



Canadian
Intellectual Property
Office

An Agency of
Industry Canada

Office de la propriété
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du Canada

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Intellectual property (IP): the basics



IP: what's in it for you?



INTELLECTUAL PROPERTY INSTITUTE OF CANADA
INSTITUT DE LA PROPRIÉTÉ INTELLECTUELLE DU CANADA



Canada 

Objectives

- Recognize the strategic value and benefits of intellectual property (IP)
- Understand the various forms of IP
- Learn how to protect and use your IP
- Discover a wealth of IP resources

IP: what's in it for you?

- IP is a valuable business asset
- IP information and protection may help you avoid costly mistakes
- IP gives you an edge over the competition
- IP can be sold, licensed or traded

Benefits of IP information

- Identify trends
- First look at the competition
- Identify key contacts
- Find solutions to problems
- Avoid duplication of effort
- Prevent infringement

Common forms of IP

- Trade secrets
- Patents
- Trade-marks
- Copyrights
- Industrial designs



Trade secrets

What is a “trade secret”?

Any confidential information used in a business that provides a competitive edge and can be kept secret

The confidential information can be:

- specific product information
- business information

Trade secret protection

- Trade secrets are protected by confidentiality and licence agreements
- Protection lasts forever, as long as confidentiality is maintained
- If the trade secret is disclosed, protection is lost

Patents

The “deal” of the patent

The owner provides a full public disclosure of the invention



The Canadian government provides a grant of exclusive rights in Canada to the owner **for 20 years from the date of filing**

What is patentable?

- Product
 - Composition
 - Machine
 - Process
- ... or its improvement

The invention must be new, useful and non-obvious

Patenting process

- Prior to filing an application:
 - Keep your invention confidential
 - Search patent databases and scientific literature
 - Consult a registered patent agent
- Patent application:
 - Draft and file
 - Request examination
 - Respond to CIPO's objections, if any



Trade-marks

What is a trade-mark?

- Word(s) **KODIAK**

- Word and design



- Design

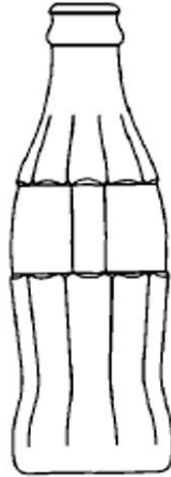


- Slogan **“ZOOM-ZOOM”**

What is a trade-mark?

(continued)

- Shape →



- Sound →



- Certification mark →



Reproduction courtesy of (bottle & design) Coca-Cola Ltd.; Metro-Goldwyn-Mayer Studios Inc.; (Woolmark design) The Woolmark Company.

Trade-mark protection and registration

Registered

Geographic coverage
across Canada

Period is 15 years,
renewable

Present in the
Trade-mark Register

Registration serves as
proof of ownership

Not registered

Coverage is regional

Period of use is to
be proven

Not present in the
Trade-mark Register

Ownership to be
demonstrated and
defended

Use it or lose it

- Control all use
(distributors/retailers/licensees)
- License use to others
- Avoid generic use
- Stop unlicensed use
- Maintain continuous use



Copyrights

What is copyright?

It is the exclusive right to produce or reproduce a creation

- Literary
- Dramatic
- Musical
- Artistic

Copyright registration and protection

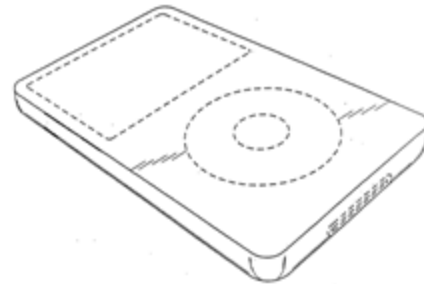
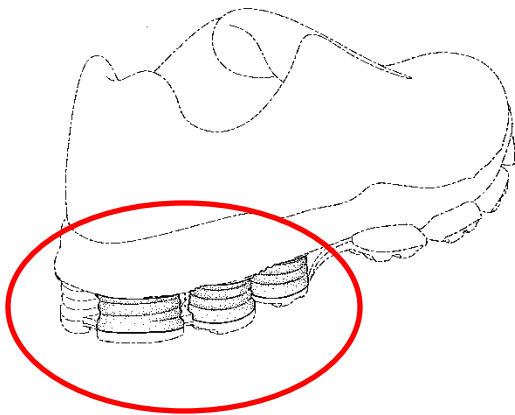
- Copyright is automatic upon creation and registration provides a legal advantage
 - Only form of protection that is world-wide
- Use proper marking: © **owner's name, year**
- Term is generally life of author plus 50 years



Industrial designs

What is an industrial design?

The visual features of shape, configuration, pattern or ornament, or any combination of those features applied to a manufactured article



Industrial design registration and protection

- Industrial designs must be registered for protection
 - Keep confidential prior to filing
 - Search, file with CIPO and await a response
- Design registration provides a maximum of ten years of protection in Canada

Summary of IP forms

	Protect	Application required	Term
Trade secrets	Confidential information	N/A	indefinite
Patents	Inventions	yes	Up to 20 years from date of filing
Trade-marks	Words, logos, slogans, sounds	recommended	15 years, renewable
Copyrights	Writings, music, art, plays, etc.	recommended	life + 50 years (many exceptions)
Industrial designs	Visual features	yes	up to 10 years

What is infringement?

- In general, use by any unlicensed party is considered infringement
- An owner is responsible for stopping unlicensed use
- Could become a business opportunity (i.e., results in a partner, a distributor, a client, etc.)

Dispute resolution

Resolution mechanisms could include:

- direct negotiation
- mediation
- arbitration
- opposition
- litigation

Summary

- IP is a valuable business asset and appeals to consumers and investors
- Using IP system helps avoid costly mistakes
- IP information is an immense source of business and technology information

Intellectual Property for Exporting Businesses

- **Businesses should take steps to protect their intellectual property (IP) assets and exploit them to the greatest extent possible based on their business strategy. Registration of IP in Canada provides protection only in Canada. Similar protection must also be sought in targeted markets.**
- **Navigate through steps one to eight to learn more about IP and IP management as you prepare to export.**
- **www.cipo.ic.gc.ca/exporting**

What should you do next?



Capitalize on your IP

- Learn more about IP:
- www.cipo.ic.gc.ca/learnaboutip
- Search Canadian and international online databases
- Consult a registered IP professional

Contact us



Canadian Intellectual Property Office (CIPO)

- Learn more about IP basics
- Consult databases

www.cipo.ic.gc.ca

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Intellectual Property Institute of Canada (IPIC)

- Consult a registered patent or trade-mark agent

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