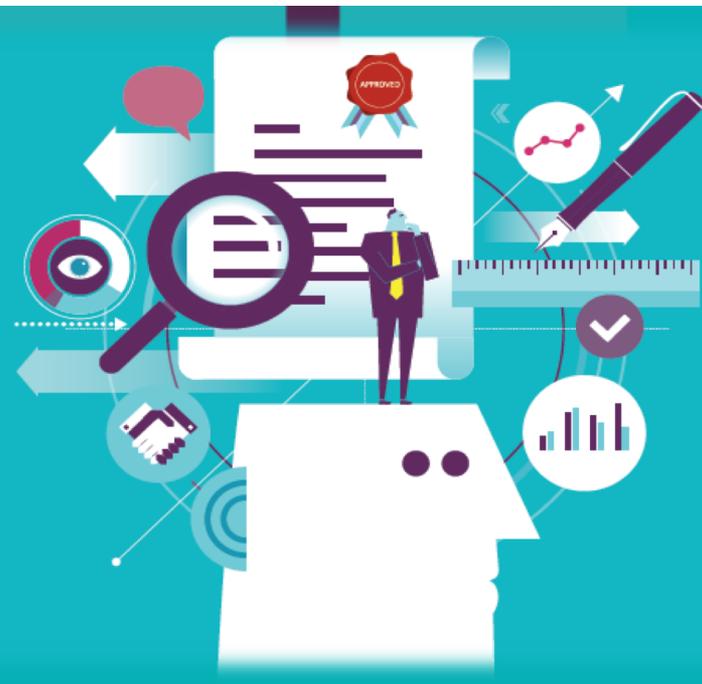




Rigorous empirical  
research on  
intellectual property

# From idea to profit: How to leverage your IP

17. October 2019



4iP Council : Empirical r x + v

https://www.4ipcouncil.com/

4iP About The Issue Our Position Research Publications Case Law Search News Features 4SMEs Network Search

Rigorous empirical research on intellectual property

- Types of IP
- Benefits of IP
- 4 Reasons to Patent
- IP for Business Growth
- SME Features
- Research

## 4 REASONS TO PATENT

- 1 - MARKET ACCESS
- 2 - NEGOTIATING
- 3 - FUNDING
- 4 - STRATEGIC VALUE

Explore how patents add value with our **interactive guide**.

 Rigorous empirical research on intellectual property



<https://www.4ipcouncil.com/4smes>

## Stay informed

To receive alerts for regular research reports, news and interviews from 4iP

 **Push**

?	 PATENTS	 COPYRIGHTS	 DESIGNS*	 TRADEMARKS	 TRADE SECRETS
<b>What do they protect?</b>	An invention, a new and innovative way of doing something, or solving a technical problem. <a href="#">See also:</a> <a href="#">Here</a> <a href="#">Here</a> <a href="#">Here</a>	A work, an original intellectual creation. <a href="#">See also:</a> <a href="#">Here</a> <a href="#">Here</a> <a href="#">Here</a>	A new and original visual appearance of a product. <a href="#">See also:</a> <a href="#">Here</a> <a href="#">Here</a> <a href="#">Here</a>	Distinctive signs that identify brands of products/services.	Any type of useful information for business that is secret and kept confidential. <a href="#">See also:</a> <a href="#">Here</a> <a href="#">Here</a>
<b>Examples of what is protected</b>	Inventive products and processes in all lines of business. For examples of successful inventions by SMEs <a href="#">see here</a>	Audio-visual works, pictures, graphics, architecture, databases, software, designs, literature, novels, poems, plays, music and video, dramatic works.  Protects the integrity and attribution of the work. Related rights: Public performance and display of the <i>il</i> work. <a href="#">See also</a> <a href="#">Here</a>	Packages, containers, furnishings, graphics symbols, computer icons, typefaces, graphical user interfaces, logos and maps.  <a href="#">More on designs</a> <a href="#">Here</a>	Words, personal names, designs, letters, numerals, colours, shapes, packaging, sounds. <a href="#">More on TMs</a> <a href="#">Here</a>  <a href="#">See also</a> <a href="#">Here</a> <a href="#">Here</a>	Any confidential information: business methods, customer lists, R&D data, financial information, cooking recipes, software, datasets, know-how, algorithms.  <a href="#">More on trade secrets</a> <a href="#">Here</a>
<b>How are my rights protected?</b>	Prevents unauthorised making, using or selling of the patented invention.	Prevents the work being (without authorisation) copied, published, distributed or made available online.  Protects the integrity and attribution of the work. Related rights: Public performance and display of the <i>il</i> work. <a href="#">See also</a> <a href="#">Here</a>	Prevents unauthorised use of an identical or similar visual appearance for the same kind of products and/or services.  <a href="#">See also</a> <a href="#">Here</a>	Prevents unauthorised use of distinctive signs for the same or related products or services.  <a href="#">See also</a> <a href="#">Here</a> <a href="#">Here</a>	Prevents others from using the confidential information, as long as it remains secret.  Allows to claim monetary compensation in case of unlawful disclosure of the confidential information.
<b>How long is my innovation protected?</b>	Up to 20 years	Lifetime of the author +50 to 70 years after death (depending on the country)	Up to 25 years for registered designs	Indefinitely, subject to use in commerce and renewals	Indefinitely, provided it is not revealed
<b>Do I have to register it?</b>	Yes, filing an application to a patent office is required. More on patent applications in: <a href="#">EPO</a> <a href="#">EPO</a> <a href="#">DPMA (DE)</a> <a href="#">INPI (FR)</a> <a href="#">UK IPO (UK)</a>	No, copyright protection arises automatically with its creation.  <a href="#">See also</a> <a href="#">Here</a>	No, but it is highly advisable. Unregistered designs are protected only from unauthorised copying and they have shorter term of protection (up to 3 years versus up to 25). More info in: <a href="#">EU IPR Helpline</a> <a href="#">EUIPO</a>	Yes, Three routes to registration: National protection: <a href="#">GERMANY</a> <a href="#">FRANCE</a> <a href="#">UK</a> EU-wide protection: <a href="#">EUIPO</a> International protection: <a href="#">WIPO Madrid System</a>	No
<b>How long does it take?</b>	3 to 5 years	n/a	3 to 12 months, depending on the country	3 to 24 months, depending on the country	n/a
<b>How much does it cost?</b>	Medium to high (from 6000€)	If registered: low (from 15€)	Low to medium (500€)	Medium (1000€)	Nothing
<b>How do I start?</b>	<a href="#">IPR Guide in Europe</a> <a href="#">Patent Basics</a>	<a href="#">IPR Guide in Europe</a> <a href="#">Understanding Copyright and Related Rights</a>	<a href="#">Design Basics</a> <a href="#">Designs</a>	<a href="#">Trademark Protection in the EU</a> <a href="#">Trademarks Basics</a>	<a href="#">Trade Secrets in the EU</a> <a href="#">How to manage confidential business information</a>

\* Depending on the national law and the type of design, they may also be protected as works of art under copyright. In some countries, designs are protected under patent law as "design patents".

## How do I use intellectual property to grow my business?



# Intellectual property from the perspective of a venture capitalist

Presented by Dr. Christian Schneider



**Thursday, 21 November**  
**From 16.00-17.00 CET**  
(including Q&A)

**This 4iP Council webinar will address the following:**

- The range of attributes investors look for
- The role of IP in investment decision-making
- Pitfalls and challenges in relation to IP
- Real world examples – good and bad



**Presenter**

**Dr. Christian Schneider** has been a venture capital executive for the past 20 years. He has extensive hands-on work and investment experience in life sciences and as shareholder and board member he actively supports and advises start-up companies.



**Dr. Begoña G. Otero**  
Senior Researcher,  
Max Planck Institute for Innovation &  
Competition





**“I invented fire, but now everyone is using it for free. In hindsight, maybe my first invention should have been intellectual property law.”**

# Intellectual P...what?

- *Outline:*
  - Brief and practical overview of the main intellectual property rights (IPRs).
  - Some common mistakes and how to fix them.
  - A few best practice tips.

# IPRs in practice

[www.domainname.com/.de](http://www.domainname.com/.de)



## Trademark

- Logo
- Car model name
- Sound of the engine

## Copyrights

- Software
- Model design

## Trade secret

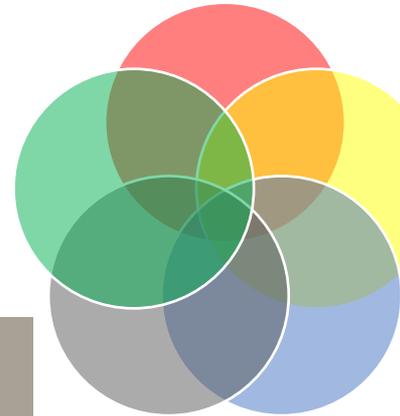
- Some tech systems
- Know-How

## Patent

- Engine structure
- Features of breaks
- Design of the car frame (low air resistance)\* UM

## Design

- Model design
- Keys
- Frontal
- Wheels Groove



# What can IP do for your business?



## **Exclusivity**

- Develop your own business idea
- Exclude competitors
- Be first to market



## **Attract investment**

- Access to grants and subsidiaries
- Attract venture capital



## **Reputation enhancer**

- Uniqueness and reputation
- Enhance your market position



## **Trade**

- Be free to operate, license and from others
- Strength in negotiations
- Business partnering opportunities

# Copyrights

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
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A **work**: an original intellectual creation.

Music, movies, databases, software, architecture, etc.

Control the reproduction, publishing, distribution, modification, performance and display, plus integrity and attribution of the work.

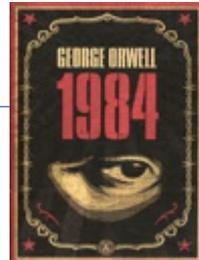
Lifetime of the author +50/70 years after death (depending on the country)

Not a must  
But it might be a good proof in case of infringement!

Also, use of ©

If registered: low

Since creation



# Trademarks

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
<p>A <b>distinctive sign</b> that identifies products and/or services</p> <p>Words, personal names, designs, letters, numerals, colors, shapes, the packaging of goods, sounds</p> 	<p>Preventing unauthorized use of the sign for the same or related products/services</p>	<p>Indefinitely, subject to use in commerce and renewals</p>	<p>Yes*</p> <p>3 routes:</p> <ul style="list-style-type: none"> <li>• National</li> <li>• EUTM</li> <li>• International</li> </ul> <p>After the registration the TM should be used</p> <p>Not mandatory use of the following symbols:</p> <p>® (registered)</p> <p>™ (trademark)</p> 	<p>If registered: medium</p>	<p>3 to 24 months approx. depending on the country</p> 

# Patents

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
An <b>invention</b> : a new and innovative way of doing something or solving a technical problem	Preventing the unauthorized making, using and selling of the patented invention	Up to 20 years	YES 3 Routes: <ul style="list-style-type: none"> <li>• National</li> <li>• EPO</li> <li>• PCT</li> </ul>	If registered: medium to high	3 to 5 years



*DNA copying process*

# Designs

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?	HOW LONG?
<p>A new and original <b>visual appearance</b> of a product</p> <p>Packages, containers, GUIs, computer icons, etc.</p>	<p>Preventing the unauthorized use of and identical or similar visual appearance for the same kind of products and/or services</p>	<p>Up to 25 years for registered designs</p>	<p>Not a must but advisable. Unregistered EU designs are protected only from unauthorized copying and only protected for 3 years</p>	<p>If registered: low to medium</p>	<p>3 to 12 months</p>



# Trade Secrets

WHAT?	HOW?	LASTING?	REGISTRATION?	HOW MUCH?
<p>Any type of <b>useful information for business</b> that is secret and kept confidential.</p> <p>Business methods, know-how, financial information, algorithms, etc.</p> <p>Products / Processes <b>when reverse engineering is difficult</b></p>	<p>Preventing others from using it as long as it remains secret.</p> <p>Allows to claim monetary compensation in case of unlawful disclosure of the trade secret.</p>	<p>Indefinitely as long as it is not revealed.</p>	<p>No</p>	<p>Nothing</p>

## Former Google self-driving car engineer charged with theft of trade secrets

Anthony Levandowski worked on autonomous vehicles at Google for nearly a decade before going to work for Uber



▲ Anthony Levandowski, then head of Uber's self-driving program, speaks about their driverless car in San Francisco, in December 2016. Photograph: Eric Risberg/AP

Bloomberg | Updated: Feb 25, 2017, 08:30 AM IST



A+



SAN FRANCISCO: It took **Alphabet Inc's Waymo** seven years to design and build a laser-scanning system to guide its self-driving cars. **Uber Technologies** allegedly did it in nine months.

Waymo claims in a lawsuit filed on Thursday that was possible because a former employee stole the designs and technology and started a new company.

# Trade Secrets

# Domain Names

- What is it? **NOT an IPRI!!**
- A **human-friendly form of internet addresses** =>  
www.epo.org; www.wipo.int;
- Converting an internet protocol address (e.g. 192.0.34.65) into something more simple (i.e. a domain name)

Generic: "com"      Country code: "uk"

helpline.iprhelpdesk.eu

Third Level      Second Level      Top Level

Human-friendly form of internet address

First come, first served

World wide

Not relevant

In principle no examination

Protection of the identifier of a good or service

Priority application date

Territorial scope

Division into classes of goods and services

Examination and opposition

# Domain Names v. Trademarks

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# Some common approach mistakes

## 1. TERRITORIALITY:

“I have one patent over this product”

- Where have you applied for the patent? In which country?
- Is it a patent? Is it an utility model?
- Intellectual Property Laws are national (even in Europe, although there are EU trademarks and EU designs)

# Some common approach mistakes



Requirements for registration  
are similar worldwide



But each country has its own  
particularities



Source: <https://www.hongkiat.com>

## Example: Using the works of others

- Parody exceptions exist in a number of EU Member States, like France or Spain but no in the UK or Ireland.
- In France, a parody is defined in the law (must have been intended to be humorous in nature and there must be no risk of confusion with the original work)
- In Germany or Sweden, parody exceptions have been defined by Courts

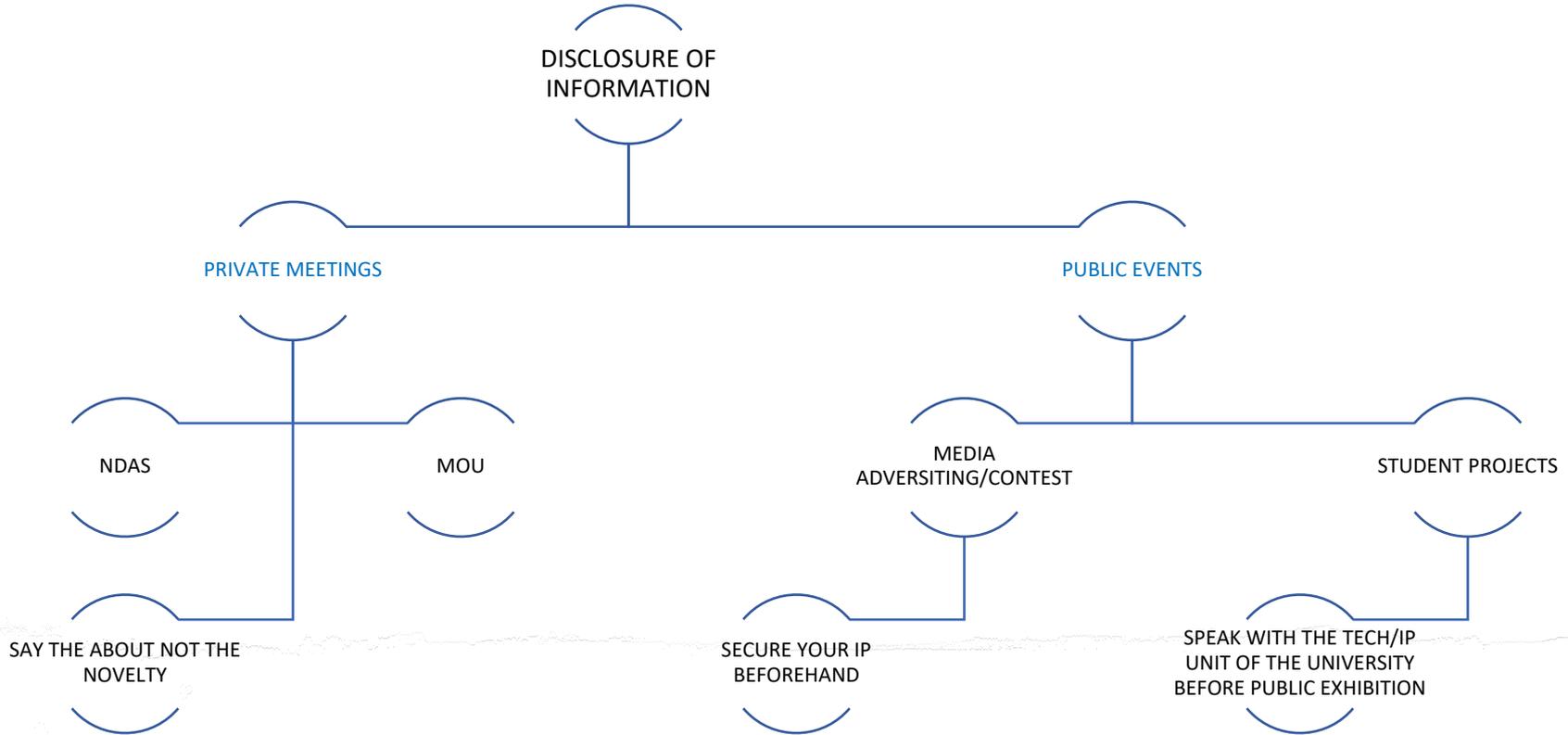
# Some common approach mistakes

## 2. DISCLOSING INFORMATION WITHOUT PRECAUTION

- **Protecting your idea against disclosure**  **protecting your idea against infringement.**
- Disclosing ideas without legal precaution:
  - Someone can use the knowledge of your idea for their own benefit, which usually translates into **loss for you.**
  - Disclosing now may prevent you from obtaining a **valid patent** later.
- BUT:
  - Don't become obsessively secretive.
  - Don't require payments to reveal any detail of your idea.



# Some common approach mistakes



## Some common approach mistakes

### 3. FORGET ABOUT IP IN FOUNDERS AGREEMENT & BUSINESS PLAN

- Start ups founders commonly work on the business as individuals with no formal business structure in place.
- However...when preparing founders / pre-incorporation agreement:
  - Founders are likely to own any IP they created before registering their Company **X**
  - Transfer all individual IP to the company with an IP Assignment Agreement 💡
- Careful with:
  - **Employees:** *Employment agreement or contractors agreement* which includes an IP Assignment clause
  - **Third Party Contributors:** Make sure they transfer the IP that your business intends to use to your Company

# IP in your Business Plan

## Strategy

- **Creation**
- **Exploitation**
- **Risks**
- **Enforcement**

## Portfolio

- **Mapping**
- **Ownership**
- **Agreements**
- **Registration + Status**

# A few best practice tips

Look for expert advice

Evaluate your product/process/idea before choosing the type of protection you need:

- Your asset
- Your market
- Your commercialization plan

If expanding international:

- Develop a global strategy
- Protect in all markets/countries before entering
- Consider alternative dispute resolution methods (ADRs) – mediation, arbitration in case of disputes



KEEP  
CALM  
AND  
SEEK  
ADVICE



## Tools at your disposal

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- 4IP Council: [www.4ipcouncil.com](http://www.4ipcouncil.com)
- IPR Helpdesk: [www.iprhelphdesk.eu](http://www.iprhelphdesk.eu)
- EUIPO: [www.euipo.europa.eu](http://www.euipo.europa.eu)
- EPO: [www.epo.org](http://www.epo.org)
- WIPO: [www.wipo.int](http://www.wipo.int)
- EC supported professional IP service:  
<https://ipbooster.meta-group.com/>
- National IP offices: e.g.
  - UK IPO  
[www.gov.uk/government/organisations/intellectual-property-office](http://www.gov.uk/government/organisations/intellectual-property-office)
  - DMPA  
<http://www.dpma.de/english/index.html>

## Interested in more? High-growth technology business conference 2019

4-5 November, Dublin

- Efficient one-day conference
- One-day training add-ons
- Business and IP tracks
- "Meet-the-speakers" sessions
- IP clinics: receive expert advice
- Practical lectures focusing on key messages
- Condensed summary videos to "take home"

To register <https://www.epo.org/learning-events/events/conferences/boosting-your-strategy-with-ip/registration-and-payment.html>

### Registration fee

EUR 150	Conference plus full day training
EUR 125	Conference plus half day training
EUR 100	Conference only

