Brief Introduction to IP...
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
They really are everywhere!

Edouard Manet (1832 – 1883),
A Bar at the Folies-Bergère, 1882,
©The Samuel Courtauld Trust, The Courtauld Gallery, London
Trade mark number: UK00000000001
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
    - ⇒ *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
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

- Complete application, amend spec, add claims
  - Priority filing e.g. GB national
    - 12 months

- PCT Application (or foreigns)
  - Amendments to priority filing
  - Filing fee
  - Search fee
  - Examination fee
  - Further search fees if required

PCT Procedure

- Search report
  - Written Opinion
    - Publication
      - 22 months or 3 months from search report

- Request for Examination
  - Publication
    - 18 months

- Grant
  - Max. 4.5 years

- National Phase
  - 30/31 months

- Europe
- US
- Australia
- Japan

Prosecute to Grant in individual countries

CREATION IP
turning ideas into assets
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
1. A long acting parenteral (LAP) pharmaceutical composition comprising a pharmaceutically acceptable excipient and a first compound of the structure:

![Chemical structure 1]

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

![Chemical structure 2]

or a pharmaceutically acceptable salt thereof.
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

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.

Results are sorted by date of upload in database

1. ORGANIC LIGHT EMITTING DIODE DISPLAY
   - Inventor: KIM GUN-SHIK [KR]
   - Applicant: SAMSUNG DISPLAY CO LTD [KR]
   - CPC: G09G2300/00452, G09G2300/0465, G09G2300/0465
   - IPC: G06G3/3225, H01L27/32
   - Publication info: US2019172877 (A1) 2019-06-06
   - Priority data: 2011-09-05

2. ORGANIC LIGHT EMITTING DISPLAY DEVICE AND METHOD OF MANUFACTURING ORGANIC LIGHT EMITTING DISPLAY DEVICE
   - Inventor: JEONG YU-GWANG [KR]
   - Applicant: SAMSUNG DISPLAY CO LTD [KR]
   - CPC: H01L22/323, H01L27/3246, H01L27/3258
   - IPC: H01L27/32, H01L51/50
   - Priority data: 2017-11-27
esp@cenet is a patent search database provided by the Patent Offices within Europe [http://gb.espacenet.com](http://gb.espacenet.com)
The type of search used is based on the information you have in regard to the patent


Patent searches by professional search companies - “commercial searches”
Questions?

IP general Information
Start with UKIPO https://www.gov.uk/government/organisations/intellectual-property-office