




Introduction to IPR

Therese Catanzariti

- 
- you can see and touch a factory
 - you can see and touch a computer

 - *IPR is intangible*
 - open your eyes – its all around you

 - but don't look in balance sheet / corporate records
 - *its not nicely wrapped up in a licence agreement*
 - YOU have to identify and document IPR

**UPM paper
mill quality
control
systems**

**caller ID on
Nokia phone**



**F-Secure virus
protection
software**

**Elektrobit tool to
test radio
frequency devices**

IPR

**Alvar
Aalto
vase**



Finlandia Vodka



**Kone method for
installing an
elevator**

**Marimekko
t-shirts**






how does the business use the IP

Does the business manufacture / buy / sell products / services *incorporating* the IP?

Does the business *use the IP to* manufacture / buy / sell other products / services

Does the business manufacture / buy / sell products and services *by associating the IP* with products / services



Does the business manufacture / buy / sell
products / services *incorporating* the IP?

- is the IP the actual product / service”
- does the product / service include the IP’s actual expression – copy the actual words and pictures

OR

- does the product / service include the IP’s underlying ideas



Actual expression

COPYRIGHT

- books
- artwork / plans / logos
- software
- training videos

■ **DESIGN**

PATENT

Ideas / functions

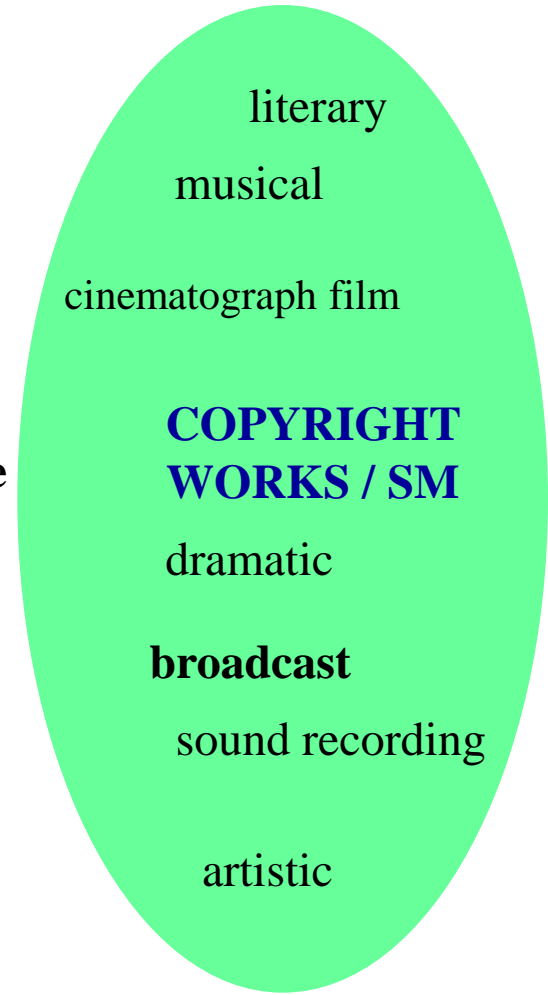
- drugs
- cosmetics
- machines



has the
exclusive
right to



the



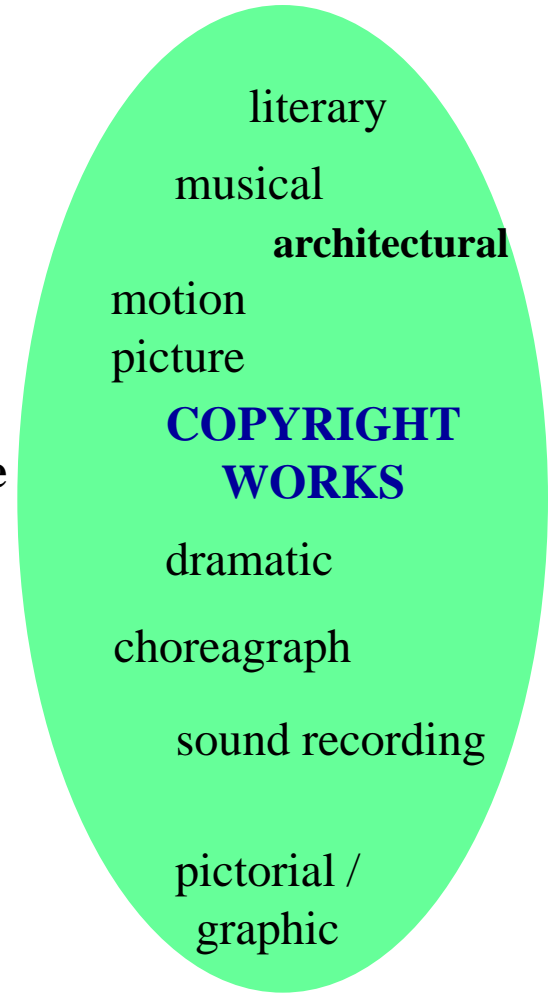
Australian copyright



has the
exclusive
right to



the



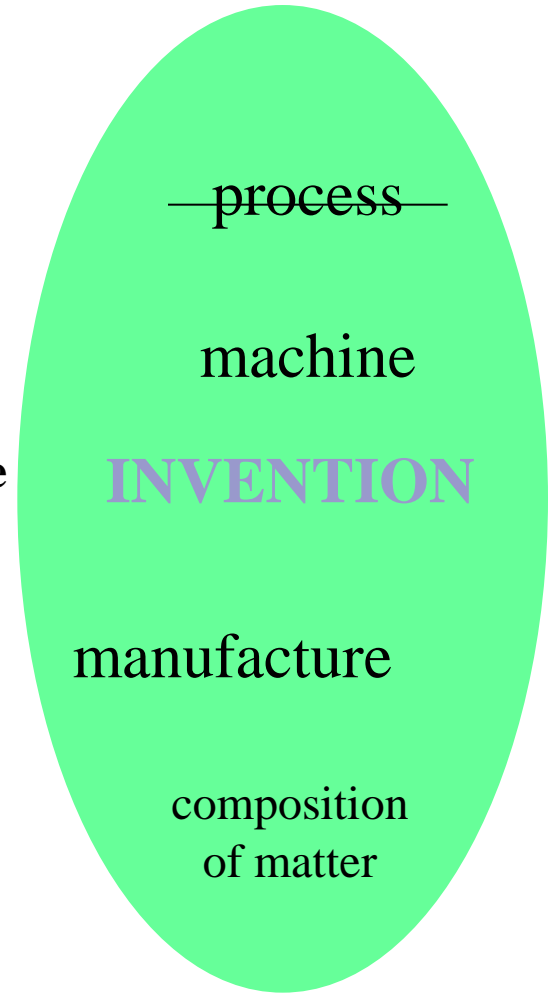
US copyright



has the
right to
stop



the



Elektrobit tool to test radio frequency devices

UPM paper mill
quality control
systems

Finlandia Vodka

caller ID on
Nokia phone

PATENT

US # 6,233,450



F-Secure virus
protection
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COPYRIGHT

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Alvar

Aalto

vase

DESIGN




Kone method for
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Marimekko

t-shirts

COPYRIGHT





Does the business *use the IP to*
manufacture / buy / sell other products /
services

- does the business use the IP as a tool?
- does the business use the IP process?



TRADE SECRETS

- Know how
- Marketing Data
- Business methods
- Industrial processes
- Computer manuals
- Work manuals
- Customer lists

PATENTS

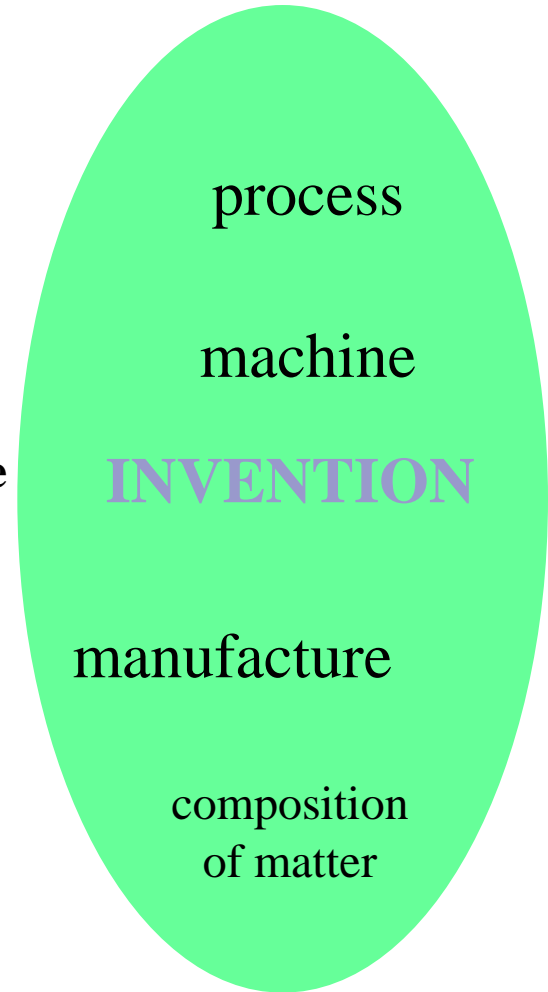
- Industrial processes
- Machinery
- Methods
- Design tools



has the
right to
stop



the



person with

Australia breach of confidence

relationship of
confidence

trespasser

**OBLIGATION
OF
CONFIDENCE**

know or ought
to know
confidential

cannot
use

personal
government

**CONFIDENTIAL
INFORMATION**

commercial

for

use

**UNAUTHORISED
PURPOSE**

disclose

Trade secrets (US)

creator

assignee

**OWNER OF
TRADE
SECRET**

has the
right to
enjoin /
seek
damages
for

using without consent
if acquired / should
know acquired
through improper
means

acquiring when
know / should
know acquired by
improper
means

MISAPPROPRIATION

disclosing without
consent if acquired /
should know acquired
improper means

of

pattern

financial data

process

formula

technical data

TRADE SECRETS

technique

method

customer list

**UPM paper mill
quality control
TRADE
SECRET**

**Elektrobit tool
to test radio
frequency
devices
PATENT
US App # 20050282502**

**Finlandia
Vodka**

**Kone method for
installing an
elevator
PATENT
US App # 20050150728**


**caller ID on
Nokia phone**


IPR

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- 
- difference *using* and *incorporating / including* IPR
 - owning copyright in a manual / book gives the owner the exclusive right to **copy or distribute** the manual / book
NOT the exclusive right to **use** the facts / ideas in the manual / book
 - the information in the manual / book is ideas
 - Can only protect ideas through **trade secrets**
NOT copyright



Does the business manufacture / buy / sell
products and services *by associating IP*
with other products / services

- brands
 - image
- personal endorsement

TRADE MARK

- words
- logo
- colour
- shape
- sound
- scent

UNFAIR COMPETITION / PASSING OFF

- unregistered words
- unregistered logo
- image
- get-up
- gestalt / identity

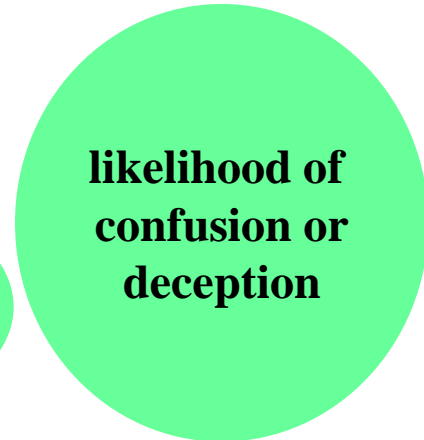
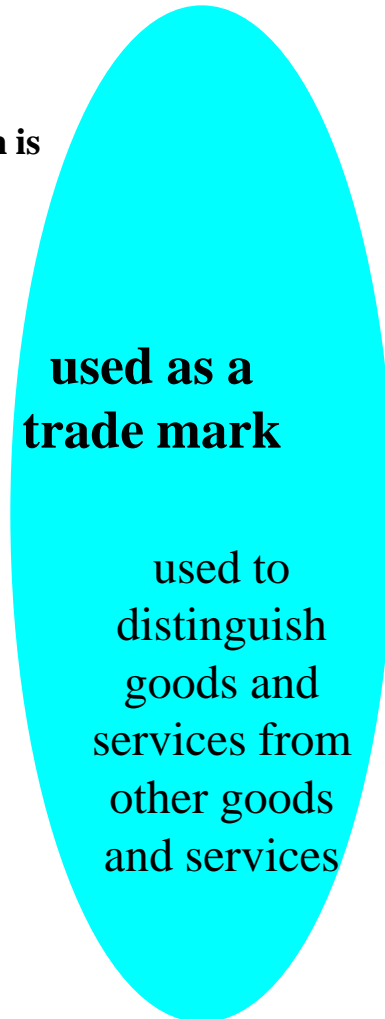
PERSONALITY RIGHTS

- name (inc nicknames)
- image (photo, drawing)

registered
owner can
prevent



which is





registered
owner can
prevent use
in commerce



in
connection
with



which
cause



US trade mark



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The heart of your building **KONE**



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vase



World-famous Designs by
Alvar Aalto

Marimekko

t-shirts

marimekko®



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software