



Inventing the next big thing

Why patents matter

Agenda

- Introduction:
 - Mandate of the Canadian Intellectual Property Office (CIPO)
 - Why intellectual property (IP) matters
- Defining patents and patentable inventions
- Considerations and mechanisms
- IP Resources

WHO IS CIPO

CANADIAN
INTELLECTUAL
PROPERTY
OFFICE

Special operating agency of **Innovation,
Science and Economic Development Canada**



Provide
quasi-judicial
functions



Deliver quality
and timely
IP rights



Build
IP awareness
and education



Advance
innovation



Support
businesses
operating
globally



Our ISO certification
positions Canada as
a global leader in
the delivery of
high-quality patents.

1,000+ employees
make up CIPO's highly skilled workforce

Sources: CIPO Human Resources Plan, March 2017

Types of IP

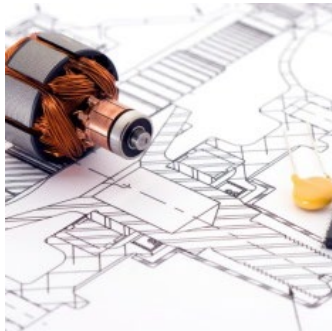
Intellectual property is a creation of the mind.

TRADEMARKS



A “sign” or a combination of “signs” used to distinguish the goods or services of one person or organization from those of others

PATENTS



New, useful and non-obvious inventions or improvements to an existing invention

COPYRIGHT



Original works such as literary, artistic, dramatic or musical works

INDUSTRIAL DESIGNS



Novel visual features of shape, configuration, pattern or ornament as applied to a finished article

TRADE SECRETS



Confidential and valuable business information

Why should you care about IP?



It is a valuable business asset to:

- Safeguard your investments in innovation
- Give you an edge over the competition
- Help build a reputation and goodwill with your partners and clients

You can use IP to:


- Attract financing
- Strategically achieve business goals
- Secure your markets

Trademarks


Tim Hortons

 A “sign” used to differentiate your products and services from those of other companies

 Right to exclude others from using your mark

 Mix of automatic (use) and registration

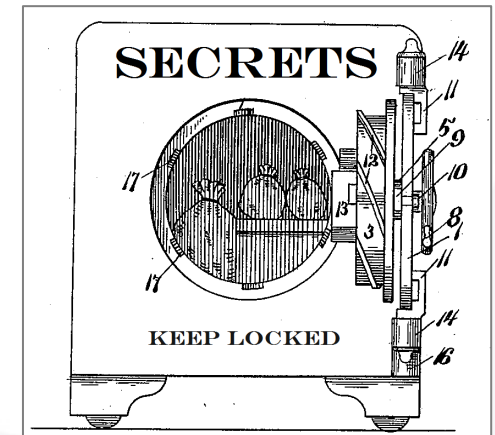
 10 years & renewable every 10 years

 Use your mark as registered and as a TM!



Trade secret

- 🛡️ Confidential and valuable business information
- 🔒 Tied to your ability to keep it secret & competition's inability to replicate
- 📄 No registration, no formal rights (contractual obligations)
- 🕒 Protection lasts as long as confidentiality is maintained
- 📍 Do not disclose!



Safe, W. J. Barnes, 1900

Industrial design

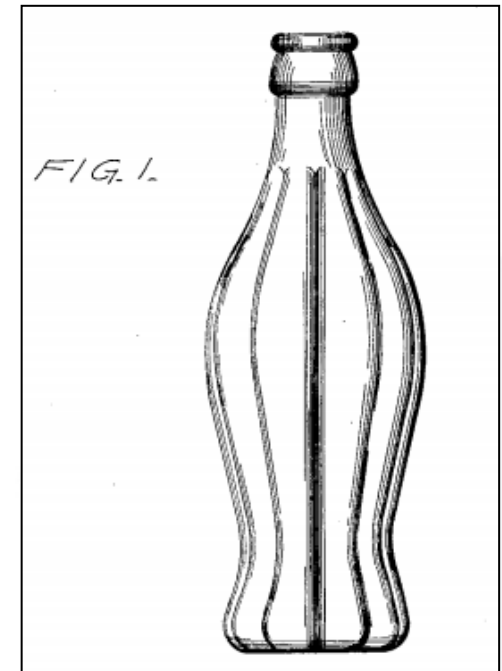
🛡️ Novel visual features of shape, configuration, pattern or ornament as applied to a finished article

🏠 Right to exclude

📄 Registration

🕒 Up to 15 years from filing

🕒 12-month grace period



Coke bottle Design, A. SAMUELSON. 1915

Copyright

♥ Protects original works of authorship, including *literary* (i.e. books), *dramatic* (i.e. a play), *artistic* (i.e. a sculpture), and *musical* works (i.e. musical composition)

📁 A “bundle” of exclusive rights (i.e. publish, reproduce, perform)

📄 Automatic at creation

🕒 Duration in Canada
= Life of author + 50 years

Jurisdiction - Berne convention



Patent

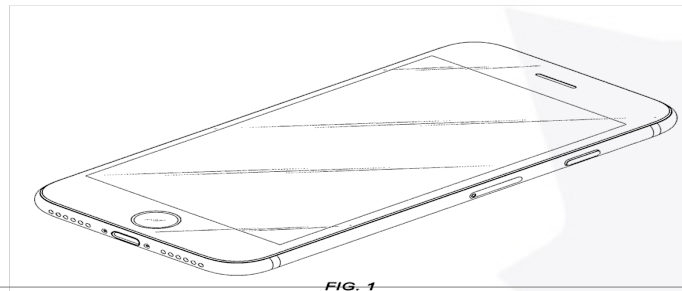
🛡️ For **novel, useful** inventions that are **not obvious**

🔒 Right to exclude others from using, making or selling

📄 Application & grant

🕒 Up to 20 years from filing

📍 12-month grace period



Portable electronic multi-media device
Apple inc., 2017

Defining patentable inventions

- What can be protected:
 - Product
 - Process
 - Composition
 - Machine
- Or any improvement on these elements

Case Study- Glass Sorting Machine



Is the invention patentable?

- Novelty:
 - Improvements to a sorting machine using lasers
- Usefulness:
 - Sorting machine used to separate glass by colour
- Ingenuity:
 - The sorting machine isn't immediately apparent to a knowledgeable but uninventive person

Novelty

- How to ensure novelty and keep it secret until filing for patent
- Importance of non-disclosure agreements (NDA) / confidentiality agreements
- Consulting with Office of Applied Research

Search and confirm novelty

- Databases:
 - [Canada](#) (CIPO)
 - [United States](#) (USPTO)
 - [Worldwide](#) (WIPO)
- Scientific literature
- Some limitations:
 - Language
 - Availability of information

Additional considerations

- Patents are territorial rights
 - No international / global patents
 - Patent Cooperation Treaty (PCT)
- Freedom to operate (FTO)
 - Right to use your own patent
- Cost of patenting
 - Where to file – select countries strategically

Patent vs Trade Secret

- Patents = full disclosure:
 - Foster innovation
 - ROI
- Trade Secrets = secret!
 - Commercial value
 - For the duration or until filing for patent?

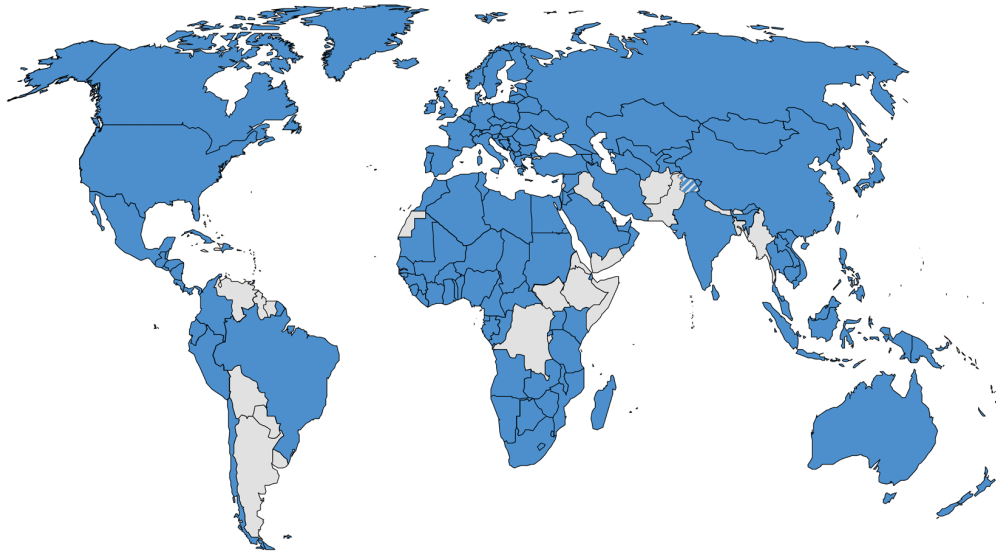
Value added by patents

- Boost investors confidence
- Increase revenues
 - Granting / acquiring licenses
 - Selling your patents
- Increase market value
- Provide access to governmental funding programs
- Build your competitive advantage

Patent Cooperation Treaty (PCT)

Reserve your right to file for a patent in more than 153 member countries with a single application through the Patent Cooperation Treaty (PCT)

153 Patent Cooperation Treaty contracting states



Filing an international application:
Either directly or within 12 months from filing an initial application with the Canadian Intellectual Property Office (CIPO).

Benefits of using PCT

A single application

- one place
- one language
- pay one initial set of fees

The road map to patenting

- Length: be patient!
- Consideration: hire a Patent Agent
 - How to find and select the right Agent
- Application – examination – granting (or rejection)
- Detailed process
- Fee structure

Inventorship and ownership

- Being the inventor may not make you the owner
- The inventor: sets the conception or discovery
 - Inventor-s and co-inventor-s
- The owner: is entitled to apply for a patent
- Carleton has an inventor-owned policy

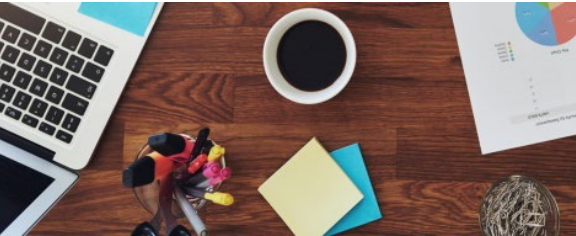
Claims and Abstract availability

(12) Patent:	(11) CA 2485728
(54) English Title:	DETECTING ACOUSTIC ECHOES USING MICROPHONE ARRAYS
(54) French Title:	DETECTION D'ECHOS ACOUSTIQUES AU MOYEN DE RESEAUX DE MICROPHONES

Bibliographic Data Abstracts Claims Description Representative Drawing Admin Status Owners on Record Documents

(51) International Patent Classification (IPC):	H04R 3/00 (2006.01) H04R 1/32 (2006.01)
(72) Inventors :	SCHULZ, DIETER (Canada) THOMPSON, GRAHAM (Canada) LO, CHARN LEUNG (DAVID) (Canada) GOUBRAN, RAFIK (Canada)
(73) Owners :	MITEL NETWORKS CORPORATION (Canada)
(71) Applicants :	MITEL NETWORKS CORPORATION (United States of America)

Industry and Partnership Services



Office of the Vice-President (Research and International)

Carleton Office for Research Initiatives and Services (CORIS)

Industry and Partnership Services (IPS)

Carleton International

Office of Research Ethics

Research Communications

IPS supports collaboration between companies and other partners and the University's researchers



Identify and negotiate with potential partners



Leverage public funding with external capital and expertise



Provide advice regarding management of IP (commercialization)



Structure a suitable arrangement

4th Floor, Arise Building, x3570

ips@cunet.carleton.ca

<https://carleton.ca/ips/>

How Industry and Partnership Services can help

- Confidentiality, Research, IP Agreement to protect IP ownership
 - Identify and Evaluate Discoveries
 - Identify opportunities for innovation transfer and commercialization.
 - Researcher(s) complete a Disclosure Form and request a meeting.
 - Promote innovations on- and off-campus
 - Conduct IP assessment and recommend IP strategy (patent, trademark, copyright, etc)
-

How Industry and Partnership Services can help

- Conduct Market Assessments and identify potential partners
- Develop a commercialization strategy (licensing or assignment) and ensure your IP strategy is aligned with market assessment
- Outreach to potential partners, negotiate licensing/commercialization agreements
- Assist with patent prosecution and maintenance (due dates)

Contact Dr. Theresa White, Manager- Contracts and Innovation Transfer
theresawhite3@cunet.carleton.ca

CIPO and Carleton collaboration



- Virtual office hours
 - Available for meetings

 - Webinars on IP-related topics
 - Organised by IPS (or any other groups)
 - Invited guest

 - Role of the IP advisor
 - Also, what I will not provide
-

Summary

- Patents are legally protected for 20 years, and confer exclusive rights in Canada to an invention that is **NEW, USEFUL** and **NON-OBVIOUS**.
- **Invention**: Entirely new or a new improvement to existing invention.
- Patents rights are territorial – need to identify strategic countries.

Summary

- Exclusive rights to sell, manufacture and use the invention
- Adds value to a business by:
 - Securing **market exclusivity**
 - Generating a **revenue source**
 - Boosting **investor confidence**
 - Increasing the business' **market value**
 - Building and securing a **competitive advantage**



SPEAK WITH A CIPO IP EXPERT



CLIENT SERVICE CENTRE (CSC) CLIENTS

- Questions regarding **general IP information**
- Questions regarding a **specific file or application**
- Assistance **completing an online form**

vs

IP ADVISORS (IPA) CLIENTS

- Interest in **obtaining training sessions**
- Learn about the **strategic value of IP**
- Needs assistance **creating an IP strategy**

Contact CIPO



Canada.ca/ip-for-business



Client Service Centre

Phone: 1-866-997-1936



In-person meetings by appointment

Canadian Intellectual Property Office

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50 Victoria St., Room C-229

Gatineau, QC K1A 0C9



CIPO IP Advisor, NCR, Northern Ontario and Quebec

Caroline Lefebvre – caroline.lefebvre@ised-isde.gc.ca



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businesses and innovators at **Canada.ca/business**



OPIC



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CIPO

English



<https://form.simplesurvey.com/f/I/IPAE>

Canada 