

Intellectual Property:

Why is this relevant to you?

What is it?

How do we manage it?

Why is this relevant to you?

- Software is a product for which all of the value resides in the intellectual property – so you need to be aware of how to protect and manage these rights if you are going to enter into commercial transactions.
- Many of you will go on to work for companies in knowledge-based industries where an awareness of IPR is important

What is Intellectual Property (IP)?

Patents

Trade Marks

Design Rights

Copyright

Know How

- *All are intangible assets but like other forms of property it can be bought, sold, licensed etc*

Non-Patent IP

Trade Marks

A trade mark protects any sign or symbol that allows your customers to tell you apart from your competitors. You can register a name, logo, slogan, domain name, shape, colour or sound.

Design Rights

Outward appearance of a product – the ‘look and feel’.

Registered design rights

Design rights

Copyright

Copyright

Know How

Industrial secrets, confidential information, specialist knowledge

Copyright

- Is an unregistered right that protects original work and applies to any medium e.g. literary, artistic, musical works or computer code
- A copyright protected work may have other IP rights subsisting in it
- It allows the owner to prevent others from copying a work without permission
- In general it last for the life of the creator plus 70 years (some differences for musical works and broadcasts)

Copyright

- Copyright will subsist in all original presentations, lecture notes and manuscripts that you author
- You can assert that works have copyright subsisting in them by using the © symbol and dating them
- Copyright is infringed if someone uses the whole or a substantial part of a copyright protected work without the permission of the owner

What is a Patent?

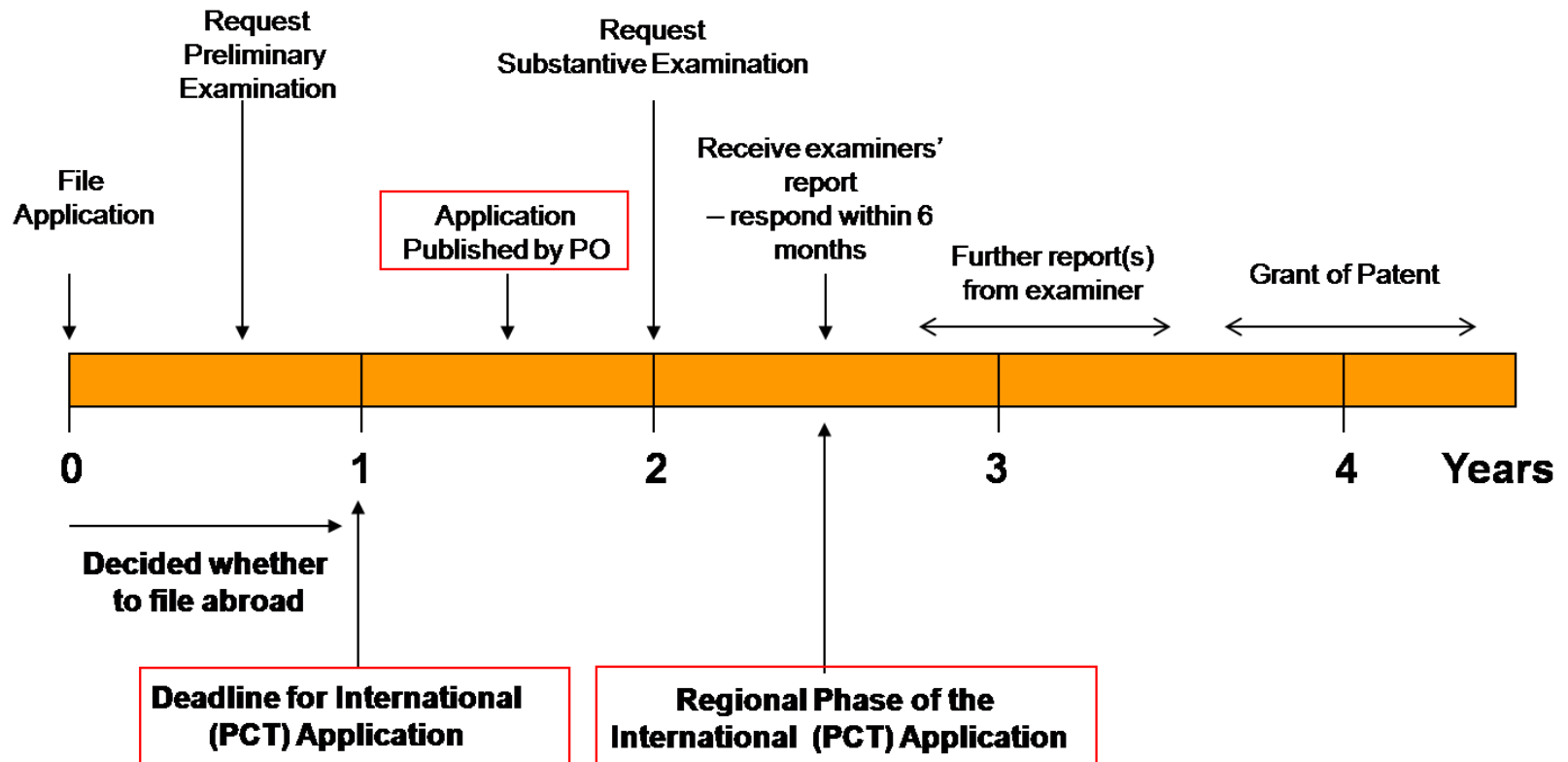
- Patents protect inventions
- A monopoly granted by the state to the proprietor of an invention. This allows the proprietor to prevent others from using the invention
- 20 year duration from the date of filing
- Effectively the patentee gets to exclude others from exploitation of their invention in return for
 - 1) making the invention and
 - 2) disclosing the invention

Patentability

- For an invention to be patentable it needs to be:
 - **inventive**
 - “not obvious to a person skilled in the art”
 - **novel**
 - Not part of the “prior-art”
 - i.e. anything disclosed anywhere!
 - **capable of industrial application**
- These are judged at the date of filing the application

Patent Application Process (1)

Patent application vs patent!



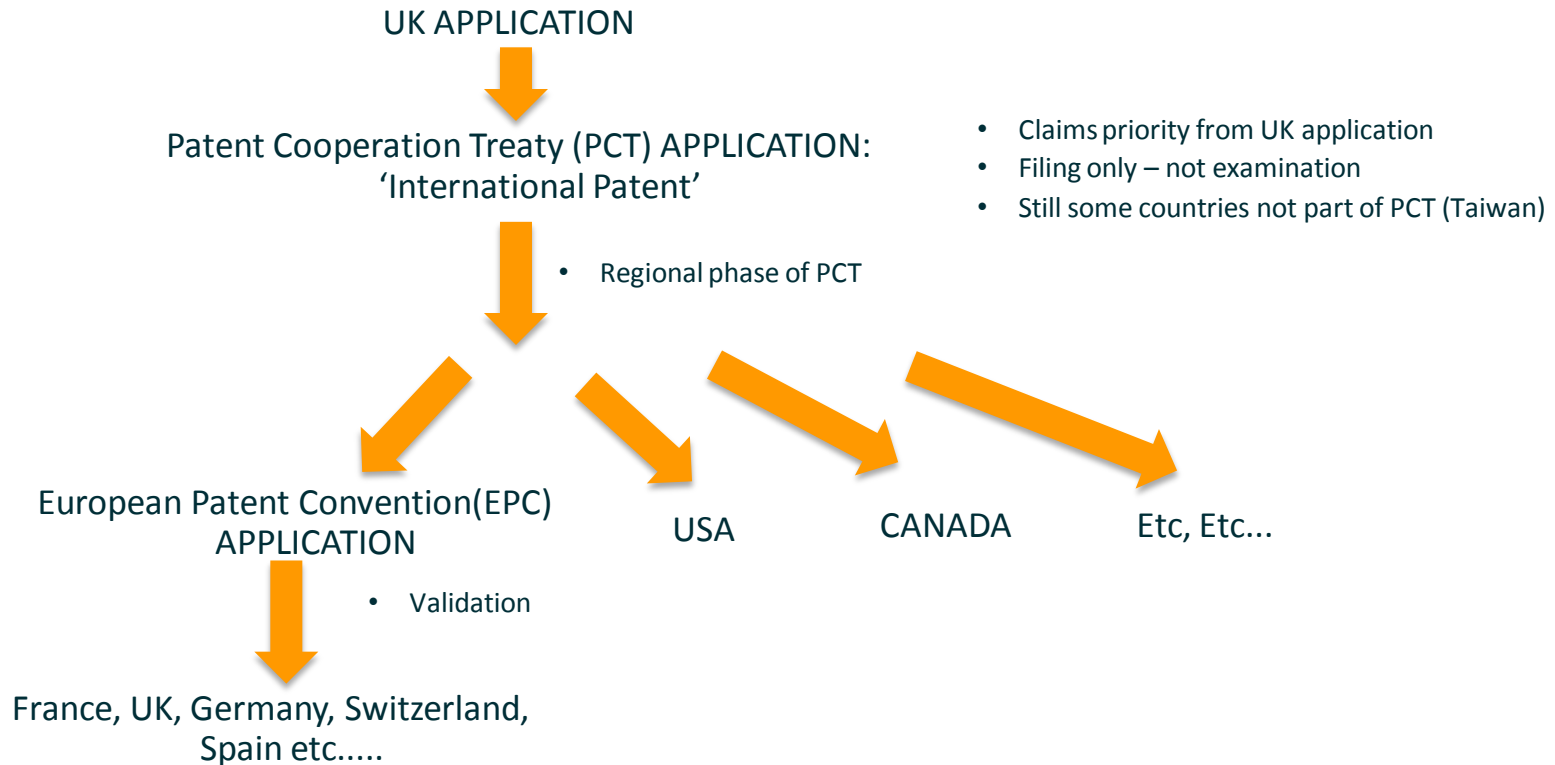
Patent Application Process (2)

- Patents confer protection in individual states

- It is possible to file in many countries simultaneously by mean of treaties to which countries have agreed:
 - European Patent (EPC)
filed and granted centrally to become patents in each separate country

 - ‘International Patent’ (PCT)
filed centrally but granted in the separate countries

Patent Application Process (3)



Patentability of Software

European Patent Convention

PART II SUBSTANTIVE PATENT LAW

Chapter I Patentability

Article 52^{25, 39}

Patentable inventions

(1) European patents shall be granted for any inventions, in all fields of technology, provided that they are new, involve an inventive step and are susceptible of industrial application.

(2) The following in particular shall not be regarded as inventions within the meaning of paragraph 1:

(a) discoveries, scientific theories and mathematical methods;

(b) aesthetic creations;

(c) schemes, rules and methods for performing mental acts, playing games or doing business, and **programs for computers;**

(d) presentations of information.

(3) Paragraph 2 shall exclude the patentability of the subject-matter or activities referred to therein only to the extent to which a European patent application or European patent relates to such subject-matter or activities as such.

PATENTS ACT 1977

An Act to establish a new law of patents applicable to future patents and applications for patents; to amend the law of patents applicable to existing patents and applications for patents; to give effect to certain international conventions on patents; and for connected purposes.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:-

PART I

NEW DOMESTIC LAW

Patentability

Patentable inventions

1.-(1) A patent may be granted only for an invention in respect of which the following conditions are satisfied, that is to say -

(a) the invention is new;

(b) it involves an inventive step;

(c) it is capable of industrial application;

(d) the grant of a patent for it is not excluded by subsections (2) and (3) or section 4A below;

and references in this Act to a patentable invention shall be construed accordingly.

(2) It is hereby declared that the following (among other things) are not inventions for the purposes of this Act, that is to say, anything which consists of -

(a) a discovery, scientific theory or mathematical method;

(b) a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever;

(c) a scheme, rule or method for **performing a mental act, playing a game or doing business, or a program for a computer;**

(d) the presentation of information;

but the foregoing provision shall prevent anything from being treated as an invention for the purposes

Patentability of Software

-however you can patent a process that solves a technical problem that is implemented through software
- It can be a contentious area and European Examiners have been known to take a different (more lenient) view than those in the UK (although the processes should be harmonised).

Ownership of IPR

- Inventorship vs ownership
- 1977 Patents Act:

Right to employees' inventions

39.-(1) Notwithstanding anything in any rule of law, an invention made by an employee shall, as between him and his employer, be taken to belong to his employer for the purposes of this Act and all other purposes if -

(a) it was made in the course of the normal duties of the employee or in the course of duties falling outside his normal duties, but specifically assigned to him, and the circumstances in either case were such that an invention might reasonably be expected to result from the carrying out of his duties; or

(b) the invention was made in the course of the duties of the employee and, at the time

Copyright, Designs and Patents Act 1988:

11 First ownership of copyright

- (1) The author of a work is the first owner of any copyright in it, subject to the following provisions.
- (2) Where a literary, dramatic, musical or artistic work is made by an employee in the course of his employment, his employer is the first owner of any copyright in the work subject to any agreement to the contrary.
- (3) This section does not apply to Crown copyright or Parliamentary copyright (see sections 163 and 165)

How does Hull Manage its IPR?

- The Intellectual Capital Exploitation (ICE) Strategy provides a framework for the evaluation, protection and commercialisation of intellectual property generated within the University
- Process for disclosure of new ‘inventions’
- Describes University Policy in relation to its IP

E.g. Distribution of Net Revenues

TOTAL NET REVENUE	RESEARCHER	DEPARTMENT	UNIVERSITY
To £20k	80%	10%	10%
To £100k	50%	20%	30%
Over £100k	33.3%	33.3%	33.3%

Commercial Transactions

- Licence Agreements:
 - Provide the right for another party to use the IPR usually in return for payment
 - E.g. Royalty, milestone, single fee etc
 - Different type of access to the IPR can be granted:
 - Exclusive license
 - Sole license
 - Non-exclusive license
 - Rights to sub-licence

- Assignment of Right
 - All ownership of rights is transferred

Commercial Transactions

- Consultancy Agreements / Supplier and Technical Service Agreements
 - Usually involve generation of new IPR
 - If you commission work, who owns the copyright?

- Collaboration Agreements
 - Who will own the IP developed?
 - Do you need access to the IPR for further research?

Try to think of all eventualities and take advice!

Think about Potential IP Issues

Think about whether the work you are going to do may produce commercially valuable IP so that the necessary steps can be taken when the data / results are generated.

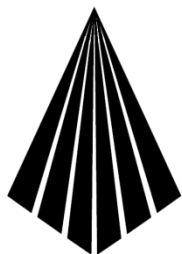
Confidentiality

- Make sure appropriate Non-disclosure agreements are in place before any confidential information is exchanged with organisations external to the University

- If the work may have commercial potential, please talk to us before publishing / presenting it!

The Enterprise Centre at the University of Hull

- Designed to encourage, support and nurture start up businesses
 - Home of the Knowledge Exchange Team – IP, KTP, CPD, Funding and Research Opportunities
 - Placements & Internships
 - Building relationships with the business community
 - Support available regardless of discipline, year of study, undergraduate, post graduate or Phd
 - Base for the Graduate Entrepreneurship Project
 - Enterprise@hull.ac.uk -
 - <http://www2.hull.ac.uk/administration/enterprise.aspx>
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GRADUATE ENTREPRENEURSHIP PROJECT

If you are a current undergraduate , or have graduated within the last 7 years and are an EU citizen and looking at starting a business with in the Yorkshire & Humber area, (ideally Hull) in the related sectors listed – we can help :

Advanced Engineering and Metals

Chemicals

Environmental Technologies

Creative & Digital

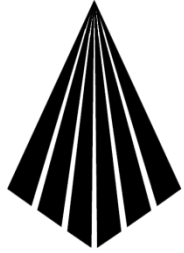
Financial & Business Services

Food & Drink

Healthcare Technologies



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GRADUATE ENTREPRENEURSHIP PROJECT

Graduate Entrepreneurship Project Offers:

Financial assistance - Proof of concept, Start-up grants of up to £2400,

Business assistance (£1000 or 12 hours support)

Workshop Programme – see the website

Annual Boot camp – 4 day residential intensive business training and advice

Mentoring– specific to your new business start-up

Liz Johnson Graduate Entrepreneurship Project Manager

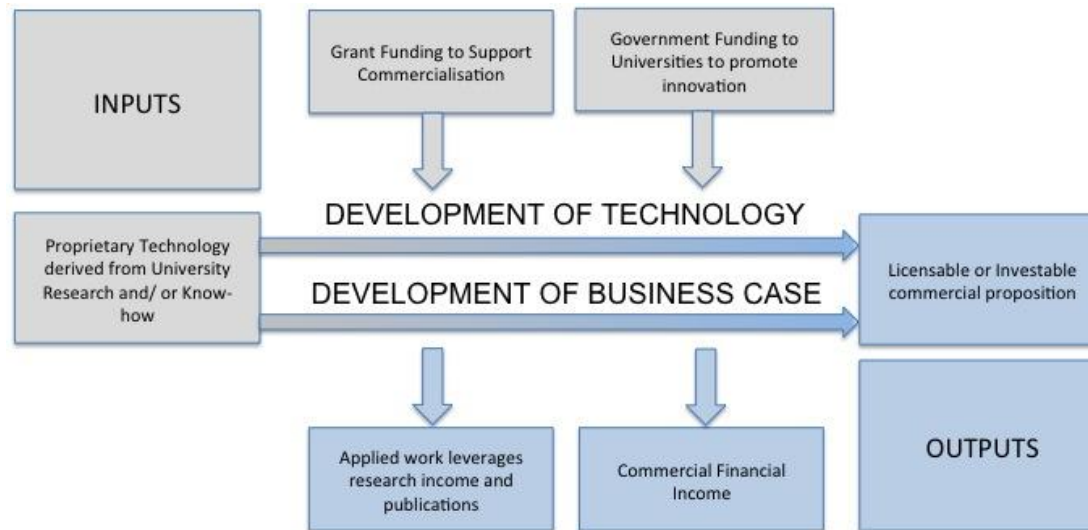
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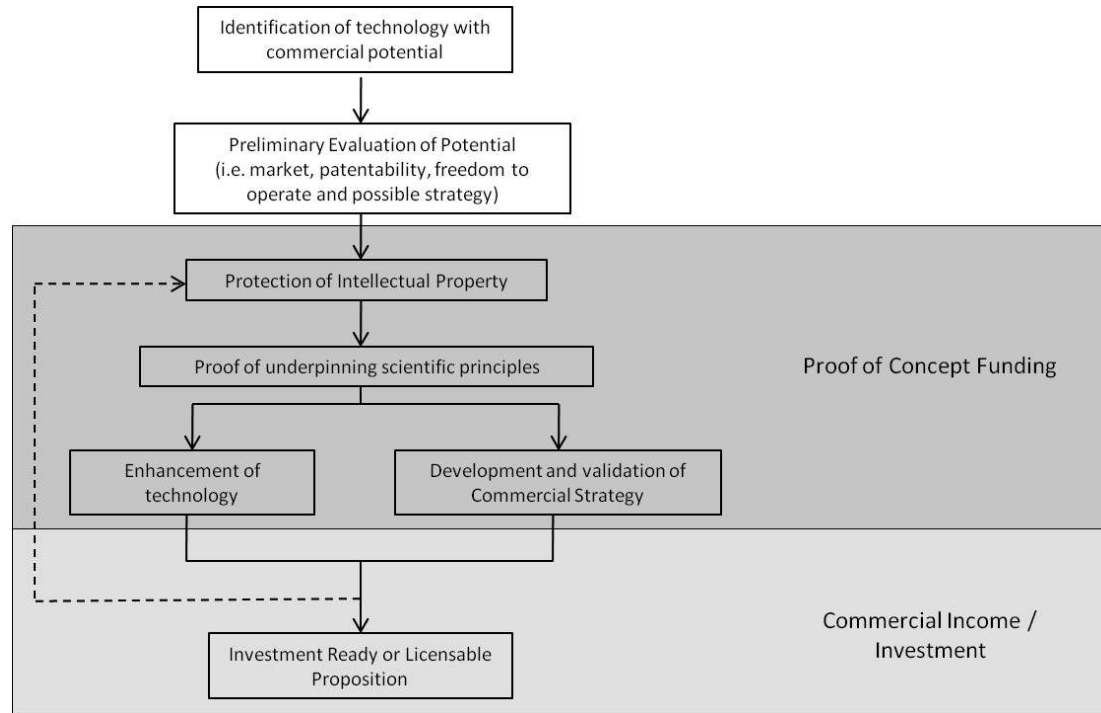
Email: elizabeth.johnson@hull.ac.uk



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Any questions?





Patent Applications

Structure:

- Field of the invention
- Background
- Case for novelty / inventive Step
- Examples
- Drawings
- Claims

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau



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(71) Applicant (for all designated States except US): **THE UNIVERSITY OF HULL** [GB/GB]; Cottingham Road, Hull, HU6 7RX (GB).

(72) Inventors; and
(75) Inventors/Applicants (for US only): **FAGAN, Michael, J.** [GB/GB]; 30 Maple Walk, Brandesburton, YO25 8SH (GB). **ELL, Stephen, R.** [GB/GB]; 56 Manor Road, Swanland, North Ferriby, HU14 3PB (GB). **PAGET, Timothy, A.** [GB/GB]; 1 Rotary Gardens, Gillingham,

MI7 2AB (GB). **DOBSON, Catherine, A.** [GB/GB]; 102 Park Avenue, Hull, HU5 3EP (GB). **MAHMOUD, Zahra, N.** [IN/GB]; First Floor Flat, 1 Upper Berkeley Place, Bristol, Avon, BS8 1JS (GB).

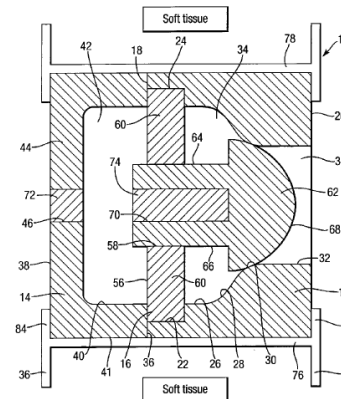
(74) Agent: **MATHISEN MACARA & CO.**, The Coach House, 6-8 Swakeleys Road, Ickenham, Uxbridge, Middlesex UB10 8BZ (GB).

(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

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(54) Title: SPEECH VALVE



(57) Abstract: A speech valve (10) comprises a generally cylindrical body (12, 14, 16) and a closure member (62) which is slidably movable within the body (12, 14, 16) between a closed position and an open position. The valve body and the closure member (62) are formed of a rigid, smooth material which is resistant to the growth of biofilm, such as a ceramic. A particular suitable ceramic is partially stabilised zirconia. The valve body is provided with an outer sleeve (76) which is provided with radially outwardly extending annular flanges (82, 86), which are used to retain the speech valve in a fistula between the oesophagus and the trachea.

WO 2008/050093 A1

Claims

WO 2008/050093

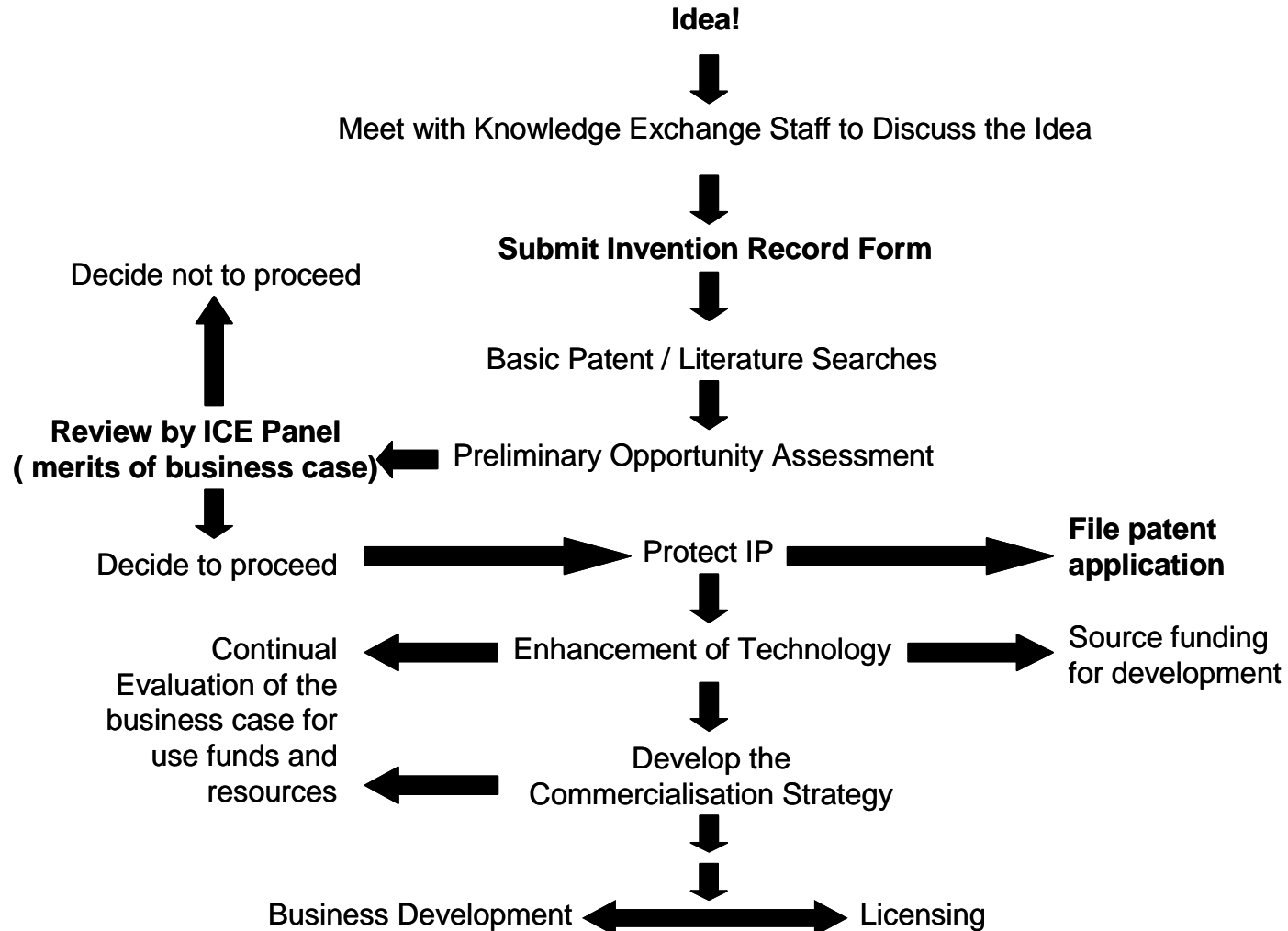
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12

CLAIMS

1. A speech valve having a body and a projection, the body being at least partially insertable into a fistula between the trachea and the oesophagus so as to provide a closable passage between the trachea and the oesophagus with the projection lying outside the fistula to resist passage of the valve through the fistula, the body having a seat and the valve including a closure member which is movable between an open position and a closed position in which the closure member contacts the seat so as to close the valve and thereby close the passage between the trachea and the oesophagus, the body and the closure member having respective guidance surfaces which slidingly contact one another to guide the closure member between the open and the closed positions so that the sliding contact tends to clean the guidance surfaces.
2. A speech valve according to claim 1, wherein the guidance surfaces are sufficiently rigid to prevent substantial flexing during operation.
3. A speech valve according to claim 1 or claim 2, wherein the guidance surfaces are, respectively, an outwardly facing annular surface and an inwardly facing annular surface, the outwardly facing annular guidance surface fitting closely and slidingly within the inwardly facing annular guidance surface.
4. A speech valve according to claim 3, wherein there is both axial and rotational relative movement between the guidance surfaces during movement between the open position and the closed position.
5. A speech valve according to claim 3 or claim 4, wherein the annular guidance surfaces are cylindrical.
6. A speech valve according to claim 1 or claim 2, wherein the closure member has a stem and a plurality of mutually angularly spaced fins extending

The Process



Useful Links

- The Knowledge Exchange:
 - <http://www2.hull.ac.uk/administration/business.aspx>

 - ICES on the Portal:
 - Services and Support → Calendar 2006/07 → Register of Policies, Regulations and Procedures

 - Espacenet – patent database:
 - <http://ep.espacenet.com/>

 - UK Intellectual Property Office (formerly the Patent Office)
 - <http://www.ipo.gov.uk/home.htm>
-