



TURKEY IN HORIZON 2020
ALTUN/HORIZ/TR2012/0740.14-2/SER/005



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Intellectual Property & Horizon 2020:
Write a Better Proposal, Manage a Successful Project
Key Concepts in Intellectual Property




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Istanbul, 13/09/2017



Today's Agenda: main topics

- Intro to IP and IPR – key concepts for H2020
- IP and IPR in collaborative partnerships – understanding main issues
- IPR at the Proposal stage:
 - How to write a strong proposal
 - Handle IPR in proposal
- IPR and ICT/ Software
- Plan for Exploitation and Dissemination of Results (PEDR)
- Handling IP in H2020 Legal Documents
 - Grant Agreement (GA)
 - Consortium Agreement
 - DESCA Case Study (CA)
- Lunch / Coffee breaks / Quizzes/ Networking / Open discussion






Why IP is important for H2020 proposals?

Projects must produce outputs/results

Results => benefits
Benefits = Impact


Impact must be maximised
IP can help us



IP Management is expected

IMPACT: Intellectual Property, knowledge protection and regulatory issues

- Explain key knowledge (IPR) items and who owns them.
- Refer to results of any **patent search** carried out.
- Results of “**Freedom to operate analysis**”?
- **Status and strategy for knowledge protection**. Any patents?
- **Regulatory / standard** requirements ?
- **Feasibility** assessment ?
- Are you seeing any **new market opportunity** through regulatory requirements?





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Session 1:
Intellectual Property
and Rights: Key
Concepts for H2020.







‘Intellectual Property’

*“A product of the intellect
that has commercial value”*







3 Main categories of intellectual property

- **Industrial property:** (patentable) inventions including 'software enabled inventions', trademarks, industrial designs, new varieties of plants and geographic indications of origin.
- **Artistic work protected by copyright:** original literary and artistic works, music, television broadcasting, films, **software code**, databases, architectural designs, advertising creations and multimedia.
- **Commercial strategies:** trade secrets, know-how, confidentiality agreements, or rapid production (secrecy is often associated with a contract of employment).



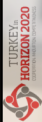
How IP is created?

- **Creativity**
- **Research**
- **Experimentation**
- **EXAMPLES:**
 - *Scientific Invention: electronics, drug, etc.*
 - *Product of Creativity: Movie, song, book, article, slogan, name, drawing, design etc.*



Why IP is important?

- Your ideas
- Your work
- Your business advantage
- A valuable **asset** that must be protected (it can be traded)



But what are IP Rights (IPR)?

"IP Rights (IPR) are the **rights** given to persons over the creations of their minds. They usually give the creator an **exclusive** right over the use of his/her creation for a **certain period of time**."

e.g. Patents, Copyrights, Trade marks ...

*According to WTO, World Trade Organisation



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Types of IP Rights

- Copyrights
- Patents
- Trademarks
- (Trade secrets)
- **!! Protection still in national level rather than EU***
- **Apply to European Patent Office but European patent needs to be validated by the national patent office in each country where protection is required.**



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Intellectual Property RIGHTS

A granted 'right' gives the legal holder (owner) a limited legal monopoly.

Limited by: time, territory and scope.

A person who is not the holder of the right, who carries out an act covered by the rights is an 'infringer'.

The rights holder can bring a legal action against and infringer to restore the monopoly.

Additionally, the rights holder can:

- **Transfer their rights** (sale or licensing);
- **'Waive'** their rights (intentionally or voluntarily relinquish a known right); and
- offer '**access rights**' to background IP and/ or foreground IP if they are
 - **needed** in a project or for
 - **exploitation of results.**



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Patent Rights (5+1)



Patent Rights (5+1)

A granted patent for a product confers on its owner the following exclusive rights:

1. Making/ Using
2. Offering for sale (advertising)
3. Selling
4. Importing in to the protected territory;
5. Storing in the protected territory.



Patent and other IP rights are limited by territory and term.

Patent owners shall also have the right to **assign**, or **transfer** by succession, the patent and to conclude **licensing** contracts.



'Transfer' of rights by sale or licensing – some issues

- Exclusive vs. non exclusive rights
- 'Option'
- Sub-licensing
- Royalties/ free?
- Territory
- Specified field of use
- Infringement issues
- Warrantee/ indemnity



Copyrights

- Providing protection to creators (writers, artists, music composers, etc.) on their creations. ("works")
- Does **NOT** extend to ideas, only to expression of thoughts.
- No need for registration (some countries have a system)
- Types of rights:
 - Economic: financial reward / reproduction, distribution, public performance, broadcasting, translation, adaptation.
 - Moral: attribution / recognition, fame, right to object to changes, adaptations
- Protection: companies or organisations of creators
- Duration: usually 50 years after a creator's death



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Trademarks

- Sign used to identify **certain goods and services** by someone (person or enterprise)
- Can consist of a word, combination, abbreviations, names, drawings (logos), 3D shapes, colors, even music.
- Must be **distinctive**
- Types of trademarks (in addition to commercial):
 - Collective: members of an organization, union
 - Certification: comply with a set of standards
- Protection: Registration in country Trade offices
- Duration: usually 10 years, renewed indefinitely



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THE 5 CATEGORIES OF TRADEMARKS

A GUIDE TO CHOOSING THE RIGHT TRADEMARK



Trademarks are divided into five different categories, which are ranked by distinctiveness.

Spectrum	Fanciful trademarks Fanciful trademarks are made-up words which are invented to be used as a trademark name.	Kodak	EXXON	Polaroid
	Arbitrary trademarks Arbitrary trademarks are words that have a real, common meaning but they are completely unrelated to the product or service.	Apple	Dove	Shell
	Suggestive trademarks Suggestive trademarks are named after a characteristic of the product or service.	JAGUAR	Microsoft	NETFLIX
	Descriptive trademarks Descriptive trademarks are a description of the product or service.	SHARP	BRITISH AIRWAYS	BEST BUY
	Generic trademarks Generic trademarks cannot be protected as they are simply a generic description of the product or service.	BAND-AID	ASPIRIN	THERMOS


TrademarkHub

@trademarkhub · www.thetrademarkhub.com

FreemanHarris


@freemanharrisuk · www.freemanharris.co.uk





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https://euipo.europa.eu



Word mark

A word mark is represented using words, letters, numbers or any other characters that can be typed.


View examples



Figurative mark

A figurative mark is represented using pictures, graphics or images: a figurative mark does not contain words or letters.


View examples



Figurative mark containing word elements

A figurative mark containing word elements combines the use of pictures, graphics or images with words or letters.


View examples



3D mark

A three-dimensional mark is represented using a three-dimensional shape, such as the actual product or its packaging.


View examples



Sound mark

A sound mark must be represented graphically using, for example, musical notation (score music).

View examples



3D mark containing word elements

A 3D mark containing word elements combines the use of a three-dimensional shape with words or letters.

View examples

Basic fee850,00 €

Extra Class Fee0,00 €

Total classes0


Total fee850,00 €

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Industrial Designs

- Ornamental or aesthetic aspect of an article: 3D features, shape, patterns, lines or color (instruments, watches, jewelry, houseware, electrical appliances, vehicles, architectural structures, textile designs, etc.)
- Must “appeal the eye” (aesthetic)
- Protection: Registration in country authorised agencies/trade offices
 - Prevent unauthorised copying or imitation
 - license or authorize others to use
- Duration: usually 5 years, renewed up to 15



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Definition


According to Article 3 of the Design Regulation, a design is the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colors, shape, texture and/or materials of the product itself and/or its ornamentation. [Learn more](#)

Examples of design


Almost any industrial or handicraft item can be eligible for design protection (except for computer programs)




Packaging of products
RCD 000789322-0001




A product / set of products
RCD 000485879-0016




Composite products
RCD 000498166-0001




Parts of products
RCD 2597932-0001




Logos
RCD 000784028-0001




Computer icons
RCD 000207084-0006




Typefaces
RCD 000108884-0001




Drawings and artwork
RCD 000098888-0001




Get-ups
RCD 000251120-0001



Ornamentation
RCD 000214402-0002



Web design
RCD 000108884-0009



Maps
RCD 0001405-0001

Registration fee €230,00

Publication fee €120,00

Deferment fee €0,00

Total fee €350,00

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INTELLECTUAL PROPERTY OFFICE

https://euipo.europa.eu

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Trade Secrets

- Confidential Business Information
- Provides a competitive edge for the company
- Not registered but **Kept Secret**
- Protection:
 - Through legal binding agreements: Non disclosure, confidentiality, etc.
- Duration: indefinitely



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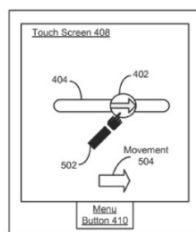
What about 'software'?

"any set of **machine-readable instructions**

[most often in the form of a computer program = CODE]
that directs a computer's processor to perform specific operations".



Can software be patent protected?



"A device with a touch-sensitive display may be unlocked via gestures performed on the touch-sensitive display. The device is unlocked if contact with the display corresponds to a predefined gesture for unlocking the device. The device displays one or more unlock images with respect to which the predefined gesture is to be performed in order to unlock the device. The performance of the predefined gesture with respect to the unlock image may include moving the unlock image to a predefined location and/or moving the unlock image along a predefined path. The device may also display visual cues of the predefined gesture on the touch screen to remind a user of the gesture."

Other physical gestures that have been patented:
<http://n9.com/3808604/10-physical-gestures-that-have-been-patented>



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Your IPR Toolkit for SW

Tools	What	Registration
Copyright	All Creative : Code, user guides, icons, graphical elements	AUTOMATIC
Patent	Functionality, new inventive technical effects	YES* (US, Debatable in EU)
Trademark	Logo, name (Visual & Textual)	YES (EUIPO)
Industrial Design	Graphic User Interface (GUI) under requirements	RECOMMENDED (EUIPO)
Database Rights	Output of process	NO
Contractual Agreements	Secrets, Confidential Info	NO

Very useful: Fact sheet from EU IPR Helpdesk
<https://www.iprhelpdesk.eu/Fact-Sheet-IPR-Management-in-Software-Development>

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IP in SW and Information Technology

Presentation coming up!

- SW Patents
- Copyrights and alternatives, Creative Commons
- SW Licenses & tools to select one
- Databases
- Free and Open Sources SW (FOSS)

✓ Freely available

✗ Available free!

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IP and IPR – the fundamentals

Sources and more reading

- European IPR Helpdesk: <https://www.iprhelpdesk.eu>
 - Guide to IPR (EU Helpdesk)
 - Fact Sheets on IPR in Proposal Stage
- THE EU SINGLE MARKET: Intellectual Property
- WIPO: <http://www.wipo.int>
 - WIPO Academy (<http://www.wipo.int/academy/en/>)
- WTO: Trade-related aspects of IPR
 - https://www.wto.org/english/tratop_e/trips_e/trips_e.htm
- EPO: <https://www.epo.org/>
- TURKEY Specific:
 - Turkish Patent Institute: <http://www.tpe.gov.tr/>
 - International Chamber of Commerce: [Promoting and Protecting IP in Turkey](#)

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Teşekkür ederim!

Thank you!
