

RELEVANCE OF IP ON INNOVATION

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INTELLECTUAL PROPERTY

- Intellectual property is intangible property that originates from the mind



BENEFITS OF IP PROTECTION?

- Fuels progress – Well being of humanity rest on its capacity to create and invent new work in area of technology and culture.
- Legal protection of new creations encourages the commitment of additional resources for further innovation.
- Spurs economic growth, creates jobs and industries, and enhances quality.
- *The grant of a property right by the government, albeit generally for a limited period of time, provides the owner the right to exclude all others from commercially benefiting from it.*



WHAT CAN BE PROTECTED?

ELEMENT	FORM OF INTELLECTUAL PRPOERTY PROTECTION
Literary and artistic works	Copyright
Improvements to existing inventions	Utility models
New products/processes providing solutions to existing problems	Patents
Product/Service identifiers in the market	Trademarks/Service marks
Business secrets	Trade secrets

COPYRIGHT

A copyright is a form of protection provided to authors of "original works of authorship." This includes literary, dramatic, musical, artistic and certain other creative works.

- *Work must be original or expressed differently to be protected under Copyright.*
- *Copyright exists upon fixation of work in a tangible medium; no registration necessary except for evidence or establishing ownership.*



RIGHTS OF A COPYRIGHT OWNER

Copyright Holder has both economic and moral rights

- Economic rights to a copyright holder

Reproduction of protected work Public performance and communication to the public; Broadcasting; Adaptation, such as a novel into a screenplay.

- Moral rights,

Right to claim authorship of a work and right to oppose changes to a work that could harm the creator's reputation.

- Term: 50 years after death of author

**KNOW
YOUR
RIGHTS**



PATENTS

A patent is an exclusive right granted by government for an invention, which could be a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem.

e.g. operating systems, file systems, graphics and windowing system, rocket, compilers and simulators, data compression, multimedia, word processors, spread sheets


<http://bat8.inria.fr/~lang/hotlist/free/licence/patents.html>



REQUIREMENTS FOR PATENTABILITY

- **Novel** – Must be new, not anticipated by prior art (available information).
- **Inventive step** (non-obvious) - Not easily deduced by a person with average knowledge of the technical field.
- **Industrially applicable** - Invention must be useful/ have utility.
- *The subject matter must be accepted as patentable under the national patent law.*
- *The exclusive rights are territorial and patent protection is granted for a limited period, generally 20 years upon payment of renewal fees*

RIGHTS OF A PATENT HOLDER

- Decides who may or may not exploit the protected invention.
 - Assigns, Permits/licenses others to use the invention on mutually agreed terms,
 - Making, importing, offering to sell the product
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WHAT IS AN INNOVATION?

- “The implementation of a new or significantly improved product (good or service) or process, a new marketing method, or a new organizational method in business practices, workplace organization or external relations”-
OECD
- Innovations are concerned with the commercialization
- An innovative new or improved product that meets customer expectations offers an existing or new business, new market territory without competition for so long as it retains its innovative advantage.
- Need for an IP strategy to be able to adequately protect the innovations

ROLE OF IP IN PROMOTING INNOVATION

- As there are many players (*innovators, regulators, funders, general public*) involved in facilitating the market success of an innovation, the effective use of the tools of IP will play an important role in reducing risk for the players involved
- Facilitating the process of taking innovative technology to the market place
- Enhancing competitiveness of technology-based enterprises

THANK YOU!

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