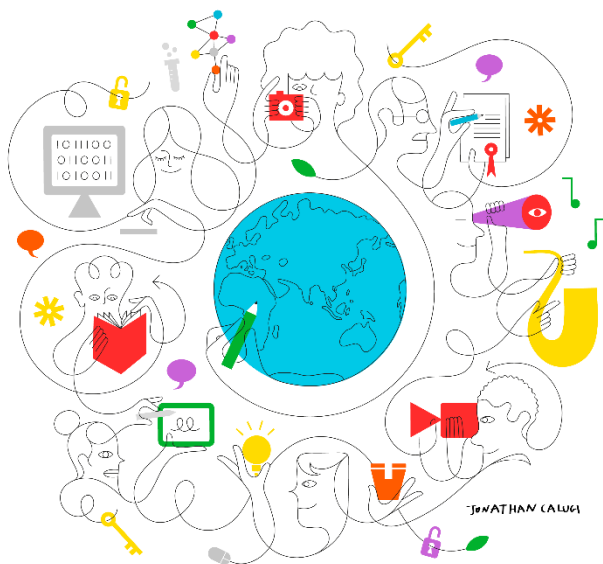


IPR GO

Discovering Intellectual Property Rights (IPRs)

IP and SMEs:

Taking
your ideas
to market



HOW TO USE
IPR GO

CLICK HERE
TO START

World Intellectual
Property Day 2021
April 26

Instructions



TYPES OF IP RIGHTS IS A
MAIN ANCHOR PAGE

1 TOP AND BOTTOM NAVIGATION

The top and bottom bars are navigation menus that can guide you through the different sections of this tool. They take you to key anchor points.



The back arrow will take you to the previous slide seen.

2 EXPLORE



CLICK **ON THE TEXT** IN THE CIRCLES TO EXPLORE



SHADED CIRCLES ARE NOT CLICKABLE

3 ICONS LINKED TO WEB CONTENT PRODUCED BY WIPO



LINK TO WIPO WEBSITE



LINK TO PDF



LINK TO VIDEO

Note: These links will open your web browser. To return to this presentation, close your browser window, or click on the Powerpoint or PDF viewer icon on your taskbar.

4 LEGEND



GENERAL CONTENT



PATENTS & UTILITY MODELS



DESIGN RIGHTS



INDIVIDUAL CREATORS



COPYRIGHT



PLANT VARIETY PROTECTION



SMEs



TRADEMARKS & GEOGRAPHICAL INDICATIONS



ACADEMIA




TRADE SECRETS



You have an idea and want to commercialize it

FIRST YOU NEED TO PROTECT IT



Let's find
out how

Protect your idea with IPRs

Three things
you need to
know about
IPRs

Key IPRs

When to start
protecting your
idea

Three things you need to know about IPRs

- 1 IPRs ARE MORE THAN ONE TOOL**
Each type of right protects something different.
- 2 IPRs GIVE YOU CONTROL**
You decide who can do what with your invention or creation.
- 3 IPRs ARE COUNTRY-SPECIFIC**
You need to secure rights in each market to protect your idea.
There are no global IP rights.

See how IPRs
apply to you

Key IPRs you
can use

When to start protecting your idea?

GENERAL RULE

As soon as possible. The first to file wins!

Check the
landscape

Which IP rights
do you need?

Do you need
investors? If so,
value your IP

Do you need
partners?

Rights to consider if you have...

AN INVENTION

PATENTS

UTILITY MODELS

TRADE SECRETS

A CREATIVE WORK

COPYRIGHT

DESIGN RIGHTS

A BRAND NAME OR LOGO

TRADEMARK

COPYRIGHT

DESIGN RIGHTS

CONFIDENTIAL INFORMATION

TRADE SECRETS

A DESIGN

DESIGN RIGHTS

COPYRIGHT

See how IPRs apply to you

A NEW PLANT VARIETY

PLANT VARIETY PROTECTION

PATENTS

See IP strategy

Let's get started

I am an individual creator or inventor

I own a business

I am a university researcher

IPRs can help you access and navigate the market

BEFORE YOU SET OUT ON YOUR IP JOURNEY, ASK YOURSELF:

Has this been done before?

Is there a market for my idea?

Do I own my idea?

How can I protect my idea?

How can I create value from IPRs?

How can I enforce my rights?

You identified a market. Should you protect your idea?

THINGS TO CONSIDER:

- 1** IPRs can support your business goals, but how you are going to use and manage them?
- 2** IPRs are an investment for your future. Think beyond today.
- 3** Choose the right IPRs that are needed to protect your idea.
- 4** Before you share your idea, always conclude a contract, such as a non-disclosure agreement (NDA).
- 5** Document your idea as it evolves.



How to protect
your IPRs



More on
NDAs

There is a market for your idea. To protect or not to protect?

THINGS TO CONSIDER:

- 1** IPRs can support your business goals but how you are going to use and manage them?
- 2** IPRs are an investment for your future. Think beyond today.
- 3** Choose the IPRs that are needed to protect your idea.
- 4** Don't share your technical idea before protecting it with IPRs. If you have to share it, always conclude a contract, such as a non-disclosure agreement (NDA) beforehand.
- 5** Document your idea as it evolves.



How to protect
your IPRs



More on
NDAs

Am I entitled to IPRs?

BEWARE! OWNERSHIP OF IPRs IS NOT ALWAYS STRAIGHTFORWARD

An inventor, creator or designer is not necessarily entitled to the associated IPRs. Sometimes they are automatically assigned to your employer or entity that hired you.

More on
ownership

As you chart your route to market, ask yourself

Has this been
done before?

Do I own it?

Is there a market
for my offering?

How can I
protect it?

How can I create
value from it?

IPRs help you secure your competitive advantage

WHERE TO BEGIN:

Know what
potential IPRs
you have

Identify the tangible assets
that can add value to your
business.

Develop an IP
strategy

Get legal advice on how to
protect, manage and use your
IP assets.

Chart your route to
market

Work out what you need to think
about as you develop your offering
and go to market?

Your business needs an IP strategy to grow and attract investors

CONSIDERATIONS WHEN BUILDING YOUR IP STRATEGY

- 1** Align your IP strategy with your business goals and operations.
- 2** Work out what IPRs are you going to acquire and how you are going to use them.
- 3** Establish milestones for protecting & managing your IPRs.
- 4** How will you make your IPRs work for you?
- 5** How will you defend your IPRs?
- 6** Work out how you will respect the IPRs of others.
- 7** Review your IP strategy regularly.

How to
defend your
IPRs

Know what IP assets you have

YOU COULD HAVE VALUABLE IP ASSETS THAT YOU DON'T KNOW ABOUT! IDENTIFY WHAT GIVES YOUR COMPANY AN EDGE

(e.g. your software, the way you operate, your designs, innovations, creations...)

SOME WAYS TO GET STARTED



Start with WIPO
IP Diagnostics

Consult an IP
professional to
seek legal advice

Do an
IP audit



Check with your
national IP office

Some initial considerations for researchers

Who owns the IPRs arising from your research work?

What is the university's commercialization strategy?

What are your rights and obligations?

Who is responsible for protecting, assessing and commercializing inventions from research?

When should you submit an invention-disclosure form?

See IP ownership

IPRs that are relevant to researchers

Patents

Copyright

Plant Variety
Protection

Using your
IPRs

A Checklist for Researchers in University Settings

CHECKLIST

- ✓ Check your university's IP policy
- ✓ Make sure you keep detailed notes of your research work
- ✓ Submit an invention-disclosure form whenever you feel you have discovered or created something unique with possible commercial value
- ✓ Mention all contributors to an invention or creation in your invention-disclosure form
- ✓ Don't publish your research before it is protected
- ✓ Check if you are using material or IP from others in your research
- ✓ Research patent literature: It's a mine of business and technical information
- ✓ Check how license revenues are to be distributed and what share you will have

Contact your
Technology
Transfer Office

Discover Material
Transfer
Agreements

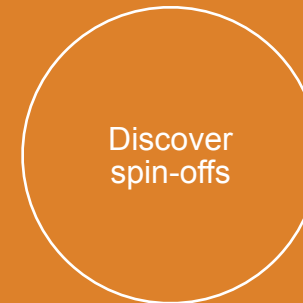
Discover
patents

Search IP
databases

The Technology Transfer Office (TTO)

TTOs PROVIDE ACCESS TO KEY SERVICES

- 1** Evaluation of your invention's commercial potential.
- 2** Advice on how to protect, deploy and manage your invention.
- 3** Support in licensing your invention.
- 4** Support in setting up a spin-off.



Material Transfer Agreements

WHAT THEY DO:

They set out the terms for the exchange of proprietary material.

USE CASES:

- Research
- Feasibility studies
- Prototypes for testing/trials

CHECKLIST

- ✓ Terms of the agreement
- ✓ Duration
- ✓ Details of IPRs to be exchanged
- ✓ Type of license (e.g. exclusive or non-exclusive)
- ✓ Arrangements (ownership and access) if improvements are made
- ✓ Define terms of use and geographical scope
- ✓ Dispute resolution clauses
- ✓ Applicable law



Partnerships

Spin-offs

Commercializing your research outputs

HOW WILL THE IP THAT UNDERPINS THE SPIN-OFF BE SECURED FROM THE UNIVERSITY?

Will the IP be assigned by the university to the spin-off?



IP is the property of the spin-off and a key part of its capital.

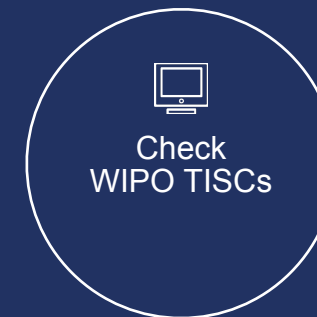
Will the IP be licensed by the university to the spin-off?



University retains ownership of IP; financial risk to spin-off.

Has it been done before?

- 1** Is your design really new? Is your invention new and innovative? Is someone using the same or a similar brand name and, if so, how?
- 2** Check what IPRs exist before applying for your own by searching IP databases.
- 3** Do others have rights that can stop you from protecting your invention, design or trademark? (This is also known as checking that you have freedom to operate).



Search IP databases

TO IDENTIFY EXISTING IP RIGHTS ASK:
HAS YOUR INVENTION OR DESIGN BEEN DONE BEFORE? IS YOUR TRADEMARK AVAILABLE?



PATENTSCOPE
for inventions



Global Brand
Database
for trademarks



Global Design
Database
for designs



TISCs for help
in searching IP
databases



UPOV's PLUTO
Database

How do you want
to protect your
idea?

My search reveals
I can go ahead and
apply for an IPR

I found something
similar and may not
be able to secure
IPRs

More on patent
information

You have protected your offering. Bravo!

WHAT NEXT?

Before launching your offering on the market, check to ensure you are not infringing on any existing rights. Using someone else's IPRs without their permission can cost you.

Search IP databases
before you enter the
market

The IPR owner
can claim damages
or force you to
remove your offering
from the market

Seek legal advice
– it will pay off

Your search reveals a similar technology or rights on a specific feature of your offering

SEEK LEGAL ADVICE TO SEE IF IT'S POSSIBLE TO:

Secure access to the existing rights

Design around existing rights

Remove the feature from your product

Invalidate existing rights

More on legal advice

See licensing

How to access IP

YOUR SEARCH REVEALS AN IPR THAT SEEMS TO STAND IN YOUR WAY.
WHAT ARE YOUR OPTIONS?

License it

Get the right to use the IPR under certain conditions (e.g. in a certain field, for a specified product or market). May be the more cost-effective option.

Buy it

Transfer ownership of all the relevant IP rights. Usually the more costly option.

IP valuation

Search IP
databases

Seek
legal advice

Accessing IP rights by buying them

THREE CONSIDERATIONS WHEN BUYING IP RIGHTS

- 1** Carry out due diligence. Understand what you are buying and from whom.
- 2** Request an independent valuation of the assets you are buying.
- 3** Seek legal advice to ensure the transaction is completed efficiently and effectively.

Assignment
of IP rights


IP asset
valuation

IP strategy

Factors to consider when seeking to access a patented technology

- 1** The remaining term of protection.
- 2** How you need to use the technology, where and for how long?
- 3** Who owns the patent?
- 4** How strong is the patent? Has it been examined?
- 5** What can you trade to gain access to it?
- 6** Does access align with your exit strategy (i.e. your plans to sell your company to other investors or firms)?



How to protect your invention?

Search IP databases

Licensing

Ways to protect your invention: patents and utility models

QUALIFYING FOR PROTECTION

- ✓ Generally new & inventive
- ✓ Industrially applicable
- ✓ Satisfy the local definition of an invention

1 PATENTS

These rights let you control the destiny of your invention by choosing who can make, sell or use it. Qualifying standards to protection vary by right and by country.

TIME-LIMITED & COUNTRY-SPECIFIC RIGHTS

20 years for patents 7-15 years for utility models

2 UTILITY MODELS

3 DEFENSIVE PUBLISHING

The publication of the details of a technology ensures nobody else can patent it! This may be an option if cost is an issue.

Questions to ask before patenting

Protecting your patent abroad

More on patents and utility models

IP databases

How patents deliver value for your business

Six things to know about patents and utility models

- 1** Your invention must be new and different from a legal perspective. Do a search and get legal advice.
- 2** Move fast. The first to file for a patent or utility model enjoys the rights.
- 3** With these rights you decide who can make, use, import or sell your invention.
- 4** These rights do not give you the freedom to commercialize your offering. Someone else may have IPRs on other aspects of your offering.
- 5** Not a one-time cost. Fees may be due during the life of the application or the right.
- 6** Claims matter. What you claim in your application determines the scope of your protection. The potential scope of the claims can vary by country.

Search IP databases

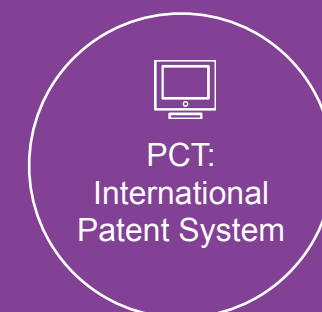
Ways to protect your invention

Questions to ask before acting

Seek legal advice

How patents and utility models deliver value for your business

- 1** They prove you created something new.
- 2** They give your business credibility.
- 3** They provide you with something to trade in negotiations.
- 4** Having them may give you preferential treatment (e.g. for government bids).
- 5** You can monetize them either by sale or licensing.



Patenting your invention in international markets

FACTORS TO CONSIDER:

- 1** Where will you make and sell your invention?
- 2** Where do you anticipate your competitors will have similar offerings?
- 3** The cost of seeking protection.



Explained: How to
Protect Inventions
Abroad with WIPO's
Patent Cooperation
Treaty

Patent information: a resource for competitive intelligence

- 1** Indicates whether you can secure protection for your invention.
- 2** Flags other rights that might prevent you from offering your product.
- 3** Identifies potential partners and technologies.
- 4** Reveals opportunities to monetize your IP through licensing.
- 5** Steers early R&D decisions for optimal resource use.
- 6** Gives a snapshot of the technology landscape.

Search
IP databases


More on freedom
to operate

Partnerships

Licensing

Questions to ask before investing in a patent or utility model

- 1** Is there a market for my technology?
- 2** Do I own my invention?
- 3** How much will it cost to acquire and maintain the rights?
- 4** Do I want to publicly disclose my invention to obtain patent protection?
- 5** What commercial value will my patent or utility model provide?

Six things you should know about patents

See inventorship versus ownership

IP valuation

The design of a product is a key determinant of its commercial success

PROTECT YOUR DESIGNS WITH DESIGN RIGHTS

DESIGN RIGHTS

- 1** Protect the appearance of products - shapes, patterns, lines or colors, etc.
- 2** Protect many different products (from packaging, containers and furnishings, to jewelry, electronic devices, textiles and more).
- 3** Allow you to decide who can make, sell or import products bearing or embodying your design.

TIME-LIMITED AND COUNTRY-SPECIFIC

Initial protection is for five years with limited successive renewable periods (varies according to country).

In most countries, designs must be registered to be protected. Some countries offer limited protection for unregistered designs.



WIPO PROOF

Design rights

YOUR DESIGNS ARE VALUABLE BUSINESS ASSETS

DESIGN RIGHTS PROVIDE:

- 1 ENHANCED COMMERCIAL VALUE**
A better return on your investment.
- 2 INCOME**
Create revenue by licensing others to use your design for a fee.
- 3 STRONGER MARKET POSITION**
Design is a key factor in commercial success.
- 4 PROTECTION AGAINST INFRINGERS**
You can prevent others from copying your design.

Before
registering your
design

More on how to
protect your
designs

Protecting
designs abroad

Licensing

Things to do before registering your designs

1 Check if your design is eligible for protection. Rules vary from country to country.

2 Search design databases to check if your design is new.

CHECKLIST

- ✓ Prepare detailed representations (photos or drawings of your design in line with local rules. (Check with your national IP office)
- ✓ Include specific representations of all relevant angles of your design
- ✓ Decide which elements of your design you want to protect
- ✓ Decide where to register your design
- ✓ If in doubt, seek the services of an IP professional to see if it makes sense to file for a design right and how to do it
- ✓ Once you have registered your design, don't forget to renew your rights

More on how to protect your design

Search IP databases



Protecting your designs



WIPO PROOF

Seek legal advice

How to protect your designs

- 1** The International Design System (the Hague System) administered by WIPO offers a rapid, simple and low-cost way to protect your designs at home and abroad.
- 2** You may also wish to contact you national IP office.



Explained: How to
Protect Industrial
Designs with WIPO's
Hague System

Before
registering
your design

See design
rights



More on the
Hague System

Your competitive edge flows from what you know and your competitors don't

PROTECT YOUR CONFIDENTIAL INFORMATION WITH TRADE SECRETS

WHAT QUALIFIES AS A TRADE SECRET?

- 1** Information that has commercial value because of its secrecy.
- 2** Information that is not generally known within the relevant technical or business field.
- 3** Where the holder of the information takes reasonable steps to keep the information secret.



Explained: What is a trade secret?



More on trade secrets

Trade secrets (checklist)

Trade Secrets

YOU NEED TO TAKE REASONABLE STEPS TO PROTECT YOUR TRADE SECRETS WITH NDAS AND OTHER MEASURES

CHECKLIST

- ✓ You can't protect what you don't know you have, so identify what confidential information adds value
- ✓ Operate on a "need to know" basis
- ✓ Include confidentiality clauses in employee contracts
- ✓ Don't share confidential information. You are only as safe as your weakest link. If you need to share it with someone, get an NDA to make sure they are obliged to keep it safe
- ✓ Verify the applicable law, since not all countries offer the same protection

Back to trade secrets

See NDAs



WIPO PROOF

Plant Variety Protection

WANT TO GET INTO PLANT BREEDING?

PLANT VARIETY PROTECTION (PVP) MEANS PLANT BREEDERS CAN:

- 1** Achieve a return on investment.
- 2** Invest to provide farmers with new, improved varieties that can respond to climate change and provide improved food security.
- 3** Allow the public sector to target benefits for public good.
- 4** Facilitate partnerships to achieve common objectives, share development costs and promote marketing and distribution of resulting plant varieties.
- 5** Maintain the value and reputation of their variety [by controlling the quality].
- 6** Be supported to work on a wide range of species and types of varieties.



How the UPOV System can help you

Trademarks: the foundation of your brand

A TRADEABLE BUSINESS ASSET OF ENDURING VALUE

FIVE THINGS TRADEMARKS CAN DO FOR YOUR BUSINESS

- 1** Boost brand image and reputation
- 2** Generate income
- 3** Give an indication of the value of your company for potential partners and investors
- 4** Prevent others from free-riding on your investment
- 5** Serve as collateral against loans

How to register a trademark


How much does it cost?

Other ways to protect your brand

Licensing

About trademark rights

1 WHAT A TRADEMARK IS

Any sign capable of distinguishing your goods and services from those of other enterprises.

2 WHAT YOU CAN REGISTER

The possibilities are limitless: words, names, letters, numerals, drawings, pictures, sounds, colors or any combination of them.

3 RENEWABLE AND COUNTRY-SPECIFIC

Initial term is usually ten years.

Note: In some countries, if you don't register your trademark you may still enjoy some protection. However, proving you are the rightful owner may be more difficult and costly.



Global Brand Database

Other ways to protect your brand

How to register a trademark



WIPO PROOF

Enforcing IPRs

Four things you need to know about trademarks

- 1** Criteria for registration can vary from country to country.
- 2** Trademarks are registered in relation to 45 different classes of goods and services.
- 3** Others may oppose your application to register your trademark or sign if it is similar or identical to theirs for similar goods/services.
- 4** When registered, you can enforce your trademark against infringers.

How to register a trademark

Other ways to protect your brand


Madrid Goods and Services Manager

Can you use your sign?

DOES IT ALREADY EXIST?

1

Search
trademark
databases

2

Seek legal
advice

WHY SEARCH?

You avoid:

- Paying damages
- Negative publicity
- Having to find a new trademark
- Incurring costs for rebranding

Search IP
database

Seek legal
advice

How to register
a trademark

Other ways to
protect your
brand

Someone has already registered your sign

WHAT NOW?

- 1** If your sign is already used for the same or similar goods/services you may be unable to register it.
- 2** If your sign is already used for different goods/services you may be able to register it.
- 3** Seek legal advice.

Note: Well-known marks enjoy extended protection for classes of goods/services

How to
register a
trademark

Seek legal
advice

Other ways to
protect your
brand


Madrid Goods
and Services
Manager

How to register a trademark

YOU CAN PROTECT YOUR TRADEMARK AT HOME AND ABROAD



At home: contact
your local IP
office



Abroad: with
the Madrid
System



Explained: What is
the Madrid System?


More on how to
register a
trademark

Other ways to
protect your
brand

How to register a trademark

CHECKLIST

- ✓ Select a mark that is distinctive, memorable and conveys brand values
- ✓ Make sure it's available before you use it
- ✓ Coined words make the best trademarks (e.g. Kodak, Xerox)
- ✓ By registering your trademark you are formally recognized as the owner
- ✓ Don't forget to register your Internet domain name



Other ways to
protect your
brand

Other ways you can protect your brand

WORKING COLLECTIVELY, SMES CAN BENEFIT FROM ECONOMIES OF SCALE AND BROADER BRAND NAME RECOGNITION WITH:

- 1 COLLECTIVE MARKS**
Distinguish the goods/services of members of an association (which is the owner of the mark) from those of other associations.
- 2 CERTIFICATION MARKS**
Distinguish goods/services that comply with standards and characteristics established by the owner of the mark.
- 3 GEOGRAPHICAL INDICATIONS**
Distinguish goods that have a specific geographical origin and possess qualities, reputation or other characteristics linked to that place of origin.

How to register
a trademark

More on
geographical
indications

Geographical Indications

A GEOGRAPHICAL INDICATION (GI) IS A SIGN ON PRODUCTS ORIGINATING FROM A SPECIFIC LOCATION
– THEIR QUALITIES, CHARACTERISTICS OR REPUTATION ARE ESSENTIALLY DUE TO THAT LOCATION

- 1 COLLECTIVE RIGHTS**
May be used by all who comply with defined standards.
- 2 FAIR TRADE**
Prevent others from using the sign on products that don't meet the GI's standards.
- 3 BETTER RETURNS**
Products covered by a GI can command higher prices.
- 4 COMMUNITY DEVELOPMENT**
GIs can support community development.



Explained: What is a geographical indication?



The Lisbon System



What's the difference between a GI and a trademark?

How to protect GIs

How to protect Geographical Indications

- 1** Special GI protection systems.
- 2** Collective marks or certification marks.
- 3** Administrative product approval schemes.



The Lisbon
System



More on GIs

Seek legal advice

WHEN TO SEEK LEGAL ADVICE

- ✓ When developing your IP strategy
- ✓ When securing IP rights
- ✓ When selling, assigning or licensing IPRs
- ✓ When negotiating partnership and other agreements
- ✓ When someone has infringed on your IPRs
- ✓ When someone claims you are infringing their IPRs

YOU CAN SEEK ADVICE FROM

- 1** **IP LAW FIRM**
For specialist IP advice.
- 2** **PRIVATE LAW FIRM**
For general legal advice.

OTHER SUPPORT

- 1** **NATIONAL IP OFFICE**
Enquire about the SME support services it offers.
- 2** **CHAMBER OF COMMERCE**
- 3** **TECHNOLOGY AND INNOVATION SUPPORT CENTERS (TISCs)**

Inventorship versus ownership

CLARITY ON OWNERSHIP IS ESSENTIAL IN ENABLING YOU TO LEVERAGE YOUR IP ASSETS

1 BUSINESS SETTING

By default, the inventor is the owner in many countries. If you want to use an invention you need to own it or have the right to use it. Companies usually require employees to assign their IPRs as part of their employment contracts.

2 UNIVERSITY SETTING

Ownership is determined by national law, university IP policy, employment contracts and individual contracts with industrial partners.

See assignment
of IP rights

See authorship
versus ownership

Authorship versus ownership

CLARITY ON OWNERSHIP IS ESSENTIAL IN ENABLING YOU TO LEVERAGE YOUR IP ASSETS

1 BUSINESS SETTING

By default the author/creator is the copyright owner in many countries. To use a creative work you need to own it or have the right to use it. Companies usually require employees to assign their IPRs in their employment contracts. The hiring company typically owns creative outputs developed under “work for hire” arrangements.

2 UNIVERSITY SETTING

Ownership is determined by national law, university IP policy, employment contracts and individual contracts with industrial partners. Most universities do not claim copyright in artistic works or scholarly works but may claim it in teaching materials and computer programs.

See assignment
of IP rights

See inventorship
versus ownership

Copyright

WHAT IT DOES

Copyright protects original works and gives creators various rights over their work for a limited period of time. Owners of a copyrighted work can authorize or prohibit:

- ✓ Use by others
- ✓ Reproduction in various forms (e.g. print publication or sound recording)
- ✓ Distribution of copies of the work
- ✓ Public performance
- ✓ Broadcast or other communication to the public
- ✓ Translation
- ✓ Adaptation (e.g. form a novel to a screenplay)

DURATION OF RIGHTS

The lifetime of the author plus 50 years at a minimum.

Works that are no longer subject to copyright protection enter the public domain and anyone can use them.

SOME OF THE ORIGINAL WORKS COPYRIGHT PROTECTS

- ✓ Books, lectures, speeches, translations
- ✓ Plays, musicals, dance performances
- ✓ Music, films, video games
- ✓ Works of art, drawings, photos, sculpture, architecture and other visual arts
- ✓ Computer software, databases
- ✓ Most parts of a website
- ✓ Mobile apps
- ✓ Original databases

Certain things like data, processes and the daily news are not protected by copyright.

Copyright &
business

The rules of
the game



More on
copyright

Related
copyright rights

Authorship
versus
ownership

Two categories of rights

1 ECONOMIC RIGHTS
They allow rights owners to be paid when others use their works.

2 MORAL RIGHTS
They protect the personal connection creators have with their works.

GENERAL RULE

To use the work of others you need to first get their consent. There are certain exceptions that allow for copyrighted works to be used without a license.

Voluntary
registration of
copyright

The rules of
the game


More on
copyright

Authorship
versus
ownership

Enforcing
IPRs

Copyright establishes the rules of the game

FIVE ADVANTAGES OF COPYRIGHT PROTECTION

- 1** **AUTOMATIC PROTECTION**
Copyright applies by default at the point of creation.
- 2** **CONTROL**
You decide who can use, sell, rent, copy or license your creative works and how they may do so.
- 3** **INCOME**
You can generate income by licensing or transferring rights in your works to others.
- 4** **FUNDING**
You can use it to raise funds or as collateral for new creative projects.
- 5** **DEFENSE AGAINST INFRINGERS**
You can take action against infringers.



More on
copyright

Copyright &
business

Voluntary
registration of
copyright

Related
copyright rights

Ways copyright may be relevant to your business

- 1** When you launch a new creative product on the market.
- 2** When you use the creative content of others.
- 3** When you develop your website or share content online (including on social media platforms).
- 4** When you write software or use software developed by others.
- 5** When you create an original database.

Copyright



Related copyright rights

Voluntary registration of copyright



Proving ownership of copyright

Note: Copyright registration is not obligatory. You still own the copyright in your work if you have not registered it.

WHY USE A VOLUNTARY COPYRIGHT REGISTRATION SYSTEM?
Use voluntary copyright registration to prove that you are the owner of the copyright in an original work.



Contact your
local IP office

Obtain proof that a digital file
of your work existed at a
specific point in time.



WIPO PROOF

Copyright

Ownership &
authorship

About copyright related rights

1 WHAT THEY DO

These rights protect individuals and groups, such as singers, performers, record labels and broadcasters, who are closely involved with, and add value to, a creative work and ensure it is accessible to the public. In most countries these people and groups do not qualify for copyright protection.

2 TERM OF PROTECTION

In many countries it's 50 years from the date of the recording or the performance.

Copyright



More on
related rights

Enforcing
IPRs

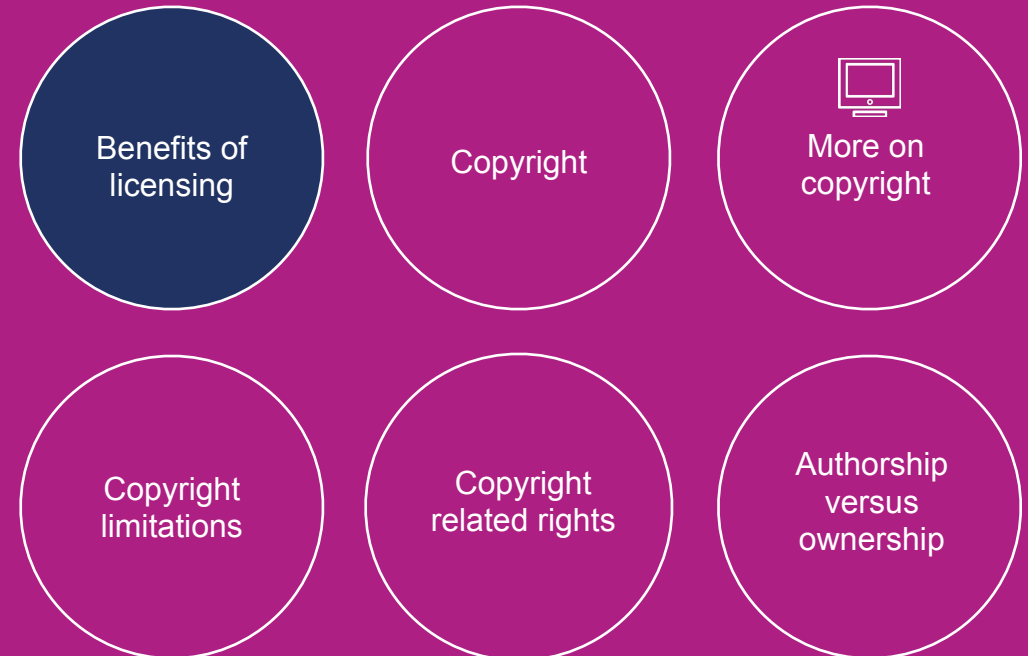
Monetizing Copyright: licensing

CREATORS CAN MONETIZE THEIR COPYRIGHT THROUGH LICENSING.

Sometimes creators may be very relaxed about their copyright and may:

- abandon copyright completely so anyone is free to use their work
- restrict free use of their work to non-commercial purposes
- use Creative Commons licenses and set selected conditions of use

Note: Always seek authorization from the right holder before using someone else's creative works.



Assignment of IPRs

1 Like any property, IPRs can be transferred to someone else. This is called an assignment. In many countries, an assignment must be registered with the relevant authority to have legal effect.

2 Assigning IPRs is a useful way for companies to:

- off-load any assets they cannot or do not want to develop
- cash in an asset
- transfer ownership following an acquisition
- leverage on their assets in negotiations

REMEMBER

When ownership is transferred, generally, all economic rights will be lost. Your business strategy may change, and you may want to use your IP asset in the future, so don't act too hastily.

When IPRs have multiple owners (e.g. co-creators, co-inventors), you may need permission from the other owners to assign your share.

Tips on the
assignment of
IP rights

Cashing in on
IP rights

NDA's

Bravo! You have acquired your IPRs

How are you going to monetize them?

HERE ARE TWO WAYS YOU CAN DO THIS:

1 **LICENSING**
If you want to generate income from licensing.

2 **SELLING**
If you need an injection of cash, or if you don't have the capacity to develop your IP asset.

Assignment of
IP rights



Types of
licenses



Types of licenses

1**EXCLUSIVE or SOLE LICENSE**

The right holder grants a licensee a license to use a given IP asset and agrees not to grant a license to anyone else but may retain the right to use that asset.

2**NON-EXCLUSIVE LICENSE**

The right holder grants a licensee a license to use a given IP asset and can also grant a license to others to do the same. The owner of the IP asset retains the right to make use of it.



Successful
technology licensing



Guide to trademark
licensing



Negotiating
Technology Licence
Agreements



Guide to Licensing
of Copyright and
Related rights

Tips on Assignment and Licensing of IPRs

AN AGREEMENT THAT ASSIGNS OR LICENSES THE IP SHOULD CLEARLY IDENTIFY:

- ✓ The IPR that is being assigned or licensed
- ✓ The compensation and terms e.g. royalties
- ✓ Warranties (e.g. confirmation that the assigner or licensor owns the IPRs being assigned or licensed and that they do not infringe the IPRs of others)
- ✓ Applicable law and dispute settlement clauses
- ✓ Who is responsible for registering the contract (if required)


If confidential information will be shared, get an NDA first.

ALSO, FOR LICENSES

- ✓ Define the scope of the license and where it applies
- ✓ State that any obligation is on the licensee
- ✓ Outline how to deal with further developments of the licensed technology by the licensee
- ✓ Indicate how to deal with infringements
- ✓ Specify who is responsible for registering the contract (if required)
- ✓ Get legal advice

Assignment of
IP rights

NDAs


WIPO Green
licensing
checklist

The benefits of licensing your IPRs to others

- 1** Create new revenue streams.
- 2** Reduce costs when expanding into new markets.
- 3** Access new technology.
- 4** Share risk.
- 5** Resolve disputes by converting a competitor into a partner.



Non-disclosure agreements (NDAs)

USE THEM TO SHARE CONFIDENTIAL INFORMATION SAFELY

CHECKLIST

- ✓ Define what is being shared
- ✓ Explain the purpose for which the information can be used
- ✓ How long does the obligation last?
- ✓ What happens if the information becomes public?
- ✓ What happens at the end of the agreement (e.g. do confidential documents have to be returned or destroyed)?
- ✓ Seek legal advice

Seek legal
advice


More on
Non-Disclosure
Agreements


WIPO
PROOF

How IPRs facilitate partnership

IN PARTNERSHIPS, IPRs ARE USED AS:

- 1** Assets to contribute to a partnership.
- 2** A way to harvest the outputs of a collaboration by generating new IP assets.

BENEFITS OF IP-DRIVEN PARTNERSHIPS:

- 1** Access and/or develop new technologies.
- 2** Reduce R&D costs and share risks.
- 3** Enter new markets and scale-up your business.

Collaboration
and
partnerships

Working with partners: collaboration agreements and joint ventures

WHY WORK TOGETHER

To undertake a joint project, share risks, and generate new technologies, products or services.

SET YOURSELF UP FOR SUCCESS WITH A ROBUST AGREEMENT

Clearly set out the rights and responsibilities of each party.

CHECKLIST

- ✓ Define the collaboration or joint venture and how it will be managed
- ✓ List background IPRs (what each party brings to the table) and set out access rights and conditions
- ✓ Outline arrangements for exploitation and use of IPRs resulting from the collaboration (so-called foreground IP)
- ✓ Define applicable law and arrangements for dispute resolution
- ✓ Specify what happens when the partnership changes or ends



WIPO
MATCH



WIPO
GREEN



WIPO
Re:Search

Enforcing your IPRs

Your IPRs have value. Defend them.

As the IPR owner, it's your responsibility to monitor for infringing activity.



More on
alternative dispute
resolution

CHECKLIST - WHAT TO DO:

- ✓ Identify key unregistered IPRs (e.g. trade secrets) and ensure they are documented and contractually protected
- ✓ Ensure you can prove ownership of your IPRs
- ✓ Monitor the market and competitors who may be using your rights without permission
- ✓ Gather evidence to verify the infringement and seek legal advice
- ✓ Decide how you are going to tackle infringements and act quickly
- ✓ Bear in mind that you can turn an infringer into a licensee

WAYS TO MONITOR AND ENFORCE YOUR IPRs:

- ✓ Consider working with a brand-protection firm or an IP firm to monitor the Internet
- ✓ Familiarize yourself with notice and takedown provisions of major online platforms
- ✓ Watch out for look-alike domain names
- ✓ Consider alternative dispute resolution: it's a cost and time-efficient way to resolve disputes outside the courts
- ✓ Apply for customs protection to tackle counterfeiting or piracy
- ✓ Go to court
- ✓ Involve law enforcement

WIPO PROOF

Trusted digital evidence

An online service that rapidly produces tamper-proof evidence to prove that digital information existed at a specific point in time.

BENEFITS AND USES

- 1** Evidence
- 2** Confidentiality
- 3** Cost-effective
- 4** Trusted and secure
- 5** Dispute resolution
- 6** Global coverage



Explained: What is a
WIPO PROOF?

How to value your IP assets

IN THE KNOWLEDGE ECONOMY, INTANGIBLE ASSETS (INNOVATIONS, CONTENT, ETC.) REPRESENT A LARGE PART OF COMPANY VALUE

THREE WAYS TO VALUE YOUR IP ASSETS

- 1 COST**
Value calculated on basis of developing a similar asset.
- 2 MARKET**
Based on actual price paid for a similar IP asset under comparable conditions.
- 3 INCOME**
Based on the amount of economic income the IP asset is expected to generate.

Seek legal
advice

Monetizing
your IP


More on IP
valuation

About IPR Go

Version 1.01 - 25 April 2021

IPR Go is an interactive tool that highlights key practical IP questions that you need to think about as you take your ideas to market.

Disclaimer: The information contained herein is indicative and for information purposes only and does not constitute legal advice. Users are advised to do their own due diligence and to seek the services of an IP legal professional.

Created with the support of Japan Funds-in-Trust Industrial Property Global for World Intellectual Property Day 2021



Japan Funds-in-Trust
Industrial Property
Global



Many thanks to all WIPO colleagues who contributed to and supported the development of this interactive tool.

Created by Dilucidar in collaboration with WIPO for World Intellectual Property Day 2021

