



**Canadian
Intellectual Property
Office**

An Agency of
Industry Canada

**Office de la propriété
intellectuelle
du Canada**

Un organisme
d'Industrie Canada



CANADIAN INTELLECTUAL PROPERTY OFFICE

Canada 

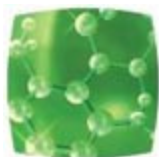
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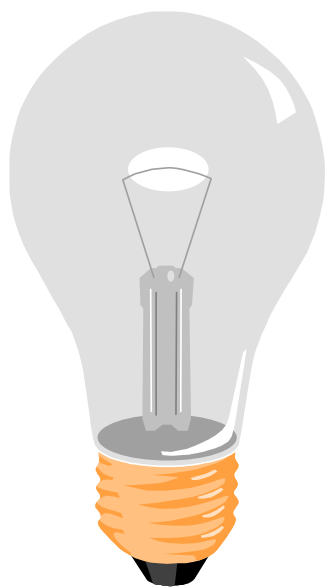
Types of Intellectual Property



- Patents
- Trade-marks
- Copyrights
- Industrial designs
- Integrated circuit topographies



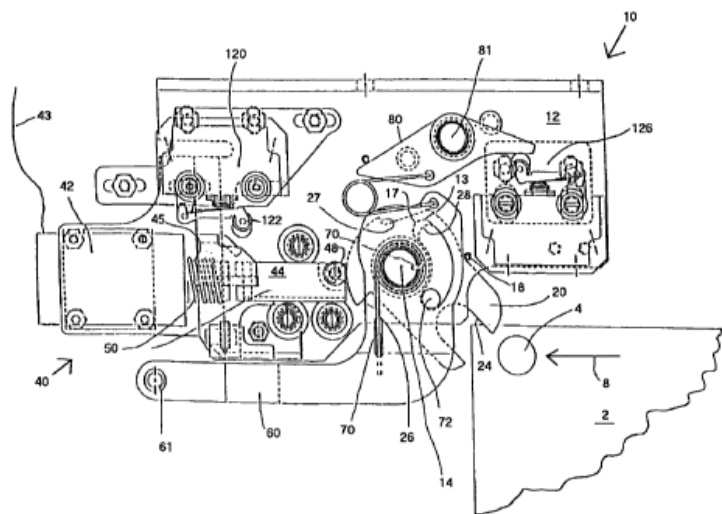
PATENTS



- **Cover new, useful and unobvious inventions**
- **Confer exclusive rights to make, use or sell an invention**



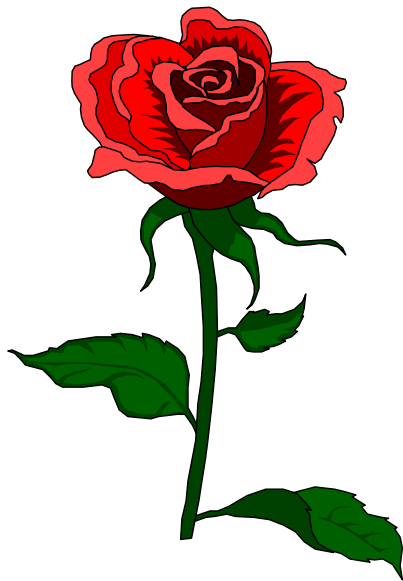
What Can You Patent?



- Product: a door lock
- Composition: a lubricant for door locks
- Apparatus: a machine for making door locks
- Process: a method for making door locks



You Cannot Patent...



- **An idea**
- **Medical or business plans**
- **Scientific or abstract theorems**
- **Plants, seeds, life forms**



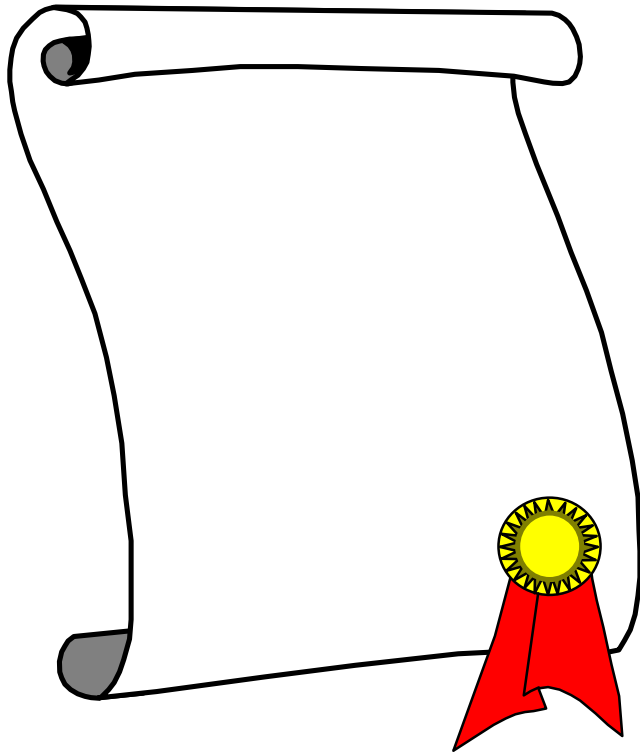
Public Disclosure



- **Public disclosure of your invention before filing will make it impossible to obtain a valid patent**
- **In some cases, however, filing may be possible up to one year following the date of disclosure**



Patents Are Granted...



- On a first-to-file basis
- For a 20-year term starting from the date of filing



Patent Fees

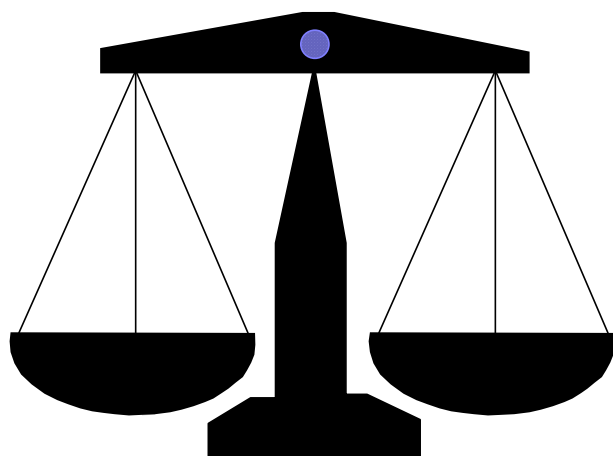


- **Filing: \$200***
- **Examination: \$400**
- **Allowance: \$150**
- **Annual maintenance fees**

* Small entity fees



Most Patents Are Improvements on Previous Patents



One must acknowledge and respect patents that are still enforceable



Can You Identify the Improvements?





Steps Towards Patent Protection



- Preliminary search
- Patentability search
- Preparing a patent application
- Filing an application
- Requesting examination



Benefits of a Patent Search



- Identify trends and developments
- License new products
- Avoid duplication of research
- Gain competitive intelligence
- Solve technical problems
- Gain and generate new ideas
- Identify partners, marketing and manufacturing contacts



Patent Databases

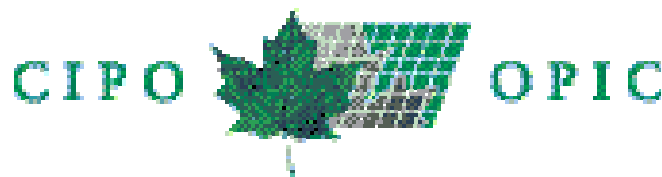


- www.cipo.ic.gc.ca
- www.uspto.gov
- www.wipo.int/pctdb/en/content.jsp
- ep.espacenet.com



TRADE-MARKS

- **A word, a symbol, a design (or a combination of these features)**
- **Distinguishes the wares or services of one person or organization from those of others in the marketplace**





The Value of a Brand





Trade Name vs. Trade-mark

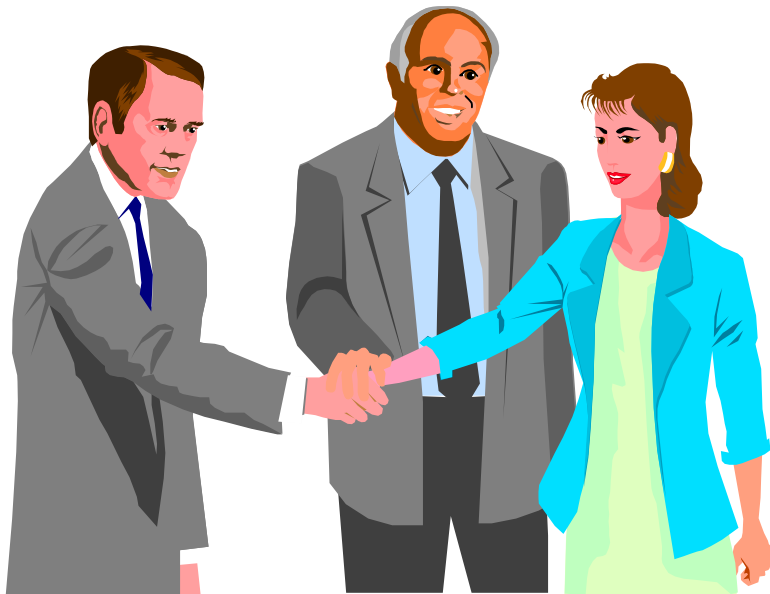


What's the difference?

- The trade name identifies the company
- The trade-mark identifies its wares and services



Who Can Register a Trade-mark?



- **Companies**
- **Individuals**
- **Partnerships**
- **Trade unions**
- **Lawful associations**



Registration Process



- Preliminary search
- Preparation and filing of an application
- Fee payment



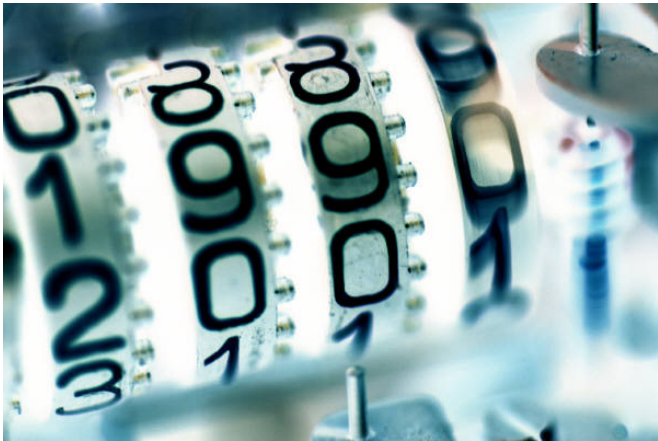
Trade-mark Fees



- **Online application: \$250**
- **Otherwise: \$300**
- **Registration: \$200**
- **Online renewal: \$350**
- **Otherwise: \$400**



Term



- **Registration is valid for 15 years**
- **Can be renewed every 15 years thereafter**



Trade-mark Registration Is Based on Use



- You may apply based on a “proposed use”
- You must continue to use your trade-mark; otherwise, you could lose it



Invalid Trade-marks

⊗ Words that are names or surnames

Exception: if you can prove that your wares or services have become well known under your name

Examples: Tim Hortons, Ralph Lauren, McDonald's, etc.



Invalid Trade-marks

- ⊗ A word that clearly describes a feature of the wares or services

Examples: “**sweet**” for ice cream, “**juicy**” for apples, “**perfectly clean**” for dry cleaner services, etc.



Invalid Trade-marks

- ⊗ Marks that are not clearly descriptive, but clearly misleading (i.e., “deceptively misdescriptive”)

Example: “**sugar sweet**” for candy sweetened with artificial sweetener



Invalid Trade-marks

- ⊗ A word that constitutes the name of the wares or services in another language

Example: the word “**Wurst**”, German for sausage



Invalid Trade-marks

⊗ A mark that causes confusion

Example: “Pharmasave” vs. “Farmasave”
for the same or similar wares or services

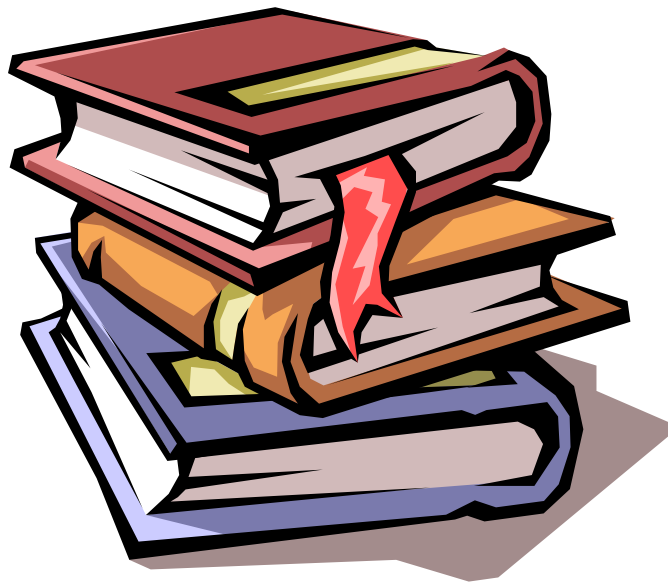


COPYRIGHTS

- **The right to copy**
- **Only the owner of the copyright is allowed to produce or reproduce the work in question**



What Is Covered by Copyright?



- **Literary works**
- **Dramatic works**
- **Musical works**
- **Artistic works**



When a Copyright Does Not Apply



- **Song titles**
- **Ideas**
- **Methods**
- **Facts**
- **Names of products or services**



Copyright Is Automatic Upon Creation

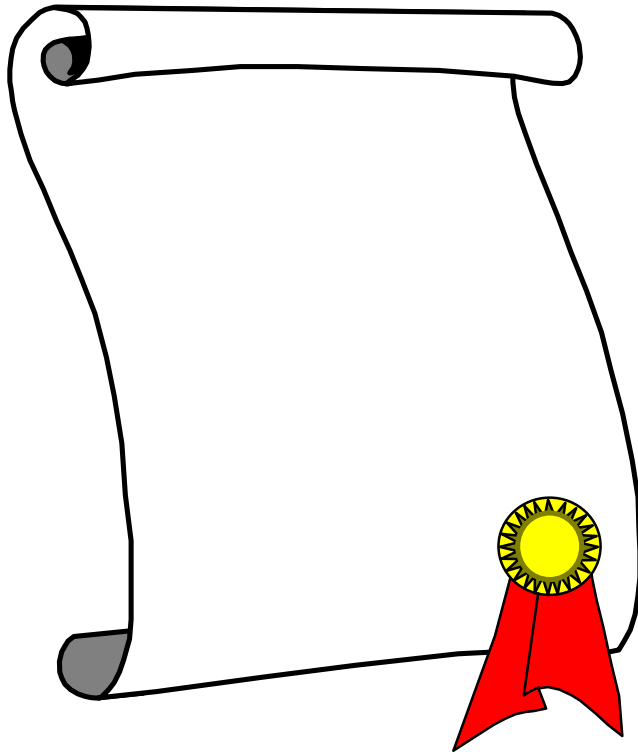
However, it's a good idea to:



- **Have your original work witnessed and dated**
- **Register your copyright**
- **Use proper marking of your copyright**
- **Ensure that details of any collaboration on the work are documented**



Copyright Registration Has Its Advantages



- **Proves ownership**
- **Copyright certificate may be used in court to establish ownership**



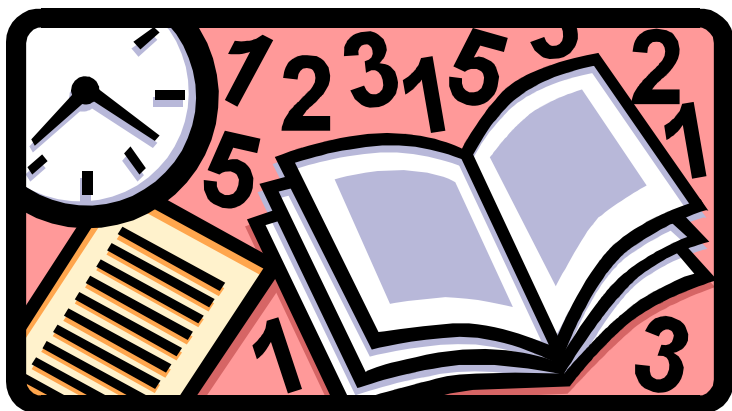
Copyright Fees



- **Online registration: \$50**
- **Otherwise: \$65**



Term



- Generally, for the life of the author plus 50 years
- Many exceptions

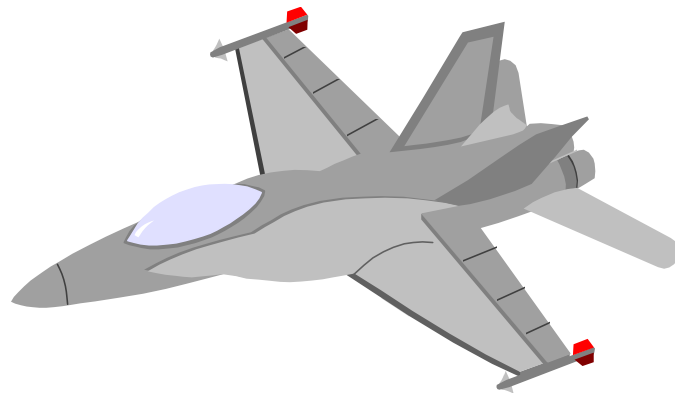


Copyright Notice

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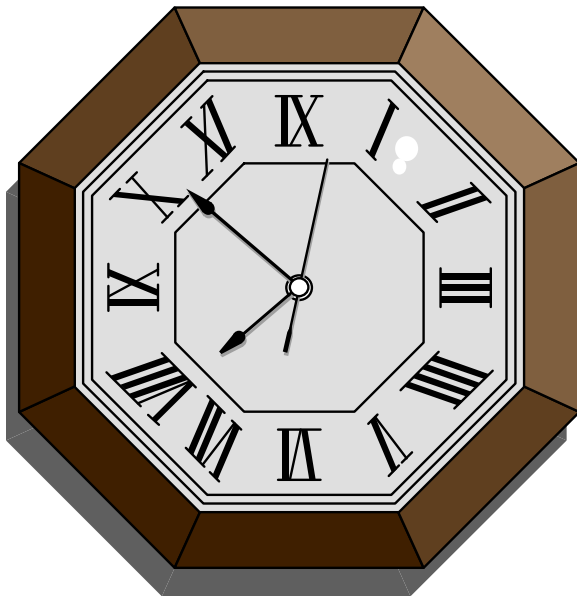
INDUSTRIAL DESIGNS



The visual features of shape, configuration, pattern or ornament (or any combination of these features) applied to a finished article made by hand, tool or machine



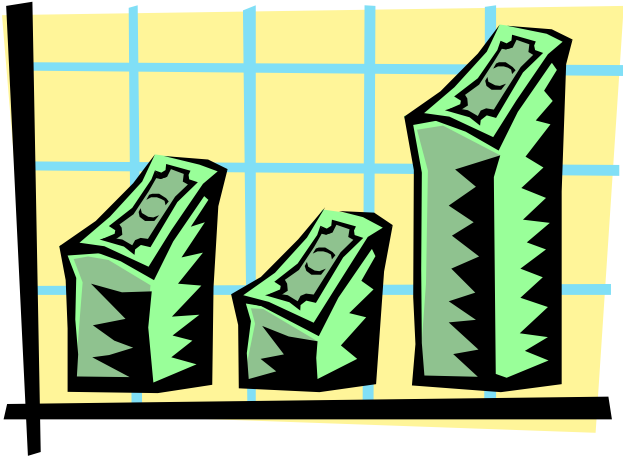
Term



- **Five years from the date of registration**
- **Additional five years upon payment of the maintenance fee**



Industrial Design Fees



- **Filing: \$400**
- **Maintenance: \$350**



INTEGRATED CIRCUIT TOPOGRAPHIES

Topographies are innovative, three-dimensional circuit designs used in many different products. Examples of such products include automobiles, industrial robots, cameras, spacecraft and computers.



Term

**Ten years from the
date of filing**





Integrated Circuit Topography Fees



Filing: \$200



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