

“Intellectual Property & Horizon 2020: How to deal with your intellectual Assets” Introduction to Intellectual Property

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Istanbul, 8/4/2016

What is Intellectual Property?

*“Intellectual property (IP) refers to creations of the mind, such as:
inventions;
literary and artistic works;
designs;
symbols, names and images used in
commerce.” **

** According to WIPO, World Intellectual Property Organisation*

Categories of Intellectual Property?

- **Industrial property:** inventions (patents), trademarks, industrial designs
- **Artistic work protected by copyright:** original literary and artistic works, music, television broadcasting, software, databases, architectural designs, advertising creations and multimedia
- **Commercial strategies:** trade secrets, know-how, confidentiality agreements.. *

**According to European Union (europa.eu)*

How IP is created?

- Research
- Experimentation
- Creativity
- **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*

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.**

Copyrights

- Providing protection to creators (writers, artists, music composers, etc.) on their creations. (“works”)
- Do **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 creators death

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

How to protect a Trademark ?

A trademark can be protected at EU level through with an **EU trade mark (ETM)**.

Why ?

- If you do business in more than one EU country, an EU trade mark (ETM) offers you protection throughout the EU.
- ETMs are registered in Alicante (Spain), at the **Office for Harmonization in the Internal Market (OHIM)**.
- Under the provisions of the 2015 amending Regulation (REGULATION (EU) 2015/2424 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2015), the name of the Office will change to the **European Union Intellectual Property Office**.
- This change will come into effect on 23 March 2016, when the legislation enters into force.

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

Patents

- Exclusive right granted in respect of an invention
- Types of Inventions:
 - New or novel
 - Non-obvious
 - Useful or capable
 - “patentable subject matter”
- Rights:
 - Exclusivity of use in a territory
 - Permission to license it to others
- Protection: National Patent Offices, EPO
- Duration: 20 years

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

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!

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