Canadian Intellectual Property Office
An Agency of Industry Canada

Office de la propriété intellectuelle du Canada
Un organisme d'Industrie Canada

Intellectual property (IP): the basics

IP: what's in it for you?

IPIC
Intellectual Property Institute of Canada
Institut de la propriété intellectuelle du Canada

CIPO OPIC

Canada

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

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

What is a trade-mark?

- Word(s) **KODIAK**
- Word and design

- Design

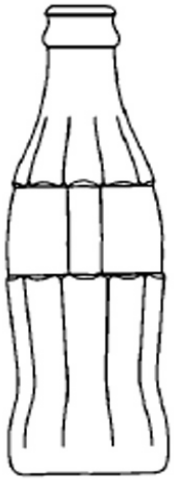
- Slogan **“ZOOM-ZOOM”**

Reproduction courtesy of Kodiak Group Inc.; Hasbro, Inc.; Schering-Plough Healthcare Products, Inc. All rights reserved; Mazda Motor Corporation.

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	Not registered
Geographic coverage across Canada	Coverage is regional
Period is 15 years, renewable	Period of use is to be proven
Present in the Trade-mark Register	Not present in the Trade-mark Register
Registration serves as proof of ownership	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

What is copyright?

It is the exclusive right to produce or reproduce a creation

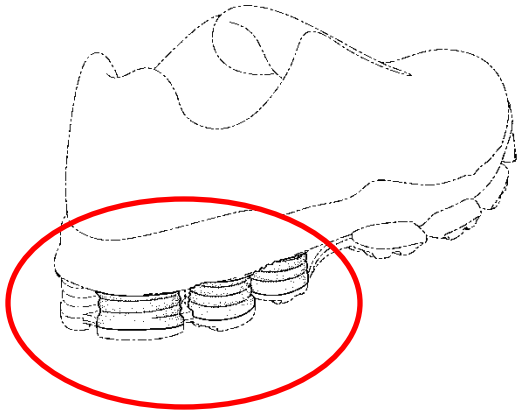
- Literary
- Dramatic
- Musical
- Artistic

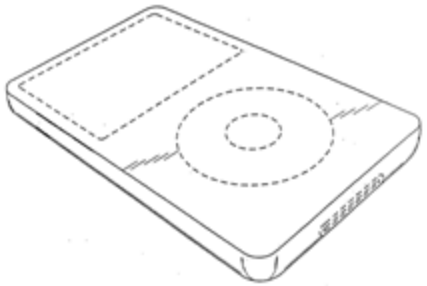
Copyright registration and protection

- 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

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.)

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

What should you do next?

Contact us

Canadian Intellectual Property Office (CIPO)	Intellectual Property Institute of Canada (IPIC)
• Learn more about IP basics • Consult databases www.cipo.ic.gc.ca 1-866-997-1936 cipo.contact@ic.gc.ca	• Consult a registered patent or trade-mark agent www.ipic.ca 613-234-0516 info@ipic.ca

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