

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



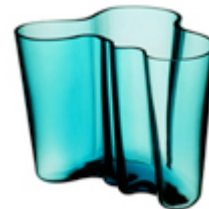
**caller ID on
Nokia phone**



IPR

**Kone method for
installing an
elevator**

**Alvar
Aalto
vase**



**F-Secure virus
protection
software**

**Marimekko
t-shirts**



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

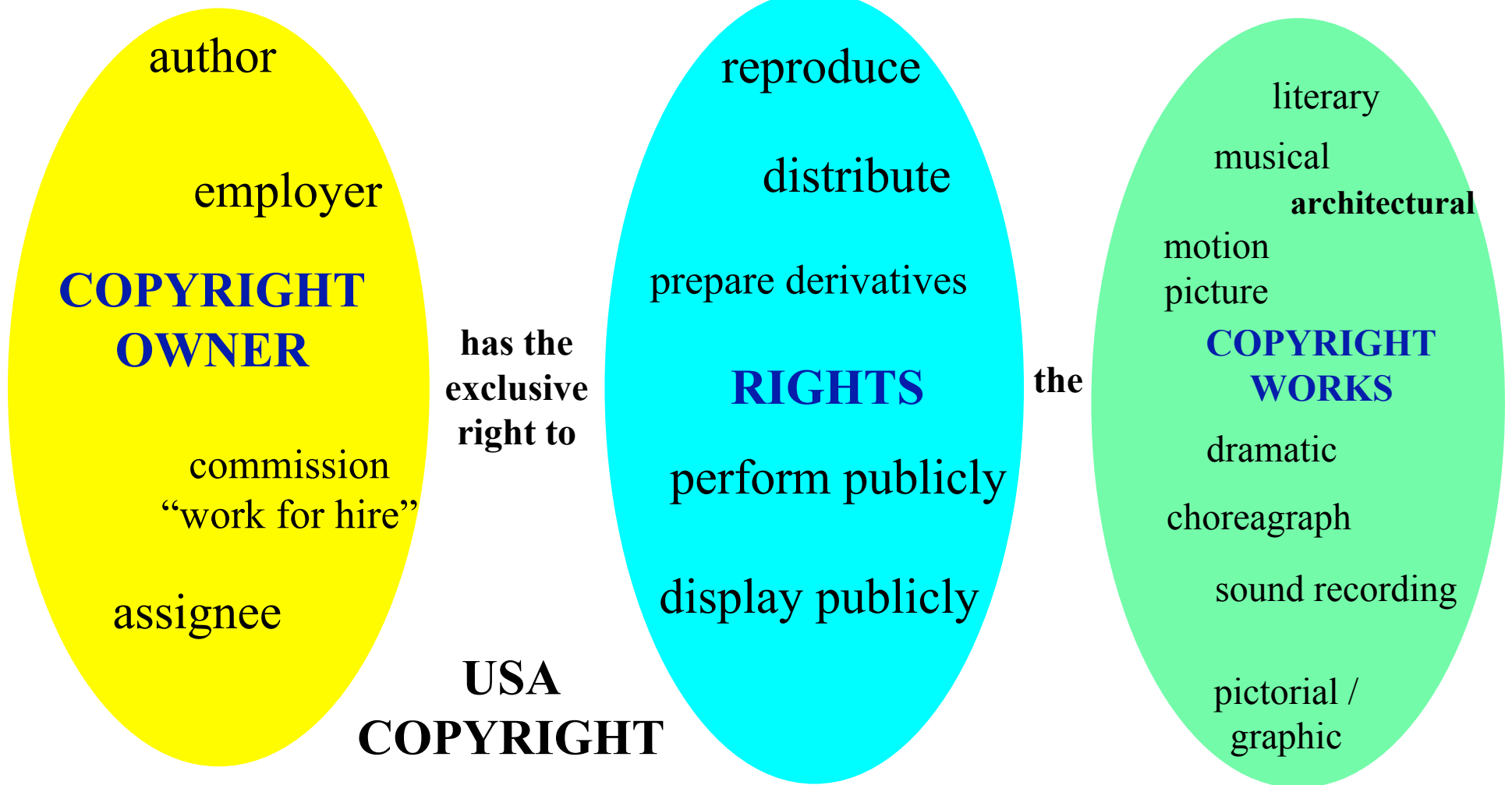
- books
- artwork / plans / logos
- software
- training videos

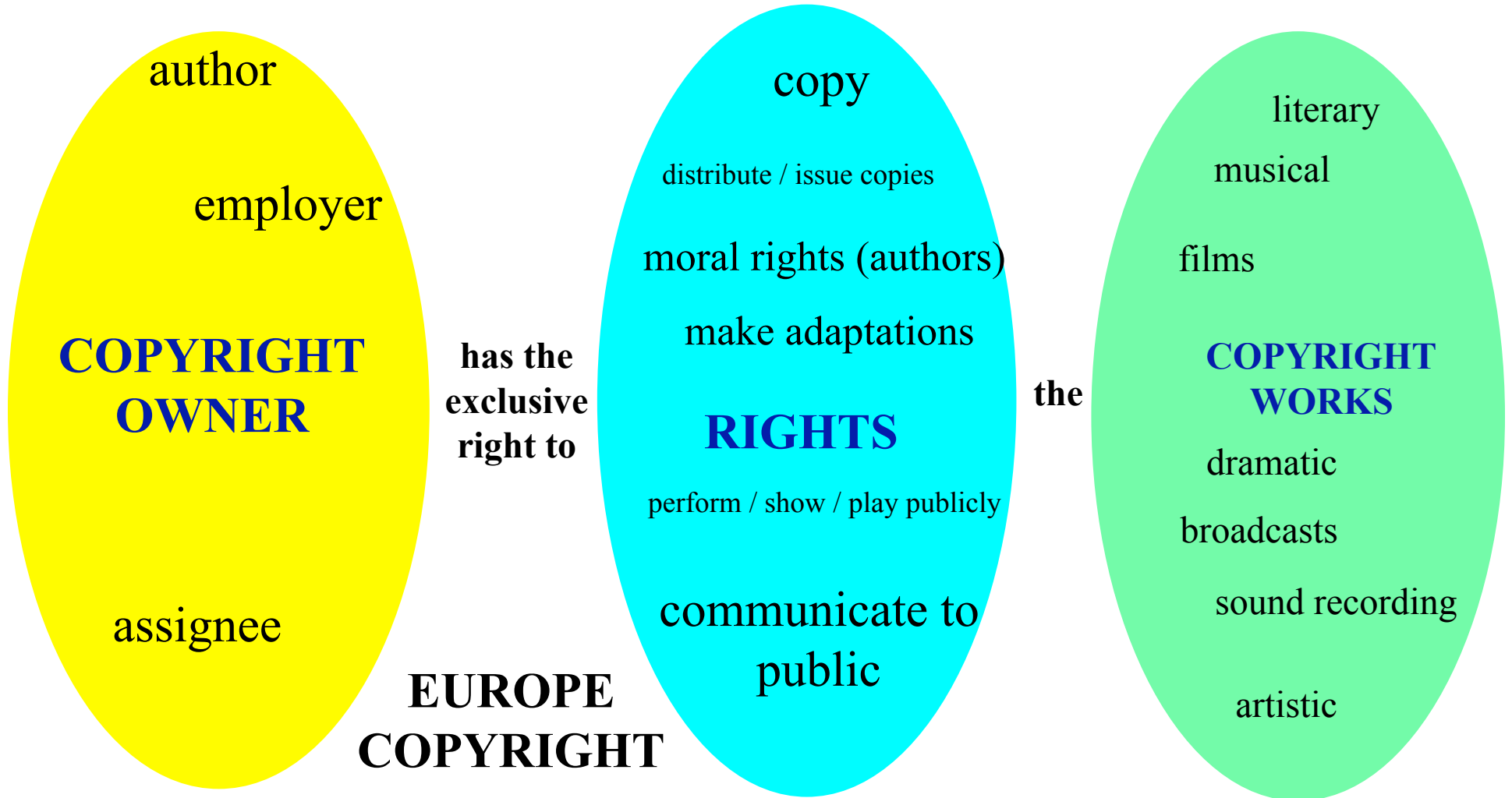
● **DESIGN**

PATENT

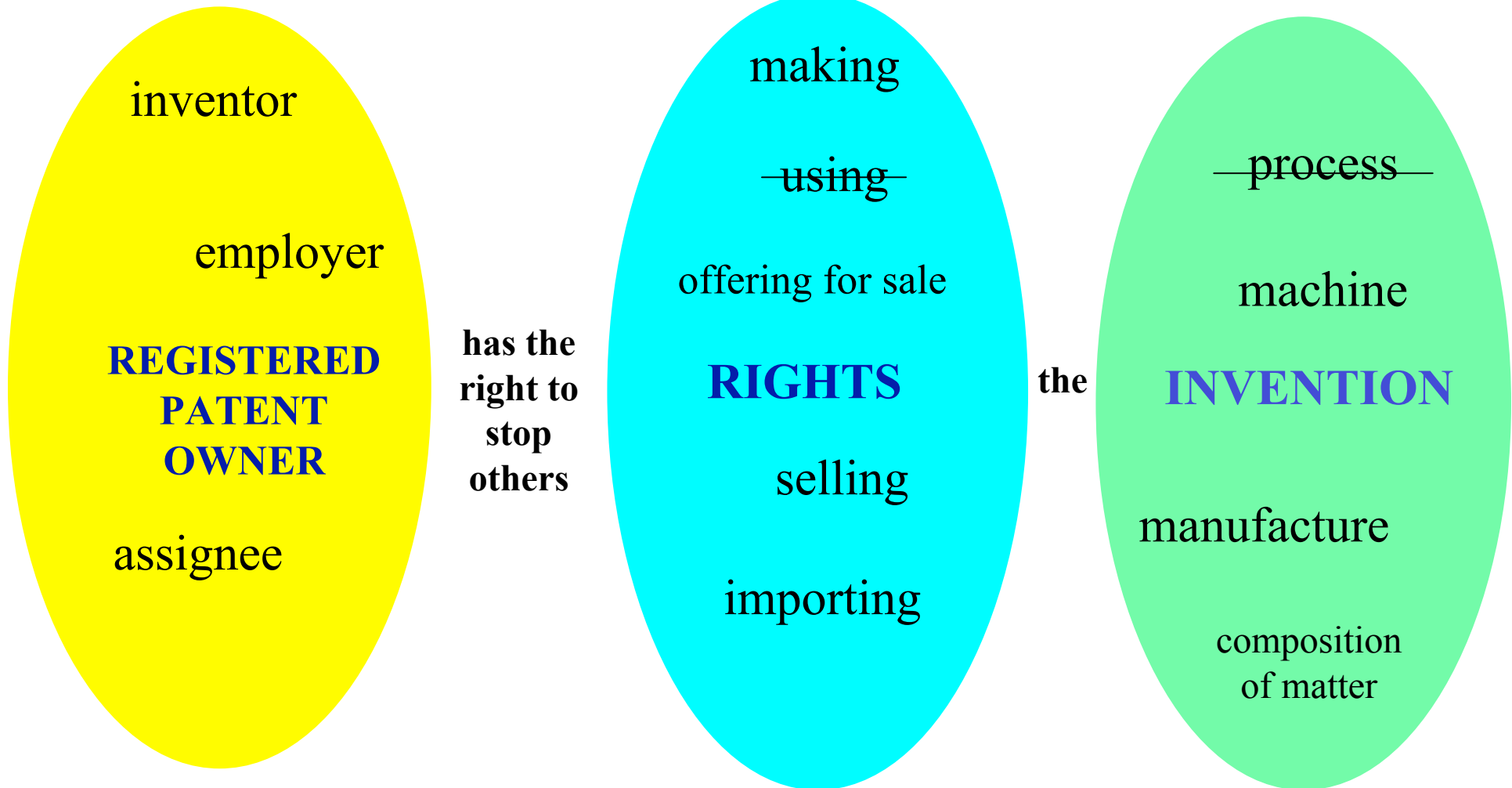
Ideas / functions

- drugs
- cosmetics
- machines





PATENT



**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**



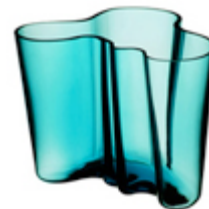
IPR

**Kone method for
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software
COPYRIGHT**

**Alvar
Aalto
vase
DESIGN**

**Marimekko
t-shirts
COPYRIGHT**



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?

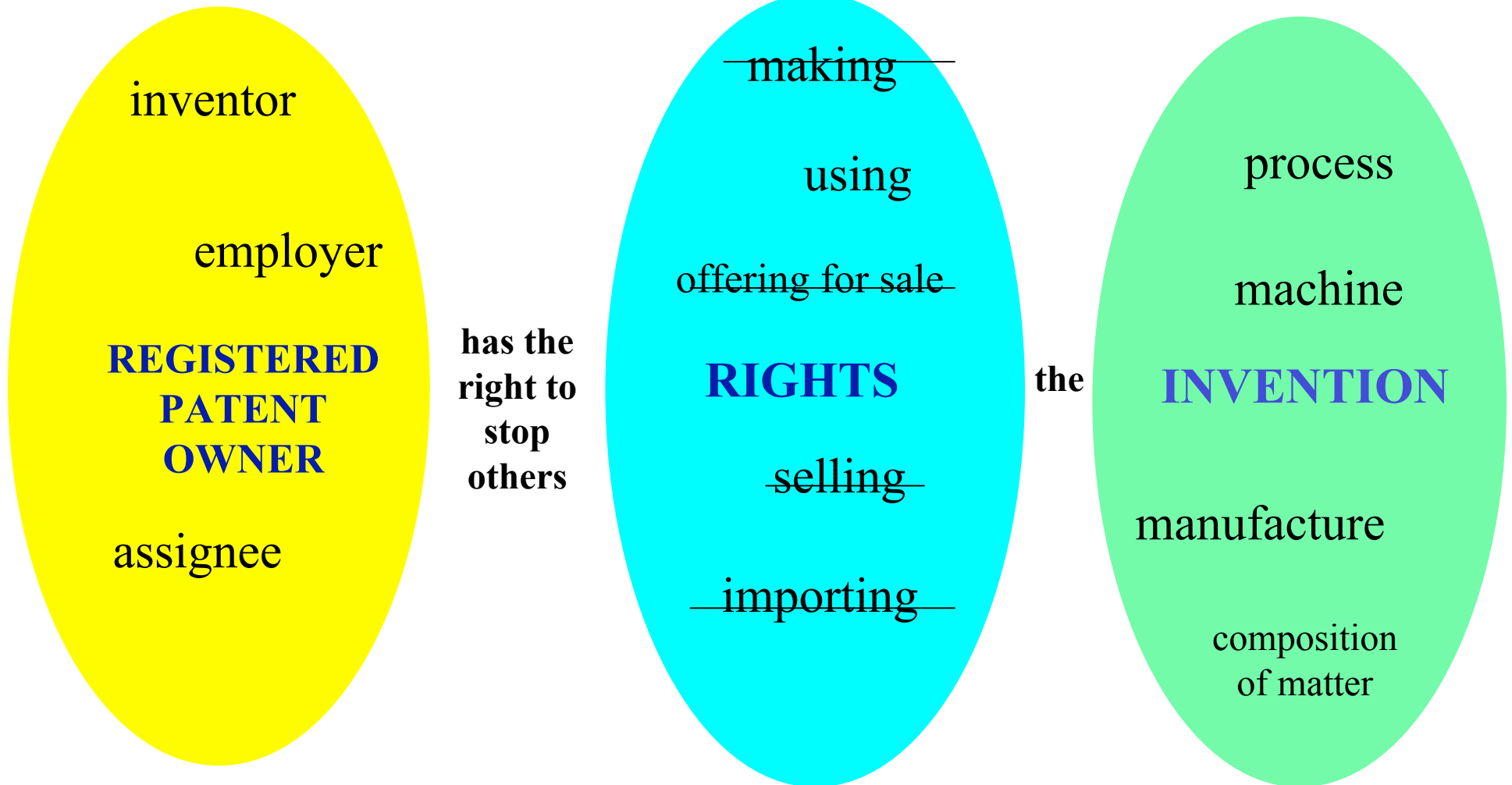
TRADE SECRETS

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

PATENTS

- Industrial processes
- Machinery
- Methods
- Design tools

PATENT



**USA
TRADE
SECRETS**

creator
assignee
**OWNER OF
TRADE
SECRET**

has the
right to
enjoin /
seek
damages
for

MISAPPROPRIATION

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

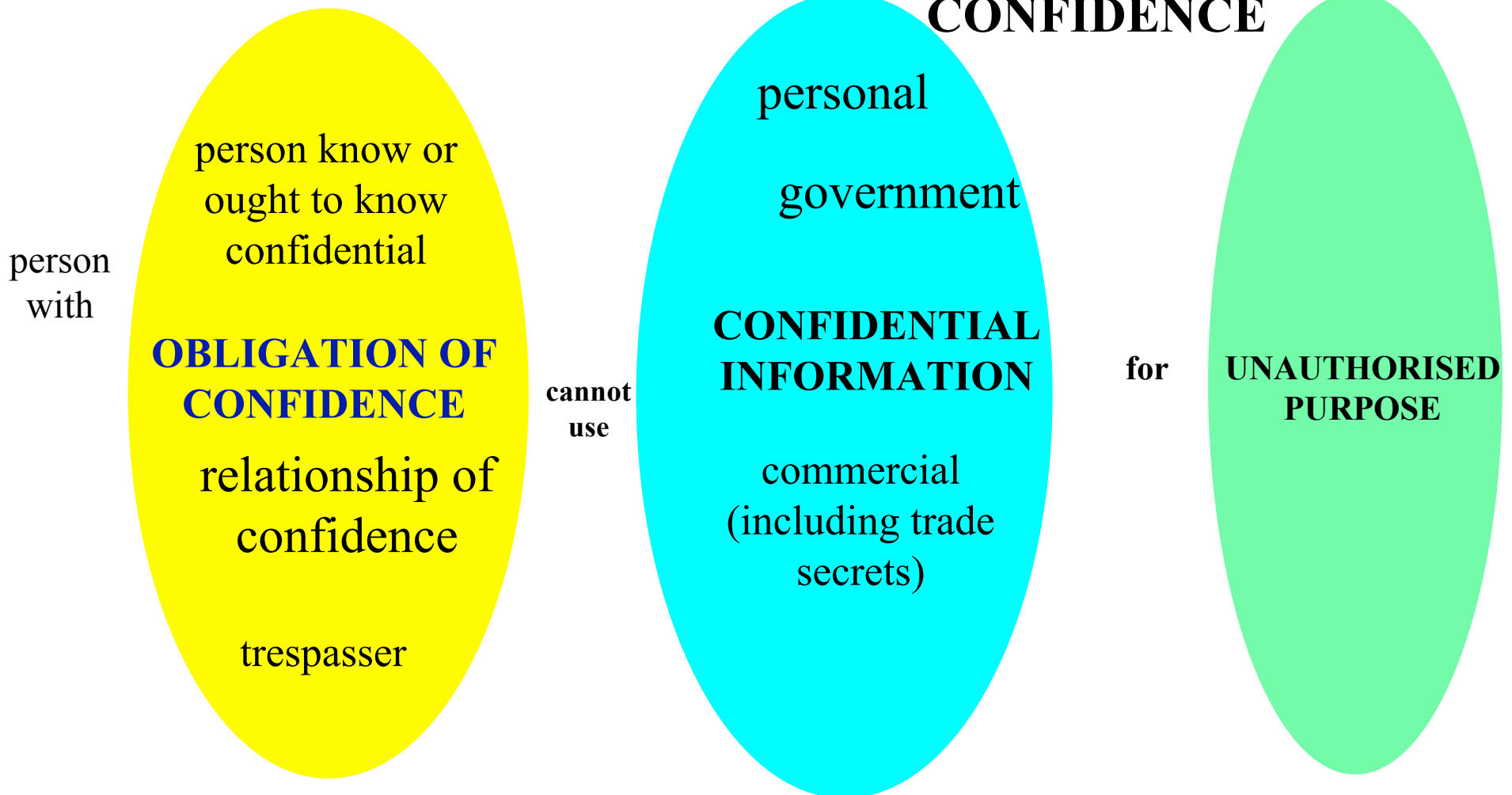
disclosing without
consent if acquired /
should know acquired
improper means

acquiring when know / should
know acquired by improper
means

of

technical data
non-technical data
financial data formula
pattern method
process
**TRADE
SECRETS**
customer lists
compilation
technique
drawing
program device

**ENGLAND
BREACH OF
CONFIDENCE**



**UPM paper mill
quality control
TRADE
SECRET**

**caller ID on
Nokia phone**

**F-Secure virus
protection
software**

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

IPR

**Alvar
Aalto
vase**

**Finlandia
Vodka**

**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

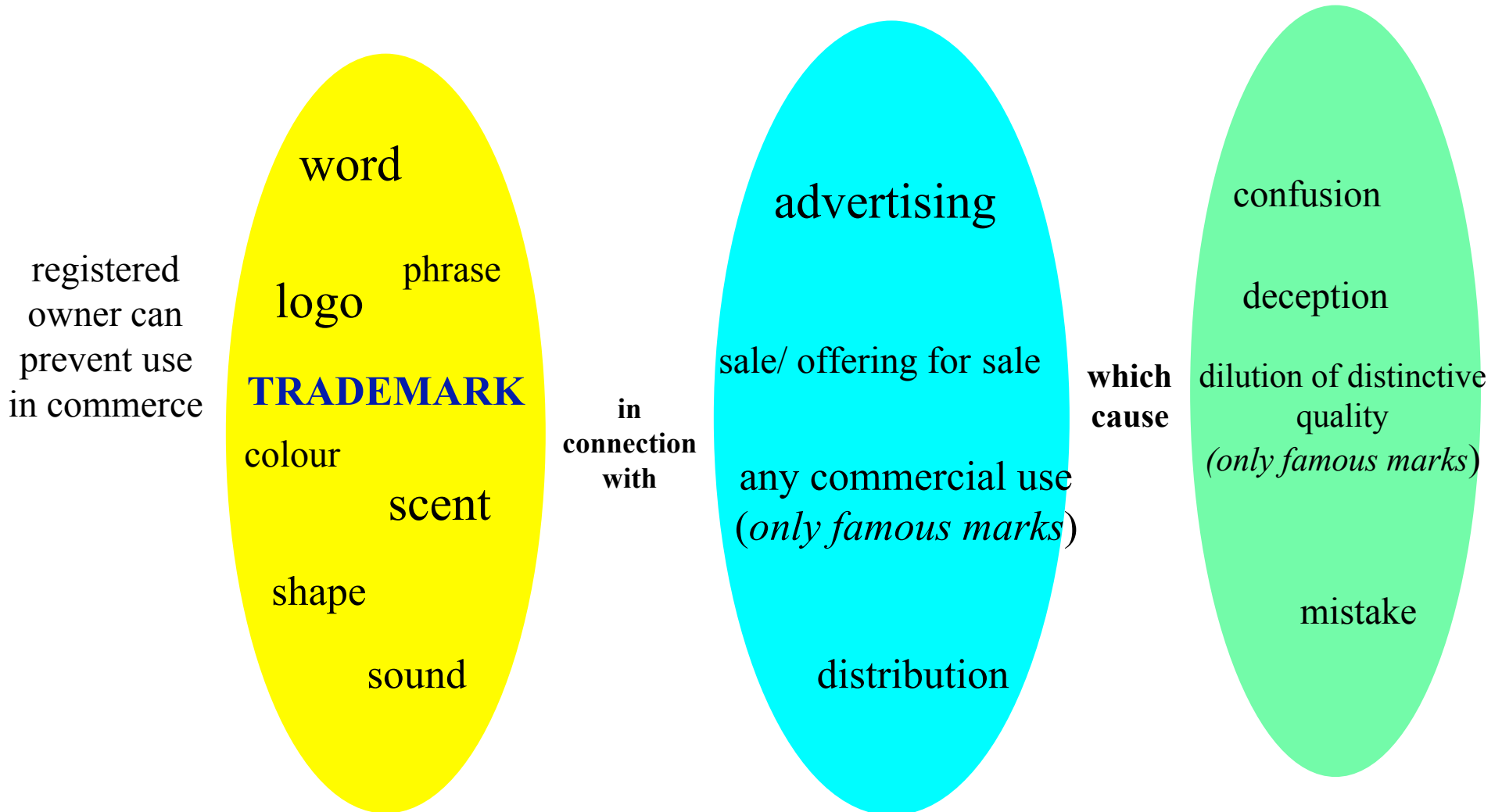
UNFAIR COMPETITION / PASSING OFF

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

PERSONALITY RIGHTS

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

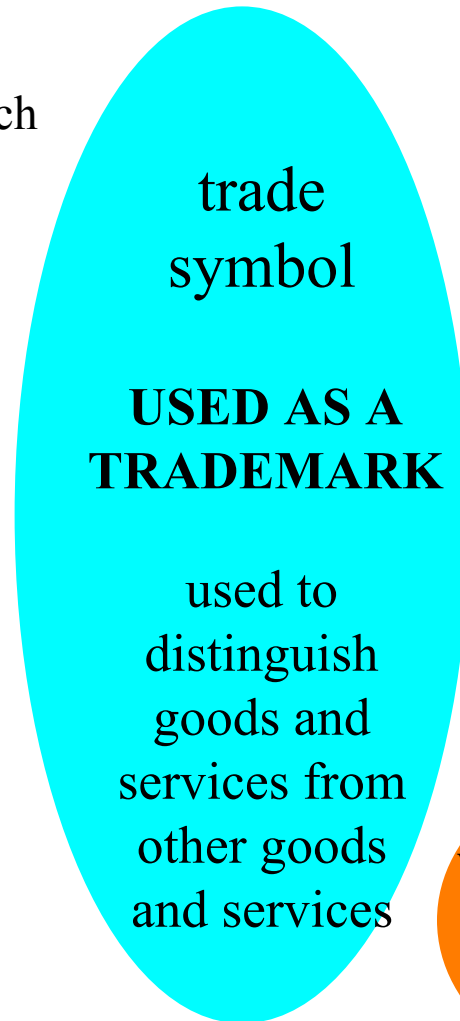
**USA
TRADEMARK**



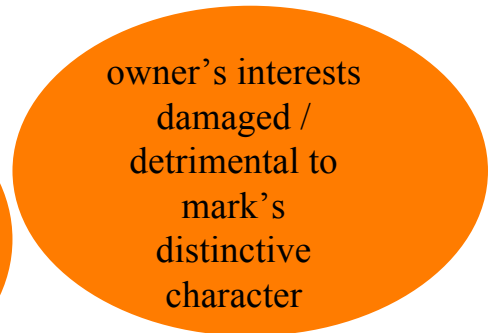
registered
owner can
prevent



which
is



EUROPE TRADEMARK



ACC EUROPE
Association of Corporate Counsel



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IPR

The heart of your building **KONE**



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vase**

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t-shirts**



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protection
software**



World-famous Designs by
Alvar Aalto

marimekko®