



**Canadian
Intellectual Property
Office**

An Agency of
Industry Canada

**Office de la propriété
intellectuelle
du Canada**

Un organisme
d'Industrie Canada

Intellectual property (IP) – The basics



IP: What's in it for you?

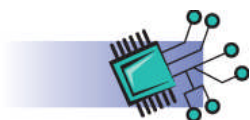
Canada



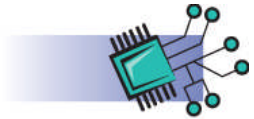
INTELLECTUAL PROPERTY INSTITUTE OF CANADA
INSTITUT DE LA PROPRIÉTÉ INTELLECTUELLE DU CANADA



Objectives



- Recognize the strategic value and benefits of intellectual property (IP)
- Understand the various forms of IP
- Learn how to protect and use your IP
- Discover a wealth of IP resources



IP: What's in it for you?

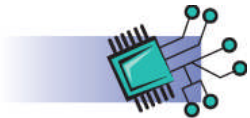


- IP is a valuable business asset.



- IP information and protection may help avoid costly mistakes.





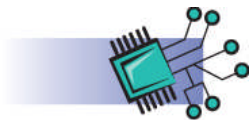
Benefits of IP information



- Identify trends
- First look at the competition
- Identify key contacts
- Find solutions to problems
- Avoid duplication of effort
- Prevent infringement



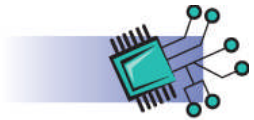
Types of IP covered in this presentation



- [Trade secrets](#)
- [Patents](#)
- [Trade-marks](#)
- [Copyrights](#)
- [Industrial designs](#)



Trade secrets



What is a “trade secret”?



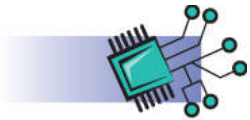
Any confidential information used in a business that gives a competitive advantage, and that can be kept a secret.



The confidential information can be:



- specific product information; or
- business information.



Trade secret protection



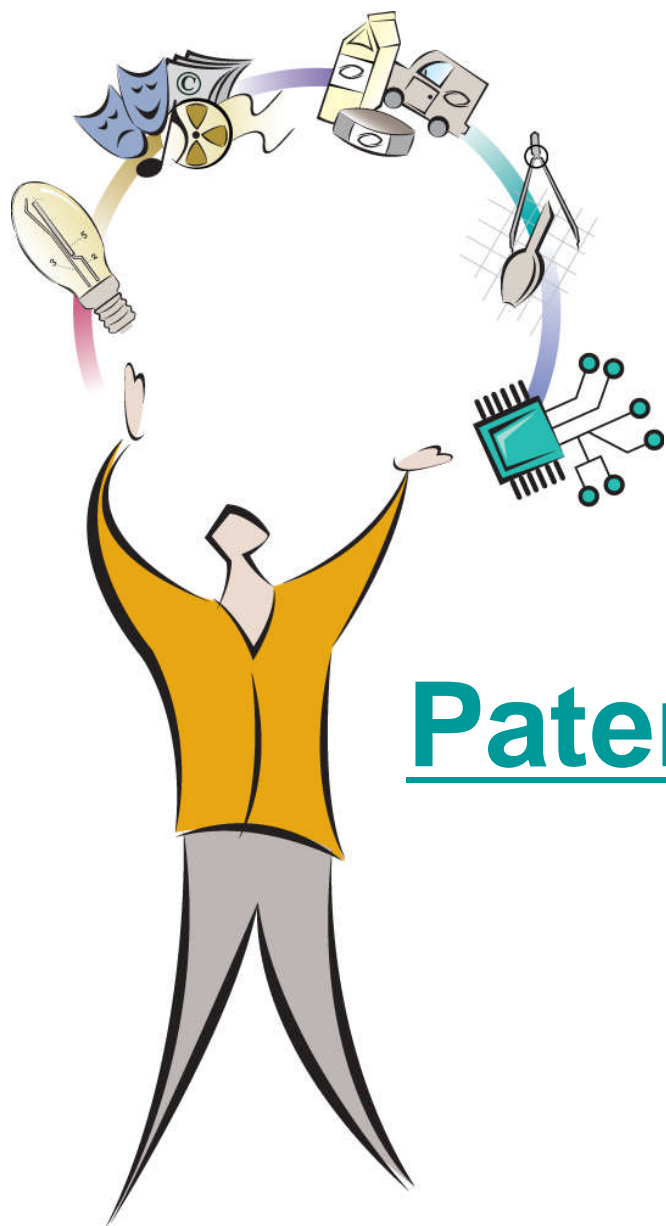
- Trade secrets are protected by confidentiality and licence agreements.



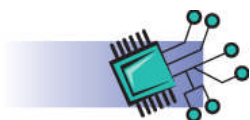
- Protection lasts forever, as long as confidentiality is maintained.



- If the trade secret is disclosed, protection is lost.



Patents



The “deal” of the patent

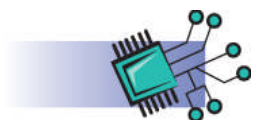


The owner provides a full public disclosure of the invention.



The Canadian government provides a grant of exclusive rights in Canada to the owner for 20 years from the date of filing.





What is patentable?



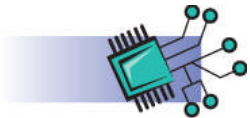
- a product
- a composition
- a machine
- a process



... or their improvement



The invention must be new, useful and non-obvious.



Patenting process



- Before filing an application:

- Keep your invention confidential prior to filing.
- Search patent databases and scientific literature.



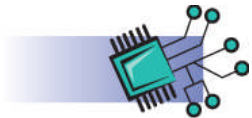
- Patent application:

- Consult a registered patent agent.
- Draft and file.
- Request examination.
- Respond to CIPO's requests.





Trade-marks



What is a trade-mark?



- Word(s) **KODIAK**



- Word & design

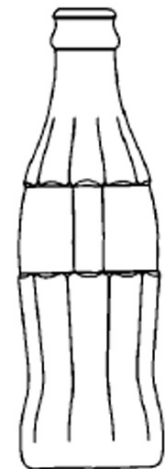


- Design

- Slogan **“ZOOM-ZOOM”**



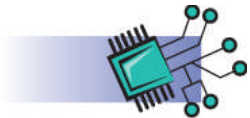
- Shape



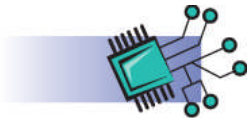
A trade-mark must be used *in association with a good or service.*



Trade-mark protection & registration



- Common law rights: automatic upon use of the mark.
- Registration of the mark: exclusive rights for renewable 15 years periods.



Preservation of a trade-mark



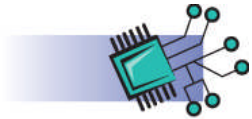
- Use it or lose it.
- Avoid generic use.
- Licence its use to others.
- Promptly stop unlicensed use.



Copyrights



What is copyright?

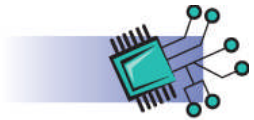


It is the exclusive right to produce or reproduce a creation:

- **literary**
- **dramatic**
- **musical**
- **artistic**

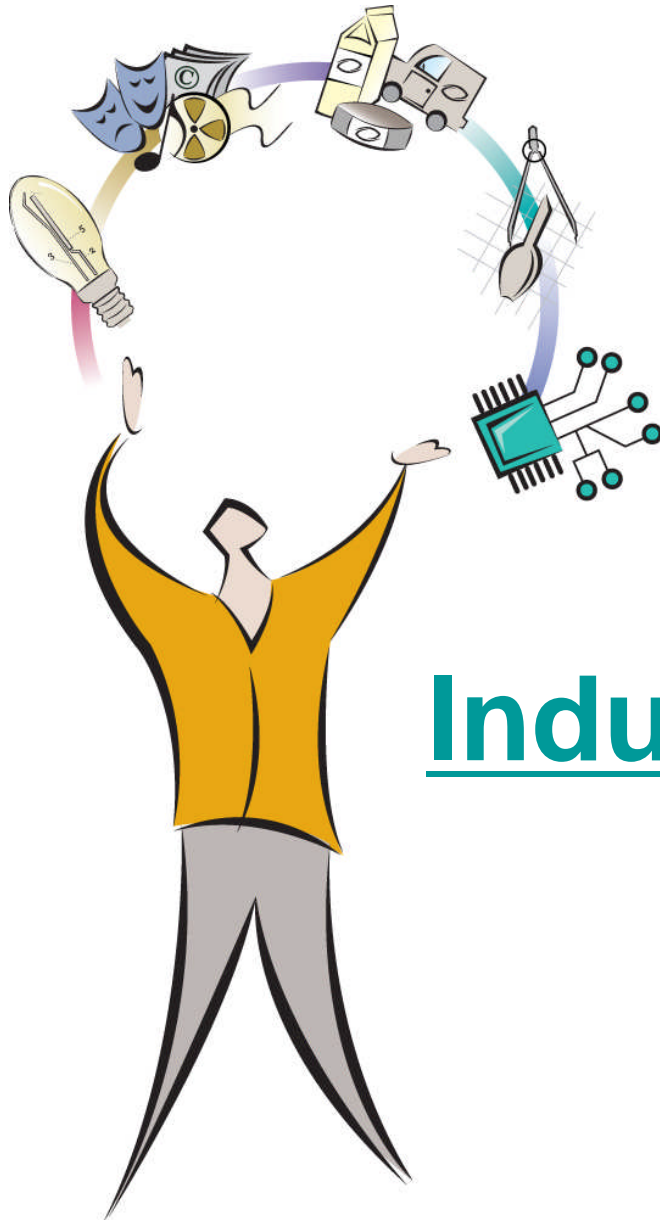


Copyright protection

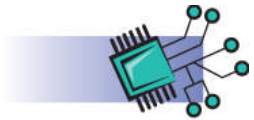


- Copyright is automatic but registration provides better protection.
- Use proper marking © **owner's name, year.**
- Term is generally life of author plus 50 years.





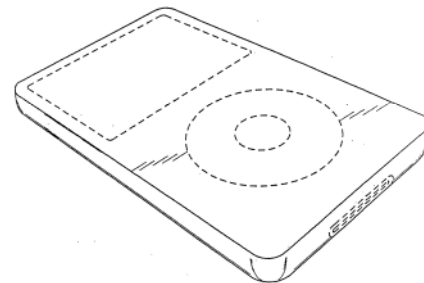
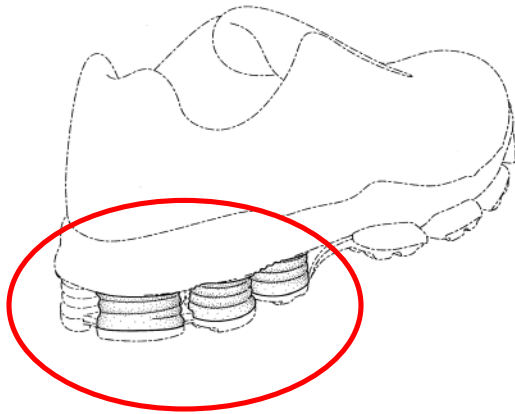
Industrial designs

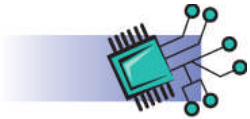


What is an industrial design?



The visual features of shape, configuration, pattern or ornament, or any combination of those features applied to a manufactured article.



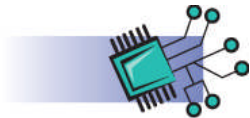


Industrial design protection

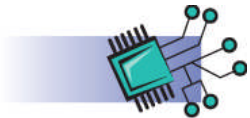
- Industrial designs must be registered for protection.
 - Keep confidential prior to filing.
 - Search, file with CIPO and await a response.
- Registration of the design gives a maximum of 10 years of protection.



Summary of IP forms



	Protect	Application required	Term
Trade secrets	Confidential information	N/A	indefinite
Patents	Inventions	yes	20 years
Trade-marks	Words, logos, slogans	recommended	15 years, renewable
Copyrights	Writings, music, art, plays, etc.	recommended	life + 50 years (many exceptions)
Industrial designs	Visual features	yes	up to 10 years



What is infringement?

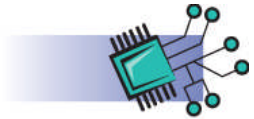


- In general, use by any unlicensed party is considered infringement.



- An owner is responsible for stopping unlicensed use.





Dispute resolution



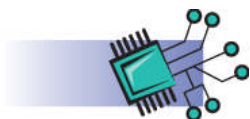
Resolution mechanisms could include:

- direct negotiation
- mediation
- arbitration
- opposition
- litigation





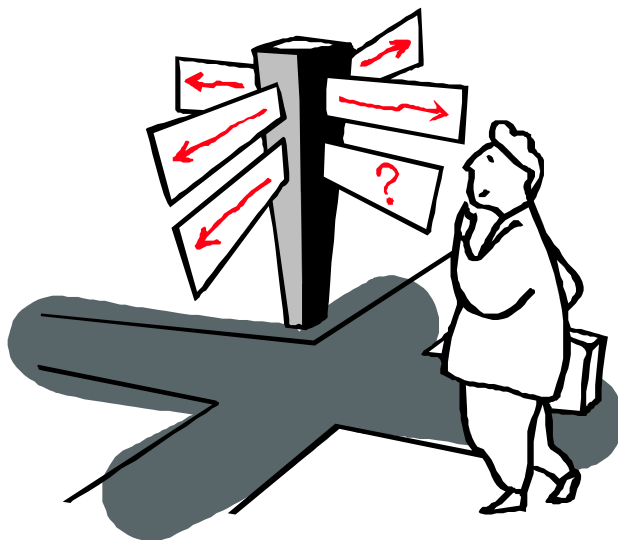
Summary

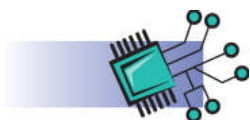


- IP is a valuable business asset and appeals to consumers and investors.
- IP information and protection help avoid costly mistakes.



What should you do next?





Capitalize on your IP



- Learn more about IP.



www.cipo.ic.gc.ca/learnaboutip



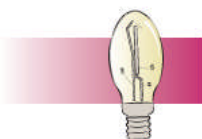
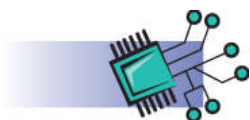
- Search Canadian and international on-line databases.



- Consult a registered IP professional.



Contact us



CIPO – Canadian Intellectual Property Office

- Learn about IP
- Consult databases

www.cipo.ic.gc.ca

1-866-997-1936

cipo.contact@ic.gc.ca

IPIC – Intellectual Property Institute of Canada

- Consult registered IP professionals to help you get the most from your IP

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