

Intellectual Property

- What is intellectual property?
- How do I get protection for my idea/material?
- How will my idea/material benefit from IP?
- How do I enforce my rights?
- Do I always need permission to use IP?
- How do I get permission to use someone's material?
- Why is Intellectual Property important to medicine?
- Can I patent computer software?



What is intellectual property?

- Patents
 1. must be new, inventive, industrially applicable
 2. covering for 20 years in US and UK
 3. provide the description and define the scope
- Trade Marks

words, logos, sign, colors
- Designs

registered, unregistered, artistic
- Copyrights
 1. literature, art, music, sound recordings, films, broadcasts
 2. no need to apply
 3. protect the expression or presentation of ideas, but does not protect ideas or names



How do I get protection for my idea/material?

- Patents, trade marks, designs need to apply, e.g. Patents, disclosure, provisional patent, real patent
- Copyright protection is automatic
- US Patent Office: <http://www.uspto.gov/>
- UK Patent Office: <http://www.patent.gov.uk/>
- Apply for international patent after obtaining the license from US patent office
World Intellectual Property Organization (WIPO)
<http://www.wipo.int/portal/index.html.en>
World Trade Organization (WTO)
<http://www.wto.org/>
- Getting advice at an early stage

How will my idea/material benefit from IP?

- IP rights are private property rights
- You are given the exclusive rights to use and decide how to benefit.
You can use it by yourself, license to others, or sale it to others.
- Confidentiality, enforce the rights, Insurance



How do I enforce my rights?

- Make it public, publishing or selling with clear marks.
- Consult with legal or professional advisors.
- Negotiate a solution to illegal use with the infringer.
Shuji Nakamura (Blue light-emitting diode) and Nichia
- Prosecute the infringer for a criminal offence.

Do I always need permission to use IP?

- No
- E.g design right is subject to a license of right after 5 years.
Office of Fair Trading <http://www.offt.gov.uk/default.htm>
- Minor use, or limited exceptions to copyright.
limited use for non-commercial research and private study, criticism or review, reporting current events, judicial proceedings, teaching in schools, educational activity, playing of sound recordings.
- Otherwise, you need to obtain the permission

How do I get permission to use someone's material?

- Check the database of Patent offices
- For unregistered rights, you need to find out the IP owner.
- For collective licensing or licenses from a collecting society, ask the organizations.
- For literature, musical or artistic work, the author owns the right, For a film, the principal director and producer own the right. Published edition, the publisher.



Why is Intellectual Property important to medicine?

- Encourage more investment, research and innovation from which they should benefit
- New drugs are expensive, time consuming to research
- Results are in general uncertain.

Can I patent computer software?

- Produce a “technical effect”—technical improvement in a technical area.
e.g. imaging enhancement software, patentable
maybe not for a language translation software
- Check out the websites of USA and UK patent office
- Seek the advice from a patent agent

Why is IP important to my business?

- Nearly everyone in business will come across IP, using others', creating their own or both.
- Needs to understand what may be protected by IP and how this will restrict use to prevent infringing someone's IP rights.
- Infringement could lead to the business being sued or prosecuted for a criminal offense.
\$38.4 million award to Grant Street Group for patent infringement by Thomson Financial.
- IP rights have been applied for and those automatically protected.
- It is complex, should seek advice from professional at early stage



Why is IP relevant in schools and education?

All schools use other people's IP, particularly copyrights.

Respect any IP rights in curriculum material.

Some limited exceptions to rights

license material for use in schools

IP by school staff may be owned by the school

UIUC: The University is the owner of all software, copyrightable works and inventions (intellectual property [IP]) created by employees in the performance of employment with the University, or created with University resources or funds controlled by the University, with the exception of copyrights in traditional academic works such as scholarly publications and course notes.

Net revenue from the commercialization of University IP is distributed 40% to faculty and/or staff inventors, 20% to the inventor's unit and 40% to the University.

Provide initial fund and space (research park) for start up company.

Financial aid for consulting fee to write SBIR/STTR grants to NIH