



Intellectual Property

Sheridan College and CIPPO

Intellectual Property (IP) Education
Session: Your Ideas Matter

**Your Ideas Matter: Understanding
and Protecting Your Intellectual
Property**





Agenda

- Generator at Sheridan
- Canadian Intellectual Property Office
- IP Types & Insights
- IP Strategy
- 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

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



Source: 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

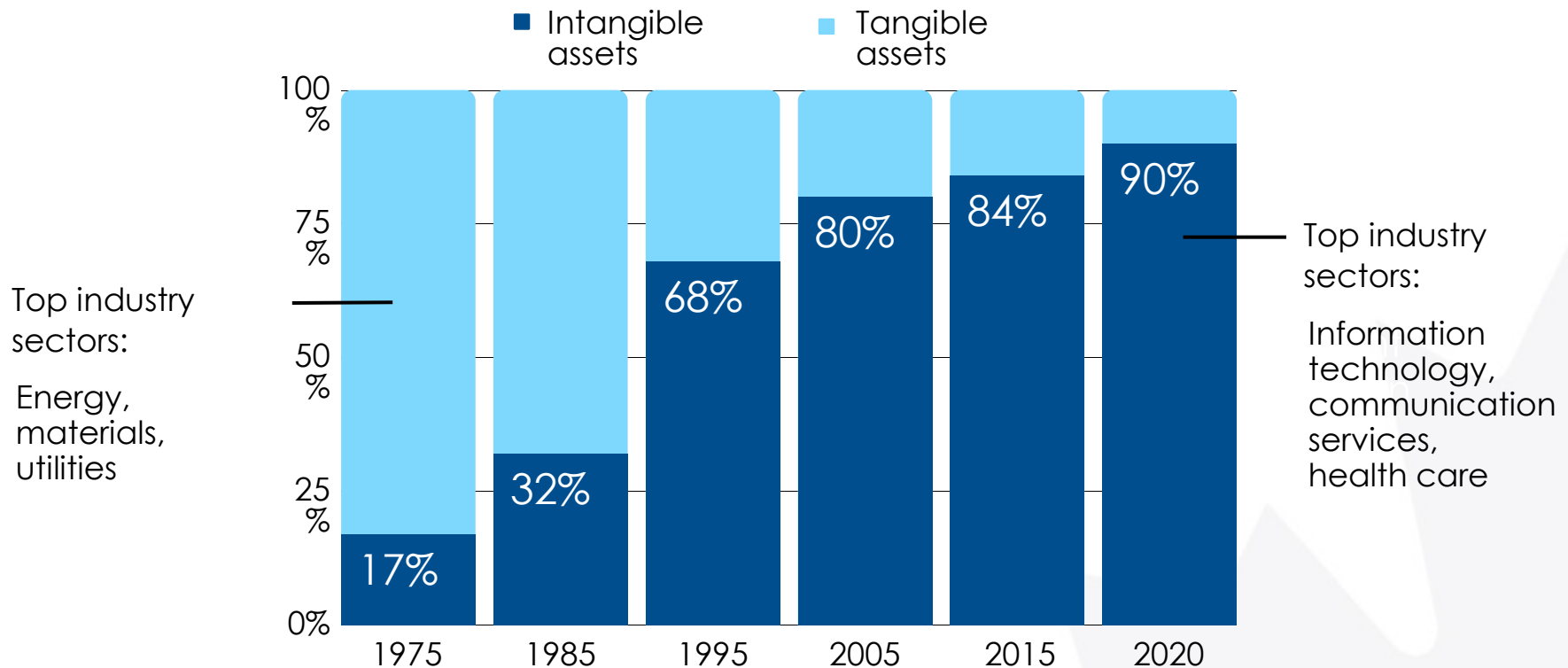
TRADE SECRETS



Confidential and valuable business information

IP in today's intangibles-based economy

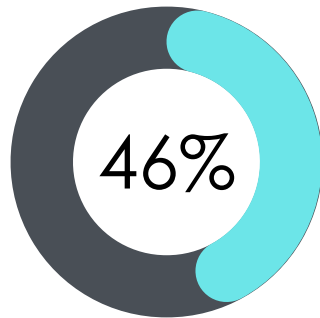
Proportion of tangible and intangible assets in the market value of the S&P 500 Index, 1975 to 2020



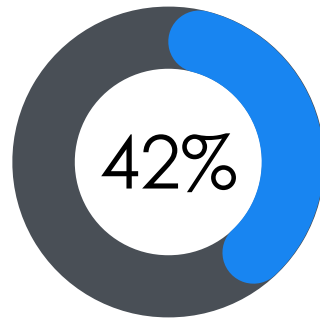
Sources: A New North Star II: Canadian Competitiveness In An Intangibles Economy, Public Policy Forum, April 2020.
Ocean Tomo, Intangible Asset Market Study, 2020.

IP familiarity

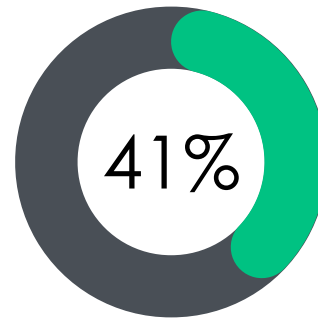
How familiar are Canadian businesses and innovators with IP rights?



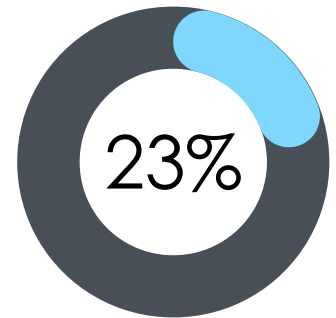
TRADEMARKS



COPYRIGHT



PATENTS



INDUSTRIAL DESIGNS

Protect your IP Assets

- 
- ✓ Strategically **achieve business goals**.
 - ✓ Providing **value to business** and **an edge over the competition**.
 - ✓ Helps to **obtain & secure financing**.
 - ✓ Secure your **target markets & clients**.
 - ✓ **Minimize risks & uncertainties of ownership, theft, infringement, loss.**
 - ✓ Help build a **reputation, goodwill & influence** with partners & clients.

Minimize the Risk of:



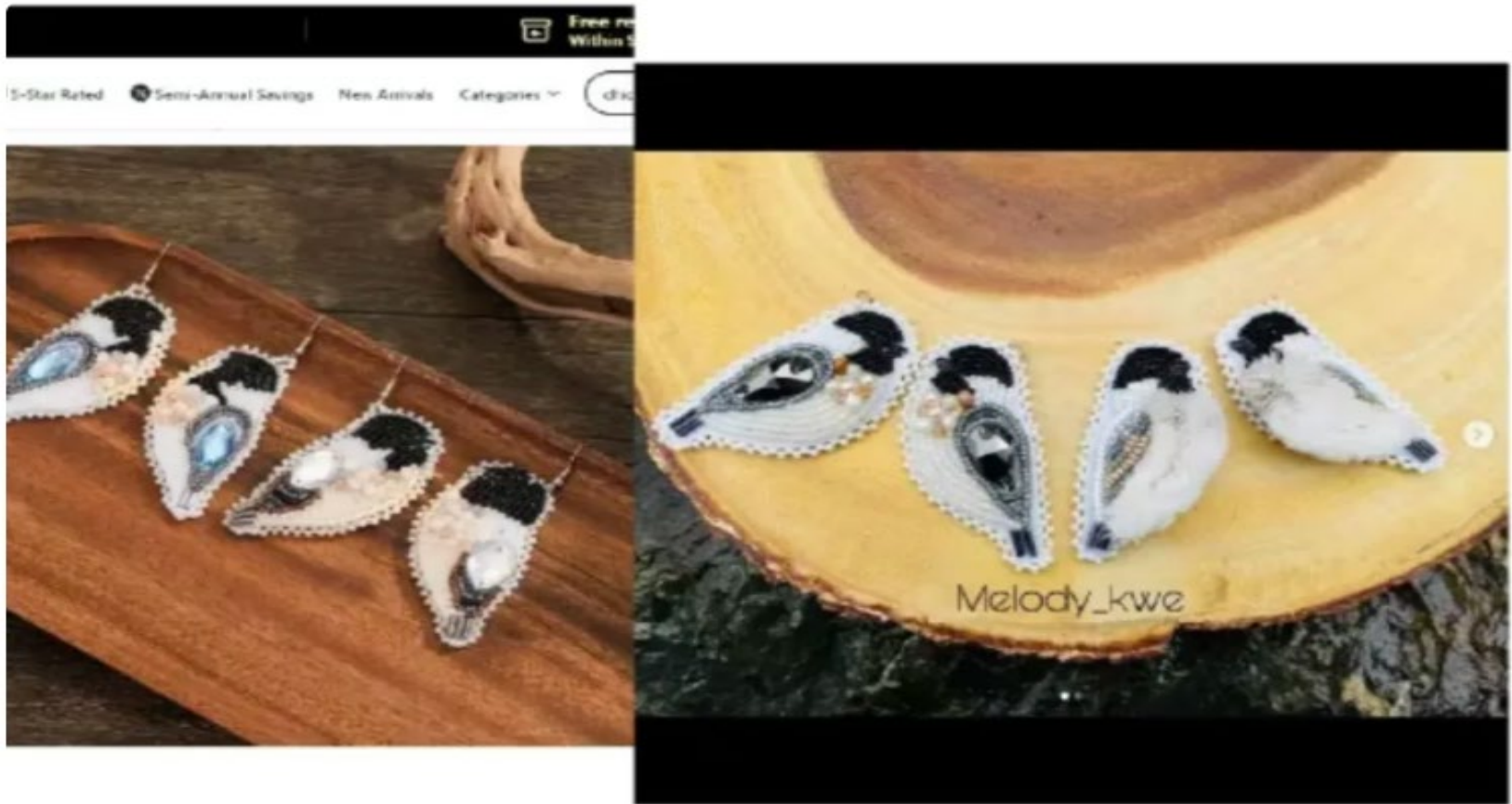
A competitor **negatively using your brand** and impacting your reputation?



Someone making money by **infringing your product and or service?**



Bad-faith players profiting from your innovation without permission?



<https://ca.news.yahoo.com/11-earrings-on-temu-shock-algonquin-beader-who-says-theyre-her-design-230312311.html>

ABOUT THE AUTHOR

Samantha Schwientek is a reporter with CBC Indigenous based in amiskwaciwâskahikan (Edmonton). She is a member of the Cayuga nation of the Six Nations of the Grand River and previously worked at CBC Nova Scotia.

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

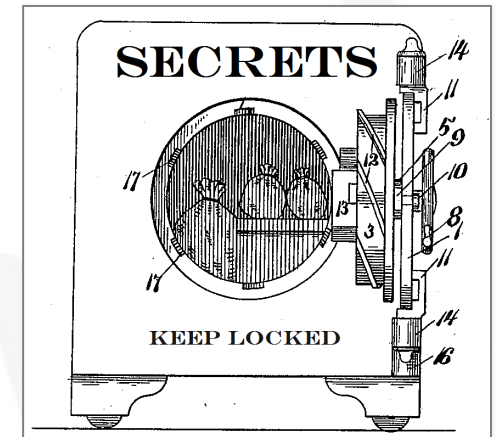
TRADE SECRETS



Confidential and valuable business information

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

Patent



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



Owner of IP has the right to exclude others from using, making or selling



Application & grant



Up to 20 years from filing



12-month grace period

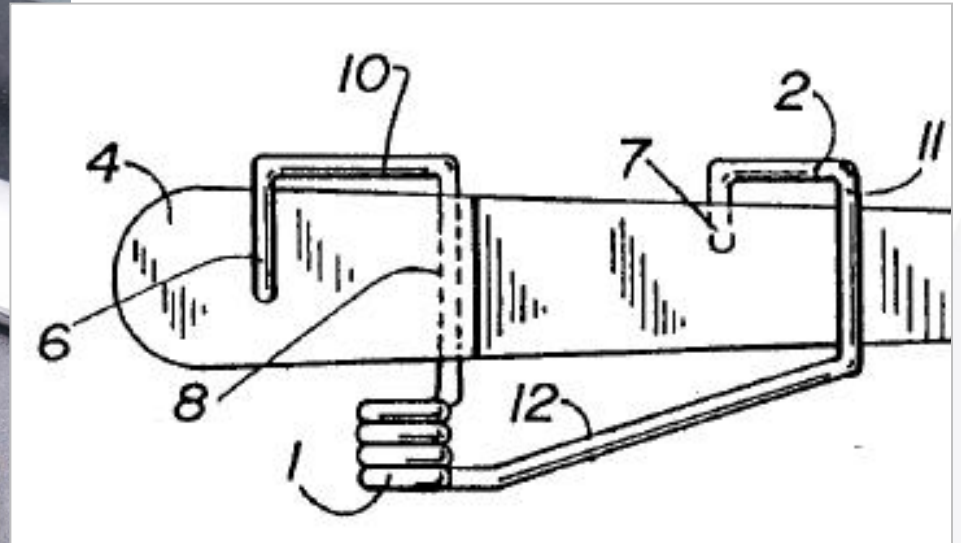


Prior Art








Portable electronic
multi-media device
Apple inc., 2017

CA #2,122,993



Trademarks

-  A “sign” used to differentiate your products and services from those of other companies
-  Right to exclude others from using your mark
-  Certification Marks; Geographical Indications; Official Marks; Plant Breeder's Rights
-  10 years; renewable; use as a TM & as registered
-  Automatic use / registration

Tim Hortons



Certification Marks



The Woolmark Company



A certification mark is used to distinguish goods and services based on:

- the character or quality
- the working conditions under which the goods or services are produced or performed
- the class of persons producing or performing the goods or services
- the area where the goods are produced, or the services performed



Registration can be done only by an entity not engaged in the manufacture, sale, leasing or hiring of goods or services



The registered owner controls the licensing and “use” of the mark

Inuit Art Foundation

- The Igloo Tag Trademark was established to help protect Inuit artists from **copycats** by certifying items as being authentic.
- It was officially transferred to the **Inuit Art Foundation** in 2017.



(Source: Brand Canada)

Geographical Indications



A geographical indication (GI) is used on a product that has a **specific geographical origin** and possesses qualities, a reputation or other characteristics attributable to that origin



A request must be submitted to the Canadian Intellectual Property Office (CIPO) to have a GI entered on the list of protected GIs in Canada



GIs can identify wines, spirits, agricultural products or food of a category set out in the schedule (not all are included)



A GI has to be applied for by a responsible authority

Maïs sucré de Neuville

- Neuville is a village on the north shore of the Saint Lawrence River, just west of Québec City.
- Particular geographical factors influence the ability to produce this quality sweet corn.



Image source:
https://www.mapaq.gouv.qc.ca/SiteCollectionDocuments/TransformationPortail/Fiche_Mais_sucre_de_Neuville.pdf

Industrial design



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



Right to exclude



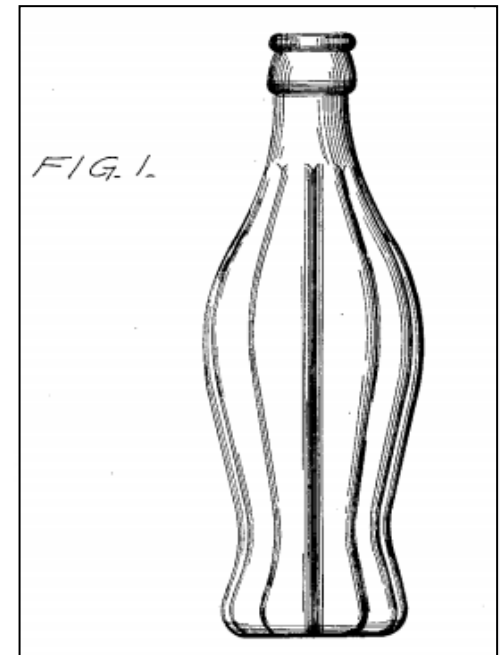
Registration



Up to 15 years from filing



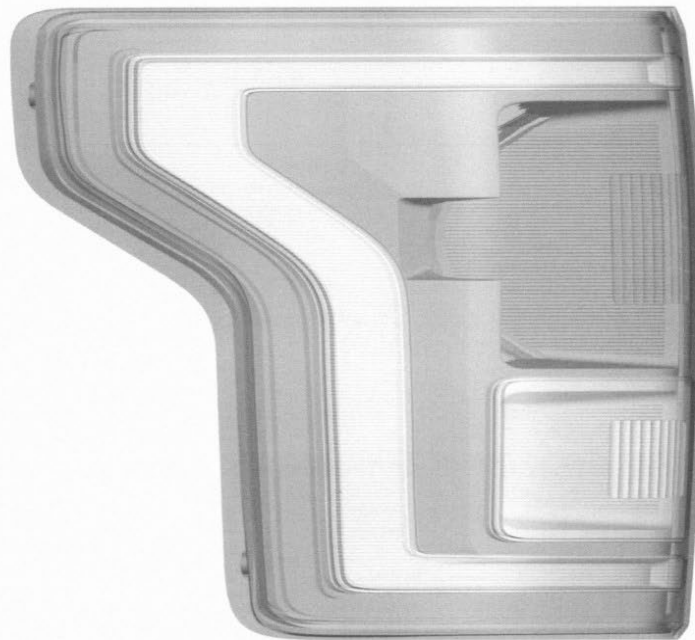
12-month grace period



Coke bottle Design, A. SAMUELSON. 1915

Canadian Industrial Design Registered on July 20, 2015

FIG. 1





(Source : Destination Canada)

Copyright

Protects **creative, original works in various forms** including literary, dramatic, musical, or artistic.

Exclusive rights to reproduce the work, and to publish, translate, perform, etc.

Automatic upon creation if the work is original, is the expression of the idea & the work is fixed in material or digital form.

Registering indicates **ownership**.

Duration varies by jurisdiction, in **Canada = life of creator plus 70 years**

© **owner, year of first publication**

Protections under the Copyright Act

They have been widely used by Indigenous artists, performers, composers and writers of traditional-based creations:

- Pacific coast wood carvings, including masks and totem poles
- Haida silver jewelry
- Songs and sound recordings
- Inuit sculptures

Moral Rights

- Rights on author retains over the integrity of a work.
- Moral rights can be waived but cannot be assigned
- e.g. Snow v. Eaton Centre Ltd.



Tamagotchi

- Trademark
- Patent
- Industrial Design
- Copyright



<https://en.Wikipedia.org>

How to Protect IP

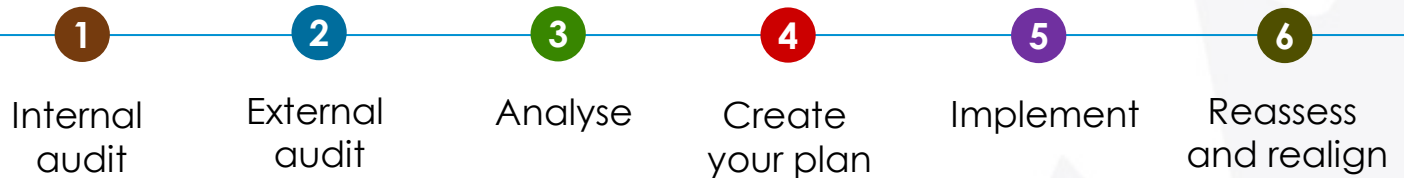
- IP awareness, education, **understanding and discussion**
- Do **research, search IP databases and more** to gain an understanding of what already exists & consider hiring a professional to provide information on the likelihood of success, an opinion on your readiness & next best steps.
- Familiarize yourself with **filing processes, fees, timelines, & requirements**.
- Consult and consider the best practices and approaches of **IP professionals** who are authorized experts in representing clients before the different IP office(s) for which you seek protection.
- Complete the forms necessary to **file a trademark, patent, industrial design, and or copyright**, following the processes learned above.
- **Have the form(s) filed and pay the required fees.**
- **File in each country** you wish to protect your intellectual property rights.
- **IP management**



Consider an IP Strategy

Plans & actions designed to maximize the contribution of IP in **achieving the business objectives**

Steps



Professional IP Services

- Patentability Searching/Opinion
- Trademark Availability Searching/Opinion
- Drafting/Preparing Application
- Filing Application
- Examination/Prosecution
- Freedom to Operate Opinion
- Infringement Opinion
- A requirement for patents when the applicant is not the inventor, there are several inventors who do not file jointly or there has been a transfer of ownership of the patent.

Avoid Common IP Mistakes

Waiting too long to start **protecting** your IP

Losing IP because you don't understand you have it

Infringing on someone else's IP and not knowing it

Performing insufficient research on your competitors

Facing IP ownership issues because you don't have the proper contracts and agreements

IP Awareness & Education Services

- 1 Show you what IP is
- 2 Help you identify your IP
- 3 Explain how to protect IP
- 4 Show how to manage IP
- 5 Show where to find help

Get in touch!



Canada.ca/IP-for-business



[Contact an Intellectual Property Advisor](#)

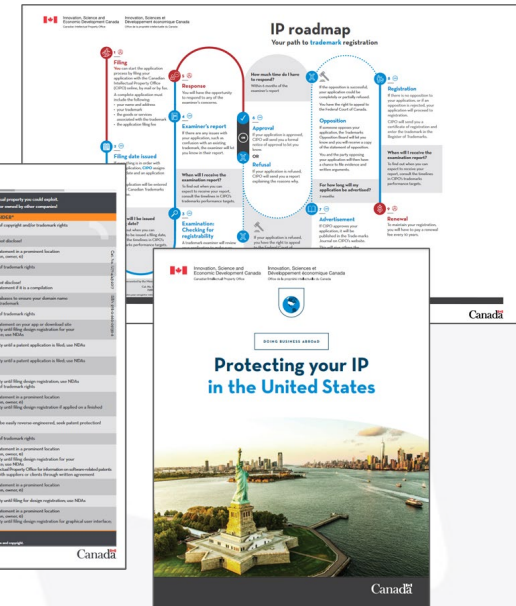
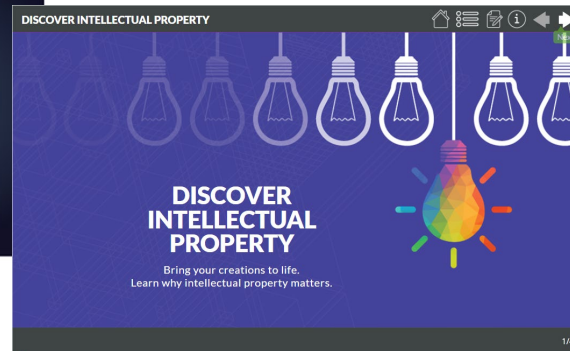


Client Service Centre

Phone: 1-866-997-1936



IP awareness and education



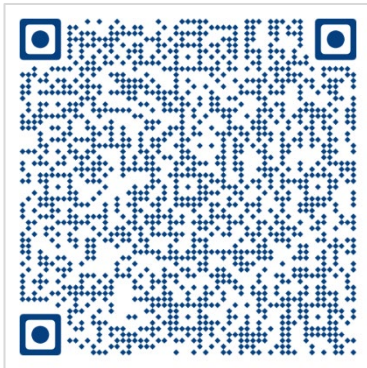
- E-learning modules
- Canadian IP Voices podcast
- National webinars on various IP topics
- IP roadmaps, fact sheets and guides

CIPO – IP Village:

<https://ised-isde.canada.ca/site/canadian-intellectual-property-office/en/ip-village-ip-resources-your-business>

CIPO IP Advisors (IPA)

- Help partners and clients understand the **strategic value** of IP
- Provide **relevant, objective** and **tailored** information



Types of clients:

- Small and medium-sized businesses (SMEs)
- Government stakeholders
- Economic development agencies
- Academia (e.g. universities, tech transfer offices)
- Innovators and creators

Services offered:

- IP training sessions
- Confidential one-on-one meetings
- Participation in conferences, trade shows and panel discussions

Canada

Sheridan College – Intake form for IP and commercialization services



Contact us:

Generator Support Office

email: generator@sheridancollege.ca