

Intellectual Property

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Objective of the session

At the end of the session, students will be able to

1. Understand the benefits to register Intellectual property
2. Familiarize with the different types of Intellectual Properties

What is Intellectual Property

- ❑ Intellectual property refers to creations of the mind, such as **inventions, literary and artistic works, designs, symbols, names, and images.**
- ❑ **Intellectual property rights protect these creations, granting exclusive rights to the creators or owners for a specified period.**



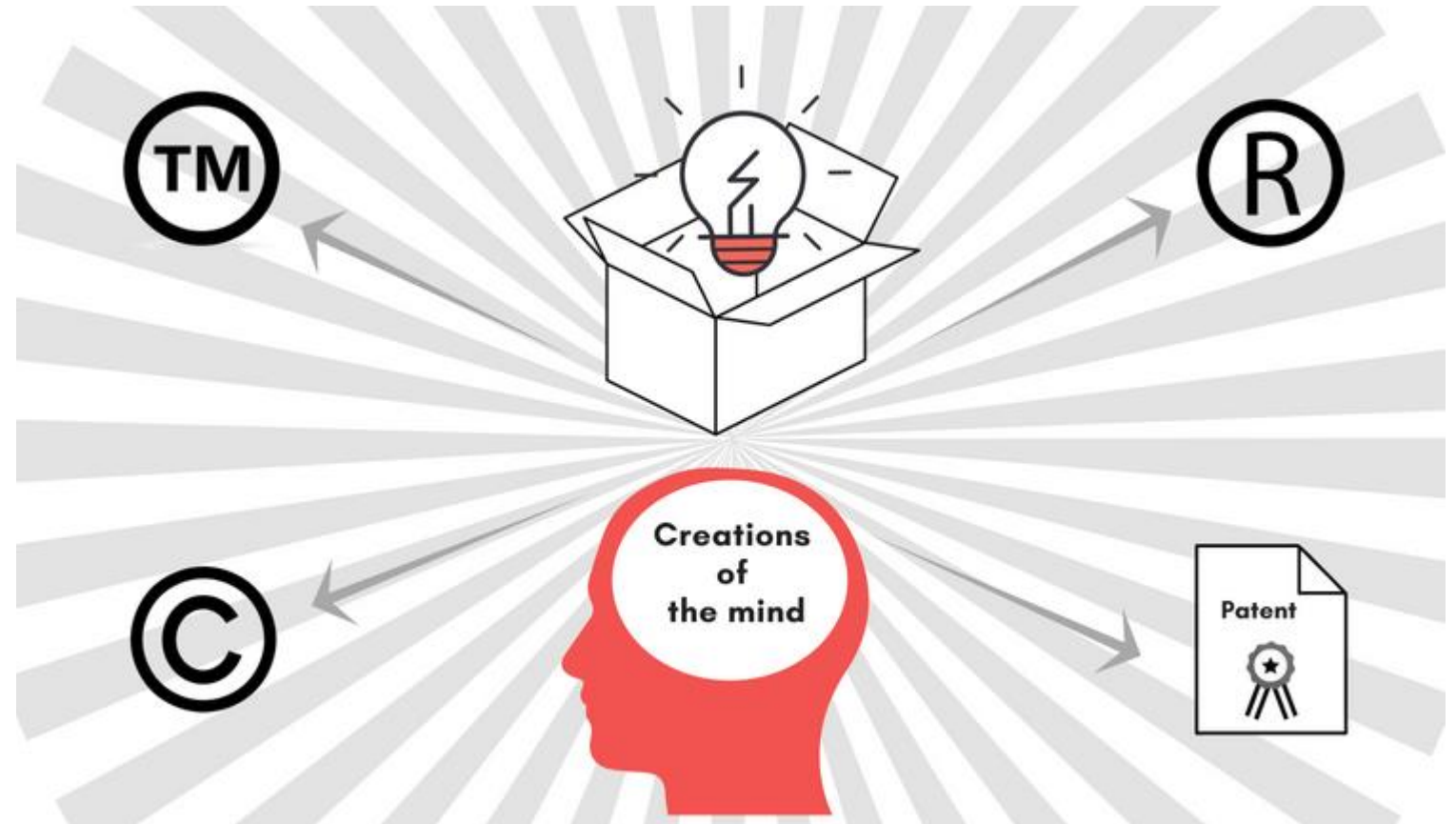
Importance of Intellectual Property (IP) for Graduate Students



- ❑ Graduate students engage in research, innovation, and creative work that may result in intellectual property.
- ❑ Protecting your intellectual property is crucial for preserving your rights and ensuring appropriate credit and recognition for your work. Talk to your (potential) advisor and find out his/her position.
- ❑ Intellectual property can also have commercial value, leading to potential licensing, collaborations, and entrepreneurship opportunities.
- ❑ Read the University's policies and guideline to get familiarized with the IP and specific guidelines related to your research area.

Types of Intellectual Property

- Patents
- Copyright
- Trademark
- Trade Secret



What is a Patent?

- ❑ A patent is an exclusive right granted for an invention, which is a product or a process that provides a different way of doing something, or offers a new technical solution to a problem.
- ❑ To get a patent, technical information about the invention must be disclosed to the public in a patent application.
- ❑ Patents are valid for 20 years, approx., from the filing date of the application.



What is a Patent? (Cont.)

- ❑ In principle, the patent owner has the exclusive right to prevent or stop others from commercially exploiting the patented invention. In other words, patent protection means that the invention cannot be commercially made, used, distributed, imported or sold by others without the patent owner's consent.
- ❑ Patents' rights are exclusive to the country or region in which a patent has been filed and granted, in accordance with the law of that country or region.



Key points of Patents

- ❑ Government granted property right
- ❑ Right to exclude others
- ❑ Expires 20 years from filing
- ❑ Country – Specific



Watch out!

- ❑ Patents protect inventions or discoveries that are **novel, useful, and non-obvious**.
- ❑ If your **research** involves **potential inventions or novel technologies**, **consult** with the university's technology transfer office **early on**.
- ❑ **Get familiarized** with the patenting process, including patent searches, filing applications, and commercialization opportunities. Make time to attend local/remote workshops and seminar.

Online Form

What is a Copyright?

- ❑ Copyright protects original works of authorship as soon as an author fixes the work in a tangible form of expression.
- ❑ Copyright works are original with a minimal degree of creativity, and independently created by a human being.
- ❑ Types of copyright works: paintings, photographs, illustrations, musical compositions, sound recordings, computer programs, books, poems, blog posts, movies, architectural works, plays, etc.



Works without copying!!

Who owns a Copyright?

- ❑ When a person or a group of people create an original work and fix it, they become the authors and owners of the copyright.
- ❑ Copyright law allows ownership through “works made for hire,” which establishes that works created by an employee within the scope of employment are owned by the employer.
- ❑ Copyright ownership can also come from contracts like assignments or from other types of transfers like wills and bequests.



What rights does copyright provide in the US?

- ❑ Reproduce the work in copies or phonorecords.
- ❑ Prepare derivative works based upon the work.
- ❑ Distribute copies or phonorecords of the work to the public by sale or other transfer of ownership or by rental, lease, or lending.
- ❑ Perform/Display the work publicly if it is a literary, musical, dramatic, or choreographic work; a pantomime; or a motion picture or other audiovisual work.
- ❑ Perform the work publicly by means of a digital audio transmission if the work is a sound recording.
- ❑ The copyright's owners have the right to authorize others to exercise these exclusive rights, subject to certain statutory limitations.

Key points of Copyright

- ❑ Copyright protects original works of authorship fixed in a tangible medium, such as papers, theses, software code, and artwork.
- ❑ Understand the rules regarding the use of copyrighted material in your research and publications, such as proper citation and fair use.
- ❑ Be aware of any copyright transfer agreements or licenses when publishing or sharing your work.

What is a Trademark?

- ❑ A trademark is a type of intellectual property consisting of a recognizable sign, design, or expression that identifies products or services from a particular source and distinguishes them from others.
- ❑ The trademark owner can be an individual, business organization, or any legal entity.
- ❑ A trademark may be located on a package, a label, a voucher, or on the product itself.



Key points of Trademarks

- ❑ Government granted property right (e.g., US Patent and Trademark Office)
- ❑ Right to exclusively use a specific mark or logo
- ❑ Renewable indefinitely with proper maintenance
- ❑ Country-Specific

TRADEMARK



What is a Trade Secret?

- ❑ Trade secrets are intellectual property rights on **confidential information which may be sold or licensed.**
- ❑ Information can be qualified as trade secrets if:
 - ❑ commercially valuable because it is secret
 - ❑ be known only to a limited group of persons
 - ❑ be subject to reasonable steps taken by the rightful holder of the information to keep it secret.



Common Types of Trade Secrets

- ❑ In general, any confidential business information which provides an enterprise a competitive edge and is unknown to others may be protected as a trade secret.
- ❑ Trade secrets encompass both technical information (i.e., information concerning manufacturing processes, pharmaceutical data, designs and drawings) and commercial information (i.e., distribution methods, list of suppliers and clients, and advertising strategies).



Common Types of Trade Secrets

- ❑ A trade secret may be also made up of a combination of elements, each of which by itself is in the public domain, but where the combination, which is kept secret, provides a competitive advantage.
- ❑ Other examples of information that may be protected by trade secrets include financial information, formulas and recipes and source codes.



Protection that a Trade Secret offers

- ❑ Trade Secrets are aimed to protect against unfair competition or the protection of confidential information.
- ❑ In general, unfair practices in respect of secret information include industrial or commercial espionage, breach of contract and breach of confidence.



Main Difference between Trade Secrets and Patents

A trade secret owner cannot stop others from using the same technical or commercial information, if they acquired or developed such information independently by themselves through their own R&D, reverse engineering or marketing analysis, etc. **Since trade secrets are not made public, unlike patents, they do not provide “defensive” protection, as being prior art.** For example, if a specific process of producing Compound X has been protected by a trade secret, someone else can obtain a patent or a utility model on the same invention, if the inventor arrived at that invention independently.



Key points of Trade Secrets

- ❑ Confidential Advantage
- ❑ Secrecy Protection
- ❑ Commercial Benefit
- ❑ Indefinite Duration





More Reading about Intellectual Property

- ✓ <https://www.memphis.edu/fedex/ott/documents/intellectualpropertyfundamentals.pdf>
- ✓ <https://www.memphis.edu/law/documents/iplaw.pdf>
- ✓ https://www.memphis.edu/research/umrc/umrc_oct08_2021/intellectualpropertyequityreview_edit_page14.pdf

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What kind of IP do I have?

Think about an idea/product/brand and learn more about the required information for its registration via:

<https://ipidentifier.uspto.gov/#/identifier/welcome>