

Workshop on IP

Patents, trademarks





Programme

- Use of IP in Business
- Patent
- Utility models
- Design
- Copyright
- Trademark
- Innovation process

What does IP mean?

Trademarks

Patents

Designs

Utility models

Includes also:

Copyright

Unfair Competition

Business Secrets

Manuals

Domain names

etc...

Use of IP in Business

http://www.mcdonalds.pl - McDonald's - Microsoft Internet Explorer provided by PV5

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DLA RELAKSU

DLA MNIE

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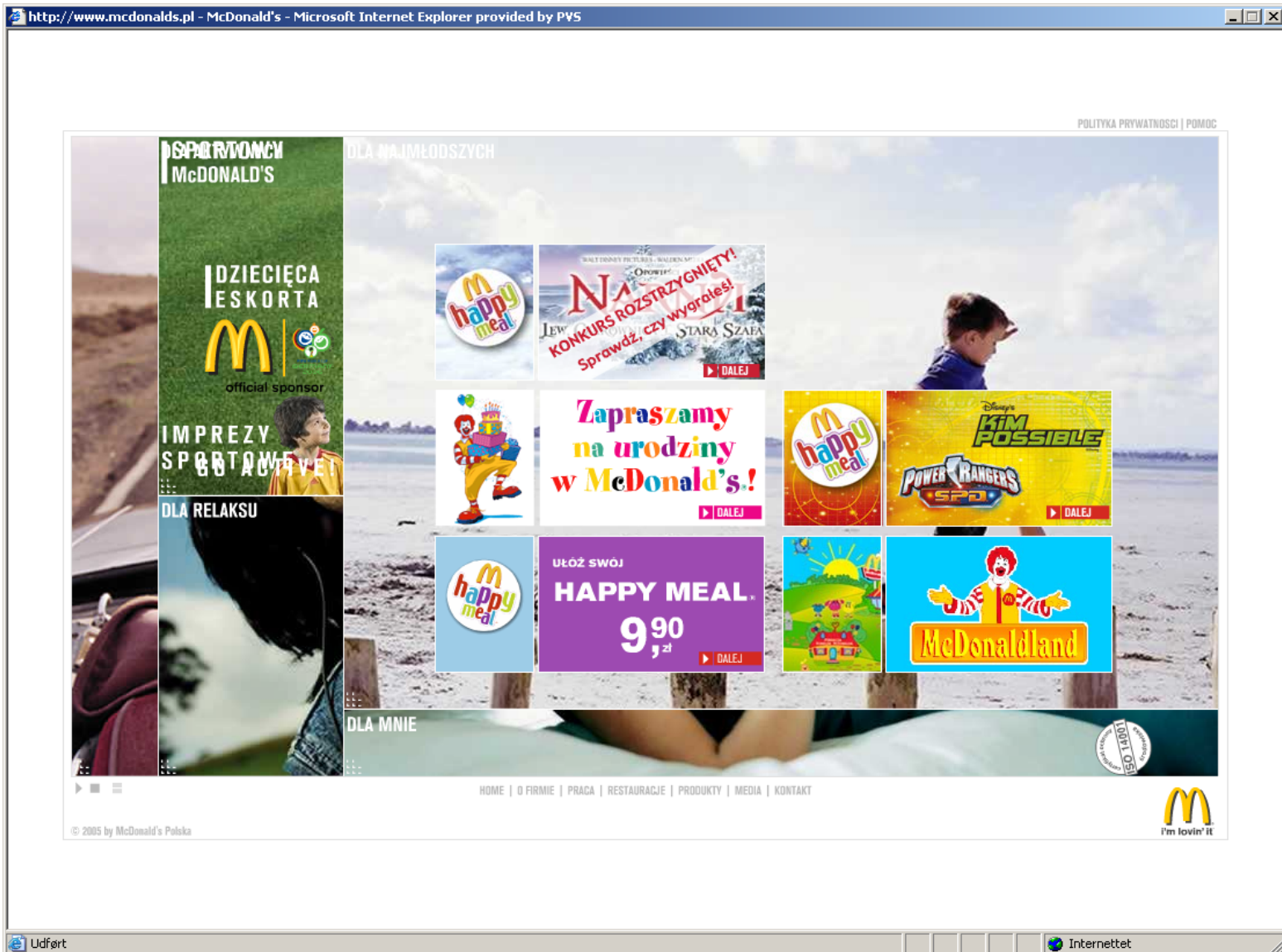
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McDonaldland

HOME | O FIRMIE | PRACA | RESTAURACJE | PRODUKTY | MEDIA | KONTAKT

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i'm lovin' it



IP in Summary

Law	Covers	Registration	Duration
Patent	Technical	Yes	20 years
Utility Model	Technical	Yes	10 years
Design	Look	Yes/No	5 x 5 years
Trademark	Brand name of product or service	Yes/No	10 years x for ever
Copyright	Artistic and literary works/software	No	life + 70 years thereafter

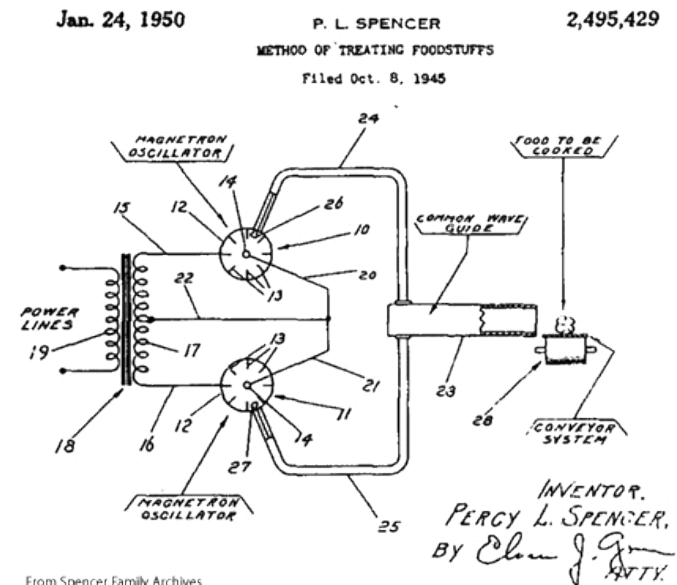
What is a Patent?

You can say it is:

- An agreement between the inventor and society

Alternative definition (legal):

- A patent is an **exclusive right** to commercially exploit the invention in this country. Protection up to 20 years



Exclusive rights

- Forbid others commercially to:
 - produce, sell, work, use,
 - import, possess the invention
- The exclusive right does not extend to:
 - acts performed for non-commercial purposes
 - acts performed for experimental purposes
 - Individual production of a medicinal product at a pharmacy



What is patentable?

Patents are granted for inventions which are technical, that is inventions which are capable of being industrially exploitable



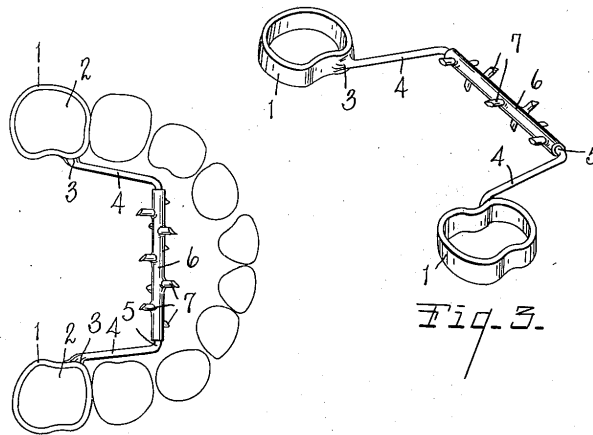
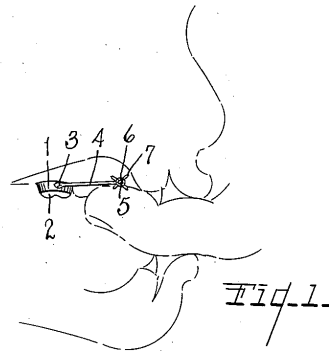
What can be patented?

- A Product
- The apparatus for producing the product
- The process
- The use

What cannot be patented?

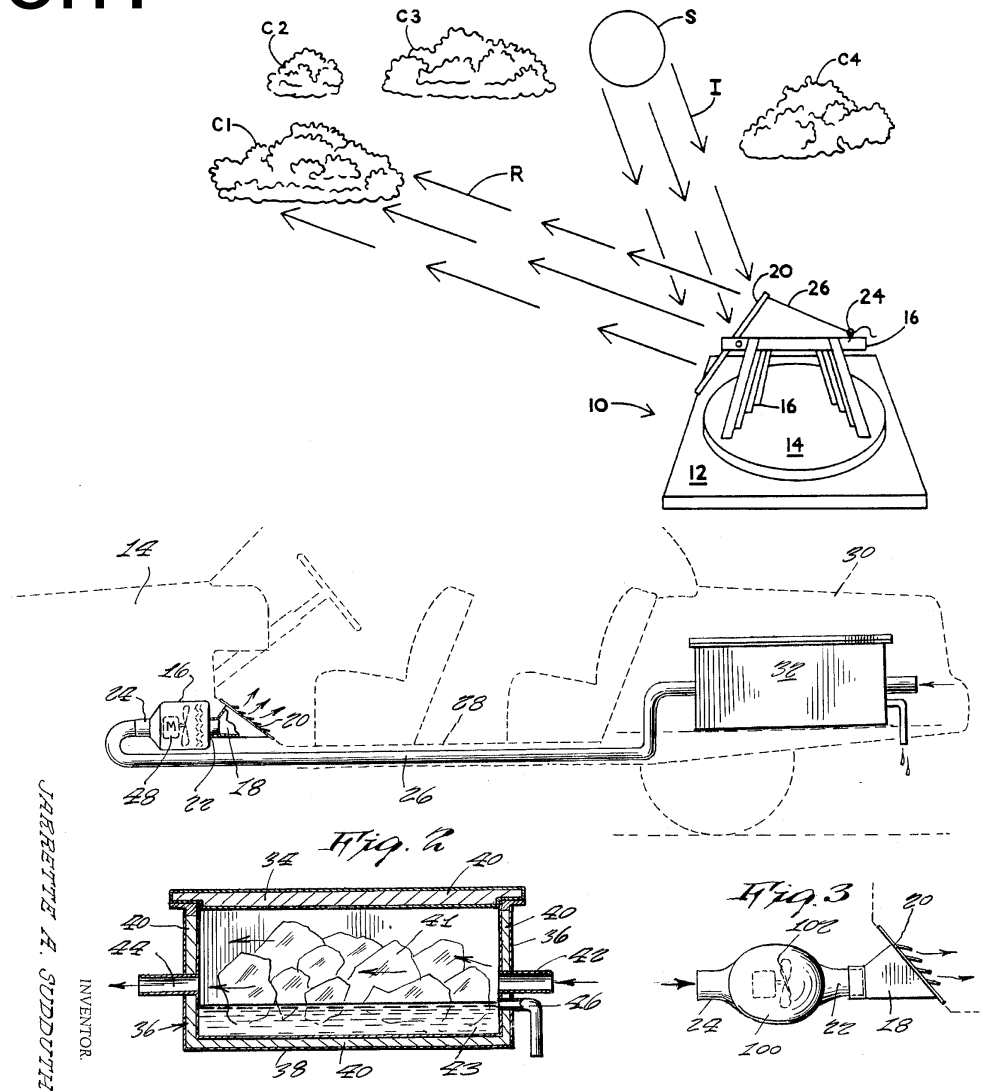
- Computer programmes
- Medical and surgical treatments
- Mathematical methods
- Business methods
- Discoveries
- Aesthetic creations
- New species of plant or animal
- Inventions which are contrary to moral standards and public order (e.g. instruments of torture)
- The human body and any non-separate part/s thereof

Contrary to moral standards?



What is an invention?

- A technical teaching which defines a relation between technical features and technical effect
- Has to be reproducible



Inventions are often concerned with every-day problems or “trends”

M. KISPÉTER.
LIFE SAVING APPARATUS.
APPLICATION FILED JAN. 16, 1915.

1,143,835.

Patented June 22, 1915.
2 SHEETS—SHEET 1.

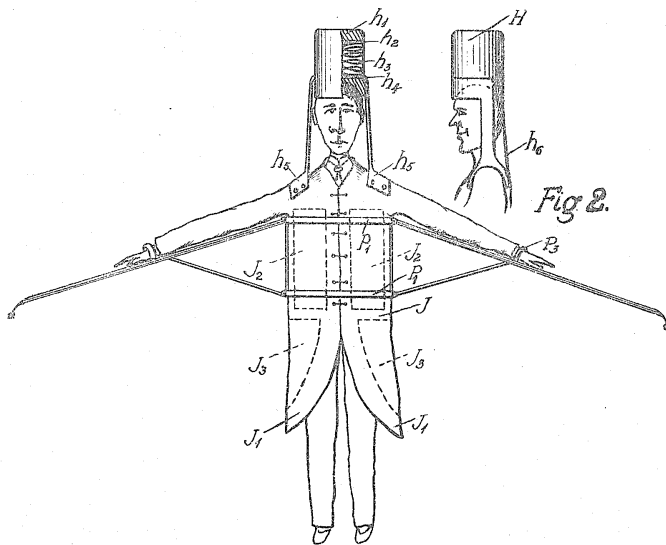


Fig. 1.

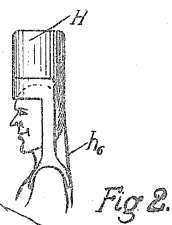
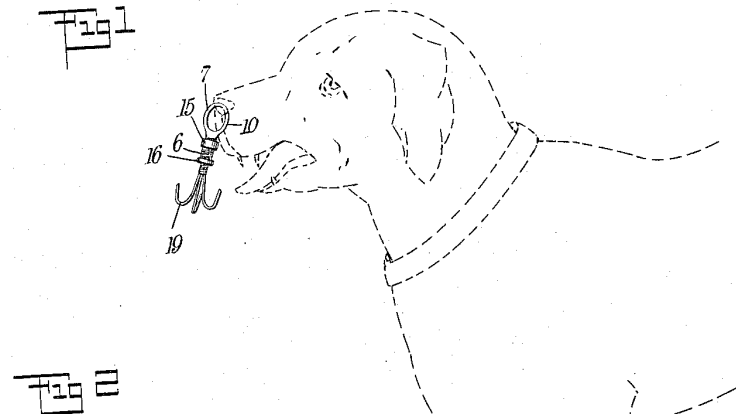


Fig. 2.

W. GRAHAM.
DEVICE TO PREVENT DOGS FROM WORRYING SHEEP.
APPLICATION FILED NOV. 14, 1911.

1,046,177.

Patented Dec. 3, 1912.

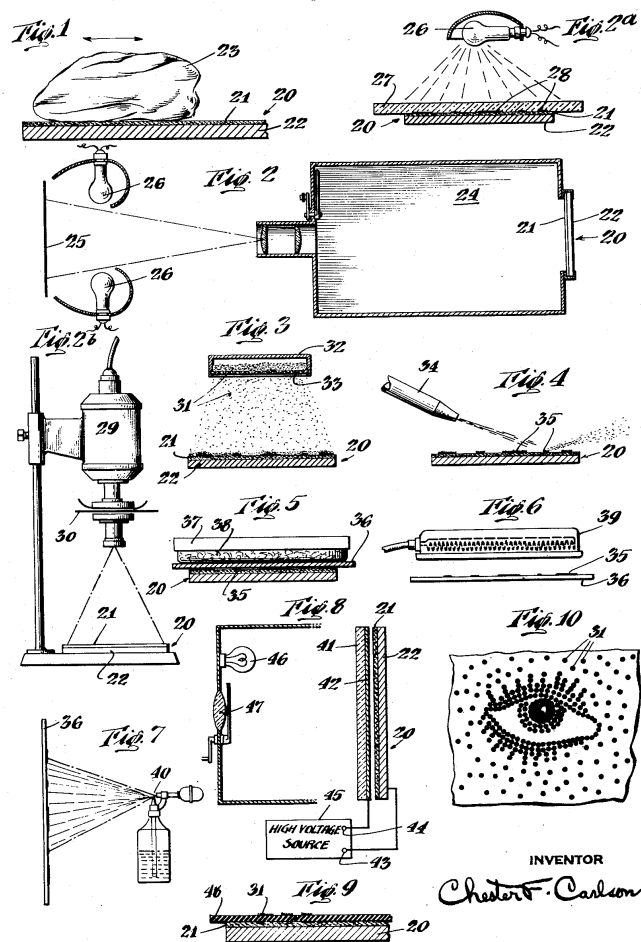


Inventors are ahead of their time!

Oct. 6, 1942.

C. F. CARLSON
ELECTROPHOTOGRAPHY
Filed April 4, 1939

2,297,691



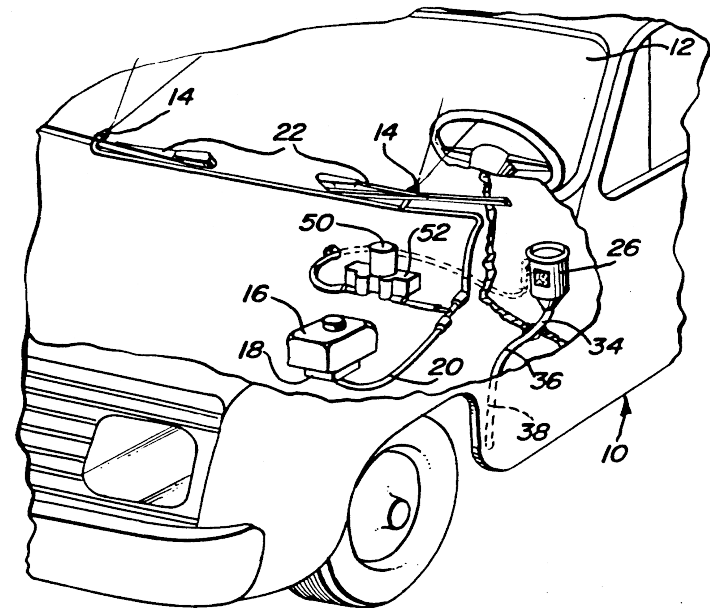


The patentable invention must be:

- Capable of industrial application
- New / Novelty
- Significantly different from that which is already known

Industrial application

- The invention must have at least one practical purpose and must be reproducible
- There is no evaluation of quality or economical factors!
- Only the technical qualities are relevant



Novelty

- Novelty: An objective, global demand
- New in relation to that which is known prior to the date of filing the application
- Known = general availability through the written word, spoken word (lectures, etc.), usage, etc.
- Disclosure agreement



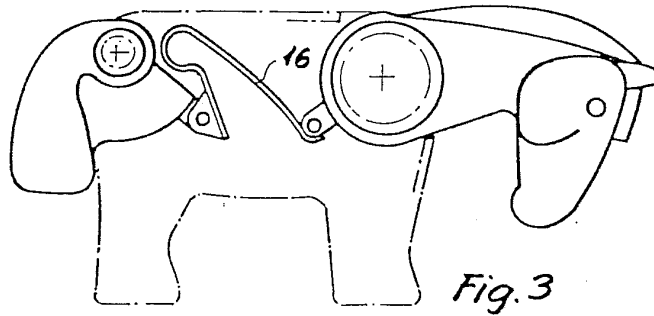
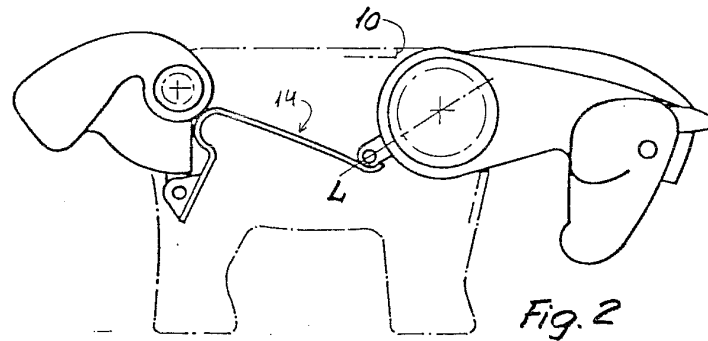
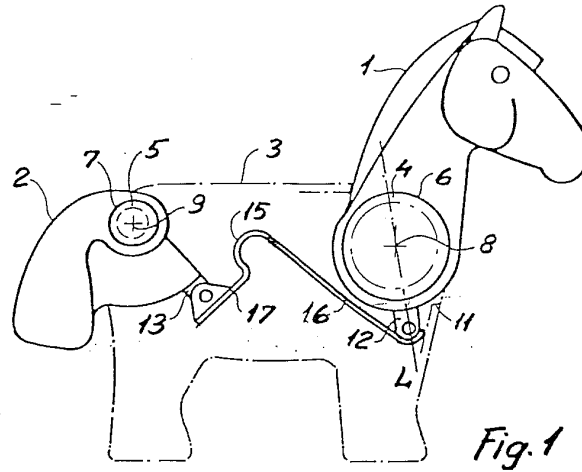
The Inventive Step

To differ significantly =

Inventive step

Subjective evaluation

Invention:



Documents found:

No. 871,701.

PATENTED NOV. 19, 1907.

J. F. JECKERT.
TOY.

APPLICATION FILED MAR. 16, 1907.

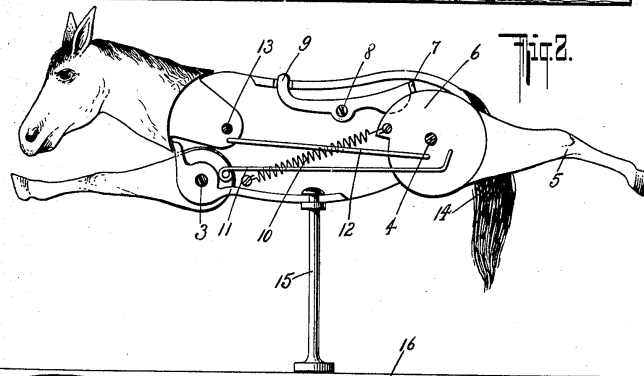
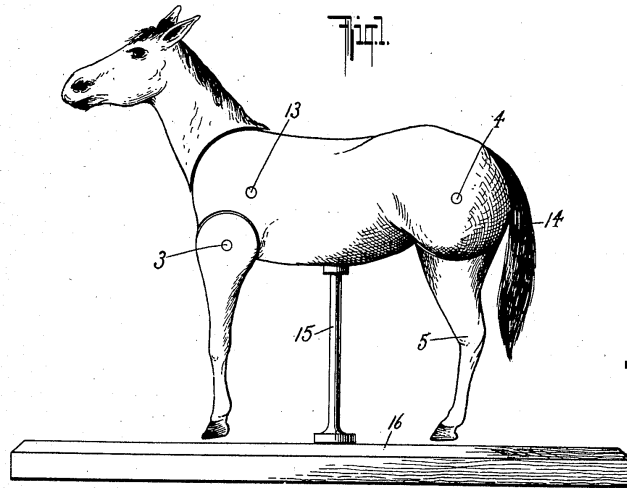
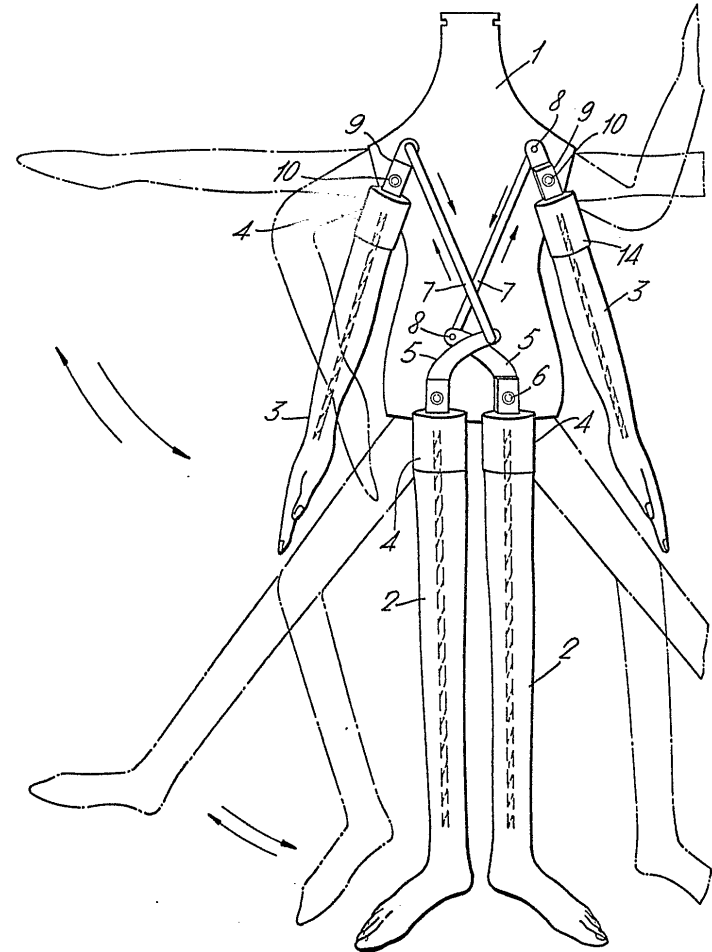


FIG. 1.



WITNESSES
Julius Schmitz
H. Allen

INVENTOR,
Joseph F. Jeckert
BY
Victor J. Evans
ATTORNEY

Invention:



US005378191A

United States Patent [19]

[11] Patent Number: **5,378,191**

Ryaa

[45] Date of Patent: **Jan. 3, 1995**

[54] TOY DEVICE FOR PICKING UP OBJECTS FROM A PLANE FACE

[75] Inventor: Jan Ryaa, Billund, Denmark

[73] Assignee: Interlego AG, Baar, Switzerland

[21] Appl. No.: 70,437

[22] PCT Filed: Dec. 3, 1991

[86] PCT No.: PCT/DK91/00372

§ 371 Date: Jun. 29, 1993

§ 102(e) Date: Jun. 29, 1993

[87] PCT Pub. No.: WO92/10255

PCT Pub. Date: Jun. 25, 1992

[30] Foreign Application Priority Data

Dec. 4, 1990 [DK] Denmark 2874/90

[51] Int. Cl.⁶ A63H 33/30; A63H 17/14

[52] U.S. Cl. 446/424; 446/144; 446/427

[58] Field of Search 446/73, 75, 144, 237; 446/269, 424, 427, 465, 487, 56/328.1; 294/19.2

[56] References Cited

U.S. PATENT DOCUMENTS

2,287,133	6/1942	Reiter	446/427
2,940,242	6/1960	Patterson	56/328.1
2,960,791	11/1960	Reed	446/144
3,197,918	8/1965	Coggeshall	446/290

3,240,201	3/1966	Shelton	446/465
3,308,613	3/1967	Davidson	56/328.1
3,777,462	12/1973	Sharp et al.	56/328.1
3,862,538	1/1975	Henson	56/328.1
3,959,922	6/1976	Leistikow	46/205
3,983,662	10/1976	Hart	46/205
3,986,324	10/1976	Harriott et al.	56/328.1
4,031,659	6/1977	Keller et al.	446/427
4,917,648	4/1990	Hartje	446/424

FOREIGN PATENT DOCUMENTS

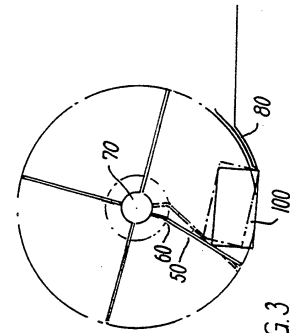
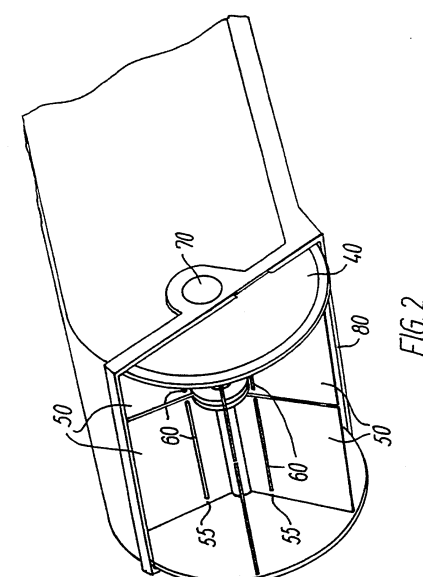
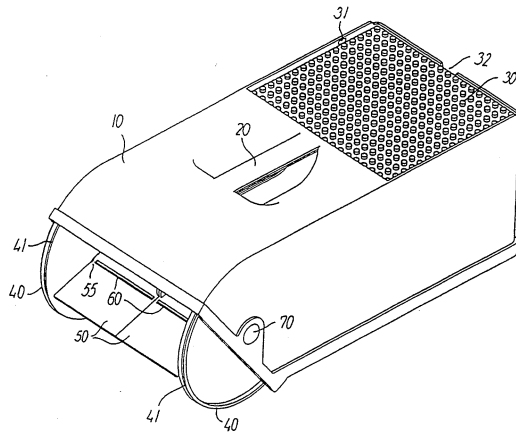
153054	6/1988	Denmark	
2538380	7/1985	France	294/19.2
2631839	12/1989	France	
873669	4/1953	Germany	
426210	12/1982	Sweden	
662058	9/1987	Switzerland	294/19.2
921344	3/1963	United Kingdom	

Primary Examiner—Max Hindenburg
Assistant Examiner—Jeffrey D. Carlson
Attorney, Agent, or Firm—Kane, Dalsimer, Sullivan, Kurucz, Levy, Eisele and Richard

[57] ABSTRACT

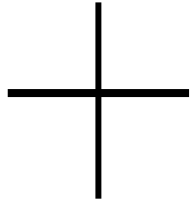
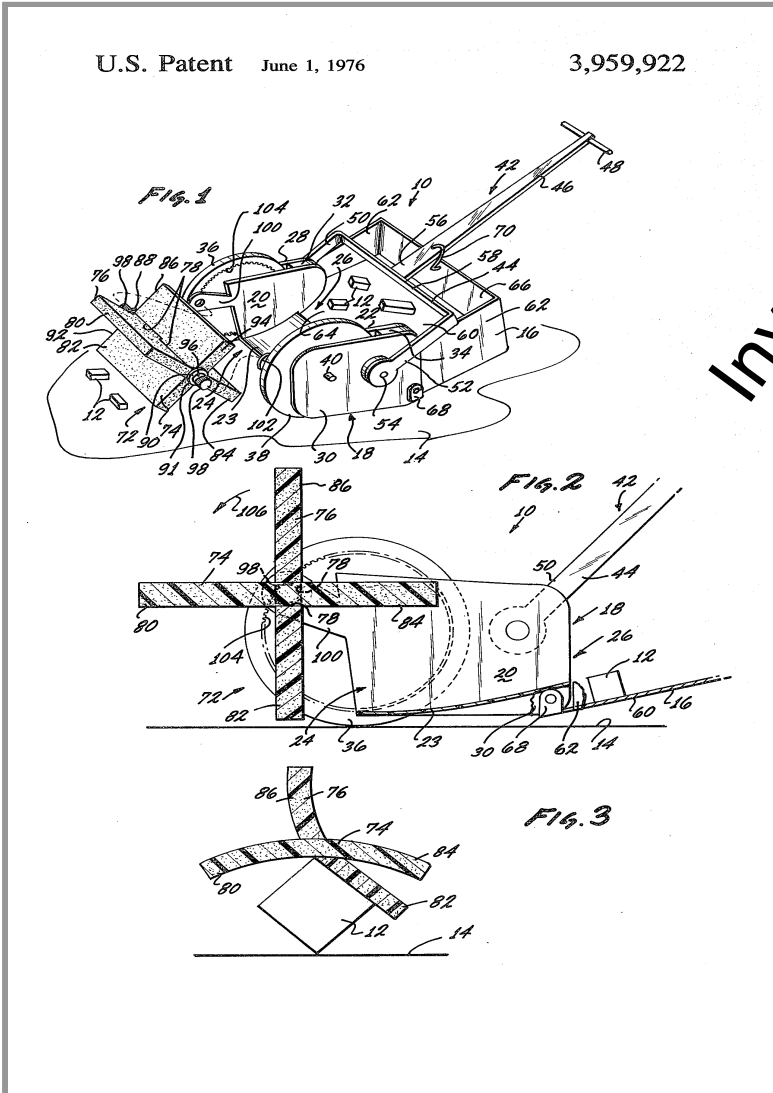
A toy device picks up objects from a plane surface, where a set of wheels drives rotary blades adapted to move the objects up a guide plate toward a magazine. The blades are relatively stiff and comprise an integral hinge spaced from the axis of rotation of the blade wheel.

10 Claims, 3 Drawing Sheets

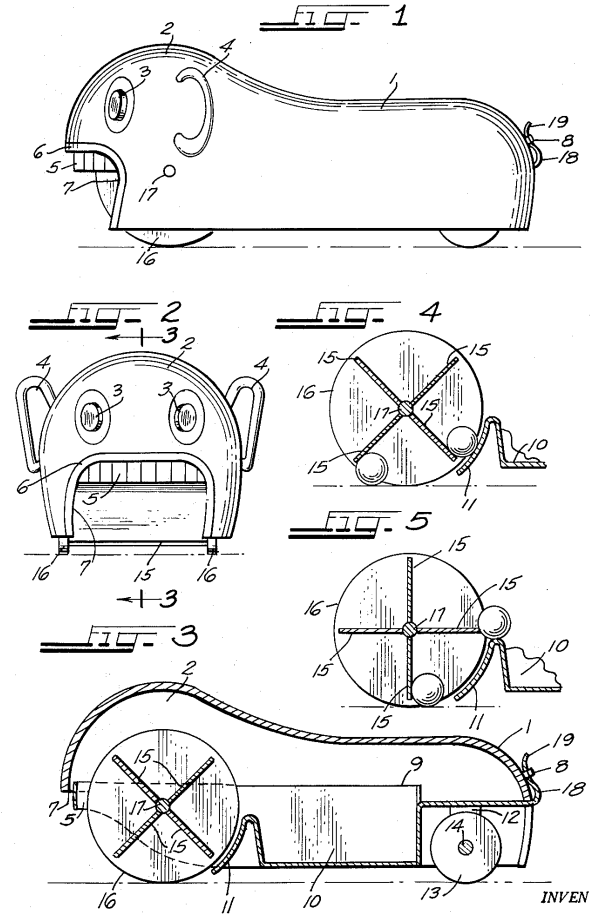


Documents found:

Inventive step?

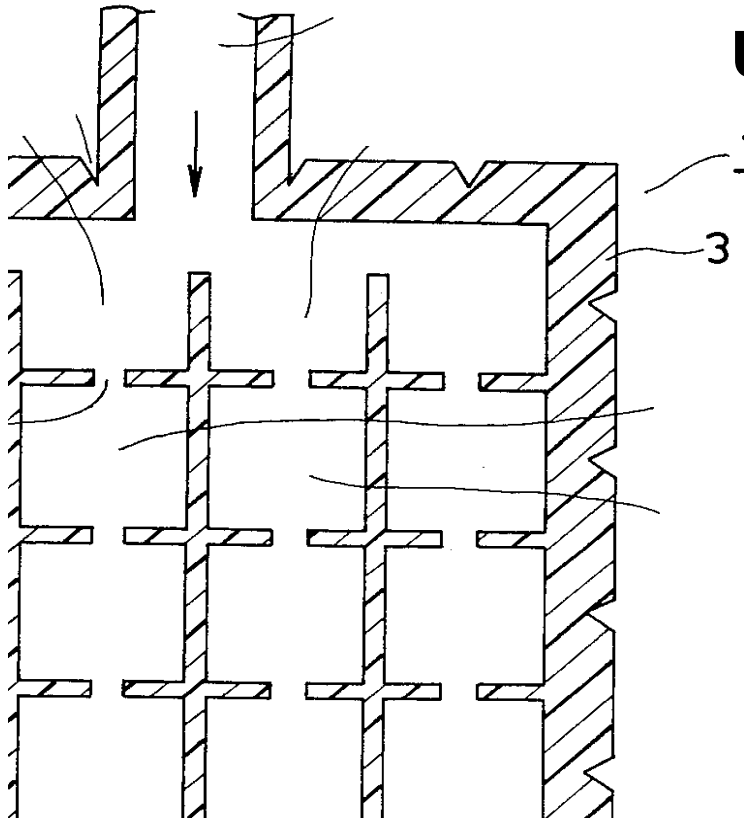


Aug. 3, 1965 C. H. COGGESHALL 3,197,918
 ANIMATED WHEELED EATING TOY
 Filed Feb. 20, 1962 2 Sheets-Sheet 1

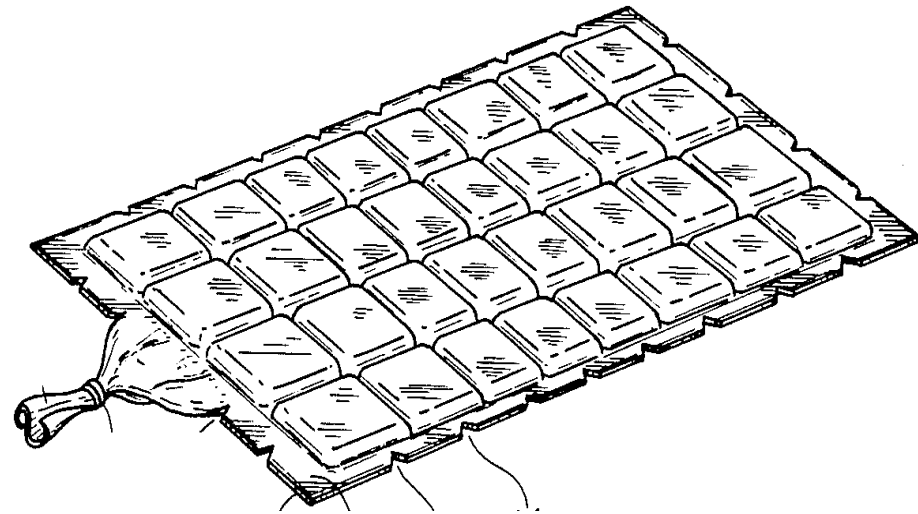


INVENTOR.
 Charles H. Coggeshall

Prior art – the known technical solution:

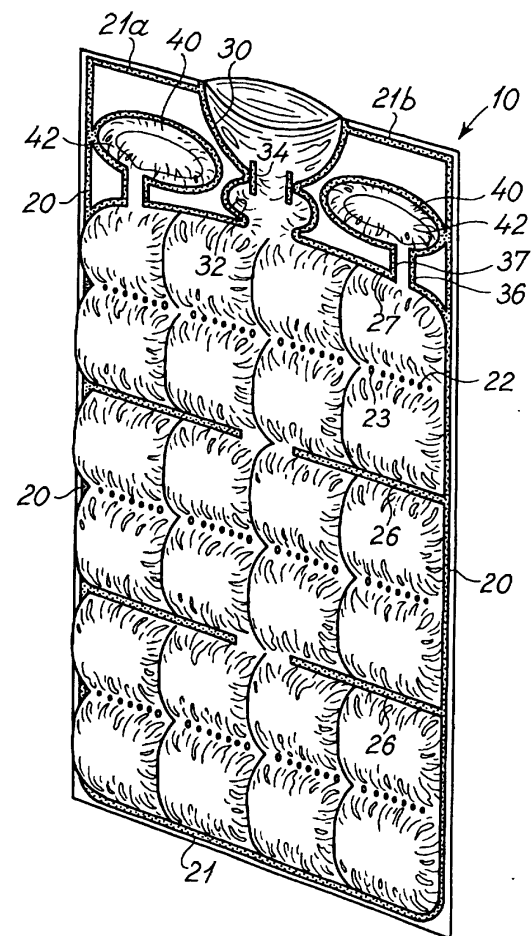
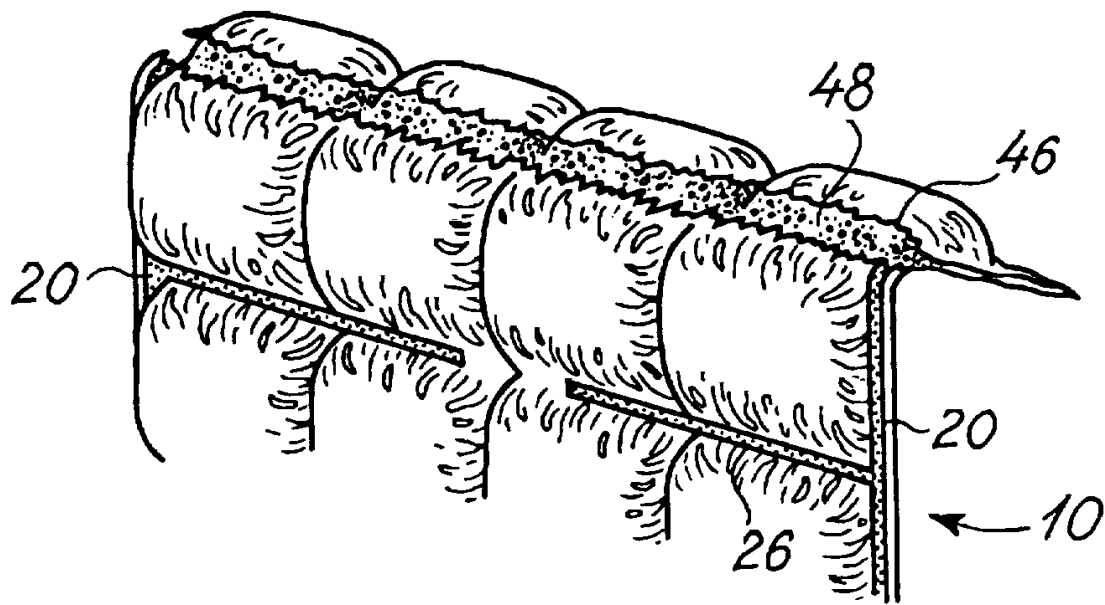


US 4813646



Invention:

DK172638B



Utility Model

- The "Patent-system" for smaller inventions
- Conditions:
 - Solve a technical problem
 - New
 - Inventive step
- Often used for inventions concerning:
 - Household goods
 - Hand tools
 - Furniture

Utility Models - example

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Gem en kopi Søg Vælg 74% Hjælp Adobe Reader 7.0

(19) DANMARK (10) DK 94 00073 U3

(12) BRUGSMODELSKRIFT

Patentdirektoratet
TAASTRUP

(21) Ansøgningsnr.: 9400073 (51) Int.Cl.®: B 65 D 39/00 , A 47 G 23/00 ,
(22) Indleveringsdag: 15 feb 1994 B 65 D 51/24
(24) Løbedag: 15 feb 1994
(41) Alm. tilg. dato: 22 apr 1994
(45) Registreringsdato: 22 apr 1994
(45) Publikeringsdato: 22 apr 1994

(30) Prioritetsoplysninger:
17 feb 1993 DK 0180/93

(73) Brugsmodeledehaver:
Sigurd Møller Vinhandel A/S, Otto Mensteds Vej 2, 9200 Aalborg SV, DK

(72) Frembringer:
Arne Hvid Pedersen, Minervavej 4 Grindsted, 9310 Vodskov, DK

(74) Fuldmægtig:
Larsen & Birkeholm A/S, Østeraagade 25, Postboks 1651, 9100 Aalborg, DK

(54) Benævnelse:
Propholder

(57) Sammen drag:
Frembringelsen angår en indretning til at holde en prop på en flaske, når proppen ikke er i brug. Propholderen udføres af to pressede metalstykker (1,2), der danner gribeorganer (3,5) til at gribe om henholdsvis flaskehals og prop. Stykkerne (1,2) samles med en punktsvejsning. Ved udførelsen sikres en stabil fastgørelse af proppen (6).

Fig. 2

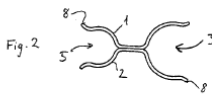
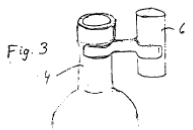


Fig. 3



1 af 5

26

Utility Models - example

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Sider

(19) DANMARK (10) DK 94 00169 U3

(12) BRUGSMODELSKRIFT

Patentdirektoratet
TAASTRUP

(21) Ansøgningsnr.: 9400169 (51) Int.Cl.®: A 01 K 5/01
(22) Indleveringsdag: 08 apr 1994
(24) Løbedag: 08 apr 1994
(41) Alm. tilg. dato: 12 aug 1994
(45) Registreringsdato: 12 aug 1994
(45) Publiceringsdato: 12 aug 1994

(30) Prioritetsoplysninger:
08 apr 1993 FI U930215

(73) Brugsmodeledehaver:
Laszlo Ignatisak, Myrtiltie 2 B 24, FI-00720 Helsinki, FI

(72) Frembringer:
Laszlo Ignatisak, Myrtiltie 2 B 24, FI-00720 Helsinki, FI

(74) Fuldmægtig:
Firma Chas. Hude, H. C. Andersens Boulevard 33, 1553 København V., DK

(54) Benævnelse:
Anordning, hvormed en hund kan gives mad eller drikke

(57) Sammen drag:
Denne frembringelse angår en indretning, hvormed en hund kan gives foder eller drikke. Indretningen har mindst én foder- eller drikkeskål (1) og mindst én i det væsentlige lodret arm (3) til at bære skålen. Skålen kan anbringes højdeindstillelig på armen. Det nye ved frembringelsen er, at der på den ene side af skålen er anbragt en bort fra skålen vendende skinne/not (6), som falder i forhold til skålens vandrette plan. I armen er der på tilsvarende måde udformet noter/skinner (7) med regelmæssige mellemrum. I eller på disse noter/skinner (7) kan den på skålen anbragte skinne/not (6) trækkes bort. Hermed kan skålen (1) let anbringes i en ønsket højde på armen (3) eller fjernes derfra.

FIG. 1

1 af 6

7

Utility Models - example

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19) DANMARK (10) DK 92 00025 U3

(12) BRUGSMODELSKRIFT

Patentdirektoratet
TAASTRUP

(21) Ansøgningsnr.: 9200025 (51) Int.Cl.®: A 21 D 13/00 A 21 D 15/02
(22) Indleveringsdag: 07 jul 1992 A 23 L 1/00
(24) Løbedag: 07 jul 1992
(41) Alm. tilg. dato: 28 aug 1992
(45) Registreringsdato: 28 aug 1992
(45) Publiceringsdato: 28 aug 1992

(30) Prioritetsoplysninger:
019920511 DK 0613/92

(73) Brugsmodeledehaver:
Sun-Food af 1992 A/S, Bornholmsvej 1, 9500 Hobro, DK

(72) Frembringer:
Jørgen Lundsberg c/o Sun-Food af 1992 A/S, Bornholmsvej 1, 9500 Hobro, DK

(74) Fuldmægtig:
K. Skøtt-Jensen Patentingeniør A/S, Lemmingvej 225, 8361 Hasselager, DK

(54) Benævnelse:
Pitabrød

(57) Sammenlægning:
Et fabriksfremstillet fyldt pitabrød der kan anvendes såvel i den sædvanlige husholdning eller restaurationsbranchen, navnlig i fast-food branchen, tager udgangspunkt i fabriksfremstillet pitabrød. Fyldet baseres på grøntsager og frugter, der svitses samt kød, der stejes. Pitabrødene skæres op og fyldes med det ønskede fyld, f.eks. grøntsager og kød eller udelukkende grøntsager. Det fyldte pitabrød pakkes derpå ind, f.eks. i en folie. De fyldte pitabrød kan nu distribueres fortrinsvis ad de sædvanlige salgskanaler til fast-food restauranter eller detailforretninger. Tilberedningen består helt enkelt i at varme det fyldte pitabrød f.eks. i en brødrister, oven alternativt en mikrobølgeovn, og servering med en dressing.




Fig 1

1 af 5

8



Utility Models

- Registration – no search in DK
- The integration between the patent and the utility model systems
 - Priority
 - Conversion

Utility Model – level of difference 1

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Filer Rediger Vis Dokument Værktøjer Vindue Hjælp

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(19) DANMARK (10) DK 97 00030 U3

(12) BRUGSMODELSKRIFT

Patentdirektoratet
TAASTRUP

(21) Ansøgningsnr.: 9700030 (51) Int.Cl. #: B 67 B 7/16
(22) Indleveringsdag: 23 jan 1997
(24) Løbedag: 23 jan 1997
(41) Alm. tilg. dato: 28 feb 1997
(45) Registreringsdato: 28 feb 1997
(45) Publiceringsdato: 28 feb 1997

(30) Prioritetsoplysninger:
-

(73) Brugsmodeledehaver:
Tommy Larsen A/S, Rodelundvej 4, 8680 Ry, DK

(72) Frembringer:
Tommy Larsen, Tinghusvej 9, 8680 Ry, DK
Claus Jensen, Amerikavej 9, 4 tv, 1756 København V, DK
Henrik Holbæk, Amerikavej 9, 4 tv, 1756 København V,

(74) Fuldmægtig:
Hofman-Bang & Boutard A/S Lehmann & Ree A/S, Hans Bekkevoolds Allé 7, 2900 Hellerup, DK

(54) Benævnelse:
Kapselåbner

(57) Sammenlægning:
Kapselåbner udført i et plant metalstykke omfattende en udsparring for optagelse af en kapsel, og hvor det plane metalstykke er udført i et elastisk metalmateriale såsom fjederstål med en tykkelse på maksimalt 3 mm, fortrinsvis mindre end 2 mm, samt hvor metalstykket er udformet med en dimension i længderetningen på ca. 85 mm, samt en dimension i bredderetningen på ca. 54 mm, på tværs af længderetningen, således at bredden og længden svarer i hovedsagen til den tilsvarende bredde og længde på et almindeligt kendt kreditkort.

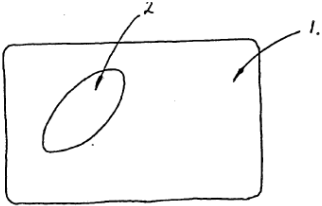


Fig. 1

Kommentarer Vedhæftede filer

1 af 10

Utility Model – level of difference 1

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Adobe Reader 7.0

Sider

CH 670 746 A5

CONFÉDÉRATION SUISSE
OFFICE FÉDÉRAL DE LA PROPRIÉTÉ INTELLECTUELLE

CH 670 746 A5
Int. Cl.: A 45 C 11/24
A 45 C 1/06

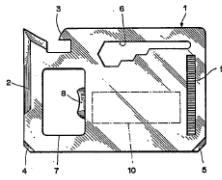
Brevet d'invention délivré pour la Suisse et le Liechtenstein
Traité sur les brevets, du 22 décembre 1978, entre la Suisse et le Liechtenstein

FASCICULE DU BREVET A5

21 Numéro de la demande: 1903/87	78 Titulaire(s): Jean-Paul Donzé, Courfaivre
22 Date de dépôt: 18.05.1987	79 Inventeur(s): Donzé, Jean-Paul, Courfaivre
24 Brevet délivré le: 14.07.1989	74 Mandataire: Bovard AG, Bern 25
46 Fascicule du brevet publié le: 14.07.1989	

53 Accessoire personnel portatif pour carte à circuit de mémoire.

57 La plaque (1) en métal est de forme rectangulaire plane et a les dimensions d'une carte à circuit électronique de mémoire. Le long de ses bords, elle présente des découpures et des zones profilées formant la lame (1), l'ouverture-boîte (3), les lames de tourne-vis (4 et 5). A sa zone intérieure, elle comporte des ouvertures, également profilées, jouant le rôle de clé à boulon (6) ou de décapiseur (7). Dans une autre partie de la zone intérieure, on a prévu une région plane (10) pour la gravure de marque d'identification ou pour l'inscription sous une forme quelconque de toute autre donnée à mettre en mémoire. La région (9) est pourvue d'un relief de lime à angle. La plaque (1) est destinée à être engagée dans un étui plat et à servir à rigidifier une carte à circuit électronique de mémoire.



Kommentarer Vedhæftede filer

1 af 4

Utility Model – level of difference 2

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(19) DANMARK (10) DK 92 00034 Y6

(12) BRUGSMODELSKRIFT

Patentdirektoratet
TAASTRUP

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(73) Brugsmodeledehaver:
Verner Larsen, Bjergvej 78, Kværkeby, 4100 Ringsted, DK

(72) Frembringer:
Verner Larsen, Bjergvej 78, Kværkeby, 4100 Ringsted, DK

(74) Fuldmægtig:

(54) Benævnelse:
Tubeklemmer

(56) Relevante publikationer:
US 4574983 A

(57) Sammenlægning:
Denne frembringelse angår en tubeklemmer til anvendelse i forbindelse med brug af tuber. Det nye er den simple konstruktion, der kun består af én del, og som derfor kan benyttes af både børn og ældre. Tubeklemmeren presser indholdet i tuben frem mod tubens åbning, efterhånden som indholdet forbruges. Fordelen er, at indholdet "fastlåses" mod tubens åbning, og at det til sidst er muligt at tømme tuben helt ved brug af frembringelsen

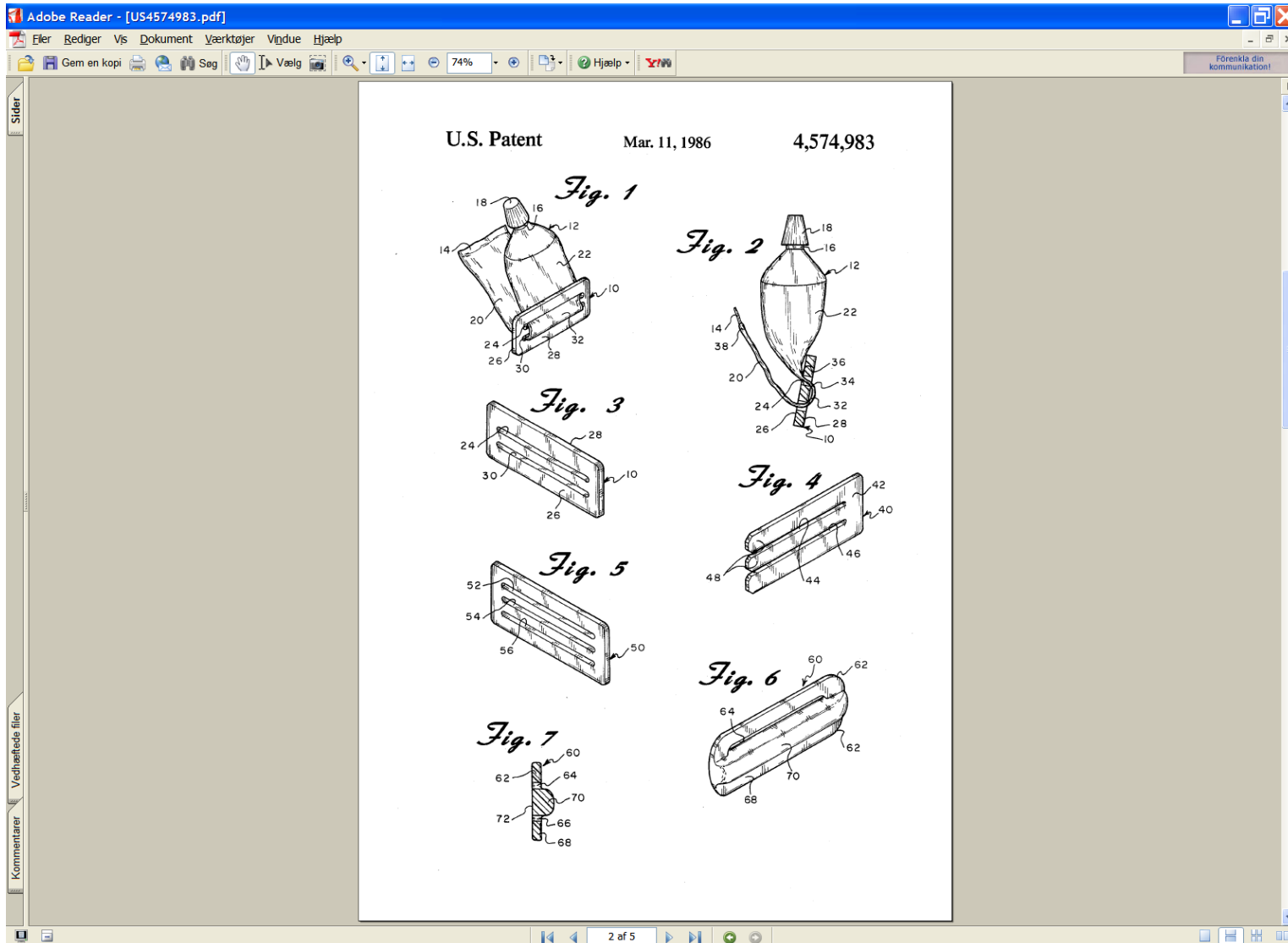
Tube klemmerens anvendelse og tekniske udformning

Figur nr. 1: Anvendelse

Figur nr. 2: Teknisk udformning

1 af 4

Utility Model – level of difference 2





Why a Utility Model?

- Protects minor inventions excluded from patent protection
- Protects inventions where a shorter protection period is required
- Speedy protection
- Easy
- Cheap

Practicalities

Aby uzyskać patent na wynalazek lub prawo ochronne na wzór użytkowy należy złożyć zgłoszenie, które powinno obejmować:

- *podanie zawierające oznaczenie zgłaszającego, określenie przedmiotu zgłoszenia oraz wnioski o udzielenie patentu lub prawa ochronnego*
- *opis wynalazku/wzoru ujawniający jego istotę,*
- *zastrzeżenie lub zastrzeżenia*
- *skrót opisu*
- *rysunki, wzory chemiczne itp.*

Wnieść opłatę (500 zł)

International patent systems

Basic principle:

- Patent in each country

The systems:

- Patent Cooperation Treaty (PCT)
- European Patent Convention (EPC)
- Other regional systems (OAPI, ARIPO, EURASIAN)



European Patent (EPC)

- Single place of filing
- Single place of completion
- Single place of granting
- More economical than group of countries



Patent Cooperation Treaty (PCT)

- Single place of filing
- International novelty and patentability search
- Final decision for countries

Main advantage:

Postponement for 31 months



International Fees



EPC-fees

- Filing fee € 95 (paper - € 170)
- Novelty international search fee € 1,615
- Designation fees for each state stipulated in the application € 80
- Examination fee € 1,335 / 1,490

Upon validation in the individual countries, filing fees and annual fees become payable to each country. In addition there are application fees and translation costs



Cost of a sample European Patent¹

EPO Fees: EUR 4 400

- procedural fees before the EPO
- renewal fees for 3rd and 4th year

Percentage of total: 14 %

**Validation in the
contracting states:** EUR 6 650
4 translations

- attorney EUR 2 850
- translation cost EUR 3 400
- publication fees EUR 400

Percentage of total: 21 %

**Total cost:
EUR 31 580**

**Professional
representation
before the EPO:** EUR 9 630

- pre-filing EUR 3 900
- processing EUR 5 200
- translation of claims EUR 530

Percentage of total: 30 %

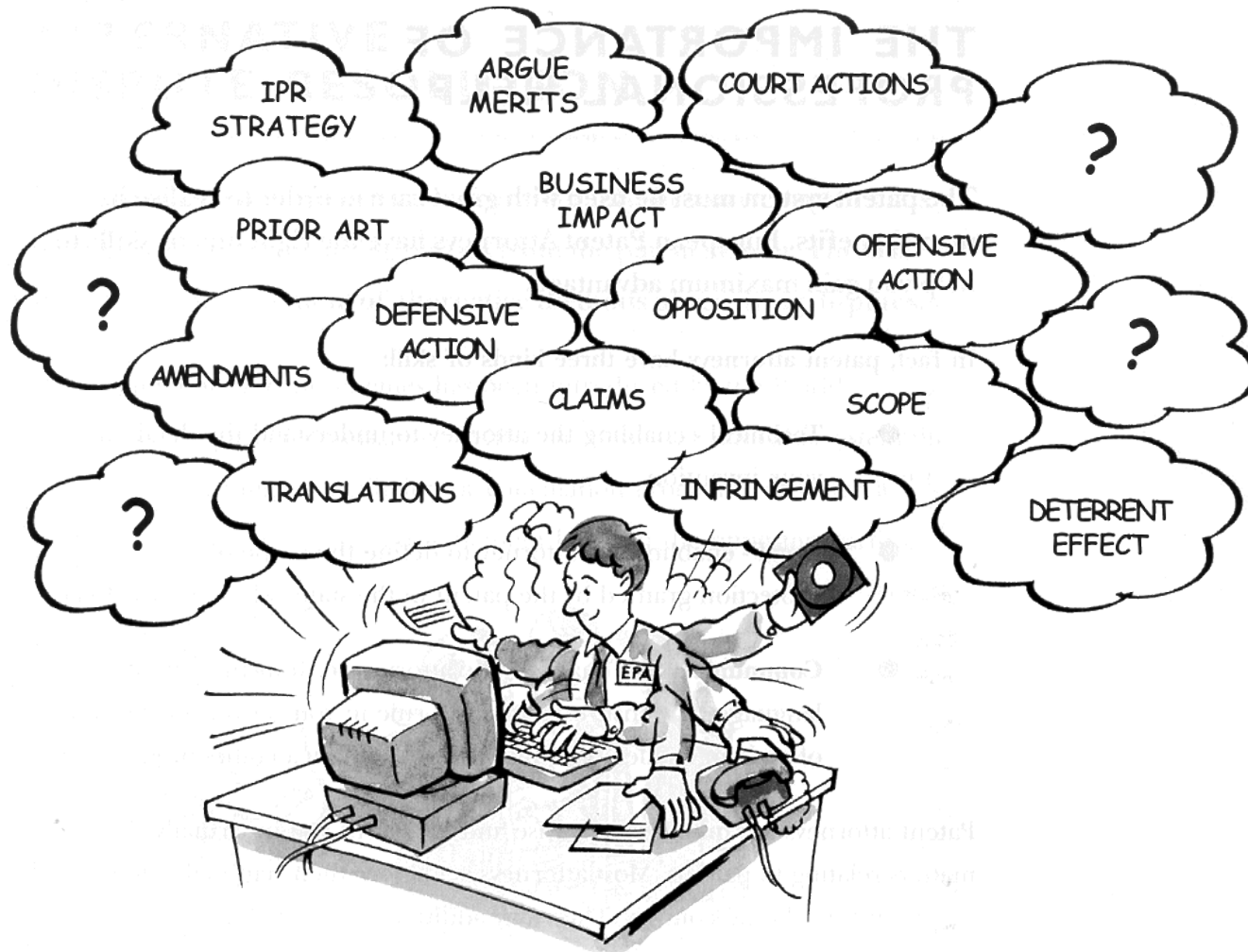
**National renewal fees
and related cost:** EUR 10 900
5th to 10th year

- renewal fees (years 5 - 10) EUR 5 600
- attorney:
payment of renewal fees EUR 5 300

Percentage of total: 35 %

¹ 6 states, 10-year term, excl. in-house preparation costs for the patentee

Patents



Consequences of infringing

If you infringe someone else's patent, you may risk:

- Injunction, which means that all your products may be removed from the market
- Destruction of your products
- Paying damages to the patent owner
- Being given a fine, e.g. the Kodak vs. Polaroid case
- Being sentenced to imprisonment (in gross cases)

Why patent?

To

- provide insurance for one's invention and investments in developing technology
- prevent others from patenting the invention and secure one's place in the market
- attract investors for further development, and to hold on to current investors
- sell the patent rights in the future as a single commodity or business
- marketing value



**Thank you for your
attention!**



Search workshop

- How to use patent databases
- Presentation of Espacenet
- Presentation of Polish Database
- Exercises