



IPR in a nutshell

What is IPR?

Intellectual property rights or
industrial property rights



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Industrial property rights

Patents

Trademarks

Designs

Utility models

Domain names

Layout-designs of integrated circuits

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IPR = right to use?

No, all IPR's are rights to forbid others from using the right for commercial purposes.

Some things are not protectable by IPR, such as inventions or designs contrary to morality or ordre public, methods of treatment, descriptive marks, marks or designs that infringe copyright of a third party, etc.

Photo: Alexas Fotos from Pixabay





Patents and utility models

Patents

A granted patent = right to forbid others from using the invention, for a maximum of 20 years.

Counterpart for this monopoly: the invention is disclosed in such a manner that it can be used by others once it is no longer protected.

A patentable invention is a technical solution to a technical problem.

A patent is a national right (world patents do not exist).

Photo: Alexas Fotos from Pixabay



Requirements of patentability

Novelty

The invention must not have been made public anywhere by anyone.

Inventive step

The invention is “sufficiently different” from known solutions.

Industrial applicability

Interpreted very broadly, usually potentially a problem only for some biotech inventions.

Patents – some generalities

- Maximum protection 20 years (+ maximum 5 years for drugs).
- Priority period 12 months.
- Different routes for protection: national, regional (e.g. Europe, Eurasia), international (PCT).

What cannot be patented?

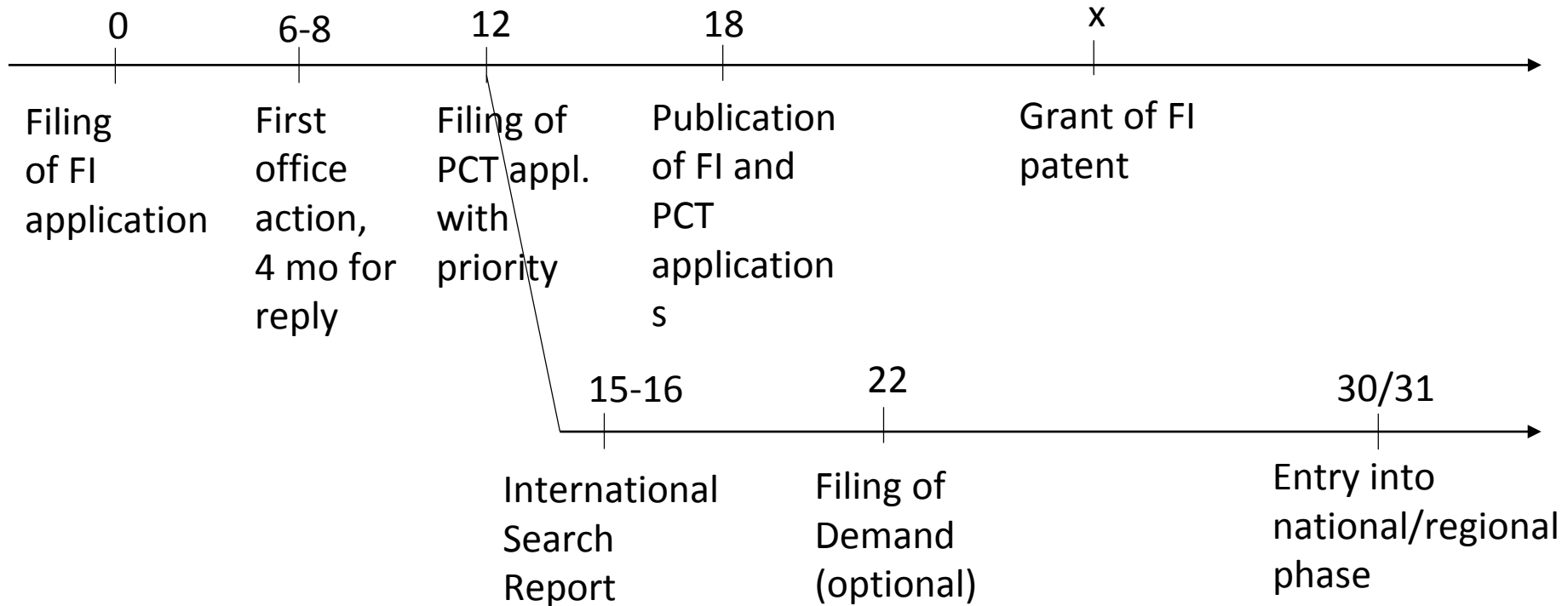
- Discoveries, scientific theories, mathematical methods
- Artistic creations or designs
- Methods of doing business
- Inventions contrary to ordre public or morality
- Surgical, therapeutical or diagnostic methods performed on a human or animal body

What can be patented?

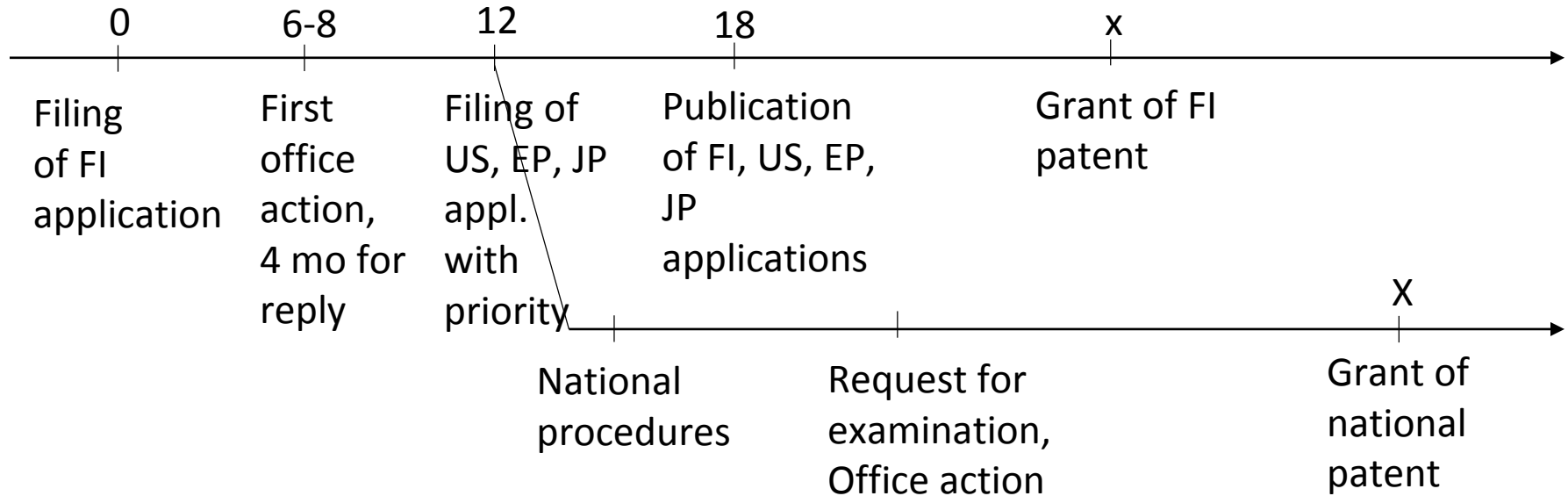
Basically everything else, for example

- Compound X.
- Method of producing compound X.
- Use of compound X as a medicine.
- A pacemaker.
- A method of producing a micro-organism Y.

Life of a patent application



Life of a patent application



Typical costs

- First filing typically 4000-6000 EUR (+VAT) + official fees (for example approximatively FI 400 EUR, EP 1450 EUR, PCT 3000 EUR)
- Request for examination (where applicable) typically 500-1000 EUR (+VAT) + official fee(s)
- Office actions typically 1000-2500 EUR (+VAT)
- Grant phase typically 500-1000 EUR (+VAT) + official fees
- Renewal fees yearly typically from 50 EUR up to 1500 EUR (+VAT), increases with time; due during prosecution or only after grant, depending on country

Typical costs

- FI patent from filing to grant typically 10000-20000 EUR (+VAT)
- EP patent from filing to grant typically 15000-30000 EUR (+VAT)
- EP validation in DE, FR, GB typically 1000-2000 EUR (+VAT) in total
- EP validation in DE, FR, GB, SE, FI, IT, NL, ES 10000-15000 EUR (+VAT) in total

Utility models

Mainly identical to patents, with some exceptions:

- Requirement of inventive step is lower
- Maximum protection time is 10 years
- In Finland, not available for methods
- Typically only formal examination
- Available in only few countries worldwide



Trademarks

Trademarks

- A trademark is a sign that distinguishes the goods and services produced by a company from similar goods and services of other companies.
- Must be different from known trademarks, neither descriptive nor misleading.
- Registered trademarks are marked with ®.
- Registered trademarks should be used in the format they are registered, for example terms should not be conjugated.
- In theory protection is indefinite (requires regular renewal), provided the trademark is used.

Photo: Tseiu from Pixabay



Trademarks

- Can be a word, a figure, a combination of words and figures, a phrase, a 3D figure, a smell, a colour, a sound.
- Protection is limited for selected classes of products and/or services.
- Well-known marks (such as Nike) enjoy protection in all classes.
- "TM" is available for everyone to use, and shows that the user considers the figure or term as unregistered trademark.
- EU trademark exists.

Examples



ULTRADENT

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Designs



Designs

- Design is protection of shape of a product.
- Requirements are novelty and uniqueness (overall impression differs from known designs).
- No artistic requirement.
- Also for parts of products.
- Maximum protection depends on country, typically 10-25 years.
- EU design exists.



Examples



Source: EUIPO database

The nutshell?

If you remember one thing about IPR, let it be this:

Talk to your patent/trademark/design attorney before you publish anything!

Photo: Álvaro Jiménez from Pixabay



Thank you for your attention!

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