Inventing the next big thing

Why patents matter

Building a prosperous and innovative Canada
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

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

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

- 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!
Industrial design

Heart

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

Print

Right to exclude

File

Registration

Clock

Up to 15 years from filing

Info

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
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
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

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<tr>
<th>(12) Patent:</th>
<th>(11) CA 2485728</th>
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<tbody>
<tr>
<td>(54) English Title:</td>
<td>DETECTING ACOUSTIC ECHOES USING MICROPHONE ARRAYS</td>
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<tr>
<td>(54) French Title:</td>
<td>DETECTION D'ECHOS ACOUSTIQUES AU MOYEN DE RESEAUX DE MICROPHONES</td>
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### Bibliographic Data

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<tr>
<th>(51) International Patent Classification (IPC):</th>
<th>H04R 3/00 (2006.01)</th>
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<td>H04R 1/32 (2006.01)</td>
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<tr>
<th>(72) Inventors:</th>
<th>SCHULZ, DIETER (Canada)</th>
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<tr>
<td></td>
<td>THOMPSON, GRAHAM (Canada)</td>
</tr>
<tr>
<td></td>
<td>LO, CHARN LEUNG (DAVID) (Canada)</td>
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<tr>
<td></td>
<td>GOUBRAN, RAFIK (Canada)</td>
</tr>
</tbody>
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<tr>
<th>(73) Owners:</th>
<th>MITEL NETWORKS CORPORATION (Canada)</th>
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| (71) Applicants: | MITEL NETWORKS CORPORATION (United States of America) |
Industry and Partnership Services

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

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

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
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**

## 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
Place du Portage I
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

Find more programs and support for Canadian businesses and innovators at Canada.ca/business

OPIC  @OPIC_Canada  CIPO
English

https://form.simplesurvey.com/f/l/IPAE