

GRUNNLEGGENDE IP 1

**FRA OPPFINNELSE TIL
BESKYTTELSE**

14. April 2021

BRYN AARFLOT

EST 1947

Immaterielle rettigheter ©

fra

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En serie webinarer, fra grunnleggende innsikt til IP-strategi

Arranger:



Norwegian Centre of Expertise
NCE Blue Legasea



The
**Life
Science
Cluster**

Biotech North®

I samarbeid med:

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Del 1

14. april 2021, kl. 14.00-15.00

Grunnleggende IP 1 – fra oppfinnelse til beskyttelse

Live Marie Hansen, MSc



Del 2

28. april 2021, kl. 14.00-15.00

Grunnleggende IP 2 – fra beskyttelse til kommersialisering

Hanne Bonge-Hansen, PhD



Del 3

12. mai 2021, kl. 14.00-15.00

Freedom to operate – kjenne konkurrenter og eget handlingsrom

Marianne Weiby Wulff, MSc



Del 4

26. mai 2021, kl. 14.00-15.00

Er bedriften sikret med gode kommersialiseringsavtaler?

Håkon Tysnes Kaasin, advokat



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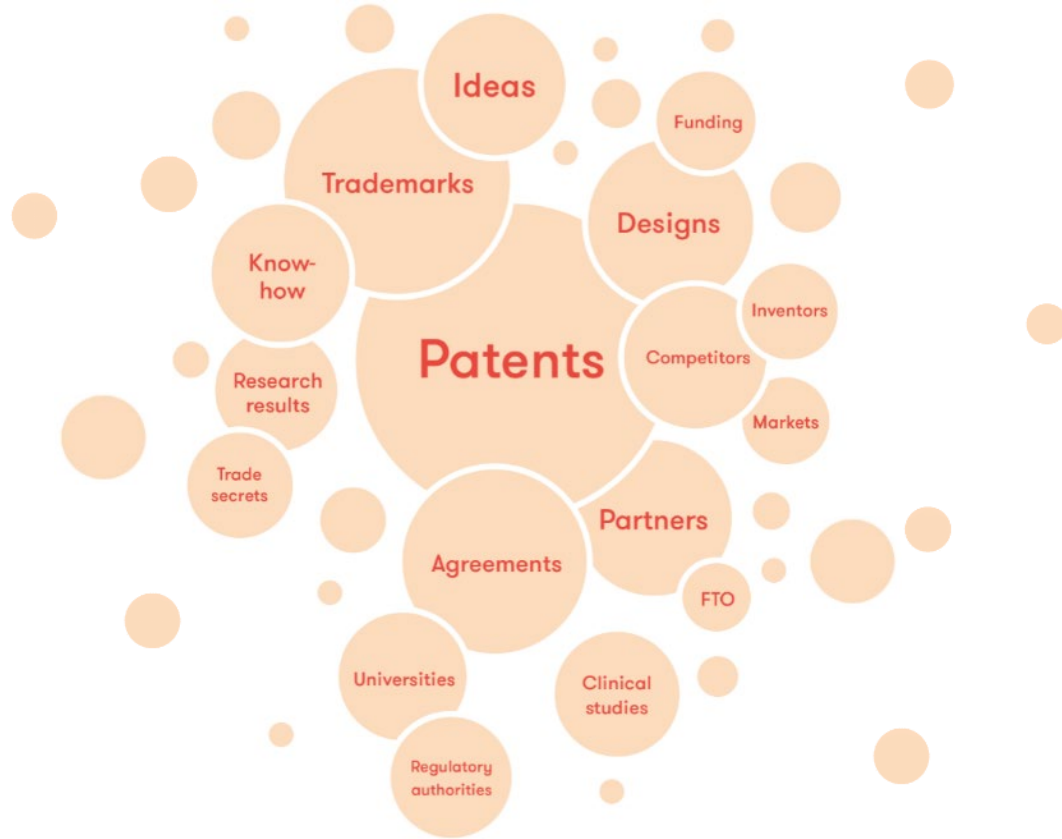
Overview

What is IP
Patents
Trade Secrets
Designs
Trademarks
Copyrights
Example
Summary

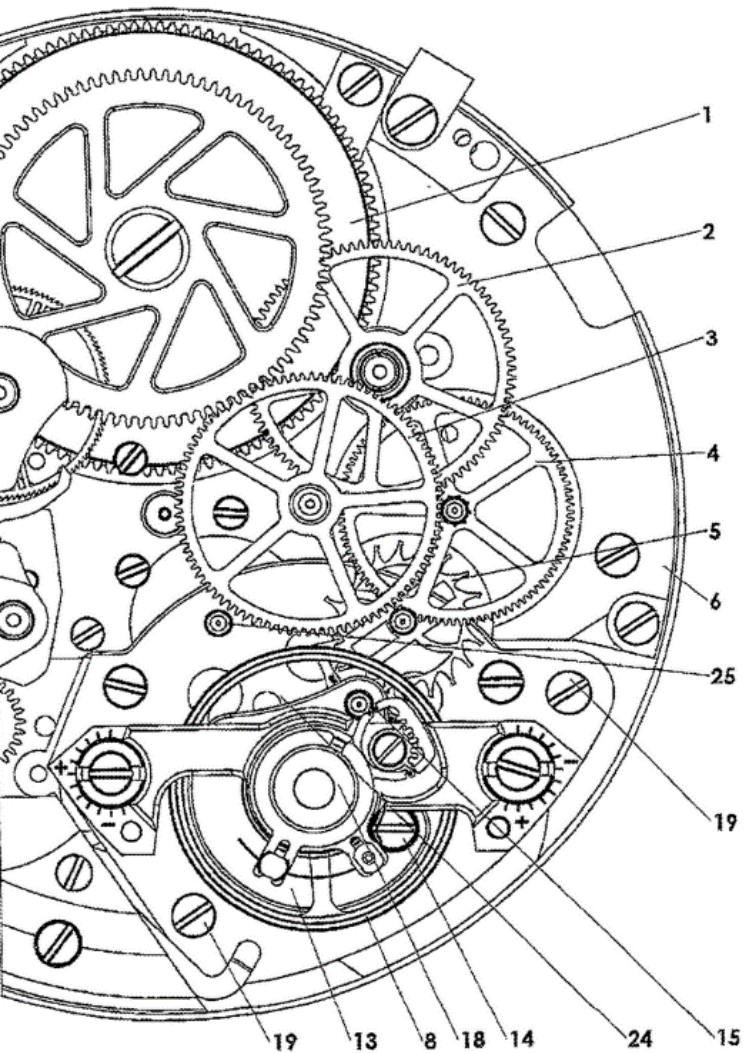
What is IP?

IP = intellectual properties

IPR = intellectual property
rights = immaterielle
rettigheter



Patents



Patents

- For technical inventions
- A solution to a technical problem
- Up to 20 years of protection
- Prevent third parties
- Jurisdictional

What can be patented

MUST BE

- An invention
- New
- Inventive
- Industrially applicable

CAN NOT BE

- A discovery, scientific theory, mathematical method
- An aesthetic creation
- A scheme/rule/method for performing mental act/playing a game/doing business, or a computer program
- Presentation of information

ALSO NOT

- Be contrary to morality
- Relate to plant/animal variety or biological process for production of plant/animal
- Relate to a method of medical treatment/diagnosis practised on the body

Novelty

- Absolute novelty
- Oral, written, exhibitions
- Do not publish until securing a filing date
- Agreements
- Defensive publishing



Photo by [Abyan Arif](#) on [Unsplash](#)

Structure of a patent

1. Field of the invention
2. Background of the invention
3. Brief summary of the invention
4. Brief description of the drawings
5. Detailed description of the invention
6. Examples
7. Drawings
8. **Claims**
9. Abstract

Define what is protected



US009827336B2

(12) **United States Patent**
Bonge-Hansen et al. (10) **Patent No.: US 9,827,336 B2**
(45) **Date of Patent: *Nov. 28, 2017**

(54) **RADIO-PHARMACEUTICAL COMPLEXES** (56) **References Cited**

(71) Applicant: **Bayer AS, Oslo (NO)**
(72) Inventors: **Hanne Therese Bonge-Hansen, Oslo (NO); Olav Benjamin Ryan, Oslo (NO)**
(73) Assignee: **BAYER AS, Oslo (NO)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
This patent is subject to a terminal disclaimer.

(21) Appl. No.: **14/400,026**
(22) PCT Filed: **May 13, 2013**
(86) PCT No.: **PCT/EP2013/059841**
§ 371 (c)(1),
(2) Date: **Nov. 10, 2014**
(87) PCT Pub. No.: **WO2013/167756**
PCT Pub. Date: **Nov. 14, 2013**
(65) **Prior Publication Data**
US 2015/0110817 A1 Apr. 23, 2015

U.S. PATENT DOCUMENTS

2010/0056787 A1	3/2010	Wadsworth et al.
2013/0183235 A1	7/2013	Ramdaahl
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International Search Report for International Patent Application No. PCT/EP2013/059841, dated Aug. 16, 2013 (5 pages).
International Preliminary Report on Patentability for International Patent Application No. PCT/EP2013/059841, dated Nov. 11, 2014 (7 pages).
Written Opinion of the International Searching Authority for International Patent Application No. PCT/EP2013/059841, dated Aug. 16, 2013 (6 pages).
International Search Report for International Patent Application No. PCT/EP2013/059840, dated Aug. 16, 2013 (5 pages).
International Preliminary Report on Patentability for International Patent Application No. PCT/EP2013/059840, dated Nov. 11, 2014 (8 pages).

Claims

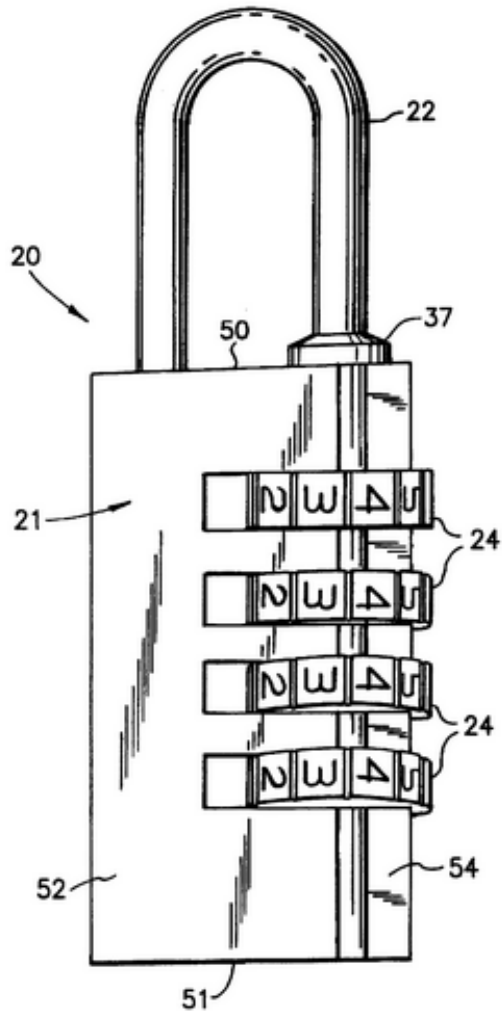
- The claims define, in technical terms, the scope of protection sought
- The main «claim formats» are
 - **Product** - «Product **A**»
 - **Use** - «The use of product **A** for the application X»
 - **Method** - «Method for the preparation of **A**»
- A patent can include claims directed to different aspects of the same invention

Cost

- Exploring the landscape
- Writing patent applications
- Prosecution incl. annual fees and translations
- Enforcement
- Budget
- Be selective
- Future profit



Trade Secrets



Trade Secrets

- The information must *be* secret – not commonly known or easily available
- It must have commercial value to the company that it is *kept* secret.
- The company management must have taken *reasonable precautions* to keep it secret

Type of information



Market surveys



Test results



Business strategy documents



Customer lists



Work-flow charts



Manufacturing methods



Process details



Algorithms



Product compositions

Get an overview of your potential trade secrets



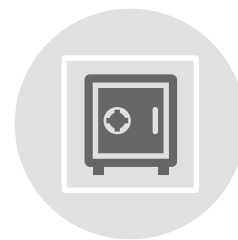
Identify



What information is important for your business to keep secret?



What measures have already been taken to protect this information?



Are additional measures needed?



What are «reasonable precautions»

- Mark as «CONFIDENTIAL»
- Access control
- Data security
- Confidentiality Agreements



How to implement it

- Have a company policy in place
- Appoint one person as responsible
- Train your employees
- Establish control measures

Designs

Aug. 24, 1948.

C. EAMES
CHAIR

Des. 150,683

Filed March 27, 1947



Fig. 1

Fig. 2



Fig. 3



Fig. 4



Inventor
Charles Eames

By
Lyon T. Lyon
Attorneys

Designs

- Industrial design registration grants protection for a certain aesthetic (non-technical) appearance
- The shape, look, «feel» of a product or its packaging
- A user interface
- 2D or 3D
- Must be new and have individual character that differs from existing designs

Trademarks



Trademarks

- Typically company names, brand names, product names, logos, etc
- Can be a word, a logo, a slogan, a sound, a color or even a smell

Requirements for registration

Trademarks can be registered if...

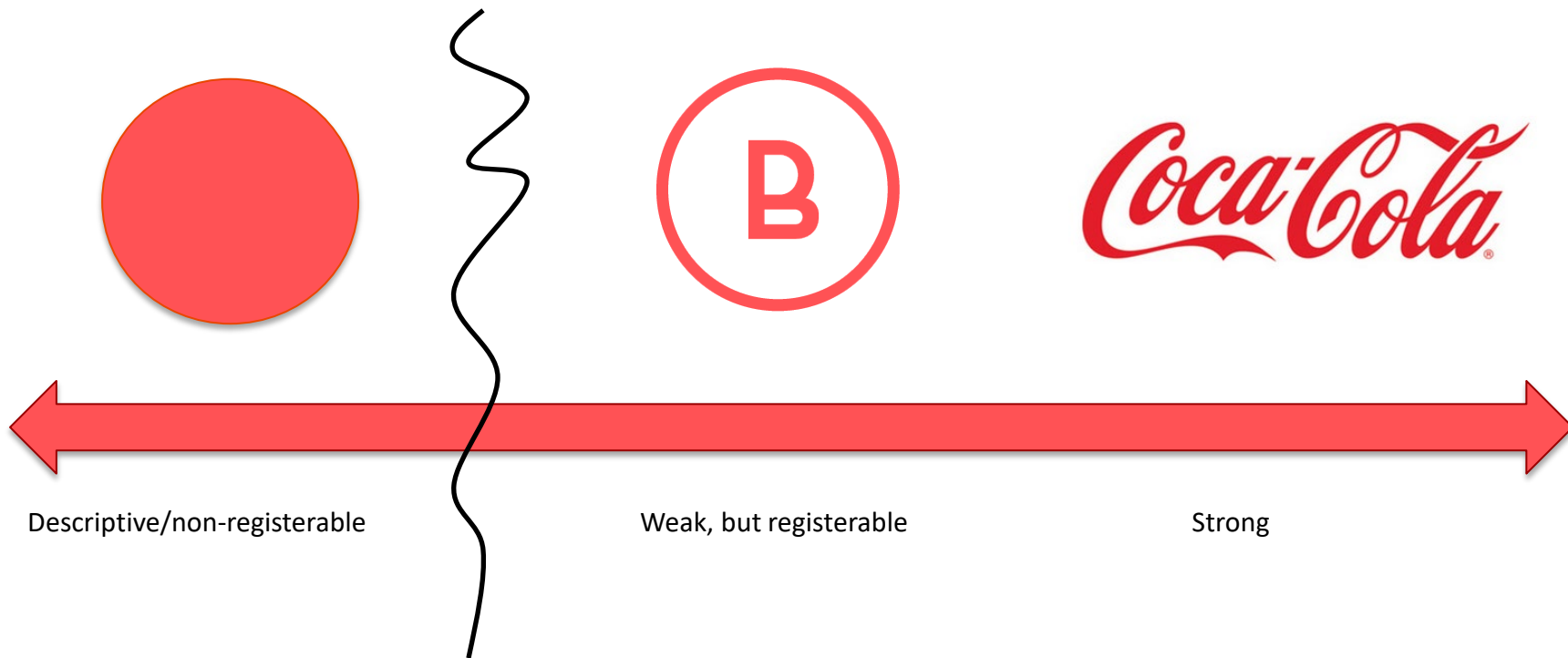
1) The trademark is not **descriptive**

2) The trademark is **distinctive**

- Able to be recognised as a trademark
- Able to distinguish the applicant's goods/services from others'
- Able to serve as a guarantee of origin

3) The trademark is **not able to be confused with** older rights

Weak or strong trademarks?



The right to a trademark

Two-track system

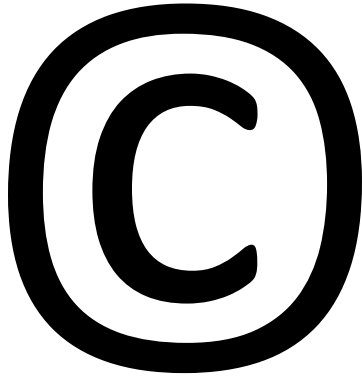
- Registration
- Establishment (must document that the mark is *well-known* by a *large part* of the relevant *customer base*)

Duration of protection

- Registration – can be eternal (renewal every 10 years)
- Establishment – as long as the mark is known

Copyrights

Copyrights



- Non-registerable
- Automatic
- Creative, original works
- 70 years from death of creator (not always)

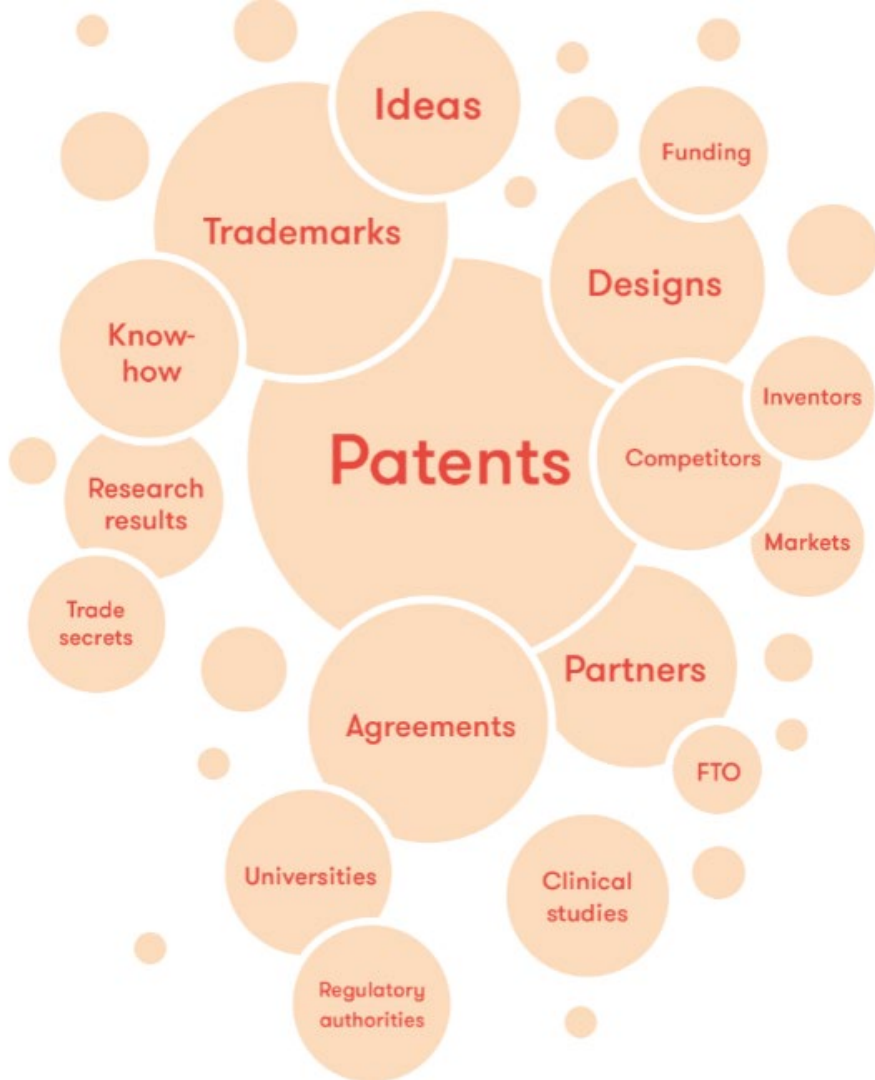
How to do it

Stokke: Utilising the Toolbox



Source: Stokke.com

- Copyright
- Trademark
- Patents
- Design registrations



Summary

Many types of intellectual
properties

Registerable and non-
registerable rights

Tools for protecting your
interests

Type	Cost (€)	Protection
Patent	Tens of thousands	A technical solution
Trademark	Thousands + marketing	Name, logo etc.
Design	Thousands	Specific shape or look
Copyright	Nil	Works of art
Trade secrets	Nil (potentially additional company infrastructure needed)	Personal/company data



Del 2

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