

IP in a Nutshell...

**everything you always wanted to know about IP
but ...**

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Overview

- **What is the Intellectual Property**
- **The different intellectual property rights (IPR)**
 - ✦ **Patents**
 - ✦ **Trademarks**
 - ✦ **Industrial designs**
 - ✦ **Copyrights**
 - ✦ **Trade secrets**
 - ✦ **Unfair competition**
- **IP Strategy**
- **IPI on internet**

Property



What is the challenge with regard to new ideas?

- **Easy: The market for eggs**

- Exchange of property rights
- Both parties better off



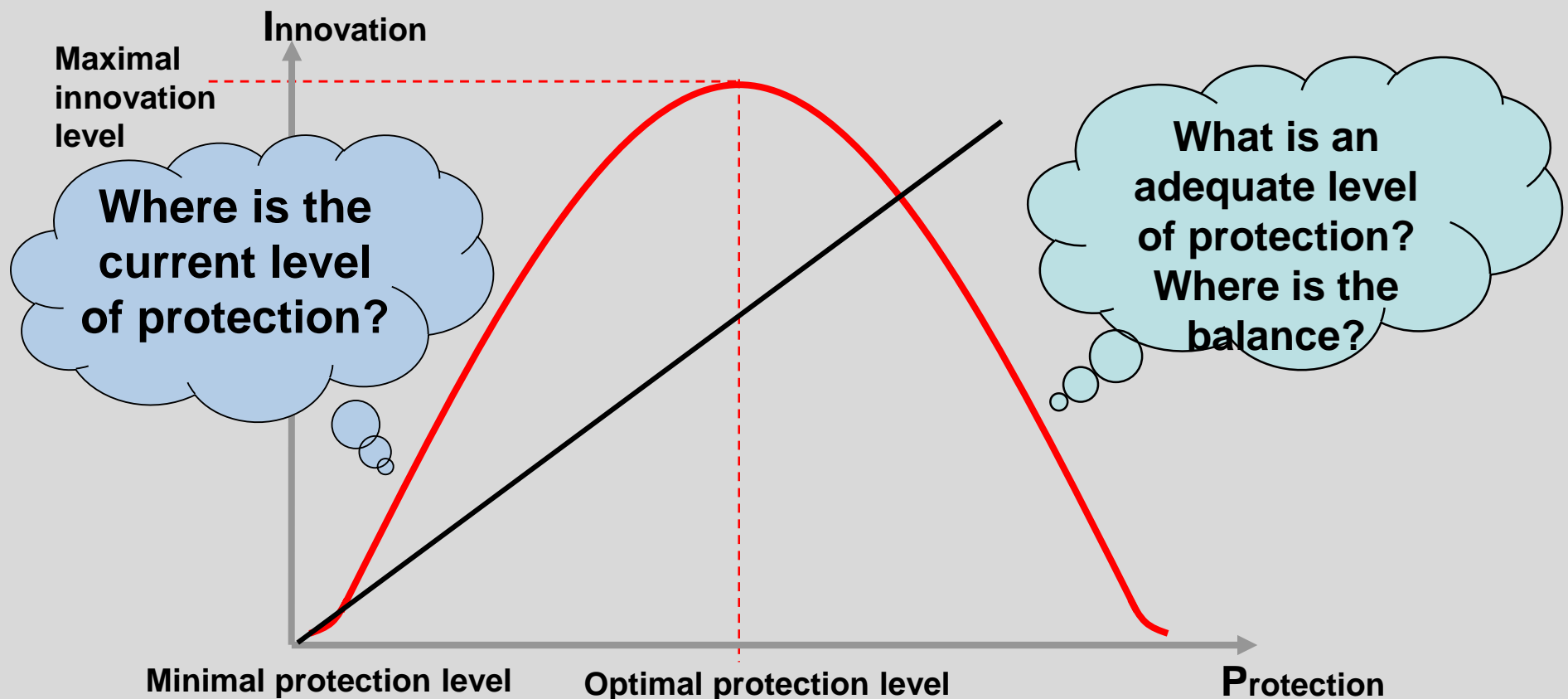
- **A bit more complicated: The market for ideas**

- Once public – known to everybody
- No devaluation by using it



Dynamic efficiency vs. static inefficiency

- **Dynamic efficiency: Provision of more knowledge**
- **Static inefficiency: Under-utilization of knowledge or underproduction of protected goods**



What is Intellectual Property Protection?

Intellectual Property Protection stems from a government decision and it is a legal construct. Any intellectual activity can be protected if there is a policy decision to do so!

IP owners rights



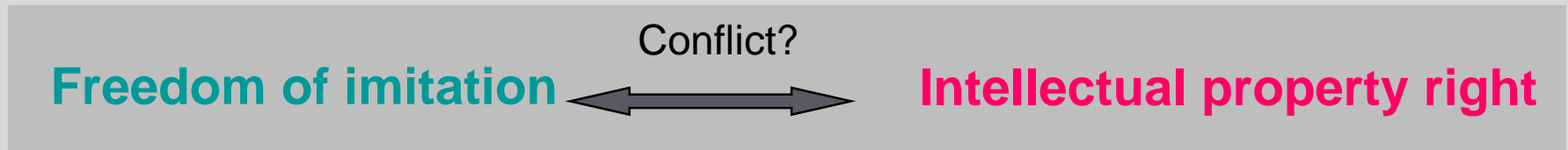
photo: iStock

- **Exclusive right to prohibit** third parties to use **commercially in the territory, where a protection is granted,** one of the following rights:



- **Production**
- **Usage**
- **Publicity**
- **Sale**
- **to put in circulation**
- **Import / Export / Transit**

Balance of interests

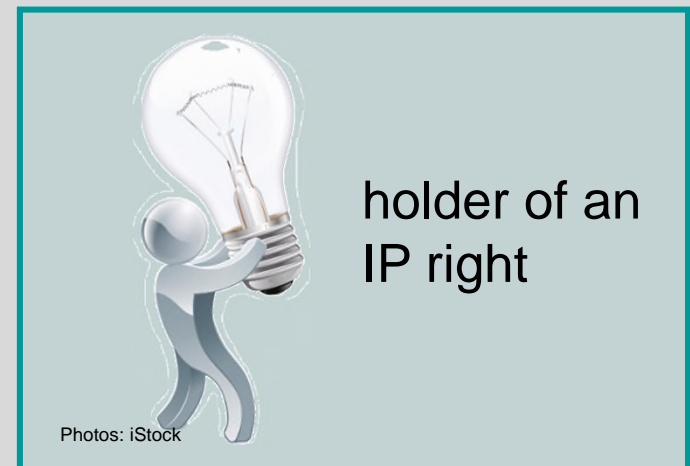


Innovation and therefor
benefit for the general public

„Contract“

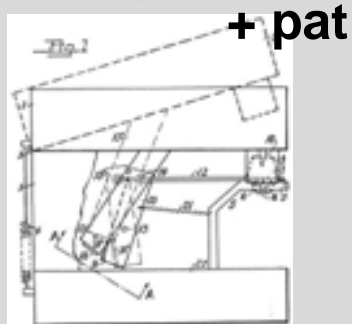
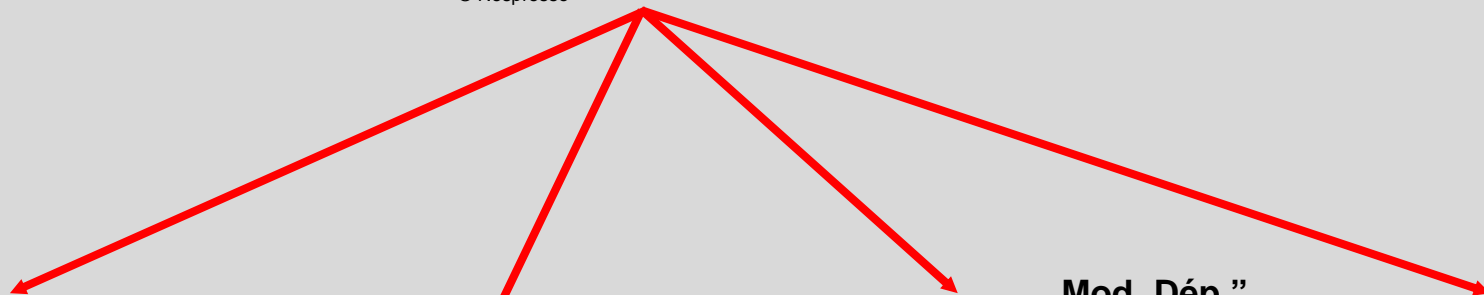
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Balance of interests

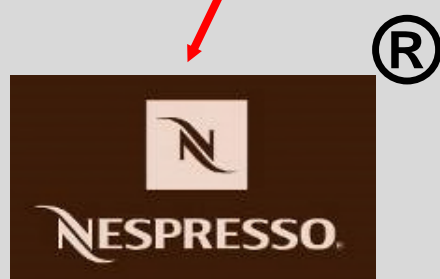


Economic benefit for holder
Time-, geographic-, content-
limited monopole

Application Domains of the Intellectual Property Rights (IPR)



Patent



Trademark



Design



Copyright

Patents

- **Technical Solutions**

- **Protection period:**

- ◆ up to 20 years (+ 5 years SPC)

- **Conditions:**

- ◆ technical solution of a technical problem

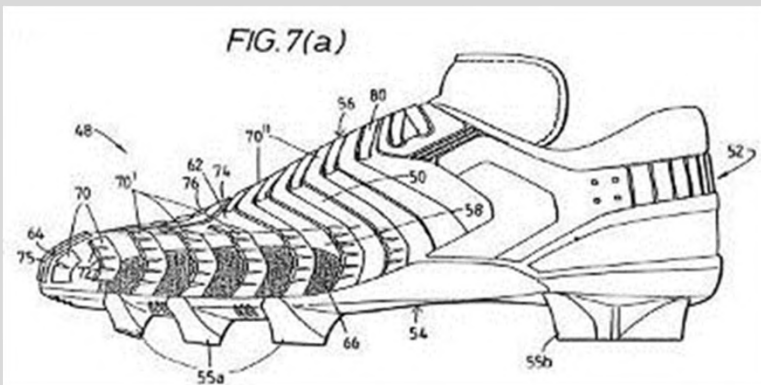
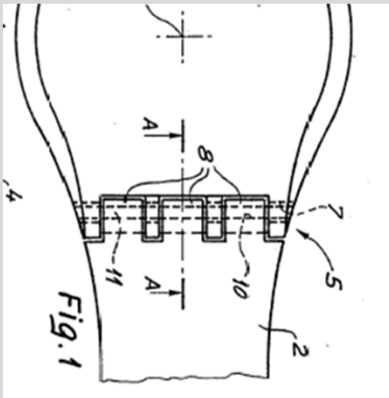
- ◆ Novelty

- ◆ ...

- **Formalities:**

- ◆ examination

- ◆ annual fees



Belongs to employer

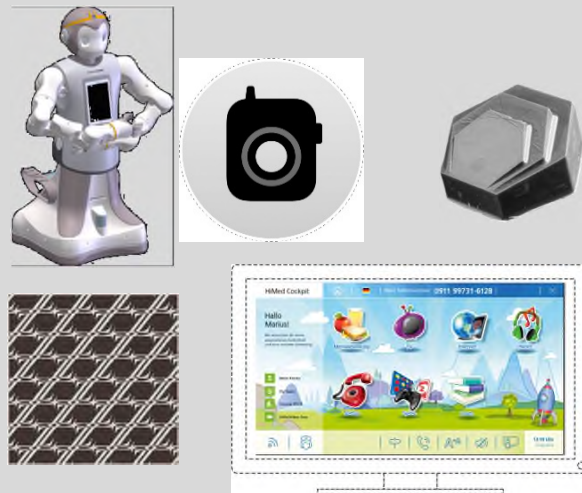
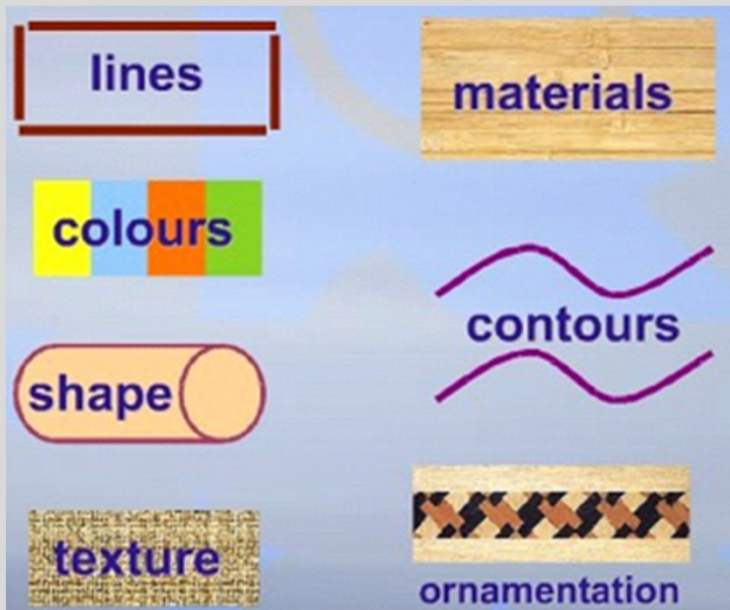


Trademarks

- **Names / logos / forms to identify goods and/or services**
- **Protection period:**
 - ◆ 10 years, indefinitely renewable
- **Conditions:**
 - ◆ not public domain/misleading/ against morality (absolute grounds for exclusion)
 - ◆ no identity/similarity with existing trademarks (relative grounds for exclusion)
- **Formalities**
 - ◆ **examination**

Belongs to applicant

Industrial Designs



- **Aesthetic outer shape of products, patterns or packaging**
- **Protection period: 5 x 5 years**
- **Conditions:**
 - **New** (within the country)
 - **Character** (clearly distinctive from existing designs)
- **Simple formalities**

Belongs to employer

Copyright

➤ **Artistic, literary, scientific, photographic works**



Foto: iStock

➤ **Protection period:**

◆ **Life plus 70 (50) years after death of the author**

➤ **Conditions:**

◆ **creation done by human beings**

◆ **individual** character

➤ **No formalities**

◆ **Protection does NOT apply to the contents of a work**

Belongs to author!

Special Case: Software



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- procedures to solve specific tasks
 - algorithmic programmes
 - specifications
- protection period
 - 50 years after death of the programmer (!)
- conditions
 - "individual character"
 - "not trivial"
- **no formalities**

No property rights, a true alternative?

- **Keeping secret**

- effective if:

- A method
- Extremely complex product
- Niche products
- Service procedures
 - E.g. risk management tools

- Risks:

- No protection, when the secret is **disclosed**
- **Mobility** of the employees
- Losing partly your freedom to operate, if the competitor patent it
 - Despite right to continued use !

- **Defensive publication**

- Guaranties freedom to operate, destroying novelty
- Protection against future blockades



Fairness (UCL 5)

Is acting unfairly in particular somebody, who:

- a. uses in an unauthorized manner a work entrusted to him, e.g. offers , calculations or plans ;
- b. exploits works' results of a third party, such as offers, calculations or plans, although he should have known that it left or has been made available to him without any authorisation;
- c. **takes over the marketable works' results of others without adequate own expense, and only through technical reproduction processes.**

Cost-Benefit Analysis



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photo: iStock



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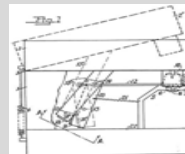
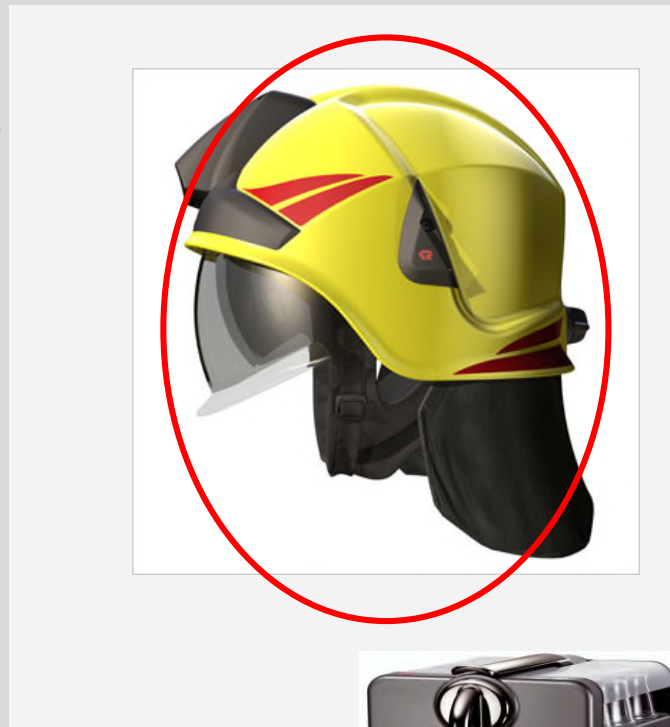


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What? Define your strategy!

- Protect but what?

- Part – whole?
- Technics
- Name
 - Firm?
 - Product?
- Form
- 1 PR
- several PR?



Patent



Trademark



Design



Copyright

Market: define your strategy!



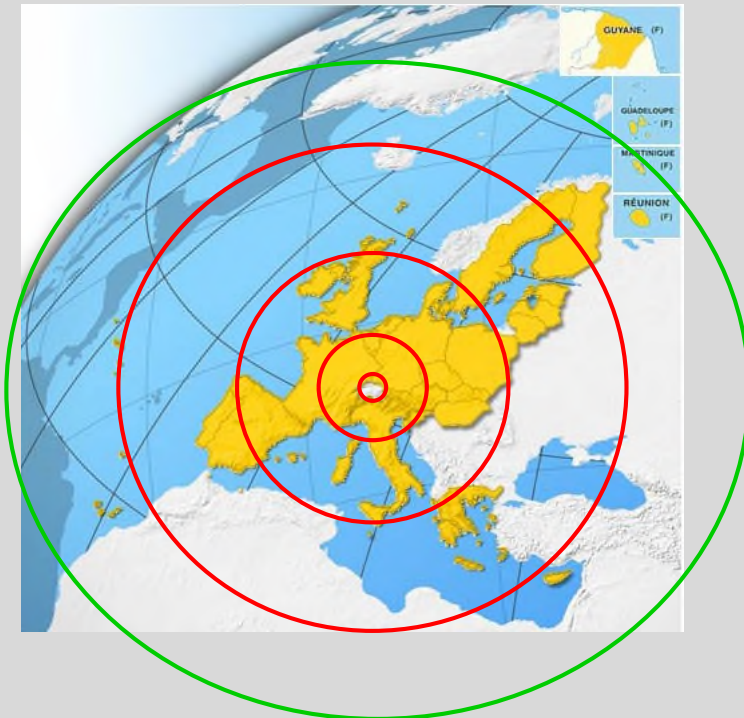
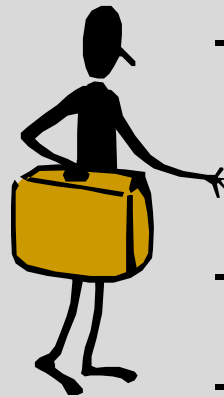
- **How** to protect?

- Property right?

- UCL?

- Secrecy?

- Publication?

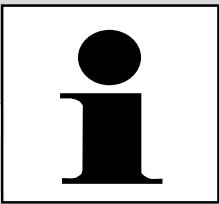


- **Where** to protect?

- Land?

- Regional?

- International?



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Protecting your IP

Information all about trade marks, patents, designs, indications of source and copyright.

“With brand management, I no longer leave anything to chance.” Barbara Artmann, CEO of Künzli SwissSchuh AG



SME portal



Everything you need to know for your company.



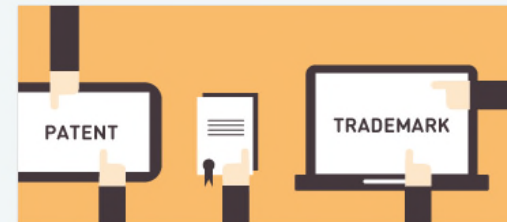
What is intellectual property?

Innovations, creations, inventions, logos, designs...



Law and policy

Legal information on intellectual property law and



ip-search

Patent and trade mark searches worldwide for the



Protective titles

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Summary Everything you need to know about **Swissreg** .

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A Concise Guide to Trade Marks,
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Wanted to Know About
IP But Were Afraid to
Ask...

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**“There will come a time when you believe everything is finished.
That will be the beginning.”
(Louis L’Amour)**

merci  [®]

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