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# Why Learn about Intellectual Property (IP)?



September 15, 2016

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# Department of Innovation, Science and Economic Development Canada (ISED)

- The Canadian Intellectual Property Office (CIPO)
- Our Mission and our Vision
- Our Resources

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# Objectives

- Create awareness of IP
- Further educate on IP and the Canadian Intellectual Property Office (CIPO)
- Discover more IP resources

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# Intellectual Property (IP):

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

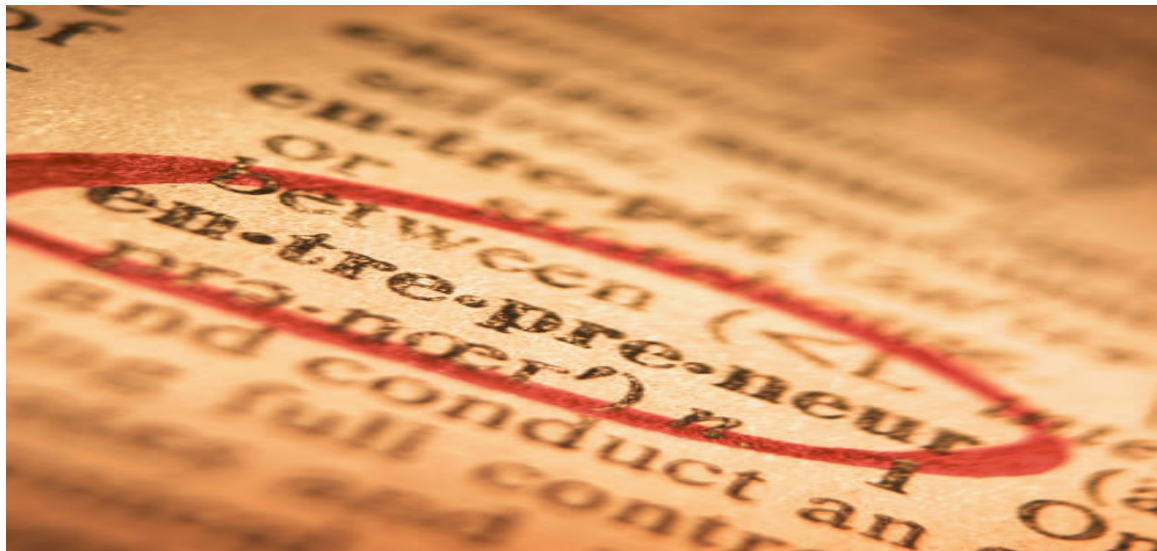
Source: <http://www.wipo.int/about-ip/en/>

# Use IP to Reach Business Objectives

Brand building,  
customer loyalty,  
exclusivity, research,  
valuation, finding  
partners, securing  
capital, attracting  
investors,  
demonstrating  
innovation, other...

Create an IP checklist





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# Learn about IP

- Think, listen and talk about IP
- Visit our website, learn IP language
- Increase your IP knowledge
- Try a search in one of our databases
- Gather business intelligence
- Review the details of your findings
- Ask lots of questions!

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# Business Intelligence

**[www.cipo.ic.gc](http://www.cipo.ic.gc)**

- Ownership
- Contact information
- Title / Mark
- Claims / Goods / Services
- Prior art
- Dates
- Restrictions
- Status
- History
- Drawings
- Standards
- Particulars of IP

# IP Brainstorming



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# What is an IP Strategy?

- A series of **decisions** and **methods** designed to maximize the contribution of intellectual property to **achieving business objectives**.
  - **Take inventory** of intangible assets and IP;
  - **Know** the IP and IP strategy of **competitors**;
  - **Reflect** on the best way to maximize the positive impacts of IP on **revenues, competitiveness and reputation**; and
  - **Communicate** with employees, business partners and investors.

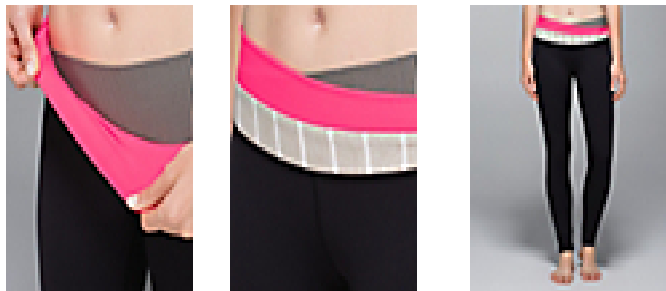
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# Possible IP Strategies:

- **Do not file any IP protection** – put into the public domain; focus on 1<sup>st</sup> mover advantage, build brand loyalty and customer base.
- **Protect technical aspects** – seek patent protection on technical aspects key to product base, ability to shut competitors out.
- **Focus on Brand Value** – file TM and/or Copyright. Build value through brand recognition.
- **Combination of IP rights** – dependent on product, budget and sector.
- **File protection for offensive purposes** – aggressively enforce rights against competitors.
- **File protection for defensive purposes** – rely on rights should competitors infringe.

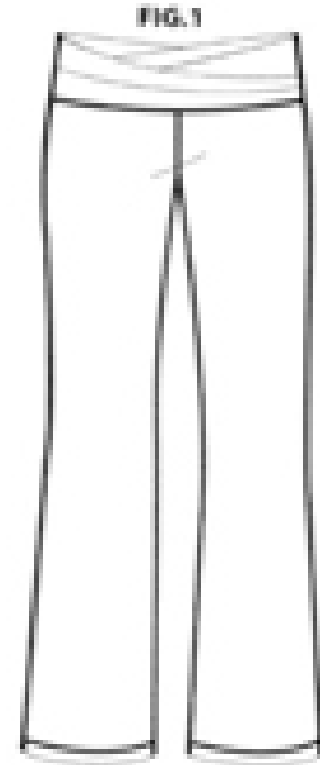
# IP Strategy (cont'd)

- **Product: Yoga Pants**
- **Patent No.: US D645,644 S1**
- **Date of Patent: Sep. 27, 2011**



Source: lululemon.com

Source: UPSTO Patent US D645,644 S1, retrieved from <https://www.google.com/patents/USD645644?dq=lululemon+pants+US+D+645,644&hl=en&sa=X&ei=mQrhU5HqO8-iyASqqYCYDQ&ved=0CBwQ6AEwAA>



# Overview of some IP Forms

	Protect	Application required	Term
<b>Trade secrets</b>	Confidential information	N/A	indefinite
<b>Patents</b>	Inventions	yes	Up to 20 years from date of filing
<b>Trademarks</b>	Words, logos, slogans, sounds	recommended	15 years, renewable
<b>Copyrights</b>	Writings, music, art, plays, etc.	recommended	life + 50 years (many exceptions)
<b>Industrial designs</b>	Visual features	yes	up to 10 years

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# Trade Secrets

Any confidential information used in a business that provides a competitive edge and that is kept secret.

- Product information
- Business information
- Protect confidentiality
- Disadvantages (public disclosure, independent discovery, reverse engineering...)



# Trademark

- Word **KODIAK**

- Design



- Slogan **"ZOOM-ZOOM"**

*Reproduction courtesy of Kodiak Group Inc.; Hasbro, Inc.; Schering-Plough Healthcare Products, Inc. All rights reserved; Mazda Motor Corporation.*

# Trademark (cont'd)

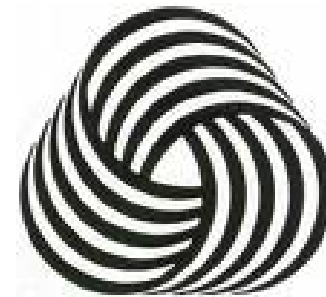
- Shape



- Sound



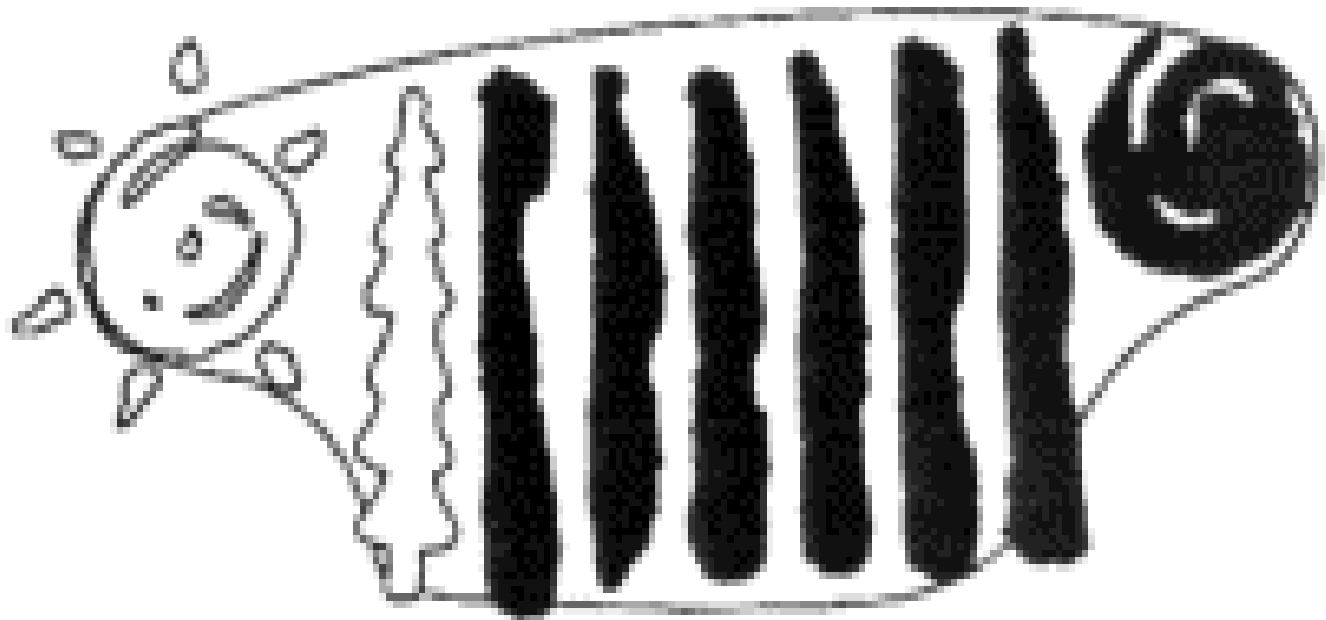
- Certification mark



*Reproduction courtesy of (bottle & design) Coca-Cola Ltd.; Metro-Goldwyn-Mayer Studios Inc.; (Woolmark design) The Woolmark Company.*

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# Trademark



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# Which Candy Bar comes to Mind?



# What is the Model of this Car?



# Copyright

- Protects authors of “original works” including literary, dramatic, musical, artistic and certain other intellectual works (including computer code)
- Protection is automatic
- Protection in Canada is generally the life of the author + 50 years (many variations)
- © 2015, John Doe



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# Moral Rights

- Rights an author retains over the integrity of a work
- Moral rights can be waived but cannot be assigned
- e.g.. Snow v, Eaton Centre Ltd.

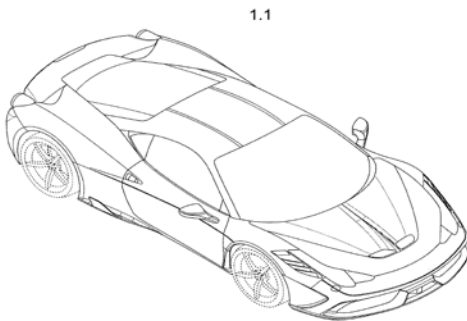


# Industrial Design

- Intended to protect product features which appeal to the eye
- Protection varies by jurisdiction - up to 10 years in Canada
- A design must be new and original – sufficiently distinct so as not to resemble a design already registered

E.g.. Application/Registration number: 154522

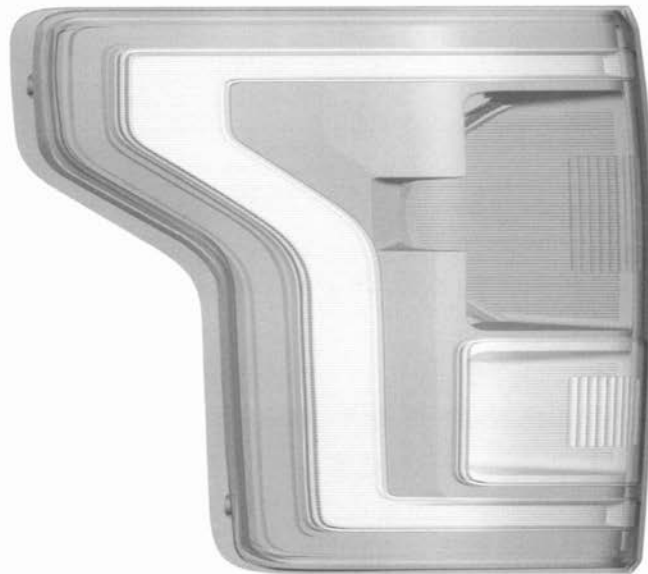
Owner: Ferrari S.P.A



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# Canadian Industrial Design Registered on July 20, 2015

FIG. 1



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# 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.**

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# Requirements for Patentability

- ✓ Novel
- ✓ Useful
- ✓ Non-obvious

# CA #2,122,993

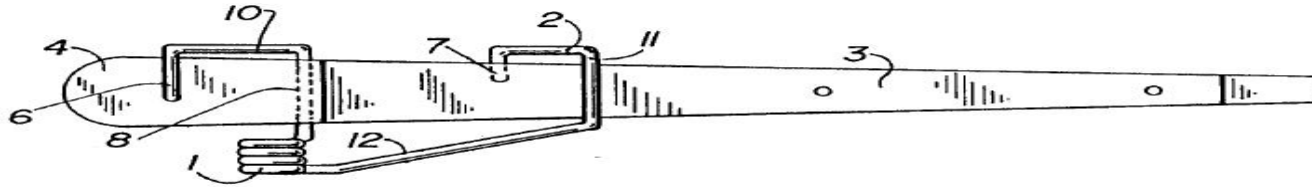


FIG. 1



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# Answering your Questions

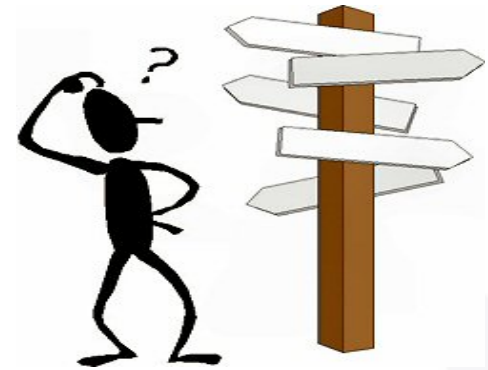
- What does filing, registration or grant of IP rights give me?
- What is needed to file an application?
- What is the process?
- How long does the process take?
- What are the costs involved?
- What is a search?
- Why hire an Intellectual Property Professional?

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# CIPO Resources

[www.cipo.ic.gc.ca](http://www.cipo.ic.gc.ca)

- Client Service Centre
- IP Presentations & Training
- Bank of Speakers Program
- IP Case Study Facilitation
- Website Information & Tools
- Business Development Officers



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# Other Resources

- [www.google.com/patents](http://www.google.com/patents)
- [www.google.com/brands](http://www.google.com/brands)
- <http://www.wipo.int/branddb/en/>
- [www.uspto.gov](http://www.uspto.gov)
- <http://epo.org/searching/free/espacenet.html>
- <http://www.nrc-cnrc.gc.ca/eng/irap/concierge/>



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# Business Development Officers

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# Summary

- Created awareness of IP
- Provided lots of information about IP and CIPO
- Discovered some IP resources

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# Contact Us

1-866-997-1936

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[www.cipo.ic.gc.ca](http://www.cipo.ic.gc.ca)

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# Canada

