Wednesday 28 July 2010

I have an idea…💡

What do I need to know about intellectual property?

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Key Points

Overview

What is IP?
Why IP is important for my idea?
What to do when planning and conducting research?
What to do when I have created IP?

What do I need to know about IP?
What is Intellectual Property?
What is IP?

- Intangible property resulting from creative efforts of the mind
What types of IP are there?

- **Registered rights**
  - Patents
  - Registered Trade Marks
  - Registered Designs
  - Plant Breeders Rights
  - Domain Names

- **Unregistered rights**
  - Copyright
  - Trade Marks
  - Confidential Information
  - Circuit Layouts
## Subject matter protected by IP

<table>
<thead>
<tr>
<th>Subject Matter</th>
<th>Type of IP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inventions, Innovations</td>
<td>Patents</td>
</tr>
<tr>
<td>Brands &amp; logos</td>
<td>Registered or unregistered trade marks</td>
</tr>
<tr>
<td>3-D articles, 2-D patterns and ornamentation</td>
<td>Registered designs</td>
</tr>
<tr>
<td>Plant varieties</td>
<td>Plant breeders rights</td>
</tr>
<tr>
<td>Internet address &amp; brands</td>
<td>Domain names</td>
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<tr>
<td>Literary &amp; artistic works (including software), musical works, sound recordings, films and broadcasts</td>
<td>Copyright</td>
</tr>
<tr>
<td>Know how &amp; trade secrets</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>Material representation of an integrated circuit</td>
<td>Circuit Layouts</td>
</tr>
</tbody>
</table>
Why is IP important?
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- Without IP there is no competitive advantage
- Without a competitive advantage, $$$ will not be allocated
- No $$$ = No application in the market place
Why is IP important?

- IP can be easily
  - destroyed
  - diluted

- **BUT** IP awareness is not difficult
What to do when planning and conducting research
Why consider IP in research planning?

- Are you reinventing the wheel?
- Are you infringing the IP of others?
- Will you have the rights you need?
Are you reinventing the wheel?

- Conduct searches
  - scientific and trade journals
  - free online IP and IP-related databases
- Possibly formal freedom-to-operate searches
Patent searching is a “dark art”. You can perform searches yourself for a preliminary assessment but we recommend that a patent attorney assist for any searches which may have legal and/or financial repercussions.
Are you infringing the IP of others?

Checklist:

- Do you have **ownership of or right to use** the IP for purposes required for research?

- Do **partners** working on joint projects have the necessary rights and permissions to use the IP they are contributing to the project?

- Have you read and comply with the **terms and conditions** of use for all IP used?
Will you have the rights you need?

- Ensure **confidentiality agreements** are in place before discussing any ideas with partners with whom the organisation may be collaborating.

- Seek assistance from a professional to ensure that any **material transfer agreements** or **licences** cover anticipated uses of the material and ownership issues.

- Document **collaborations**.

- Ensure **students** and others are properly bound.
Managing IP in Research Practices
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- Be aware and alert for IP creation
- Keeping proper records
  - Laboratory notebooks
  - Access and distribution
- Consider IP in collaborations and document
- Maintain confidentiality until IP has been considered
- Comply with University IP policy, requirements and obligations
What to do when I created IP
What to do when I created IP?

- Identify and record
- Consult and comply
- Keep confidential
- Manage
Any questions?

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