### INTRODUCING THE MODULE AND YOUR TUTOR



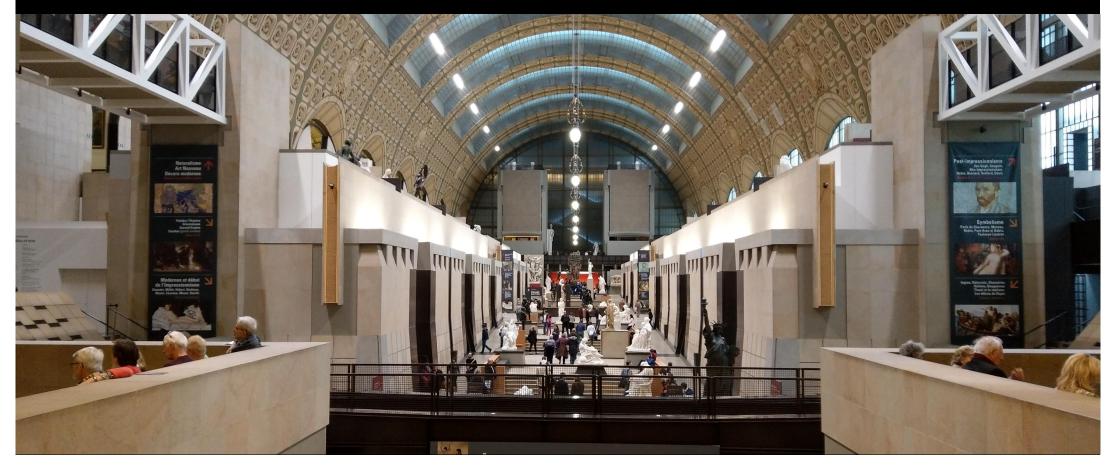
MODULE 1

## INTRODUCTION TO INTELLECTUAL PROPERTY

DR ANDRES GUADAMUZ

## WHAT IS INTELLECTUAL PROPERTY?

### PROPERTY OF INTELLECTUAL CREATIONS



### BUT WHAT DOES THAT MEAN?

- What?
- Who?
- When?
- For how long?
- What type of property and what rights are given to the owner?

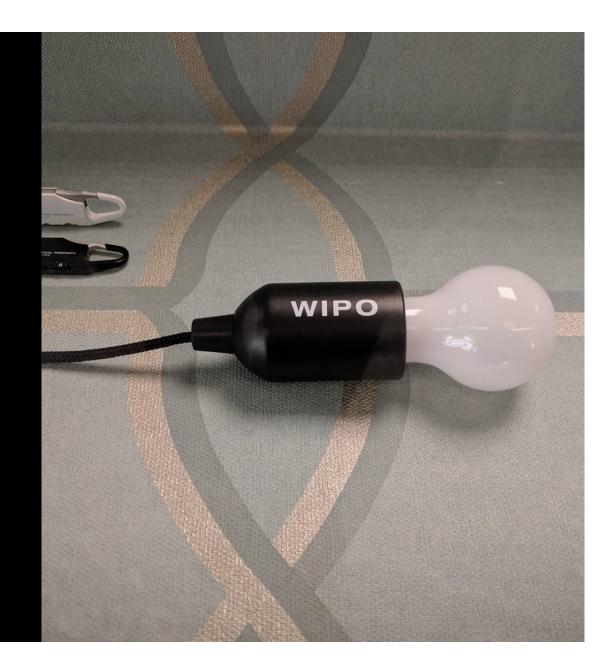


# TYPES OF IP

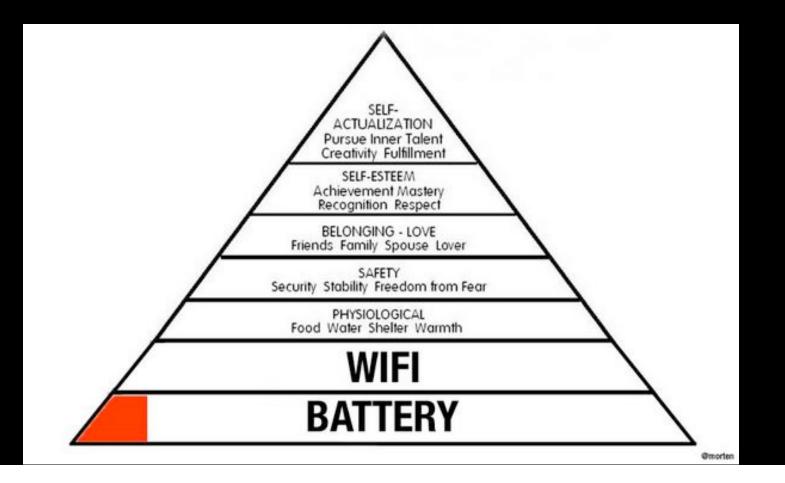


### DIFFERENT TYPES

- Copyright
- Patents
- Trademarks
- Designs
- Confidential information, trade secrets
- Many others we will not discuss, or cover briefly, such as databases, plant varieties, geographical indications, etc.



### DIFFERENT NEEDS



#### WHAT ARE YOU TRYING TO ACHIEVE?

- Promoting the arts (copyright)
- Rewarding investment (patents)
- Protecting reputation (trade marks)
- Protecting distinctiveness (designs)
- Protect a region's produce (geographical indications)

| INDUSTRIAL PROPERTY      | COPYRIGHT AND RELATED RIGHTS<br>(NEIGHBOURING) |
|--------------------------|--|
| PATENT                   | COPYRIGHT                                      |
| TRADE MARK               | PERFORMER RIGHTS                               |
| INDUSTRIAL DESIGN        | BROADCASTS                                     |
| GEOGRAPHICAL INDICATIONS | PRODUCERS OF PHONOGRAMS                        |
| INTEGRATED CIRCUITS      |  |

| REQUIRES REGISTRATION | NO REGISTRATION      |
|-----------------------|----------------------|
| PATENT                | COPYRIGHT            |
| TRADE MARKS           | DATABASES            |
| DESIGNS               | UNREGISTERED DESIGNS |
| PLANT VARIETIES       | TRADE SECRETS        |

### COPYRIGHT

- Copyright is a limited right given to the creator of an original work.
- It doesn't have registration. This means that copyright does not require registration, it exists the moment that you create an original literature, artistic, dramatic or musical work.
- It is limited to the lifetime of the author plus 70 years.
- Owners have the exclusive right to copy, rent, adapt, perform, broadcast and issue copies of the work to the public.

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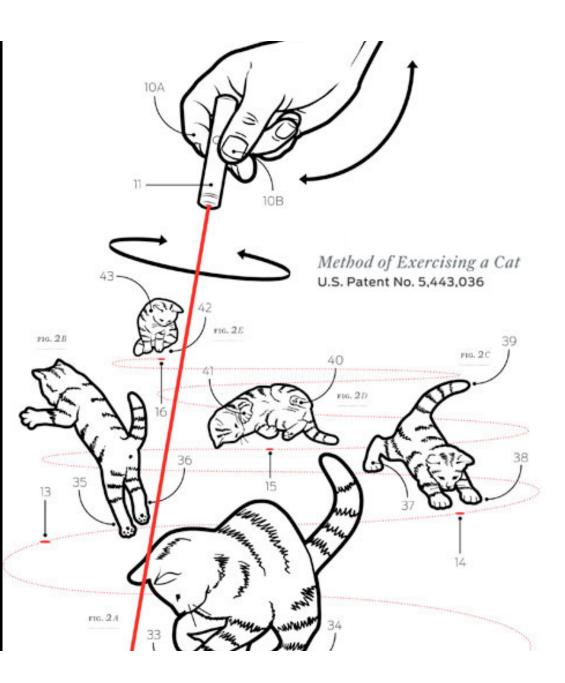
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### PATENTS

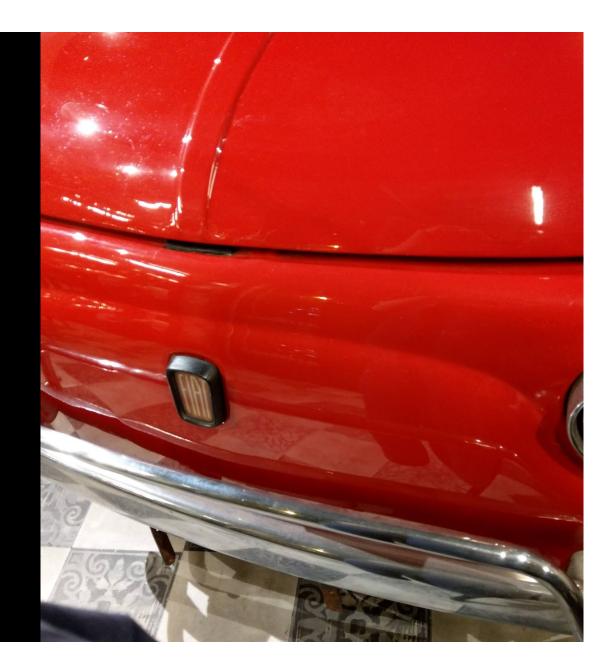
- A patent is a monopoly to work and profit an invention for a period of 20 years. However, the monopoly is not absolute and there are many checks and balances to avoid abuse.
- Patents serve two purpose, they serve as a reward to the investment incurred by the inventor. They also provide society with a mean to encourage creators.

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### TRADE MARK

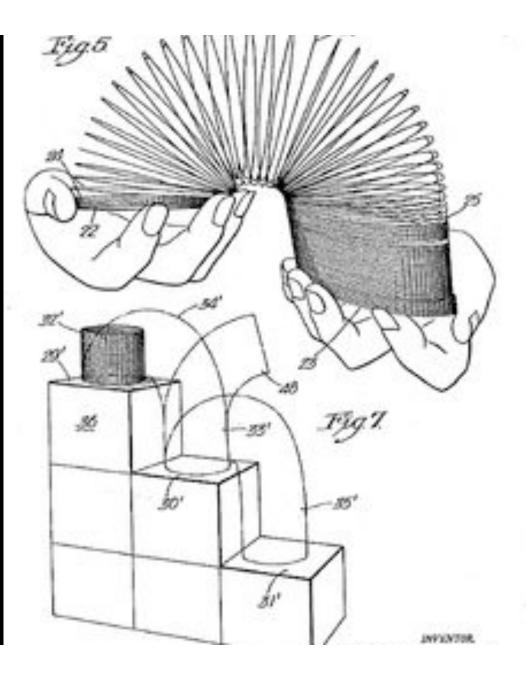
- Think of any brand you like, and it is probably protected by a trademark.
- Trade marks protect the information to the consumer associated with a brand possesses.
- A trademark has to be a sign capable of being graphically represented, and it has to be capable of distinguishing the goods, services or the technology behind it.
- There's no time limit.



## COMMON ELEMENTS OF IP PROTECTION

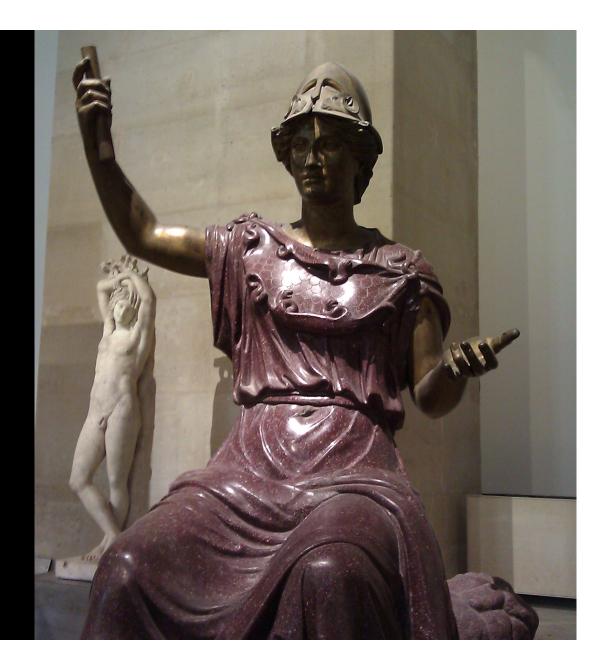
#### WHY DO WE HAVE IP?

- Various reasons:
- Incentivise creativity, we want people to share their ideas.
- Reward those who create new things.
- It's also part of a social contract, society gives an author or inventor a property right to their creation, in exchange they will share their work with society.



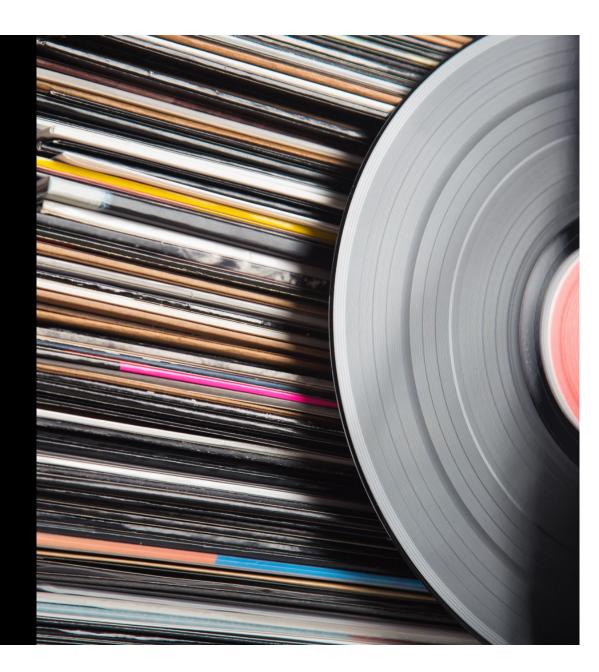
### INTANGIBLE PROPERTY

- Intellectual property is intangible.
- While it may refer to something tangible (ie, a sculpture), what is being protected is not the one physical item, but the copies of that item.
- So I can't put images of this sculpture in a book without permission.



#### NON-RIVALROUS

- IP is said to be non-rivalrous.
- This means that the ownership and/or consumption of a good by one person does not reduce the amount available for others.
- If you have a cake and I eat it, you have no cake. If you have a song and I copy it, you still have the song.



### LIMITATIONS AND EXCEPTIONS

- However, despite the wide reach of IP rights, there are always exceptions and limitations.
- For example, you can use copyright works for educational use, or you can make use of a patented invention for some research purposes.
- The list of exceptions and limitations for each IP is always exhaustive.

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### LIMITED TIME

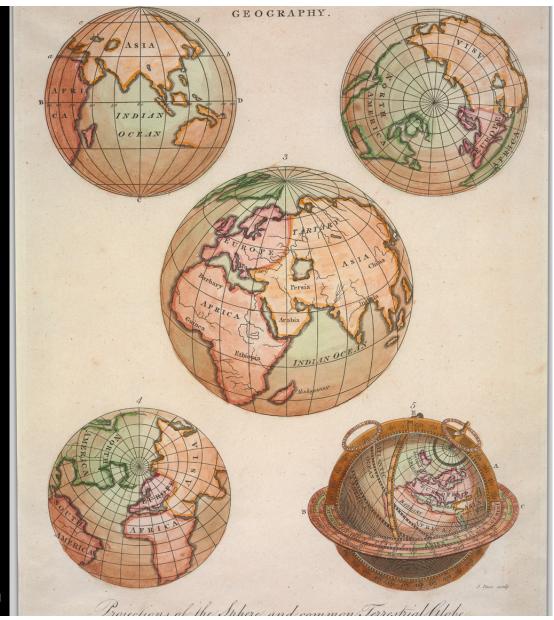
- Another difference with tangible property, most IP protection tends to be limited in time.
- This serves several purposes, but in general it is understood that too much protection acts against the public interest.



### NATIONAL PROTECTION

- All IP is strictly national in nature.
- You can only exercise your rights in the country of registration, or the country where the work is published.
- Complex system of international treaties and multilateral recognition of rights has developed.
- Harmonisation efforts through policy and treaties. Possibility of cross-national protection.

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#### THE INTERNATIONAL SYSTEM

- The World Intellectual Property Organisation is the UN organisation dealing with IP.
- It's a member state-led institution that administers treaties on IP subjects, but also has other functions such as offering register assistance, dispute resolution services, and education.
- Some treaties it administers are the Berne Copyright Convention, the Patent Cooperation Treaty, the Madrid Agreement on Marks, and the WIPO Copyright Treaty, just to name a few.



# JURISDICTION IN THIS CLASS



### THANKS!

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