

903 Recent Developments in IPR Law

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- you can see and touch a factory
- you can see and touch a computer
- IPR is intangible
- open your eyes its all around you
- but don't look in balance sheet / corporate records
- its not nicely wrapped up in a licence agreement
- YOU have to identify and document IPR



UPM paper mill quality control systems Elektrobit tool to test radio frequency devices

Finlandia Vodka



caller ID on Nokia phone



IPR

Kone method for installing an elevator

F-Secure virus protection software



Alvar

Aalto

vase

Marimekko t-shirts



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how does the business use the IP

Does the business manufacture / buy / sell products / services *incorporating* the IP?

Does the business *use the IP to* manufacture / buy / sell other products / services

Does the business manufacture / buy / sell products and services by associating the IP with products / services



Does the business manufacture / buy / sell products / services *incorporating* the IP?

- is the IP the actual product / service"
- does the product / service include the IP's actual expression – copy the actual words and pictures
 OR
- does the product / service include the IP's underlying ideas



Actual expression **COPYRIGHT**

- books
- artwork / plans / logos
- software
- training videos
- DESIGN

PATENTIdeas / functions

- drugs
- cosmetics
- machines



author

employer

COPYRIGHT OWNER

> commission "work for hire"

assignee

reproduce

distribute

prepare derivatives

RIGHTS

perform publicly

display publicly

musical

literary

architectural

motion

picture

COPYRIGHT WORKS

dramatic

choreagraph

sound recording

pictorial / graphic

USA COPYRIGHT

has the

exclusive

right to

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the

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author

employer

COPYRIGHT OWNER

right to

has the

exclusive

EUROPE

COPYRIGHT

assignee

copy

distribute / issue copies

moral rights (authors)

make adaptations

RIGHTS

perform / show / play publicly

communicate to public

literary

musical

films

the

COPYRIGHT WORKS

dramatic

broadcasts

sound recording

artistic

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PATENT

inventor

employer

REGISTERED PATENT OWNER

assignee

has the right to stop others

making

-using-

offering for sale

RIGHTS

selling

importing

<u>process</u>

machine

the **INVENTION**

manufacture

composition of matter

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Elektrobit tool to test radio frequency devices

UPM paper mill quality control systems

Finlandia Vodka

caller ID on Nokia phone PATENT US # 6,233,450



IPR

F-Secure virus protection software COPYRIGHT

Alvar Aalto vase DESIGN



Kone method for installing an elevator

Marimekko t-shirts COPYRIGHT

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Does the business *use the IP to* manufacture / buy / sell other products / services

does the business use the IP as a tool?

does the business use the IP process?



TRADE SECRETS

- Know how
- Marketing Data
- Business methods
- Industrial processes
- Computer manuals
- Work manuals
- Customer lists

PATENTS

- Industrial processes
- Machinery
- Methods
- Design tools



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USA TRADE SECRETS

of

creator

assignee

OWNER OF TRADE SECRET has the right to enjoin / seek damages for

using without consent if acquired / should know acquired through improper means

MISAPPROPRIATON

disclosing without consent if acquired / should know acquired improper means

know acquired by improper means

technical data

non-technical data

financial data formula

pattern

method

process

TRADE SECRETS

customer lists compilation

technique drawing program device

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ENGLAND BREACH OF CONFIDENCE

personal

government

CONFIDENTIAL INFORMATION

commercial (including trade secrets)

for

UNAUTHORISED PURPOSE

person know or ought to know confidential

person with

OBLIGATION OF CONFIDENCE

relationship of confidence

cannot

use

trespasser

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UPM paper mill quality control TRADE SECRET

Elektrobit tool
to test radio
frequency
devices
PATENT
US App # 20050282502

Finlandia Vodka

IPR

caller ID on Nokia phone

F-Secure virus protection software

Alvar Aalto vase Kone method for installing an elevator
PATENT
US App # 20050150728

Marimekko t-shirts



- difference using and incorporating / including IPR
- owning copyright in a manual / book gives the owner the exclusive right to *copy or distribute* the manual / book
 NOT the exclusive right to *use* the facts / ideas in the manual / book
- the information in the manual / book is ideas
- Can only protect ideas through *trade secrets*NOT *copyright*



Does the business manufacture / buy / sell products and services by associating IP with other products / services

- brands
- image
- personal endorsement



TRADE MARK

- words
- logo
- colour
- shape
- sound
- scent

UNFAIR COMPETITION / PASSING OFF

- unregistered words
- unregistered logo
- image
- get-up
- gestalt / identity

PERSONALITY RIGHTS

- name (inc nicknames)
- image (photo, drawing)



USA TRADEMARK

registered owner can prevent use in commerce

word phrase logo **TRADEMARK** colour scent shape sound

in connection with advertising

sale/ offering for sale

any commercial use (only famous marks)

distribution

confusion

deception

dilution of distinctive quality (only famous marks)

mistake

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which

cause



EUROPE TRADEMARK

registered

owner can prevent

which is

word

phrase

logo

TRADEMARK

colour

scent

shape

sound

trade symbol

USED AS A TRADEMARK

used to
distinguish
goods and
services from
other goods
and services

on same registered goods / services

SIMILAR mark on goods /services similar to registered goods / services

of confusion

WELL-KNOWN

mark on any goods / services

owner's interests
damaged /
detrimental to
mark's
distinctive
character

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World-famous Designs by Alvar Aalto

Marimekko t-shirts marimekko

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