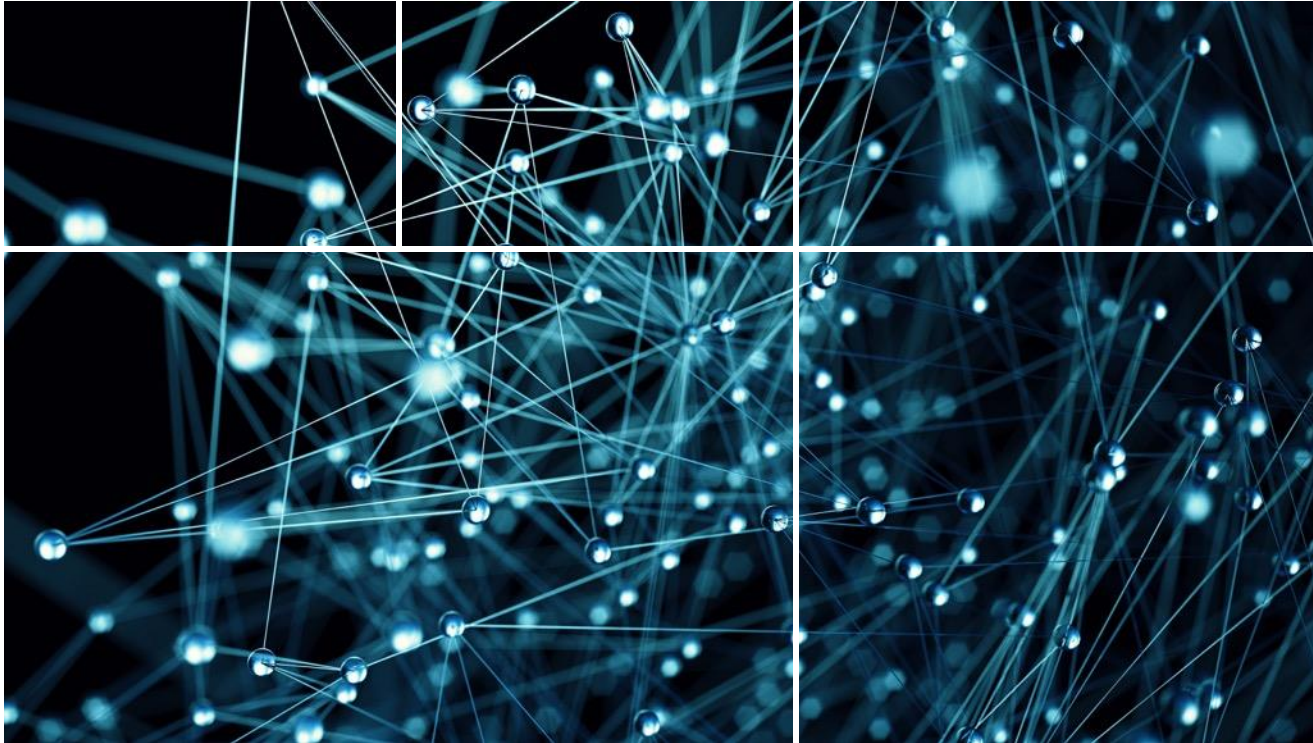


4 July 2018 – Faraday Institution event



Protecting IP

Bruce Dean &

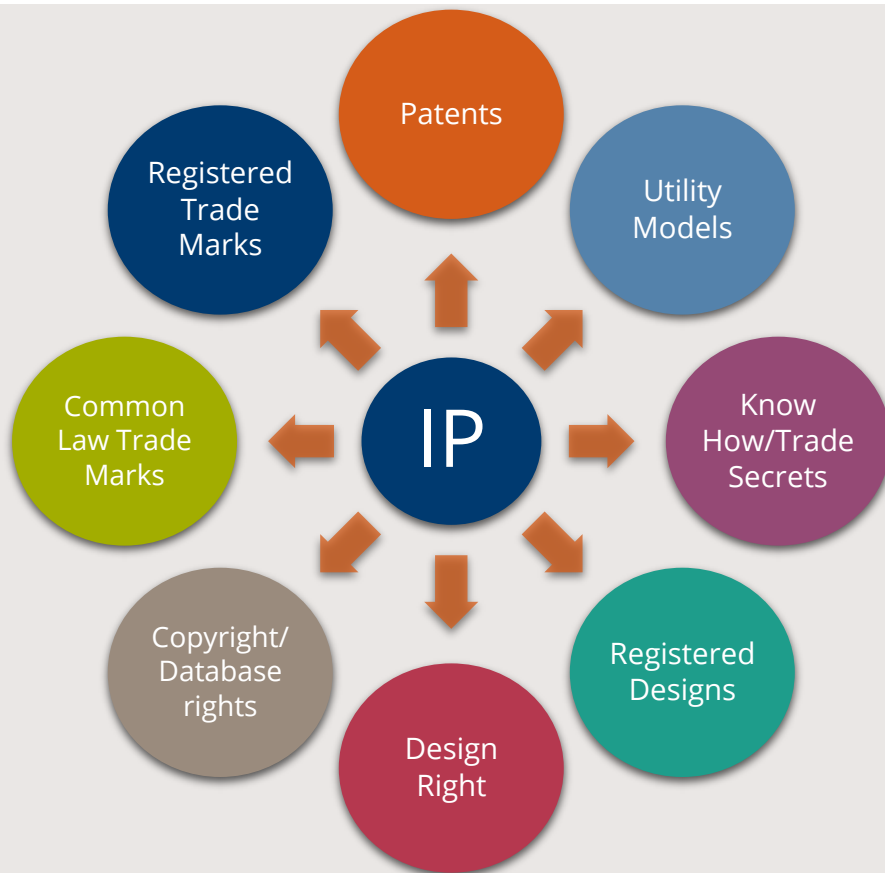
Ally Orrin

We will cover:

- Different types of IP
- What can be patented?
- What is novelty?
- What is inventive step?
- Good practice



IP Wheel



What are trademarks?

- Logos and brand names that distinguish goods and services in the marketplace
- Monopoly right
- Last potentially forever if fees paid

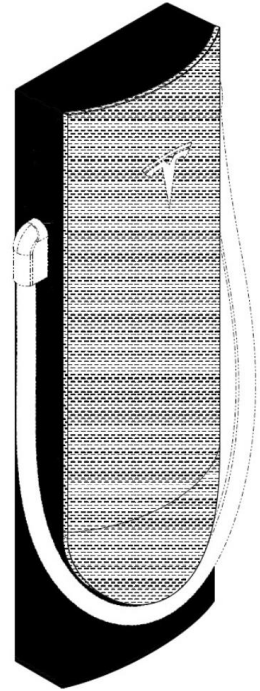


What is copyright?

- Arises automatically on creation of work
- Protects artistic creations e.g. music, literature, sculpture, technical drawings
- Includes software code
- Not a monopoly right

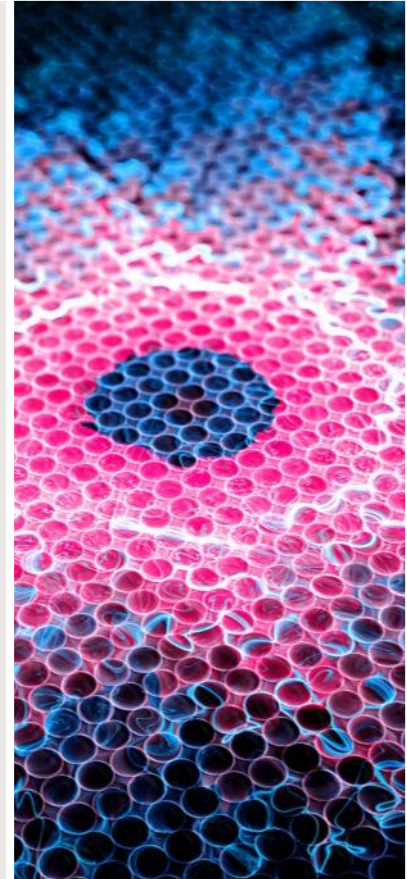
What are designs?

- Protect appearance (not functional)
- Registered vs unregistered
- Eye-catching shapes or ornamentation
- Overall design of package, elements of artwork, colour variations
- 25 years (EU) - Single registration system and centralised enforcement system
- Require novelty and "individual character"
- Legal test: does it create different overall impression on an informed user?



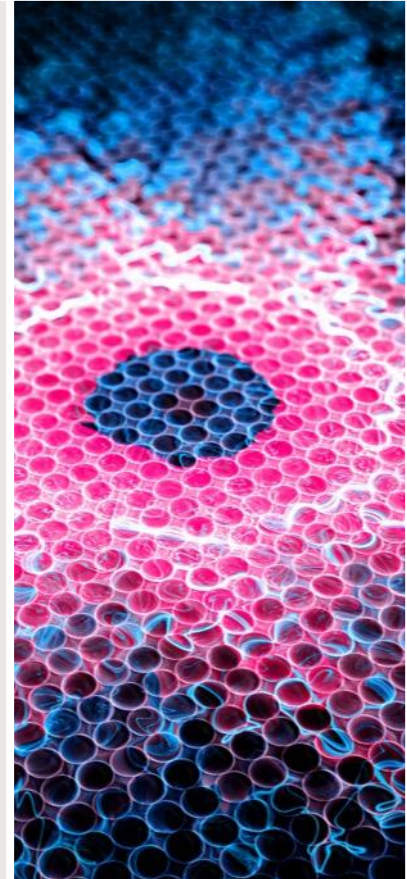
What are patents?

- Monopoly right “deal” awarded by the state to encourage innovation...
- ...in return for explaining to the world how to carry out the invention
- Not a right to **do** anything
- Is a right to stop other people using the inventive concept!
- Can last up to 20 years (if granted and renewed)
- **Protect inventions rather than mere ideas**



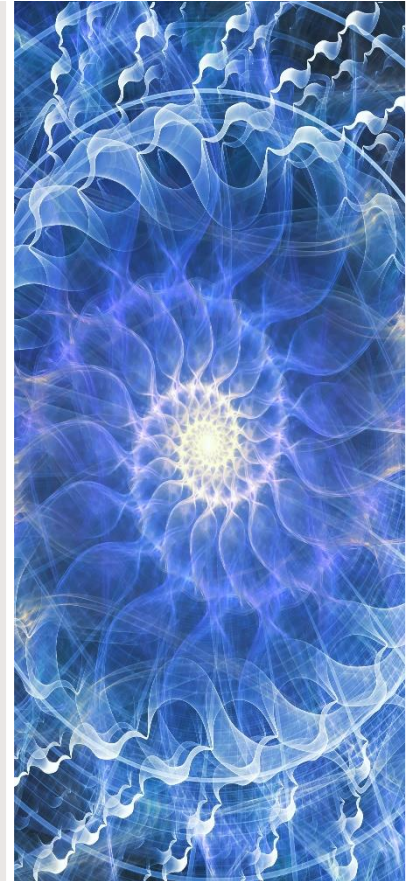
What can be patented?

- Inventions that are:
 - ✓ New ('novel')
 - ✓ Inventive (not 'obvious')
 - ✓ Capable of industrial application
 - ✓ Not 'excluded'
- Not just ideas - must explain how to carry out invention
- Generally anything that is a new and non-obvious functional solution to a problem



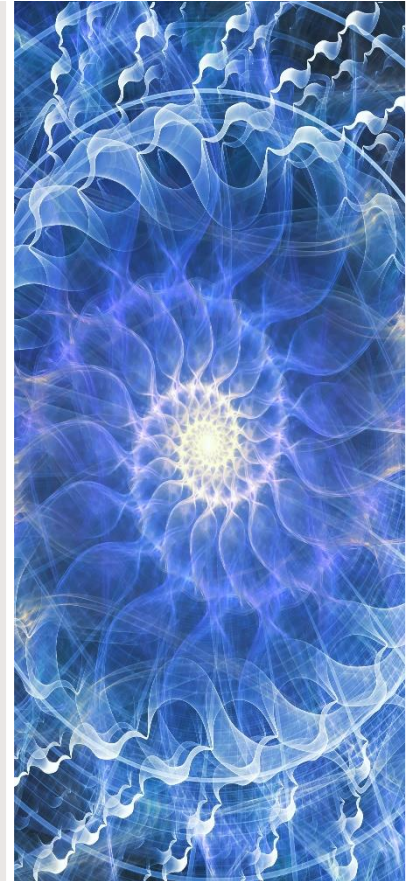
Novelty

- An invention is new if it is not part of the **state of the art**, which is everything made available to the public, by any means, before the date of filing including:
 - earlier patents
 - any other written material (e.g. trade press)
 - oral disclosure (e.g. seminars, presentations, meetings)
 - earlier public use of an invention



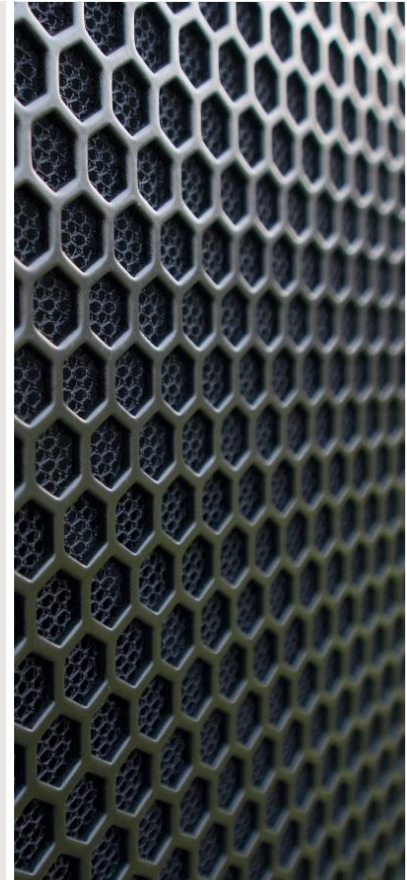
Obviousness / “Inventive Step”

- Assessed by comparison with the state of the art from the viewpoint of the person having ordinary skill in the art
 - ‘A person who has the common general knowledge of the field of the invention but who is incapable of conceiving of anything more than trivial extensions of that knowledge’



Case Study - Kanichi

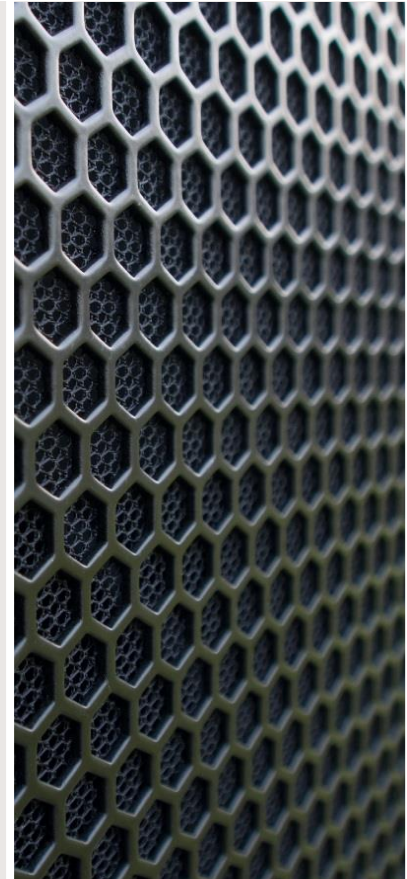
- Developed innovative electrode sensor technology with the University of Manchester
- Approached their TTO and ensured that patent protection was pursued
- Now a successful company who are revolutionising disease detection through breath sensing



Case Study - Fisker

- Started in 2007
- Developed the first premium plug-in hybrid car
- Has an extensive patent portfolio to protect innovation, including an application directed to “All-solid state Li ion batteries comprising mechanically flexible ceramic electrolytes and manufacturing methods for the same

1. An all solid-state Li-ion battery comprising a ceramic, solid-state electrolyte having a lithium-conducting oxide composition selected from the group consisting of perovskite-type oxides, NASICON-structured lithium electrolytes, and garnet-type structures containing transition metal oxides.



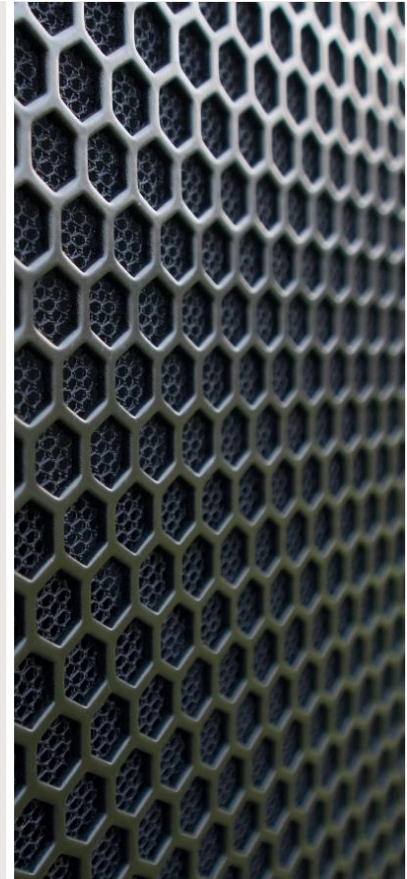
Historic example – Volta vs Edison

Similarities:

- Both well known, successful, scientists
- Both made a significant contribution to their fields

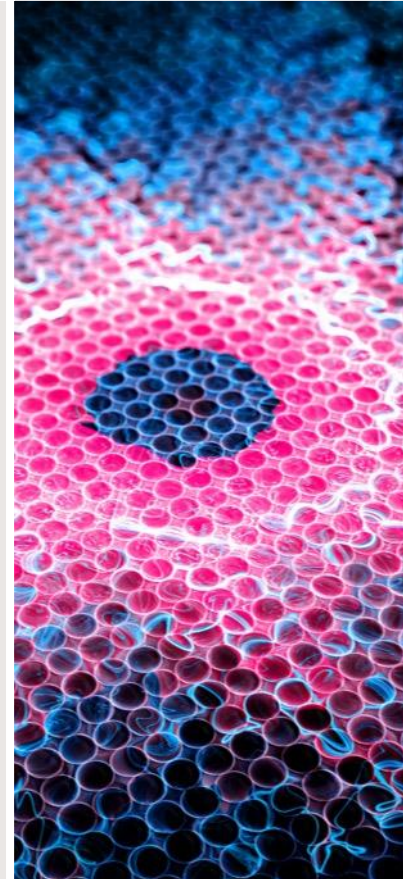
Key difference:

- Edison filed over 1000 patent applications and commercialised technology, while Volta did not
- Edison built a multi-million dollar empire from patented innovation



Good practice

- If you think you have created something novel and not obvious, speak to your technology transfer office.
- Keep an accurate record of your research.
 - Dated note books and/or electronic records! Ideally countersigned.
- It's important to know who invented what and when as this effects the ownership of the idea.
- Always check any public disclosures for subject matter that might harm the ability to protect your invention.



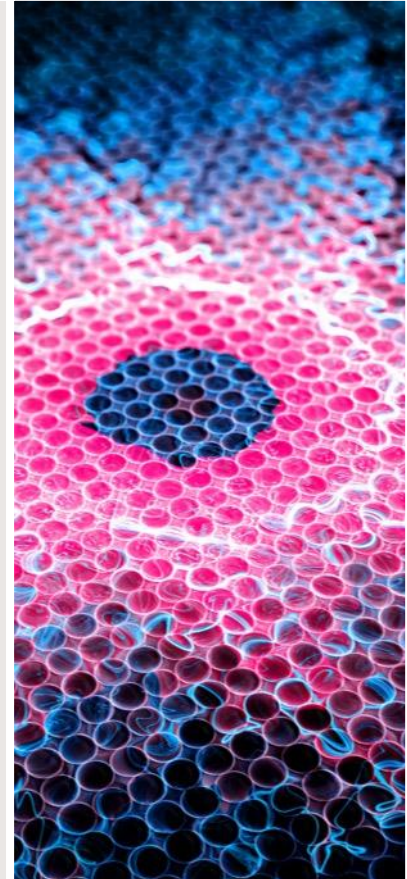
Take home message

Always consider:

- Have you created something new (e.g. a product / method / assembly)?
- Does your creation solve a problem in a non-obvious way, or is the problem not obvious?

If yes, then:

- Do not discuss or disclose the invention to anyone outside of a clear obligation of confidentiality, and
- Speak to your TTO or to a qualified patent attorney.





Any questions?



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