

REPUBLIC OF TURKEY
MINISTRY OF INDUSTRY
AND TECHNOLOGY

Horizon 2020

Information Multiplier's Workshop

IPR Strategies for H2020 & HE

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What is Intellectual Property?

"A product of the intellect that has commercial value"

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3 Main categories of intellectual property

- **Industrial property:** (patentable) inventions (incl. SW 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.

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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.*

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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

What are IP Rights?




- A limited legal monopoly (by: time, territory and scope)
- Ability to **transfer** the **rights** (sale or licensing);
- Ability to **‘Waive’** the rights (intentionally or voluntarily)
- Offer **‘access rights’** to background IP and/or foreground IP if needed in a project.
- Any Violation = Infringement
- The rights holder can bring a legal action against and infringer to restore the monopoly.

Types of IP Rights

- Copyrights
- Patents
- Trademarks
- Industrial Designs
- (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

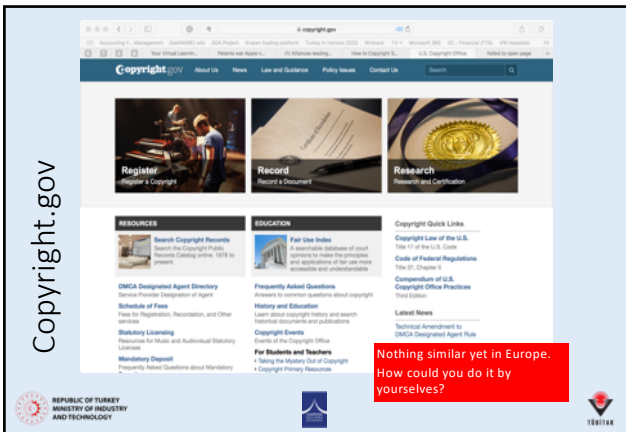
- Providing protection to creators (writers, artists, music composers, etc.) on their creations. ("works")
- Does **NOT** extend to ideas, only to expression of thoughts.
- No need for registration (some countries have a system)
- Types of rights:
 - Economic: financial reward / reproduction, distribution, 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

© Copyright for Software

- **REMEMBER:**
- Copyright protects only source code.
- Functionality / Programming language / Data Format not protected
- Law ensures your rights, as long as you can prove you are the author.



Copyright.gov




Register Record Research

RESOURCES: Search Copyright Records, DMCA Designated Agent Directory, Schedule of Fees, Statutory Licensing, Mandatory Deposit

EDUCATION: Fair Use Index, Frequently Asked Questions, History and Education, Copyright Events, For Students and Teachers

Copyright Quick Links: Copyright Law of the U.S., Code of Federal Regulations, Copyright Office Practices, Latest News

Nothing similar yet in Europe. How could you do it by yourselves?

Creative Commons Licenses

Some Rights Reserved

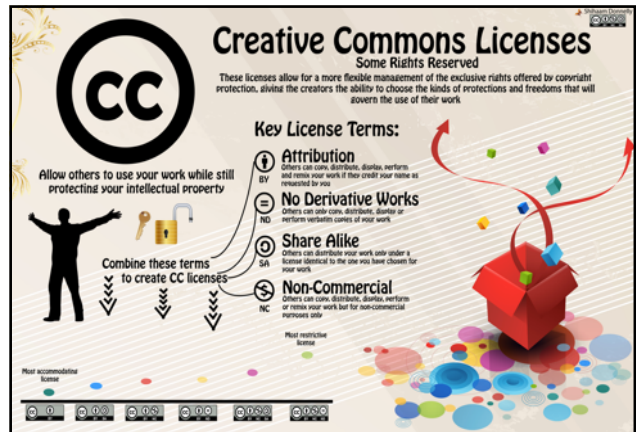
These licenses allow for a more flexible management of the exclusive rights offered by copyright protection, while the creators the ability to choose the kinds of protections and freedoms that will govern the use of their work.

Key License Terms:

- BY Attribution**: Others can copy, distribute, display, perform, and remix your work if they credit your name as requested by you.
- ND No Derivative Works**: Others can copy, distribute, display, or perform verbatim copies of your work.
- SA Share Alike**: Others can distribute your work only under a license identical to the one you have chosen for your work.
- NC Non-Commercial**: Others can copy, distribute, display, perform, or remix your work but for non-commercial purposes only.

Combine these terms to create CC licenses

Allow others to use your work while still protecting your intellectual property



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



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What a patent allows? (Patent 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.

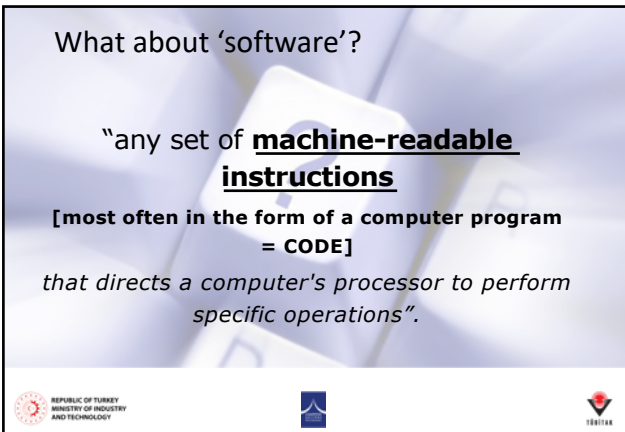


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What about ‘software’?

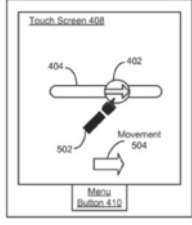
“any set of **machine-readable instructions**
[most often in the form of a computer program = CODE]
that directs a computer's processor to perform specific operations”.



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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://co.com/5838824/10-physical-gestures-that-have-been-patented>

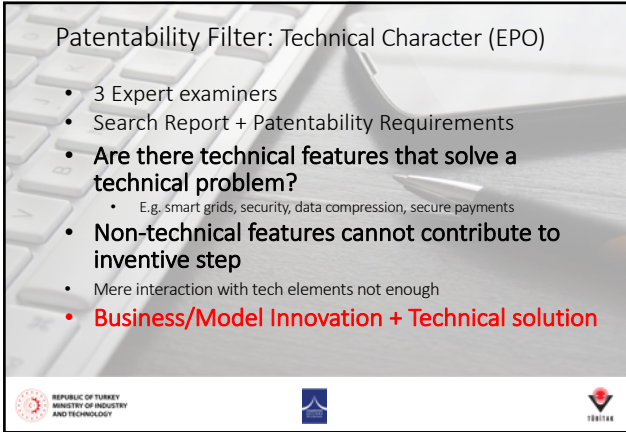


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Patentability Filter: Technical Character (EPO)

- 3 Expert examiners
- Search Report + Patentability Requirements
- **Are there technical features that solve a technical problem?**
 - E.g. smart grids, security, data compression, secure payments
- **Non-technical features cannot contribute to inventive step**
- Mere interaction with tech elements not enough
- **Business/Model Innovation + Technical solution**



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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.

Fanciful trademarks Fanciful trademarks are made-up words which are invented to be used as a trademark name.	Kodak	EXON	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 | FreemanHarris LLP

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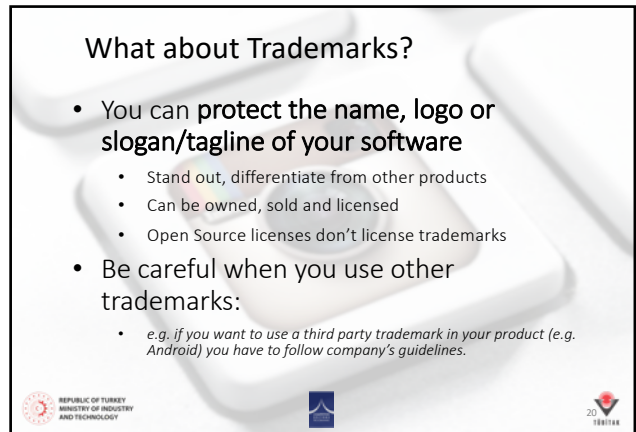


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What about Trademarks?

- You can **protect the name, logo or slogan/tagline of your software**
 - Stand out, differentiate from other products
 - Can be owned, sold and licensed
 - Open Source licenses don't license trademarks
- Be careful when you use other trademarks:
 - e.g. if you want to use a third party trademark in your product (e.g. Android) you have to follow company's guidelines.



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Can I file it? YES, you can.

File a European Union trade mark using the Five-step application

Our Fast Track option for registering your trade mark

- Create and submit your application in 10 minutes.
- We will guide you step by step through the application procedure.
- You can save your application at any time during the process.
- Get your application published in half the time or less compared with regular applications. Find out more about Fast Track.

Choose your language: English (en) Start application

<https://euipo.europa.eu/chimportal/en/apply-now>

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

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

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

3D mark: A three-dimensional mark is represented using a three-dimensional shape, such as the actual product or its packaging.

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

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

Basic fee	850,00 €
Extra Class Fee	0,00 €
Total classes	0
Total fee	850,00 €

Reset application form

Print

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

Registration fee: €230.00

Publication fee: €120.00

Deferment fee: €0.00

Total fee: €350.00

Reset application form

Print

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




Why IP is important for H2020 proposals?

- Projects must produce outputs/results
 - Results => benefits
 - Benefits = Impact
- Impact must be maximised
 - IP can help us



H2020 Actions & Importance of IPR


H2020 Actions	Target / Aim
RIA: Research & Innovation	Research projects / clearly defined challenges // new knowledge or new technology
IA: Innovation	Closer-to-the-market activities: e.g. prototyping, testing, demonstrating, piloting, scaling-up etc. // new or improved products or services
CSA: Coordination and Support	Coordination and networking of research and innovation projects, programmes and policies // Consolidate, organise knowledge
SME Instrument / FTI: Fast Track to Innovation	Highly innovative SMEs growth potential. // Lump sums for feasibility studies, testing, application development. // Realisation: demonstration, prototyping, testing, application development. // Large Scale Pilot (FTI) for ready to market



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>



What about your data?

- Horizon 2020 requires **Data Management Plan (DMP)**
- DMP describes data management life cycle for all data sets collected, processed or generated by the research project.
- Needs description in the proposal

Which Data?

- How you manage research data generated / collected during the project?
 - What types of data ?
 - What standards ?
 - How will data be exploited / shared / made accessible for verification and re-use?
If data cannot be made available, why?
 - How will this data be curated and preserved?
- Appropriate CA to manage ownership / access to knowledge (IPR, data etc.).

What is Open Access?

- Practice of **providing on-line access to scientific information** that is free of charge to the end-user.
- **H2020:**
 - Outline **strategy** for knowledge management and protection.
 - Include measures to provide open access (free on-line access, such as the '**green**' or '**gold**' model) to peer-reviewed scientific publications.



Open Access Publishing

- **GOLD:** article immediately provided in open access mode by scientific publisher.
- Associated costs by organisation to which the researcher is affiliated, or to the funding agency supporting the research.
- **GREEN:** Self-archiving. Article archived in online repository before, after or alongside its publication.
 - Access often delayed ('embargo period').
 - Some scientific publishers may wish to charge for access during an exclusivity period.
- **BOTTOMLINE:** You have to think about it beforehand!

Changes in Horizon Europe

- 'open science' = *modus operandi* of HE
- Intensify HE's openness to the world
- Publication costs only eligible for purely open access journals
- Early sharing of publications (pre-prints) encouraged
(Early sharing of publications (pre-prints) will satisfy open access requirements. This is a welcome move and enables a faster way of sharing knowledge via deposit in repositories*)
- European Open Science Cloud : Supporting researchers to realise their open access obligations

<https://www.openaire.eu/horizon-europe>

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/traoip_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!