Training Manual

IPR is concerned with ownership and control of ideas - ?intellectual output?. It is an important issue in research both because you must avoid infringing others? IPRs and know your own rights.

?Intellectual Property Rights (IPR) or intellectual property (IP) are the rights given to a person over the creation of their minds?

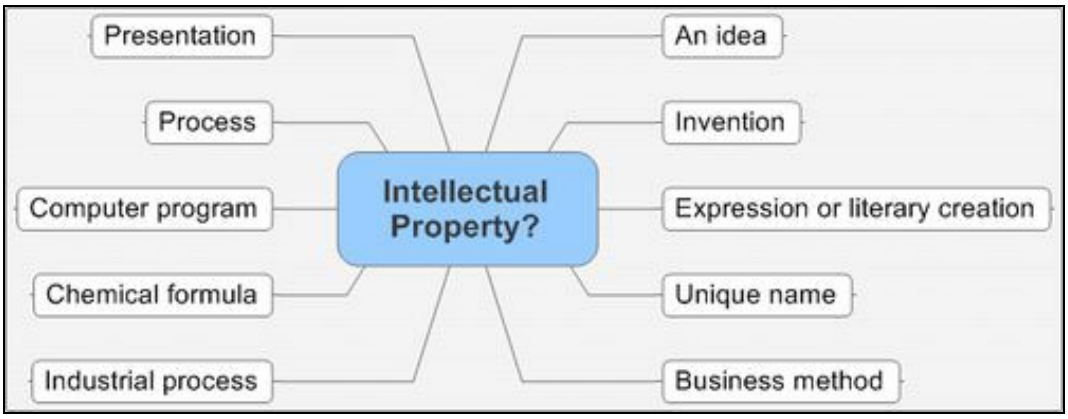
?They usually give the creator an exclusive rights over the use of his/her creation for a certain period of time?

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What is Intellectual Property?

An intellectual property is any product of the human intellect that is unique, novel, and unobvious (and has some value in the marketplace).



IPR legislation

The idea of IPR legislation is to protect all owners of Intellectual Property Covered by international and national law:

- International: Berne Convention for the Protectionof Literary and Artistic Works (1886 onwards)
- European Union legislation UK: Copyright, Designs and Patents Act(1988)

Patent

A patent is a contract between the government and the inventor, in other words it is a legal protection granted by the government.

The government gives the inventor the right to exclude others from making, using or selling the invention for a term of years. The exclusive right does not give the inventor the right to make, use or sell his invention.

The inventor gives the public a full and complete disclosure of the invention with a teaching of how it works.

- The right created by a patent is a monopoly right
- The right to take action against any person exploiting the patented invention in the country without the agreement of the patent owner
- Patent are given only for inventions
- Once issued, patentee must enforce the rights

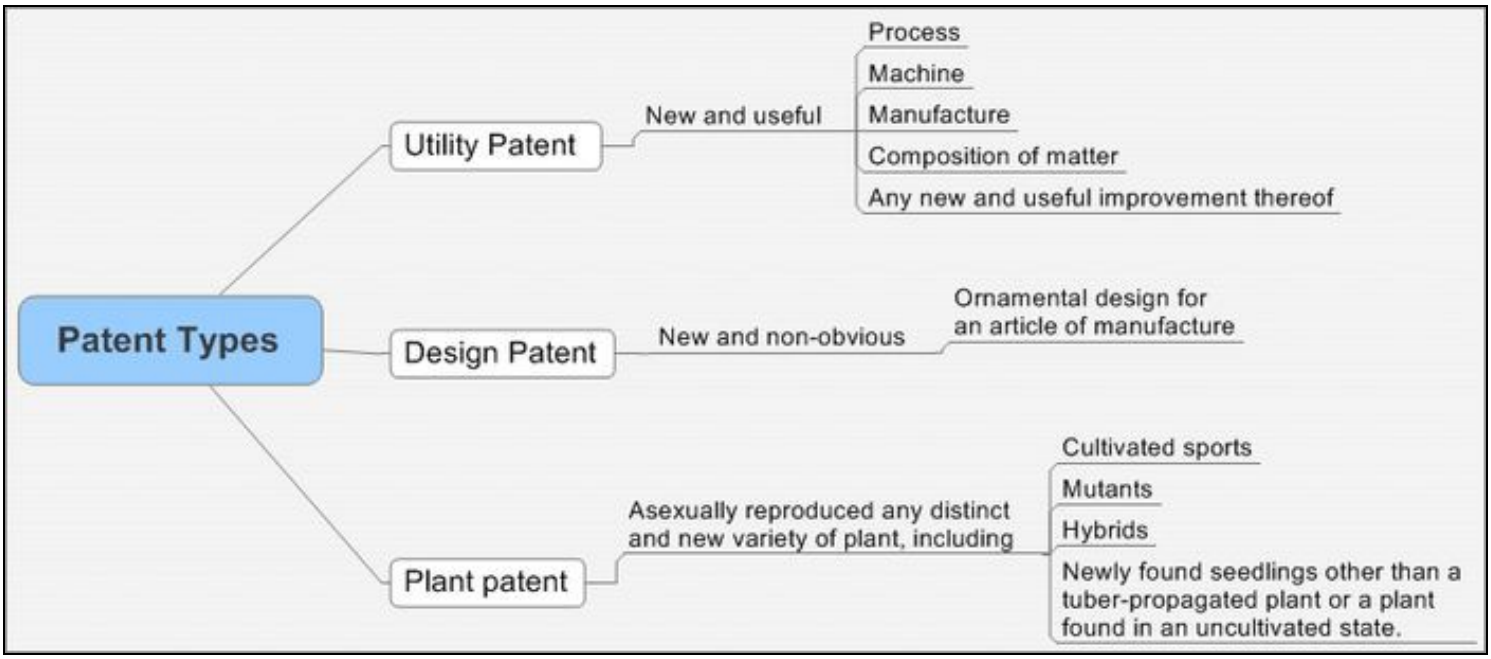
What is an invention?

Inventions are solutions to specific problems in the field of technology.

- An invention may be related to product or process
- Unity of invention
  - Only one patent is granted to one invention

Types of Patents

There are three different types of patents for which an inventor may apply:



Why Patent?

Patents are most important of IP because of:

- Patents are a way to make more money from those who obtain a patent
- Patent policies can be tailored by a country based on its need to foster and promote industrial development
- Patents enable Research and Development
- Most importantly, patent provides the most fool proof form of IP rights

Patentability requirement

Must meet the following three criteria

- **Utility** - The invention must perform some useful function for society, i.e. it must have
  - ♦ useful purpose
  - ♦ operativeness (invention must serve purpose)

- **Novelty** - It must be new, i.e. it must
  - ♦ Not known or used by others
  - ♦ Different from prior art
  - ♦ Not patented or publicly disclosed previously

Note: 1 year grace period in US and Canada most other jurisdictions have absolute novelty requirement

- **Non-Obvious** ? It should not be obvious to a person ordinary skilled it the art, i.e.

?sufficiently different from what has been used or described before that it may be said to be nonobvious to a person having ordinary skill in the area of technology related to the invention?

How do I get a patent?

To get a patent on an INVENTION,

- You must have an invention that is patentable
- You must describe the invention and apply for a patent
- The patent office must examine the patent (and criticize it) and hopefully grant/issue the patent
- ? and you must pay fees and argue/justify/clarify your invention through the prosecution process

What can I patent

The list of inventions which are/and not patentable

- **Inventions patentable**
  - ♦ Art, Process, Method or Manner of manufacture;
  - ♦ Machine, Apparatus or other Articles;
  - ♦ Substances produced by Manufacturing
  - ♦ Computer Software which has Technical application to Industry or is used with Hardware
  - ♦ Product Patent for Food / Chemical / Medicines or Drugs

- **Inventions not patentable**
  - ♦ Frivolous or obvious inventions.
  - ♦ Inventions which could be contrary to law or morality or injurious to human, animal or plant life and health or to the environment.
  - ♦ Mere discovery of the scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substances occurring in nature
  - ♦ Mere discovery of any new property or mere new use for known substance or the mere use of a known process, machine or apparatus- unless results to new products or employs one new reactant.
  - ♦ Producing a new substance by mere admixtures of substances.
  - ♦ Mere arrangement / rearrangement or duplication of known devices functioning independently.
  - ♦ Method of agriculture and horticulture

- Any process for the medicinal or surgical, curative prophylactic, diagnostic, therapeutic or other treatment of human beings, animals to render them free of disease or to increase their economic value or that of their products.
- The biological processes for production or propagation of plants and animals in whole or any part thereof other than micro-organisms but including seeds, varieties and species (new plant varieties can be protected by the protection of plant varieties and farmers act 2001).
- A mathematical or business method or algorithms.
- A Computer Programme per se other than its technical application to industry or a combination with hardware.
- Aesthetic creation including cinematography and television production.
- Method for performing mental act or playing game.
- Presentation of information.
- Topography of Integrated Circuits.
- Invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known components.
- Inventions relating to Atomic Energy.

Patent Searching

Patent searching is a challenging task many searchers choose to do in order to decide on a course of action that will ultimately determine their legal rights. Conducting the searches is challenging precisely because the process involves multiple steps using resources with which many searchers are not familiar. By comparison, patent experts spend many hours in training and many hours searching inventions in their daily work.

For example, patent examiners at the United States Patent & Trademark Office (USPTO) spend about twelve hours investigating each patent application to determine whether the invention it describes is patentable. During that time, the examiner consults an average of thirty-eight databases containing patent and non-patent literature to determine whether the invention has ever before been described. Although a novice searcher may miss important patent information when searching, the best defense against these mistakes is practice, patience and the development of one's search skills.

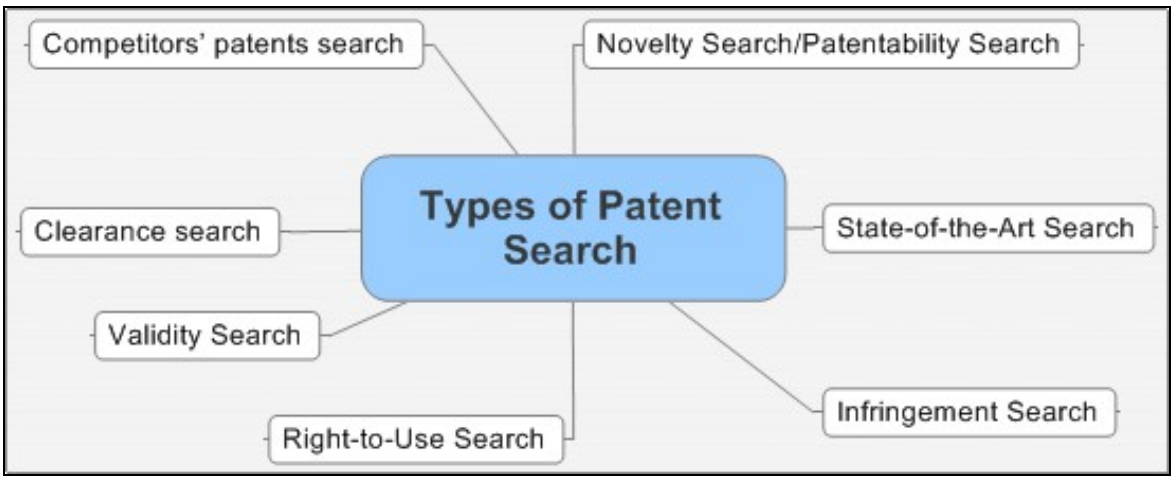
Why Search Patents?

People search patents for many reasons, most often because they have an invention they hope to patent. A search will determine whether an invention has patenting potential. Others search patents to find alternative approaches and suggestions to help resolve technological problems. Studies have shown that 80% of all patents hold information that is not published anywhere else in the world. By tapping into this tremendous resource, the searcher avoids "reinventing the wheel".

- Getting a general idea of how an application and patent is structured to help in the preparation or your own application
- Learning more about a new field
- For market information
- Competitor tracking
- Technology tracking
- For R & D direction
- For identifying new patenting and research opportunities

Types of Search

Details on various search types



Where to Search?

Resources for patent searching are

- Patent Databases
  - Free databases
    - List of all free databases
    - Patent Coverage
  - Vendor databases
- Complete collection of patents on DVD-ROM
- Library

How to Search?

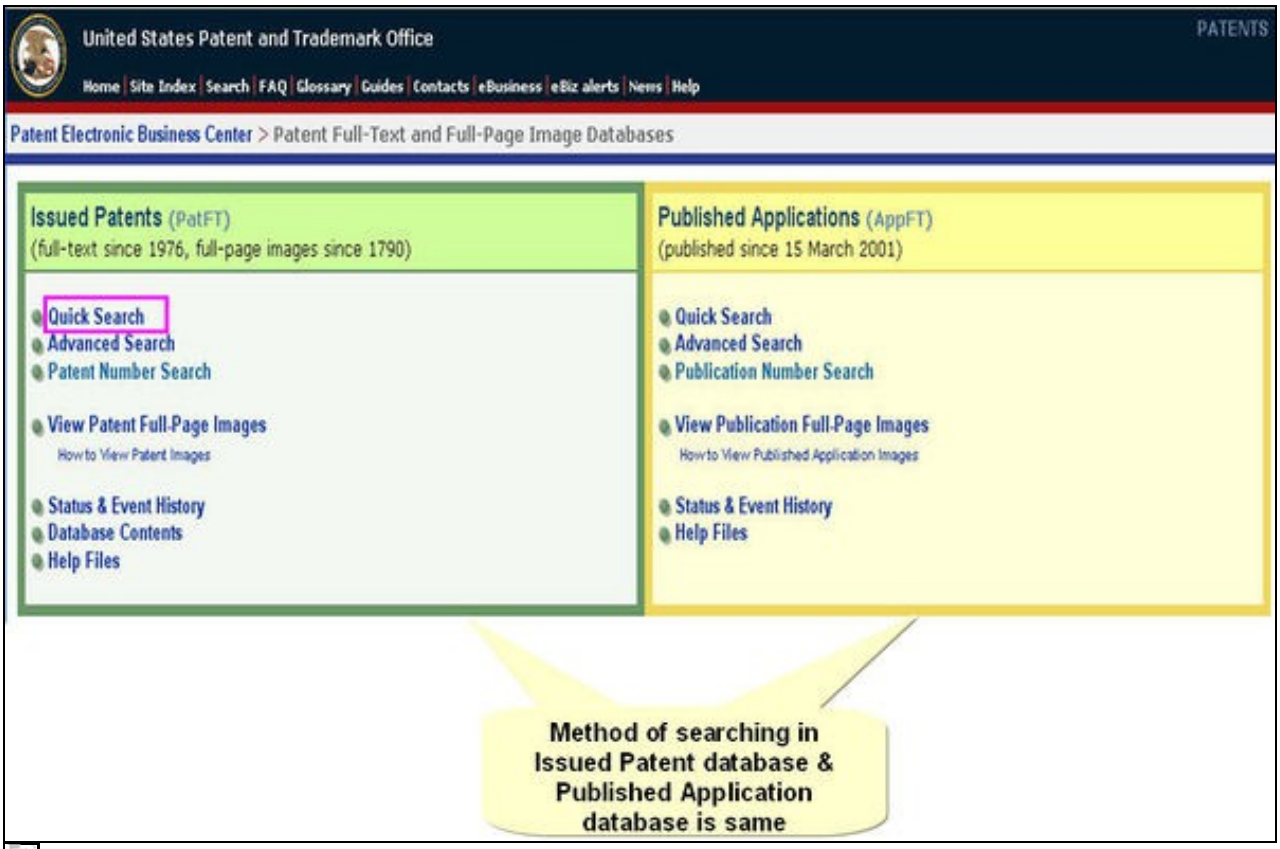
Patent searching in USPTO

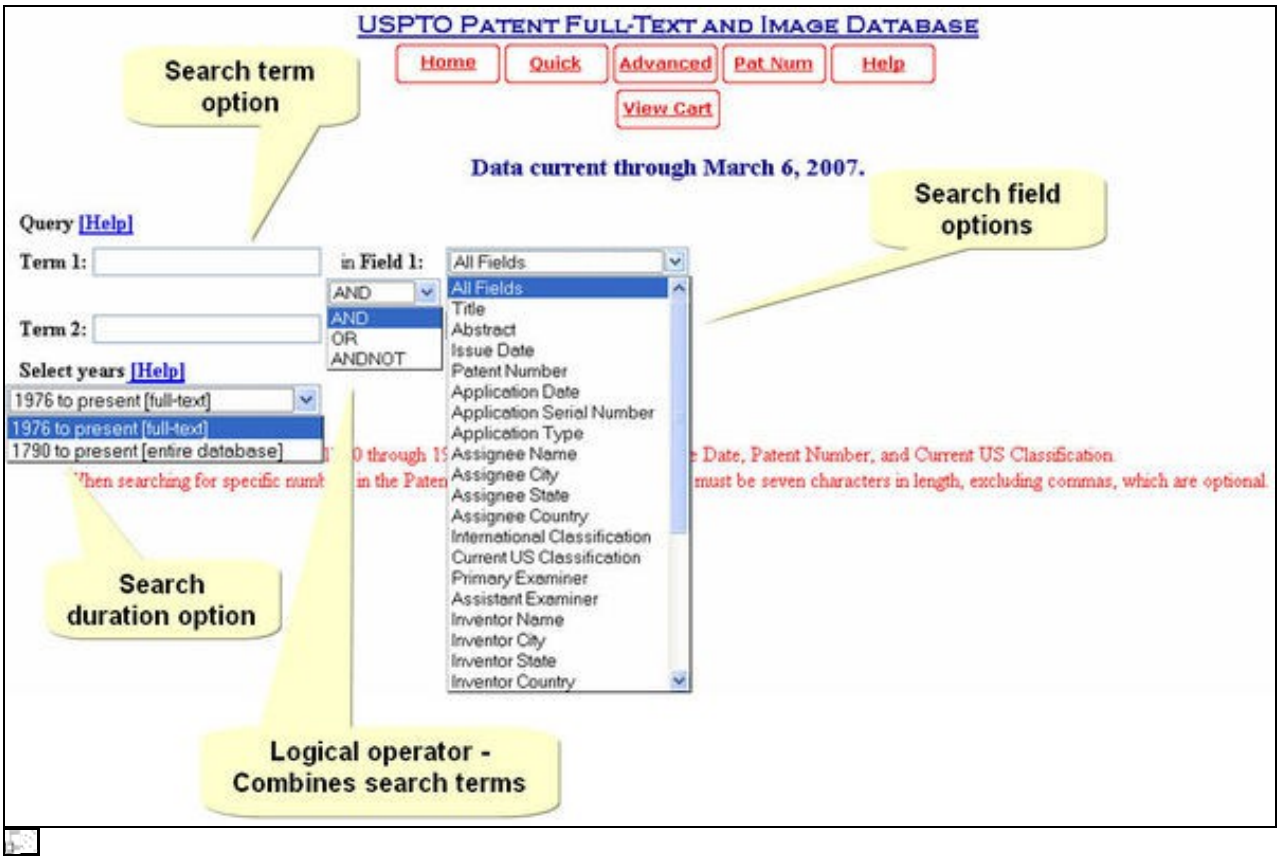
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- Follow pasted slides to learn how to search on USPTO issued patents
- Search techniques and interface is same for both Issued Patents and Published Applications in USPTO

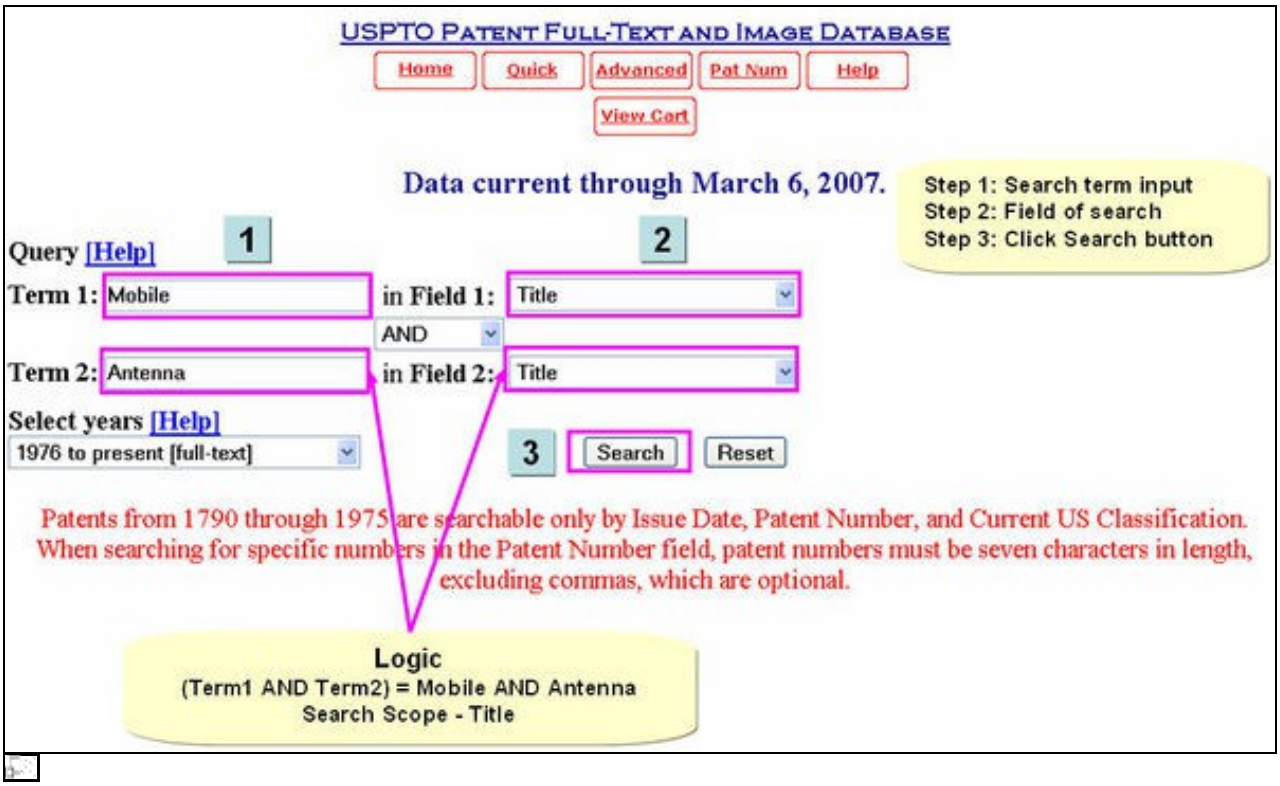
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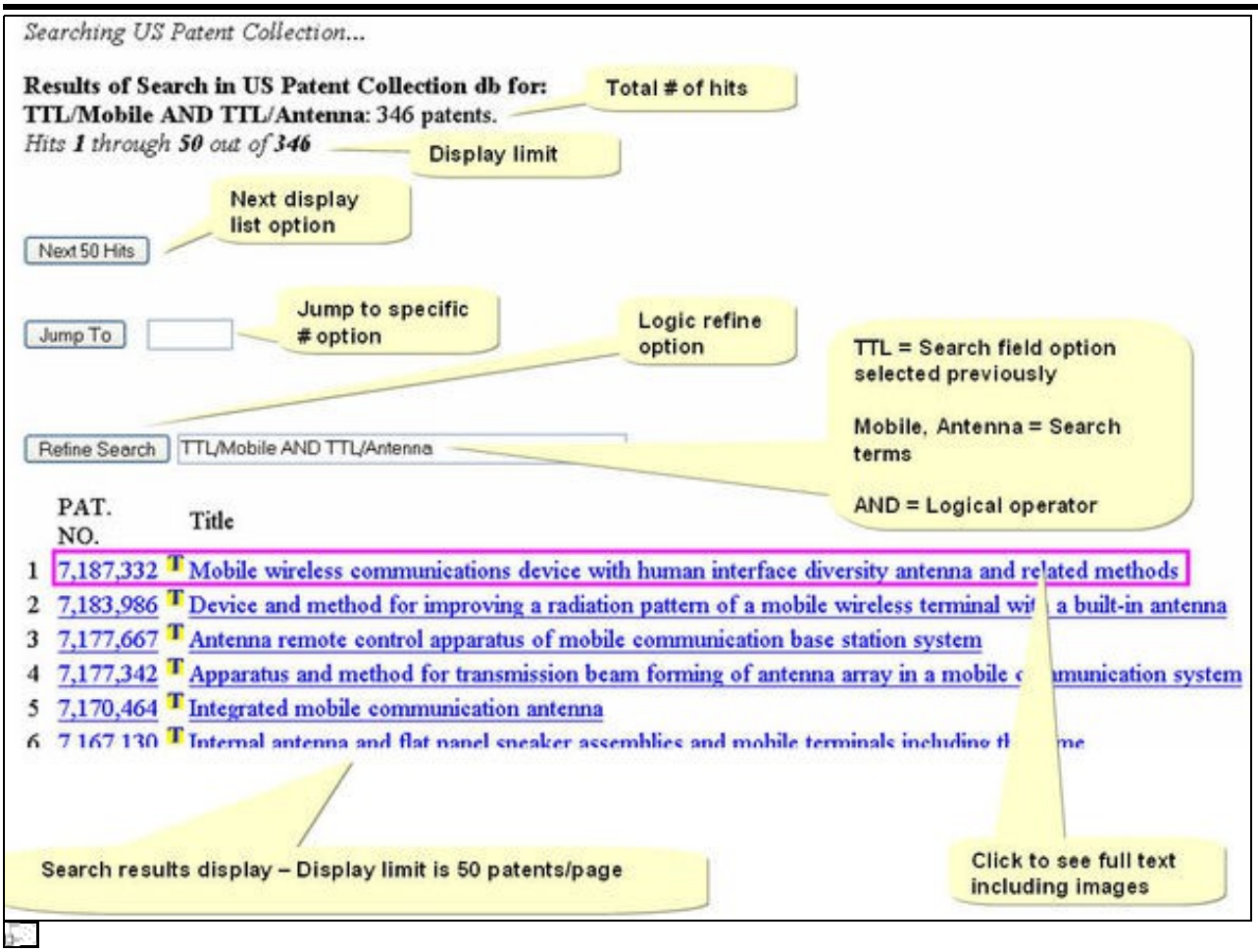


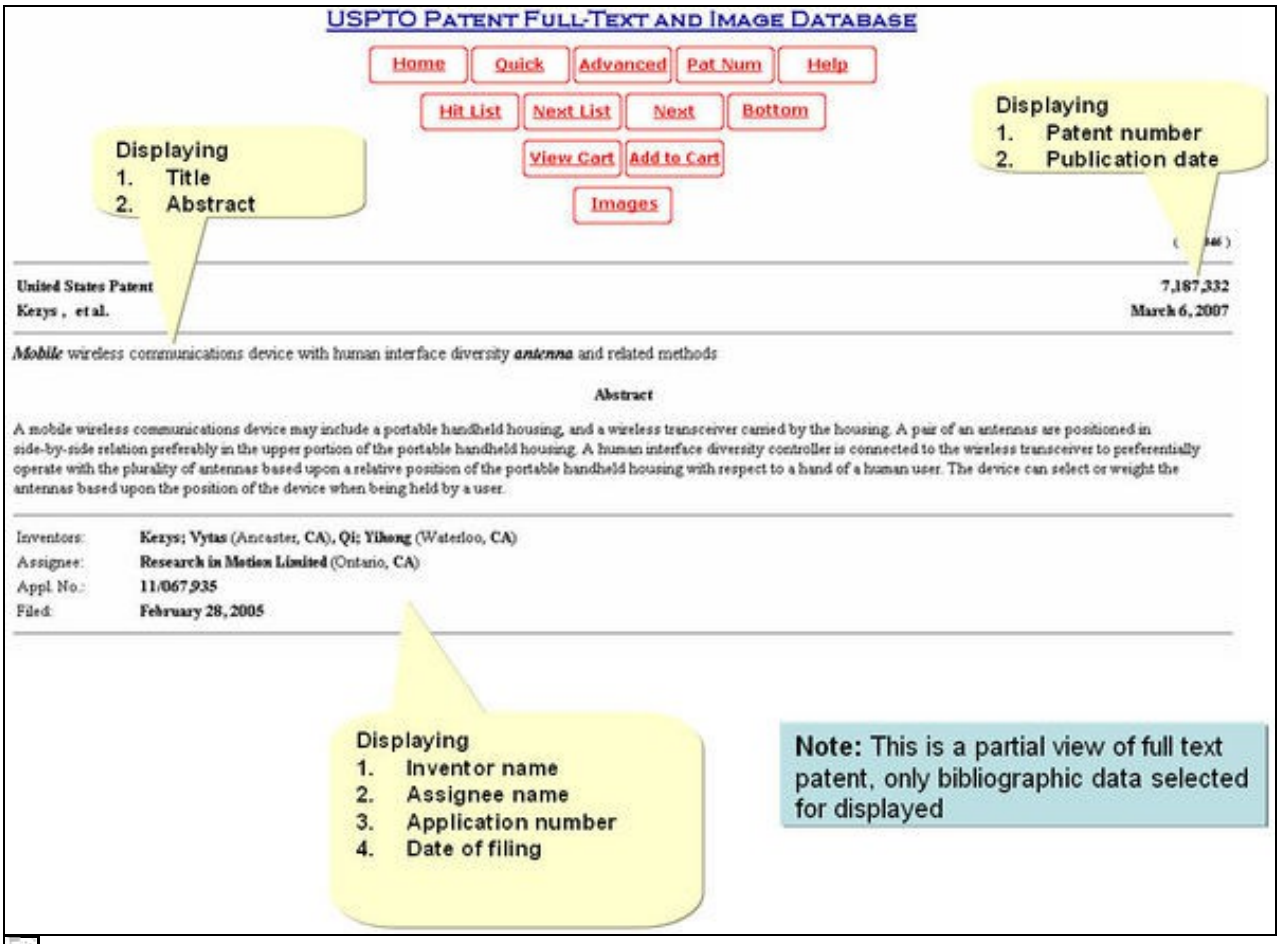



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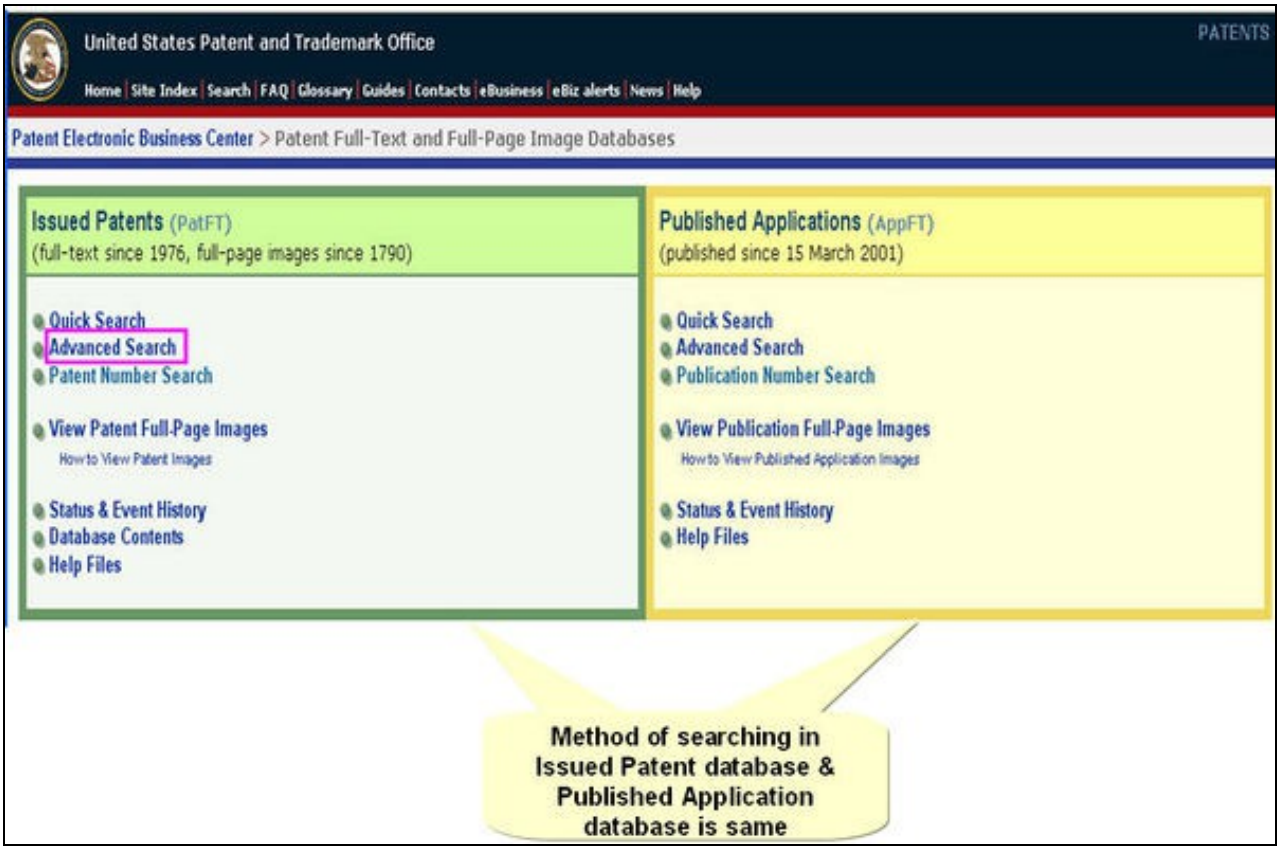

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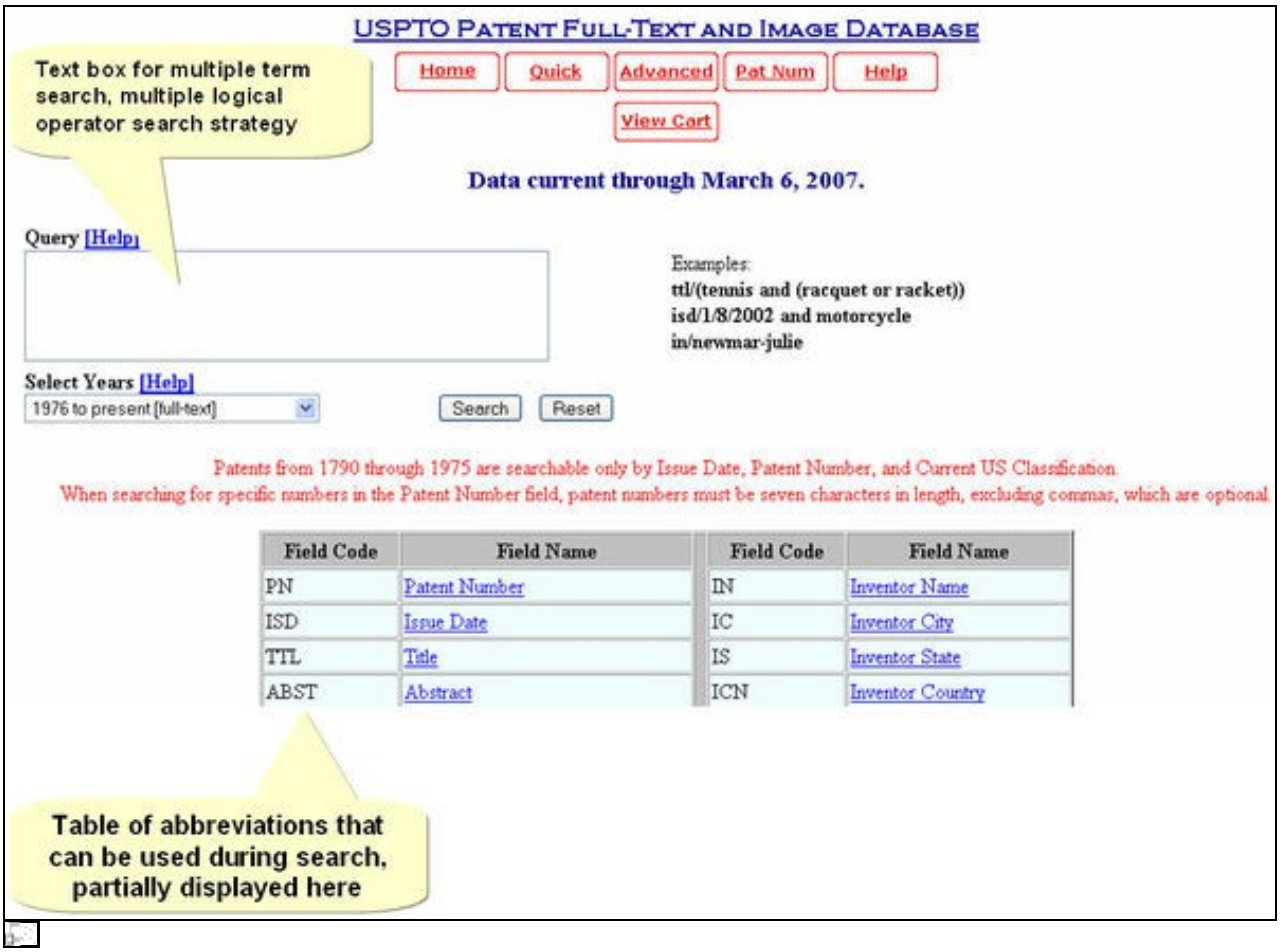

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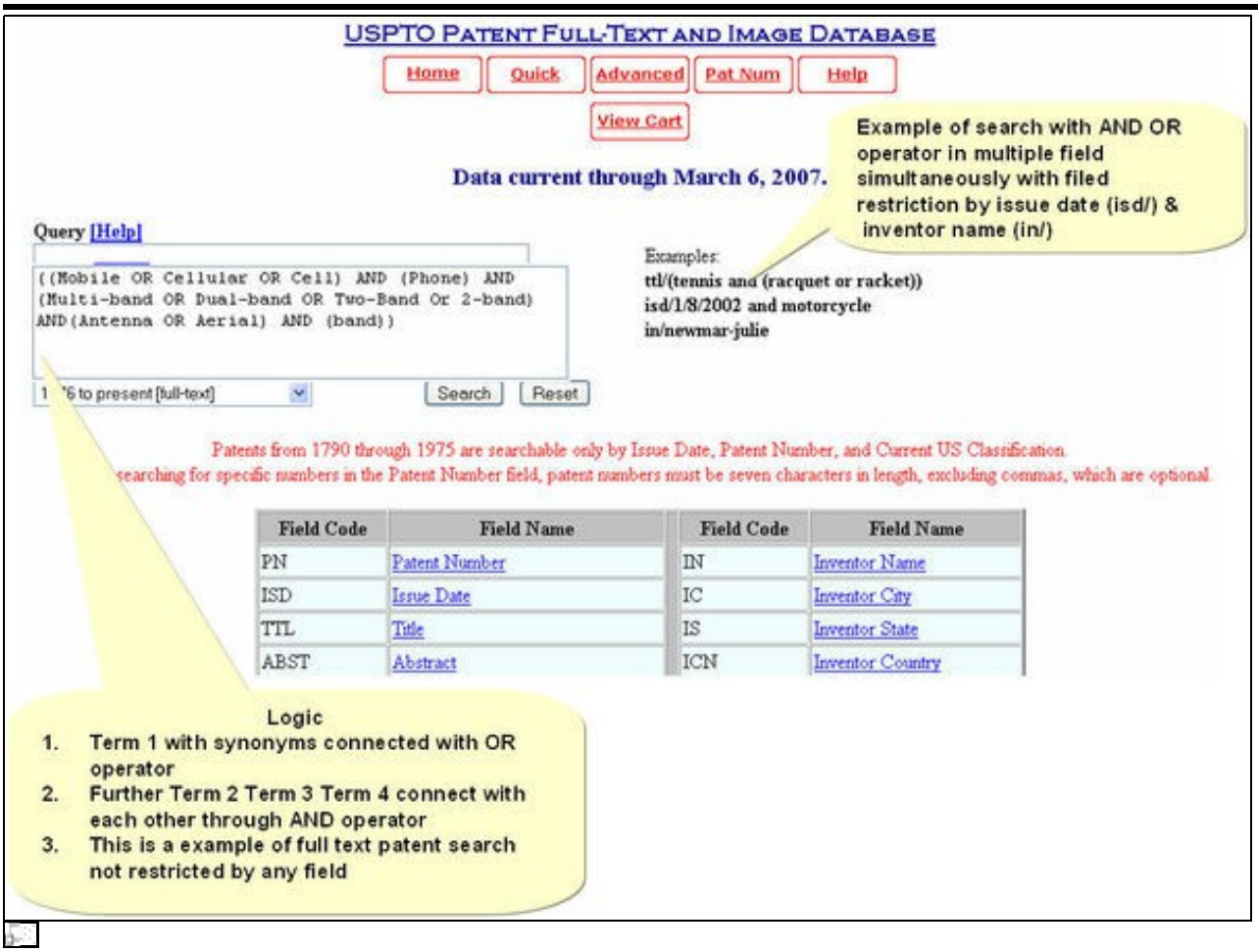

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AND = Logical operator
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Title
1 7,187,332 Mobile wireless communications device with human interface diversity antenna and related methods
2 7,183,986 Device and method for improving a radiation pattern of a mobile wireless terminal wi a built-in antenna
3 7,177,667 Antenna remote control apparatus of mobile communication base station system
4 7,177,342 Apparatus and method for transmission beam forming of antenna array in a mobile c munication system
5 7,170,464 Integrated mobile communication antenna
6 7,167,130 Internal antenna and flat panel speaker assemblies and mobile terminals including th me
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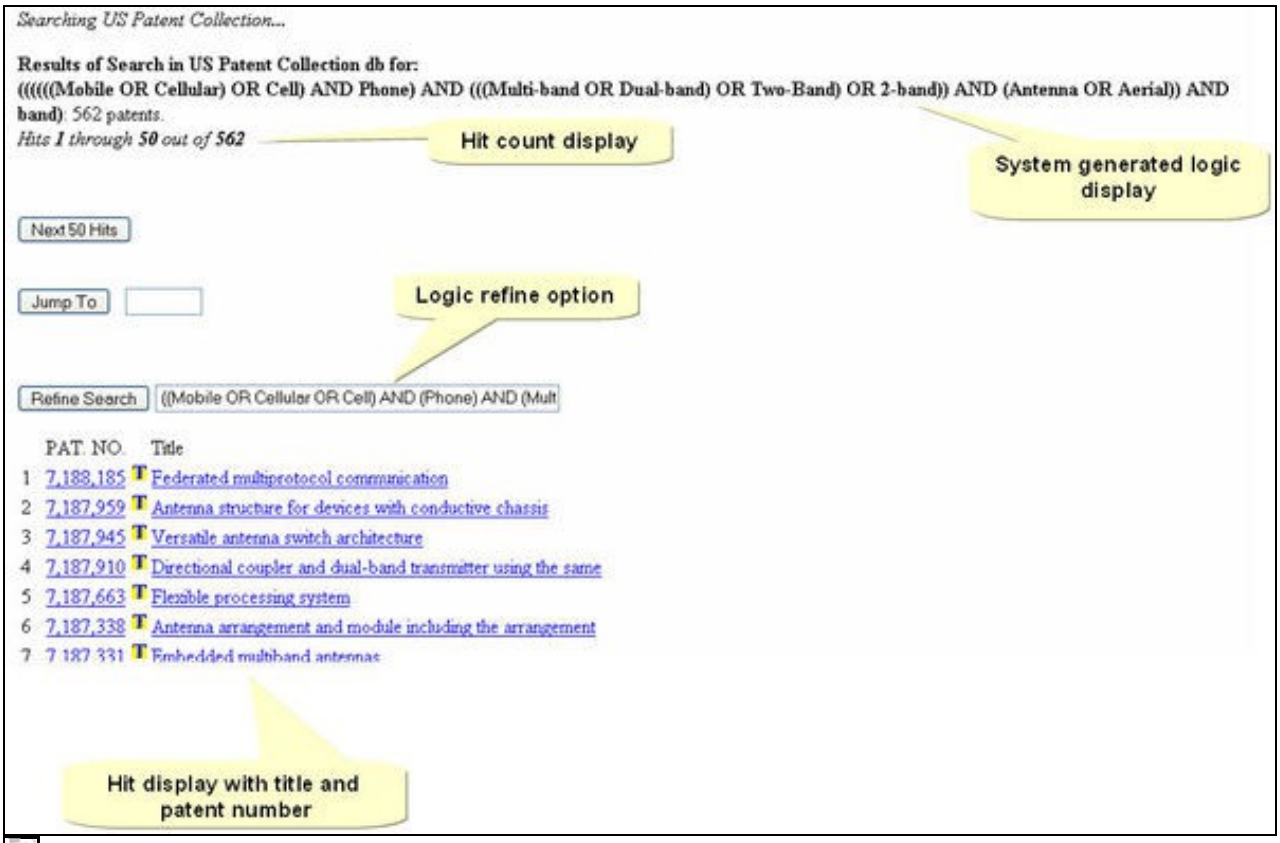


Example - Advance Search In USPTO

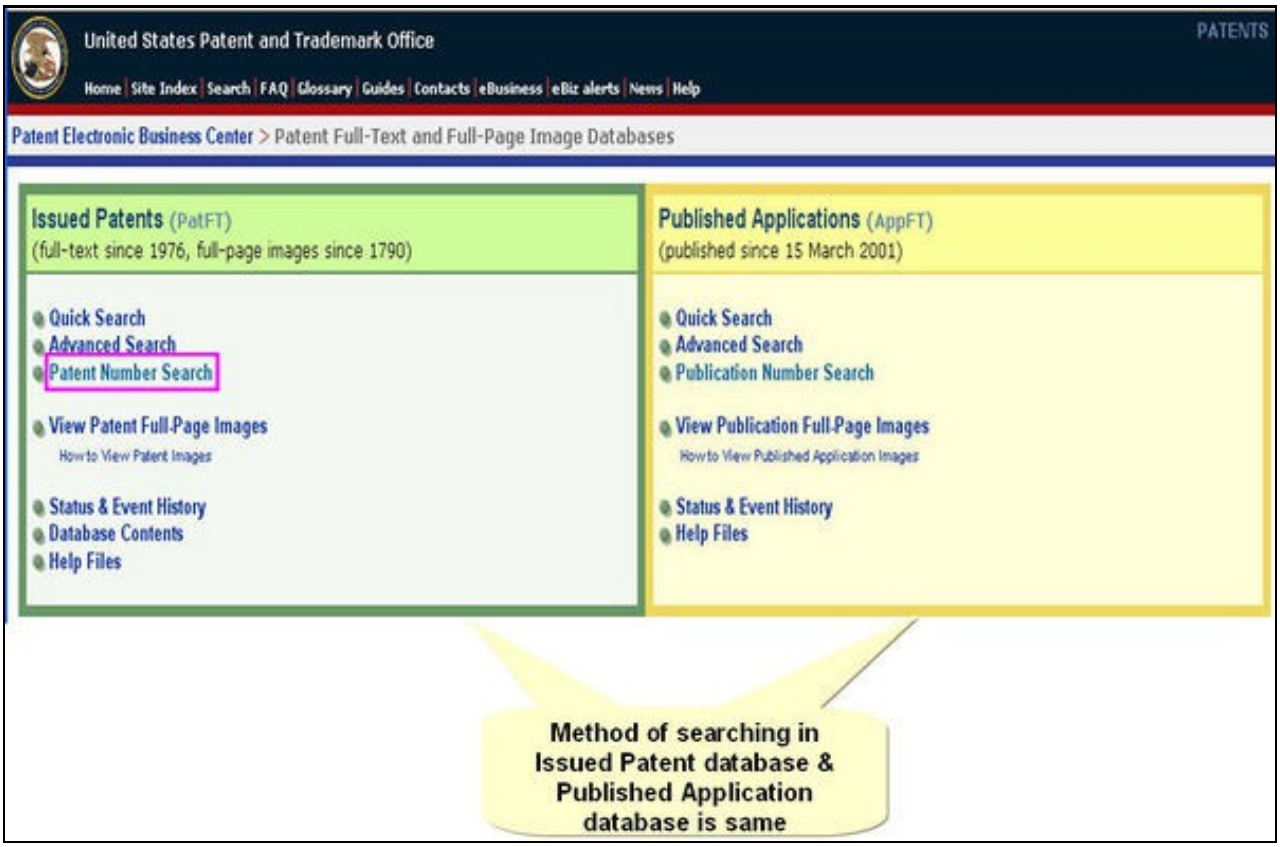


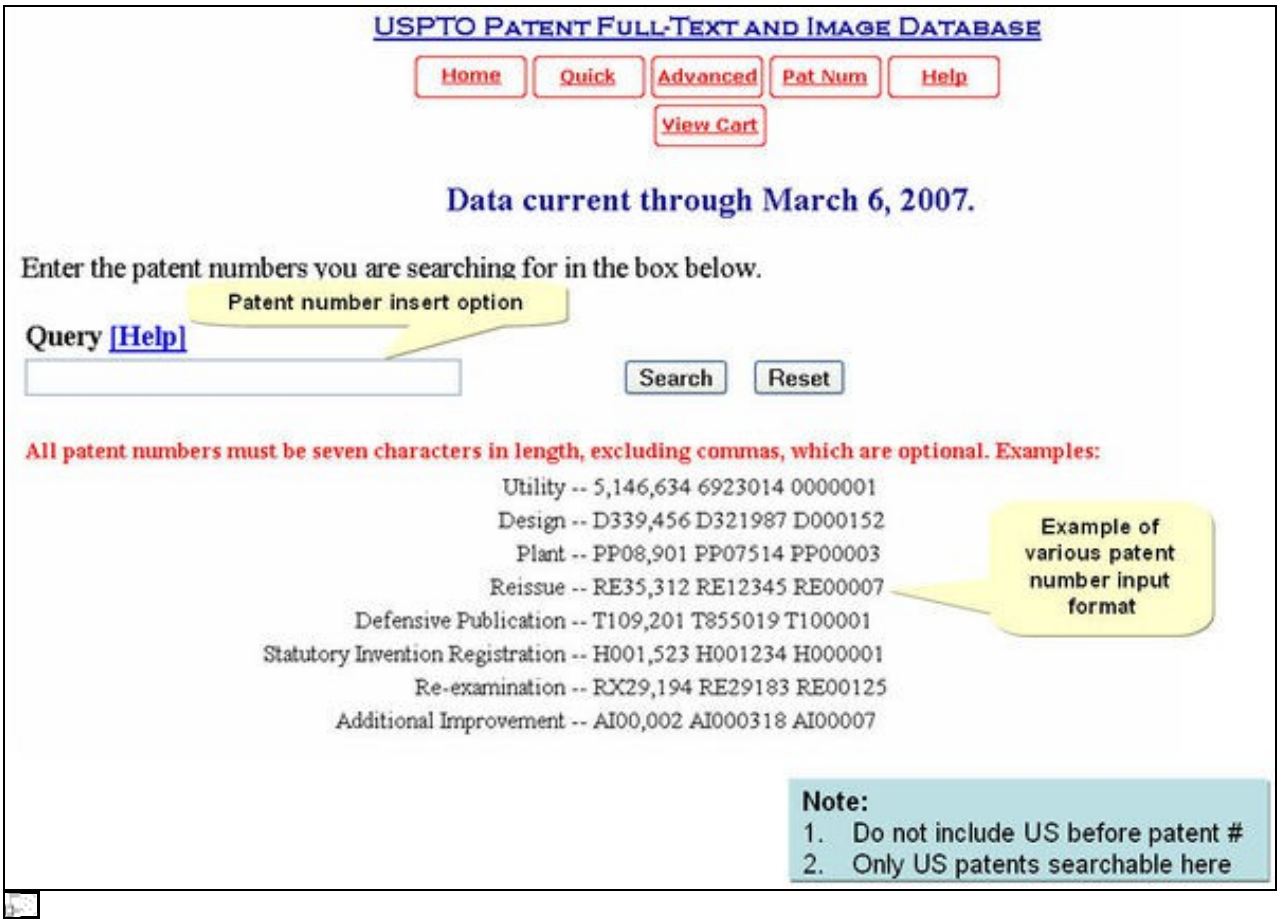

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