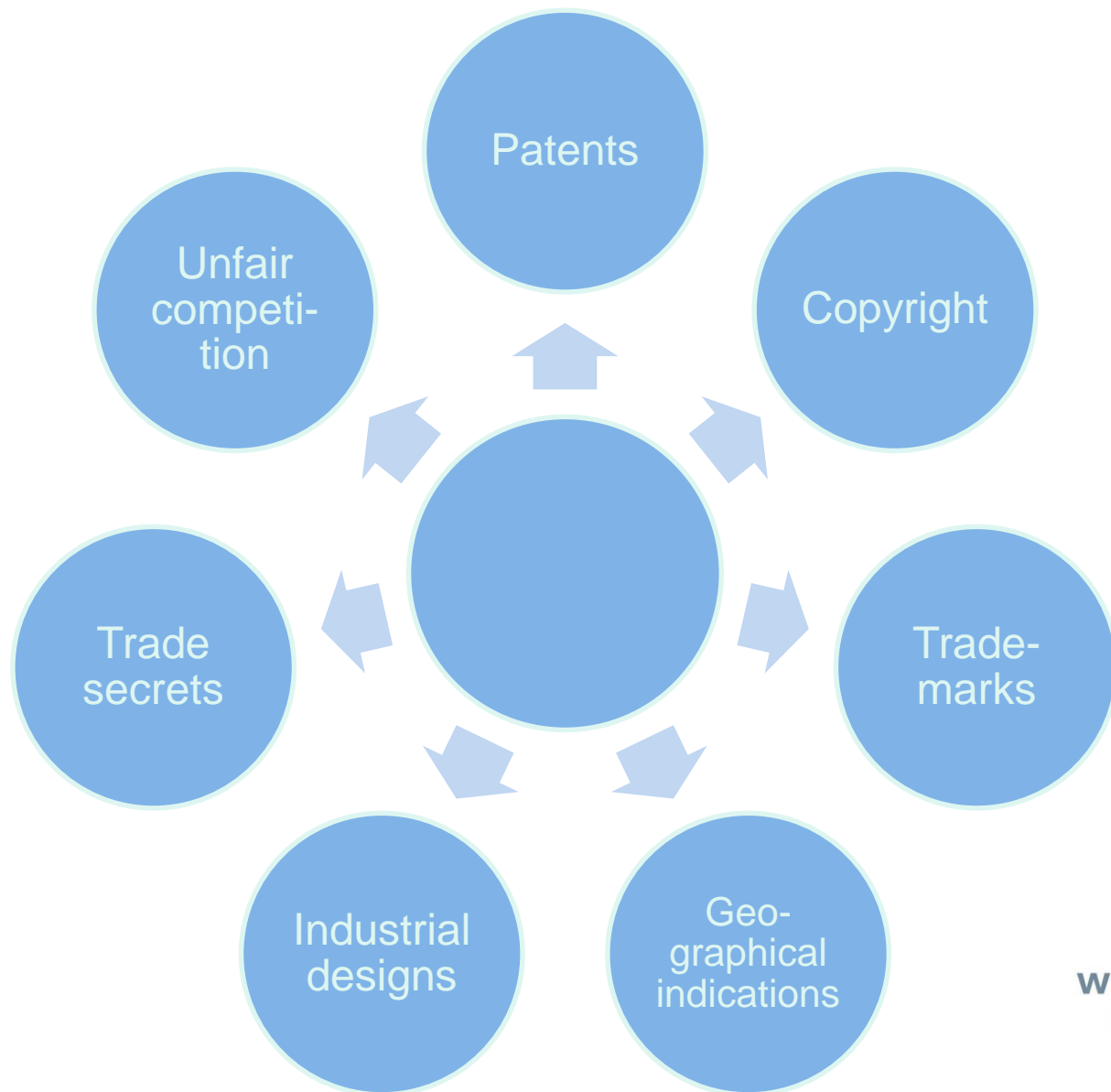
What is intellectual property

- Creations of the human mind, the results of human creativity and innovation
- The IP system enables people to earn
 - recognition
 - financial benefitfrom what they invent or create
- Encourage inventiveness
 - Inventors and authors
 - Future inventors and authors

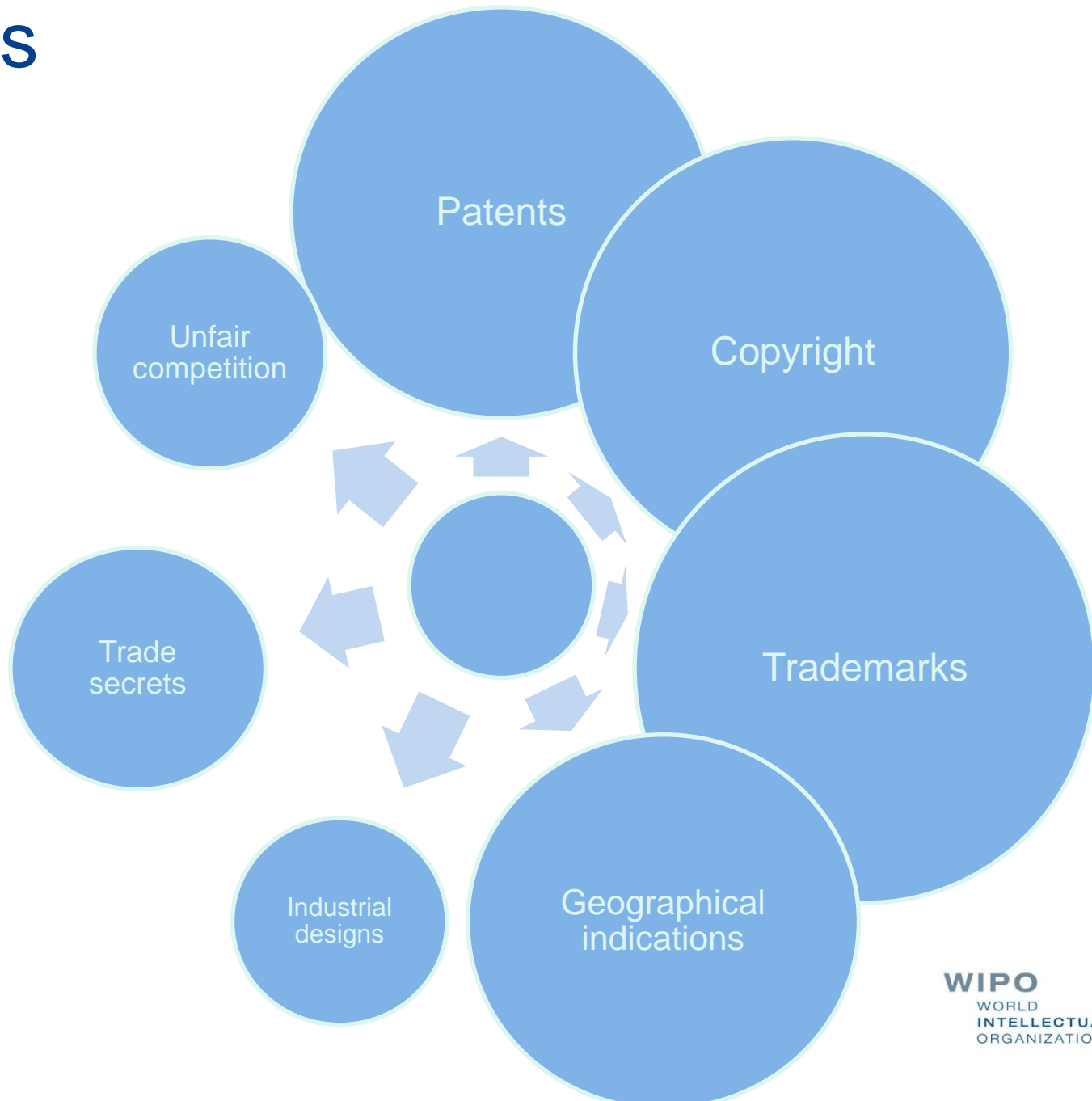
What can be protected?



Overview of IP rights



Focus





Similarities between the IP rights

- Gives exclusive rights
 - Positive rights for authors/inventors
- Striving for balance
- Some procedures/rules for getting protection
 - Registration is needed *in general*
- Limits to protection
 - In time
 - To territory
- Most rights can be transferred or licensed



In what ways do IP rights differ?

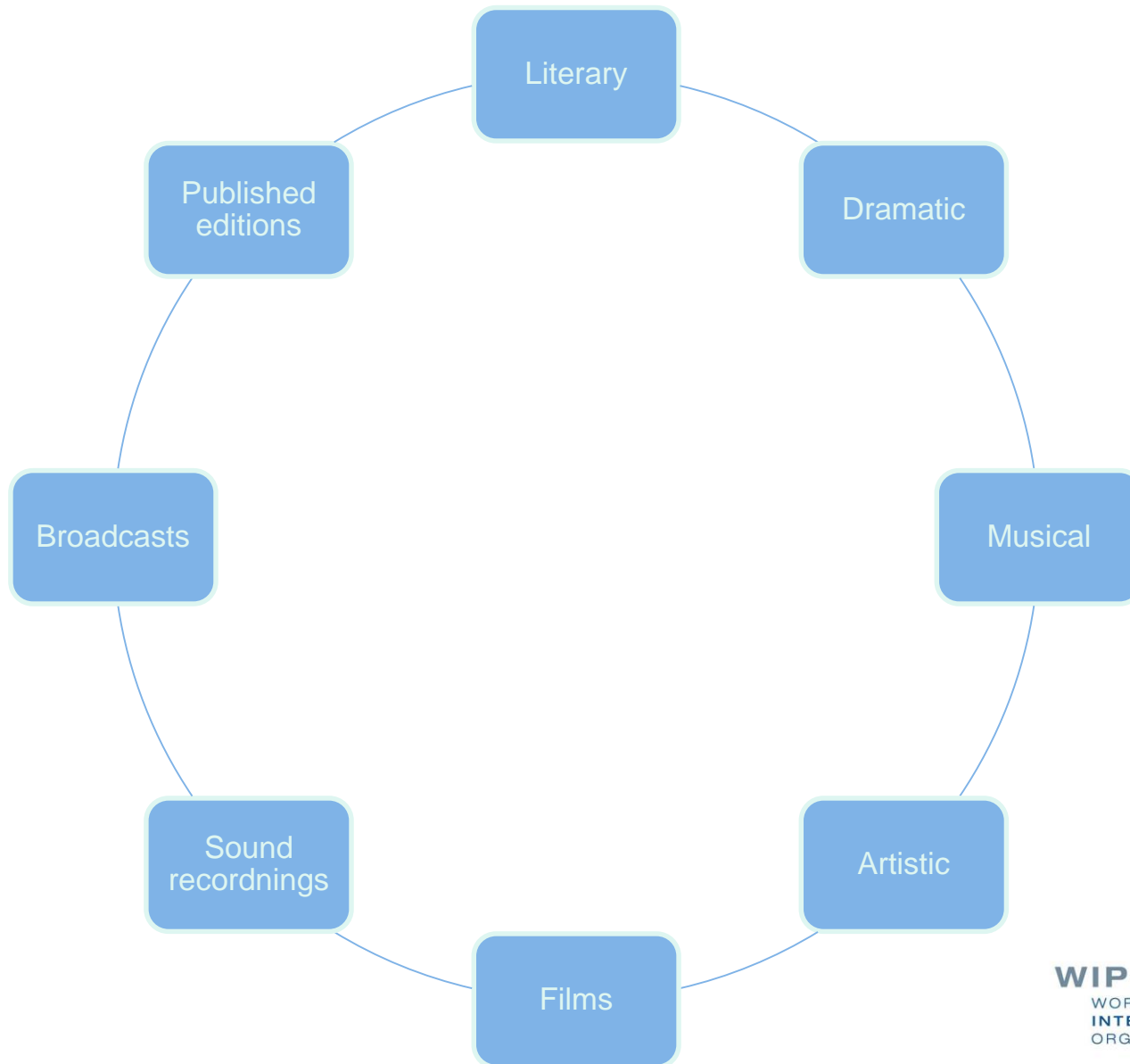
- The subject that can be protected
- Requirements for gaining protection
- Conditions for protection
- Duration of protection
- The nature of the granted rights (the "strength" of the protection)



Copyright

- Different types of “works” (ex. literary, artistic, etc.)
- Protects the *expression* of ideas not the idea or the knowledge per se

Categories of works





Exclusive rights

- Moral rights

- Attribution – right to recognition
- Integrity

- Economic rights

- reproduction
- distribution
- adaptation
- translation
- public performance/display
- public communication

Conditions

- To gain protection the work needs to be
 - Original
 - Recorded in material form
- Duration of protection
 - 50 years after the death of the author
- Registration needed?
 - No, automatic protection (when turned into a tangible/material form)



Exceptions

- Inspiration allowed - Not copy!
 - Encourage inventiveness and creativity
- Fair use
 - Private or research use
 - Criticism or reviews
 - Reporting current events
 - Incidental inclusion of copyright protected work in another work (film recording, broadcast etc.)
- Facts can not get copyright protection



Patents

- Inventions – new and inventive products and processes.
 - A technical solution to a problem (or product) or
 - A new way of doing something (a process)



Patentability Requirements

- To gain protection, the invention needs to be
 - Novel
 - No “prior art”
- Invention – a creation of the human mind
 - Naturally occurring processes and products are not patentable
- Inventive, non obvious
- Industrially applicable / useful



Exclusive rights

- A right granted by a state to an inventor
 - to exclude others from making, using, selling or importing
 - in the **territory** without the inventor's consent
 - same sort of goods or services



Conditions

Duration

- Limited period, 20 years in many countries

Registration

- Yes



What's the catch? Or, the last requirement

- You get protection in exchange for a **disclosure of specification** of the invention (balance)
 - Someone can reproduce/repeat
 - Best way for reproduction
- Balance
- Encourage inventiveness and creativity



Trademarks

- Right that protects distinctive signs
- Distinguishes goods and services provided by specific person or enterprise
 - Customers can identify the goods and services they need
 - Trademark indicates the nature and quality
 - Marketing strategy

What is a sign?

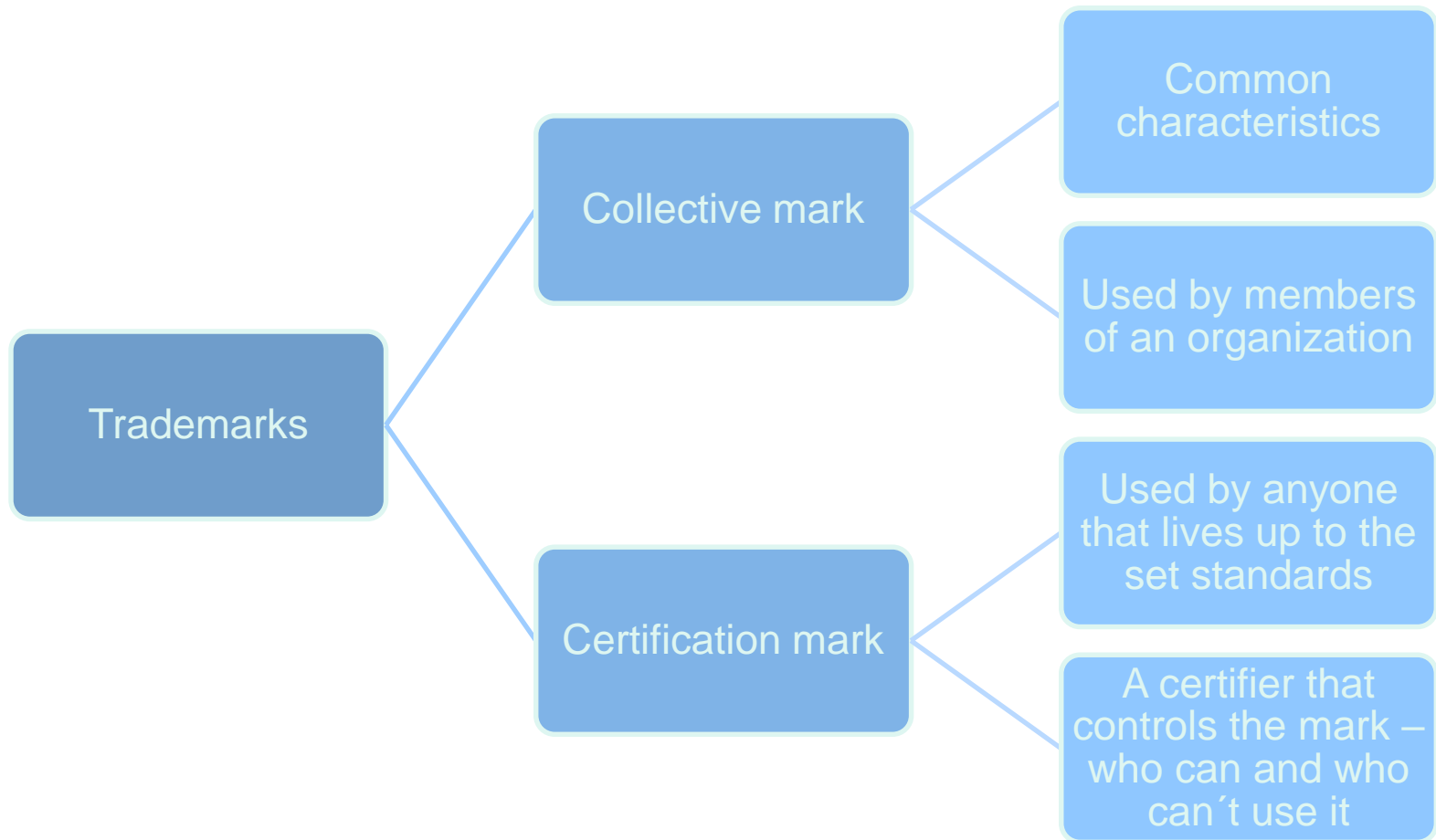
- Words
- Designs
- Letters
- Numerals
- The shape of goods or their packaging
- Slogans
- Colours
- Sounds
- Smells
- Gestures
- Taste



Requirements

- To gain protection, the trademark has to be
 - Used in trade
 - Must be distinctive
 - Cannot be generic, descriptive or deceptive
 - Should not be identical or confusingly similar to another trademark

Types of trademarks





Conditions

Time

- 10 years duration; renewable

Registration

- Usually required to be registered

Geographical Indications

- Sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin
 - Differentiates products for customers
- Geographical origin may be important because:
 - Natural factors – i.e., local soil, climate etc
 - Human factors – i.e., skills, knowledge, practices/traditions
- Examples: Champagne, Darjeeling for tea from India
 - Other products: agricultural products, wines, spirits, handicrafts



Geographical Indications

■ Protection

- Prevents others from using a sign that could be misleading
- Creates a niche market for the producers of the area

■ Requirements

- Registration
- Book of requirements/specifications set

■ Importance of educating consumers/raising awareness



Industrial Designs

- Protect the aesthetic or ornamental aspect of a product i.e., how it looks rather than how it works or what it does (functionally)
- Only new designs are protected – must differ from existing designs
- Usually must be registered for protection - filing an application and paying a fee (though can be protected by copyright of unfair competition laws too)



Trade Secrets (or Confidential Information)

- Protects secret knowledge, such as manufacturing processes, secret ingredients etc.
- Prevents someone from using the information if it is secret, indefinitely
- Will not protect where there has been incidental / independent discoveries
- No registration required
- Measures needs to be taken to keep it secret



Unfair Competition

- Prevents:
 - the false labelling of products
 - creating confusion discrediting other brands
 - *Passing off* your product as if they were someone else's
- Can supplement the other IP regimes
- No registration required



	Patents	Copyright	Trademarks	Geographical indications
<ul style="list-style-type: none">• Duration• Subject• Registration needed?	<ul style="list-style-type: none">• 20 years• Idea is protected• Yes	<ul style="list-style-type: none">• 50 y. after death of creator• Expressions• No	<ul style="list-style-type: none">• 10 y. but renewable• Mark used in trade• Yes (generally)	<ul style="list-style-type: none">• Forever• Signs used to indicate certain origin• Yes



Gäjhtoe!
Thank you!