



Brief Introduction to IP...

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Intellectual Property – Where do patents fit in?

Registered Rights

- Patents
- Trade Marks
- Designs

- Others
 - Utility models
 - Domain names
 - Plant varieties
 - SPCs
 - Company names

Unregistered Rights

- Copyright
- Database rights
- Design Right / Designs
- Trade Marks

- Others
 - Goodwill
 - Plant varieties
 - Semiconductor topographies



Trade Marks
Designs
Copyright

What Is a Trade Mark?

- A sign which is capable of being represented graphically
- Any sign which is capable of distinguishing the goods or services of one undertaking from another
- A “Badge of Origin”

Trade Marks

- Registered or unregistered (“TM” vs. “®”)
 - Difficult to enforce unregistered mark
- Registered for particular goods or services
- Registration provides more protection
- Name, logo, slogan, colour, shape, music, domain name
- Can last indefinitely

Trade Marks



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They really are everywhere!

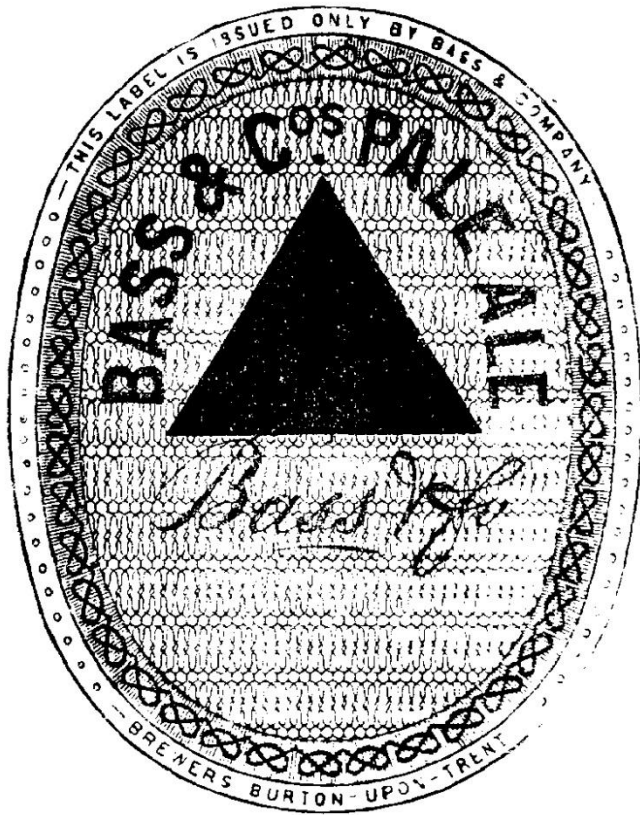


Edouard Manet (1832 – 1883),
A Bar at the Folies-Bergère, 1882,
©The Samuel Courtauld Trust, The Courtauld Gallery, London



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Trade mark number: *UK000000000001*
Status: Registered



Filing date 01 January 1876
Renewal date 01 January 2022

What is a design?

- Protects the appearance of a whole or a part of an article/product
- Can be registered or unregistered
- Comparatively narrow scope of protection
- Statutory exclusions in UK and Europe
 - e.g. “Must-fit”, “must match”
 - Method or principle of construction / Solely by technical function
 - \Rightarrow **patents**

UK and Community Registered Designs

- A registered design protects the visual appearance of a product, very important in some fields
- Design must be new and have individual character
 - “New” *c.f.* “novel”, but with grace period and exceptions
 - “Individual character” subjective test, depends on design freedom
- Lasts up to 25 years
- Law has been harmonised across EU



Registered Community Design number 000043427-0001

Copyright

- Protects the expression of the idea, not the idea itself
- Arises automatically at the time of creation
- Protects only against copying, not independent creation
- Copyright, once arisen, tends to be recognised abroad (Berne convention)
- Copyright can last a long time, duration depending on ‘authorship’ and local legislation...
- Except for Peter Pan!

What Copyright Protects

- Books, technical reports, academic publications, manuals, databases (including layouts of published works)
- Engineering, technical or architectural plans
- Paintings, sculptures, photographs
- Music, songs, plays, dramatic works
- Promotional literature, advertising
- Films, videos, cable or radio broadcasts
- Computer software



Patents

What is a patent?

- A patent protects new inventions and covers:
 - how things work
 - what they do
 - how they do it
 - what they are made of
 - how they are made
- The deal – a monopoly for a limited period in exchange for letting the world use your invention after the monopoly expires (“enabling disclosure requirement”)
- Patents are national rights which must be applied for and enforced separately. International Conventions make this easier, but an “International Patent” does not exist
- Maximum duration of 20 years *from the filing date* in most countries

UK/EP Criteria for “patentability”

- An invention must be new, inventive and industrially applicable
- Not excluded subject matter, such as:
 - scientific or mathematical discovery or theory
 - literary, dramatic, musical or artistic work
 - mental acts, playing a game or doing business
 - presentation of information, or some computer programs
 - a method of medical treatment or diagnosis
- These criteria differ from country to country, esp. US

What does a patent do?

- It gives the owner the right to prevent others from making, using, importing or selling the invention without permission.
- A patent is a negative right and does *not* grant the right to use the invention
- This means it is possible for a patentee to infringe another patent by using their own patented invention

Who has right to apply for a patent?

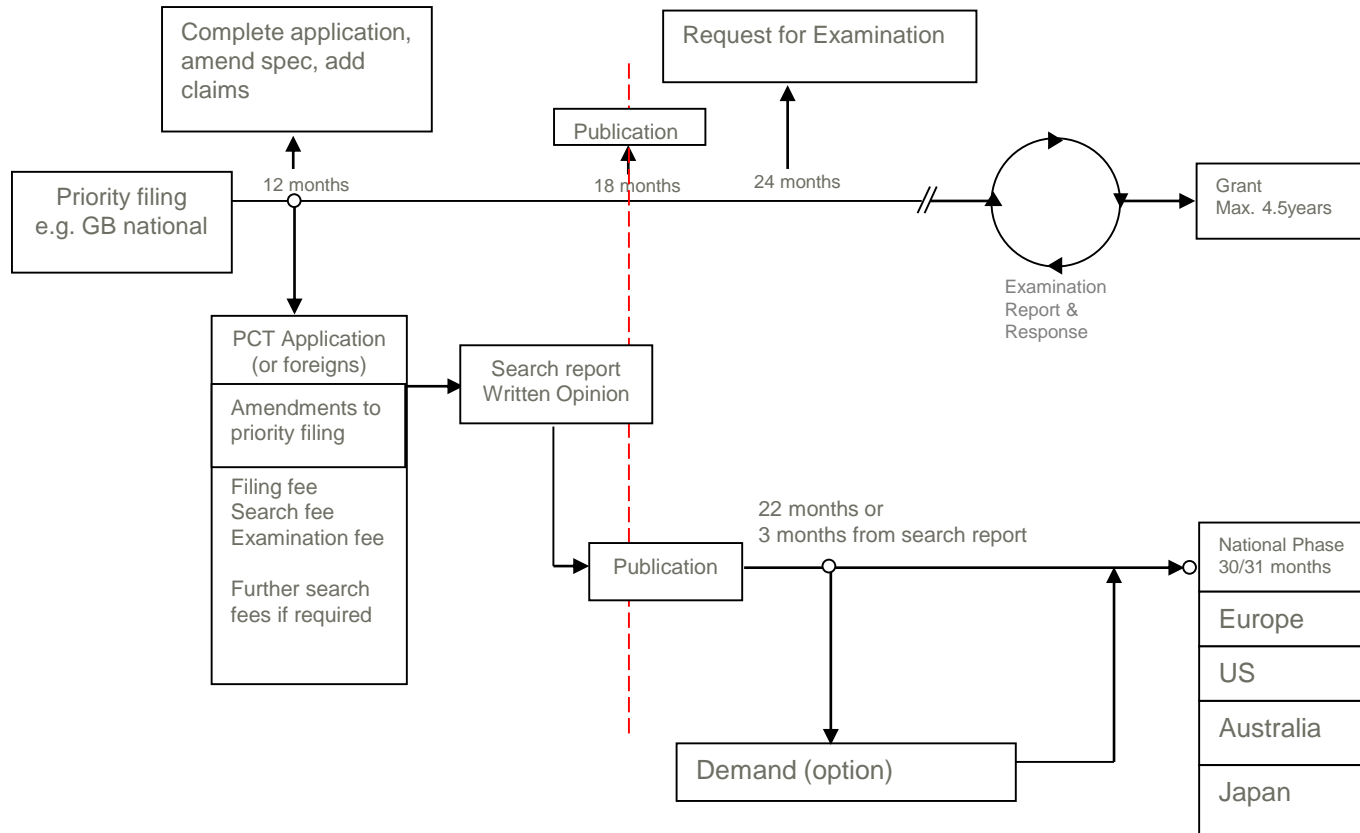
- Applicant can be a natural or legal person (or persons)
- In the UK, the inventor is the primary owner, unless there is an agreement to the contrary or the inventor is employed in circumstances...
- UK Patents Act recognises that most inventions are made by employees and provides for employers to own inventions of employees
 - This does not apply to all inventions made by an employee
 - Undergraduate Students are not employees and so own their own IP, unless....

Application process – single country overview

- File an application including a full and enabling description of the invention and one or more claims
- Patent office will conduct a search based on the claims for prior art
- The application and search will be published; usually ca. 18 months
- Examination reports / Office Actions issued by examiner, responses/amendments filed by applicant
- Patent granted or refused
- Application process is deadline driven
 - Some deadlines can be extended, some cannot
 - Extension of deadlines adds cost

Application process – UK, PCT, National Phase

UK Procedure



PCT Procedure



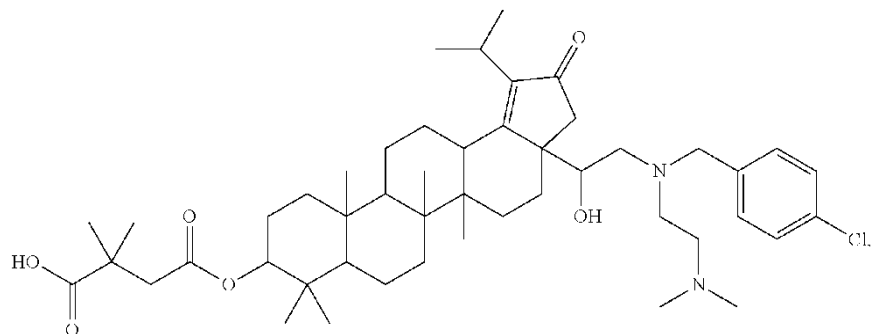
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Chemistry - claims

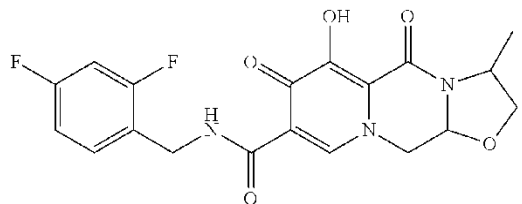
- Composition of matter (that has a use)
- Use of a composition of matter – (medicine, electronics, manufactured products, material science, agrochemicals.....)
- Method of making a composition of matter
- Intermediates along the route to the product

Chemistry claims - US20170246118

1. A long acting parenteral (LAP) pharmaceutical composition comprising a pharmaceutically acceptable excipient and a first compound of the structure:



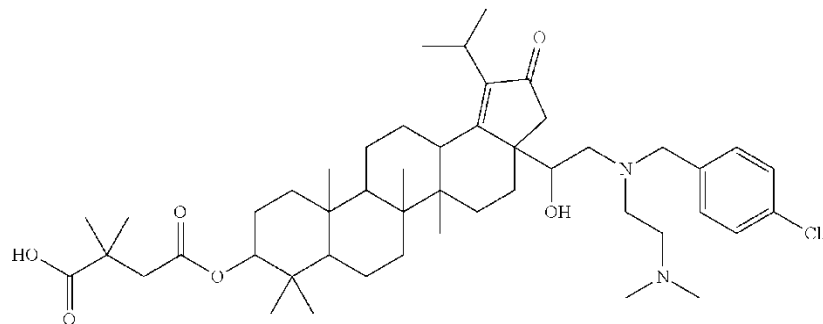
or a pharmaceutically acceptable salt thereof,
in combination with a second compound of the structure:



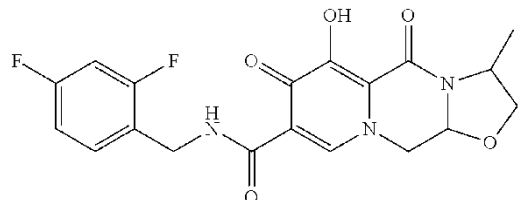
or a pharmaceutically acceptable salt thereof.

Chemistry claims - US20170246118

30. A method of preventing or treating an HIV infection in a subject in need thereof comprising administering to the subject a therapeutically effective amount of a long acting parenteral (LAP) pharmaceutical composition comprising a pharmaceutically acceptable excipient and a first compound of the structure:



or a pharmaceutically acceptable salt thereof,
in combination with a second compound of the structure:



or a pharmaceutically acceptable salt thereof.

Searches - Databases

- Patent documents are a very large source of useful data
- To be read with care...

Result list

Select all (0/25)  Compact  Export (CSV | XLS)  Download covers  Print

Approximately 2,778 results found in the Worldwide database for:
oled in the title or abstract AND samsung as the applicant
Only the first 500 results are displayed.

1 ▶

Results are sorted by date of upload in database

1. ORGANIC LIGHT EMITTING DIODE DISPLAY

★ Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
KIM GUN-SHIK [KR]	SAMSUNG DISPLAY CO LTD [KR]	G09G2300/0452 G09G2300/0465 G09G3/3225 (+2)	G09G3/3225 H01L27/32	US2019172877 (A1) 2019-06-06	2011-09-05

2. ORGANIC LIGHT EMITTING DISPLAY DEVICE AND METHOD OF MANUFACTURING ORGANIC LIGHT EMITTING DISPLAY DEVICE

★ Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
JEONG YU-GWANG [KR] BAE SUBIN [KR] (+2)	SAMSUNG DISPLAY CO LTD [KR]	H01L2227/323 H01L27/3246 H01L27/3258 (+2)	H01L27/32 H01L51/50	US2019165073 (A1) 2019-05-30	2017-11-27

Searches

esp@cenet is a patent search database provided by the Patent Offices within Europe <http://gb.espacenet.com>

The type of search used is based on the information you have in regard to the patent

Other sites to try <http://www.uspto.gov/> <http://www.google.com/patents>

Patent searches by professional search companies - “commercial searches”

Questions?

IP general Information

Start with UKIPO <https://www.gov.uk/government/organisations/intellectual-property-office>

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