



European Institute of
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HEI Initiative

DIN-ECO

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Head of SGGW part in DIN-ECO project



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Intellectual Property Rights (IPR) Protection

March 7th , 2024

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Invention

New scientific or technical idea, and the means of its embodiment or accomplishment.

To be patentable, an invention must be **novel**, **have utility**, and be **non-obvious**.

www.businessdictionary.com

Invention

An idea to be called an **invention**, **needs to be proven as workable**. But

to be called an **innovation**, it must also be **replicable** at an **economical cost**, and must satisfy a **specific need**.

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www.businessdictionary.com

Invention

That's why only a few inventions lead to **innovations** because not all of them are economically **feasible**

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Patent

the legal right to be the only one who can make, use, or sell an invention for a particular number of years

Cambridge Dictionary

Patent

Limited legal **monopoly** granted to an individual or firm to make, use, and sell its invention, and to exclude others from doing so.

www.businessdictionary.com

Patentable invention

Novel

Useful - Possible for industrial use

Non-obvious

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Patentable items fall under four classes

1. Machine
2. Manufacture
3. Process
4. Composition of matter

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Patent protection last

7 years (India) to 20 years (EU, US)
from the date the patent application is
filed.

However, periodic fees are required to
maintain the enforceability of the patent

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Please notice

Responsibility of identifying, locating, and suing the patent violators, however, rests solely with the patent holder;

Patent law provides only means of prosecution and determination of just compensation.

The EPC* does not define the meaning of "invention", but it does

provide a non-exhaustive list of subject-matter and **activities that may not be regarded as inventions,**

* EPC - European Patent Convention

Not patentable

Programs for computers exceptions art 52

Methods for **treatment** and diagnostic methods practised on the human or animal body

Not patentable

Plant and animal varieties

Inventions contrary to "order public" or morality esp. processes for cloning human beings

The exclusion does not apply to microbiological processes or the products of such processes.

In general, **biotechnological inventions are also patentable**

if

they concern biological material that is isolated from its natural environment or produced by means of a technical process, even if it previously occurred in nature.

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1. Novelty

An invention is considered to be new if it does not form part of the state of the art.

State of the art

Comprises everything made available to the public anywhere in the world by means of a written or oral description, by use, or in any other way, before the date of filing or priority.

Espacenet:

<https://worldwide.espacenet.com>

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2. Inventive step

if it is not obvious to the skilled person in the light of the state of the art

The inventive step requirement is intended to prevent exclusive rights forming barriers to normal and routine development.

3. Possible for industrial use

If according to the invention a product or method can be obtained, in a technical sense, in any industrial activity, not excluding agriculture

Copyrights

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What kind of works ?

a wide range of intellectual creations,
from novels to architecture, computer
programs, and more

▪

In simpler terms

Copyright is the right to copy

In simpler terms

If you own the copyright on something,
someone else **cannot make a copy of it
without your permission.**

Copyright law

gives creators of original material the **exclusive right to further use and duplicate that material for a given amount of time**, at which point the copyrighted item becomes public domain.

Important to remember

Copyright law protects creators of original material from unauthorized duplication or use.

www.businessdictionary.com

Important to remember

For an original work to be protected by copyright laws, it has to be in **tangible form**

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What can be protected using copyrights ?

- literary works
- novels
- poems
- plays,
- reference works
- newspaper articles

What can be protected using copyrights ?

- computer programs, databases
- films, musical compositions, and choreography

What can be protected using copyrights ?

- artistic works such as paintings, drawings, photographs, and sculpture
- Architecture
- advertisements, maps, and technical drawings.

What are the author's rights ?

Economic rights, which allow the rights owner to derive financial reward from the use of their works by others;

<https://www.wipo.int/copyright/en/>

What are the author's rights ?

Moral rights, which protect the non-economic interests of the author.

<https://www.wipo.int/copyright/en/>

The economic rights owner of a work can prohibit or authorize:

its **reproduction in various forms, such as printed publication or sound recording;**

<https://www.wipo.int/copyright/en/>

The economic rights **owner of a work can prohibit or authorize:**

its public performance, such as in a play or musical work;

<https://www.wipo.int/copyright/en/>

The economic rights owner of a work can prohibit or authorize:

its **recording**, for example, in the form of mp4 or others

<https://www.wipo.int/copyright/en/>

The economic rights owner of a work can prohibit or authorize:

its **broadcasting, by radio, cable or satellite**

<https://www.wipo.int/copyright/en/>

The economic rights owner of a work can prohibit or authorize:

its **translation into other languages**

<https://www.wipo.int/copyright/en/>

The economic rights owner of a work can prohibit or authorize:

its **adaptation, such as a novel into a film screenplay**

<https://www.wipo.int/copyright/en/>

Moral rights include the right to claim authorship of a work and the right to oppose changes to a work that could harm the creator's reputation.

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Copyrights registration

In the majority of countries, and according to the Berne Convention, copyright protection is obtained automatically **without the need for registration** or other formalities.

<https://www.wipo.int/copyright/en/>

Personal Copyright happens automatically

the minute you set something into a “fixed form” — even if that fixed form is pen scratches on a legal pad. You automatically own the copyright to any creative work of art you produce, the minute you produce it.

<https://www.whoishostingthis.com/resources/copyright-guide/>

Registering a copyright allows you to

Legally establish yourself as the copyright
owner of the work

<https://www.whoishostingthis.com/resources/copyright-guide/>

Registering a copyright allows you to

Legally establish the date of creation

<https://www.whoishostingthis.com/resources/copyright-guide/>

Registering a copyright allows you to

Take legal action against someone who
infringes on your copyright

<https://www.whoishostingthis.com/resources/copyright-guide/>

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That last one is key

You cannot sue someone for infringing your copyright unless your copyright is registered.

<https://www.whoishostingthis.com/resources/copyright-guide/>

Do I need to include © symbol on my work?

the use of such symbols is no longer a legal requirement

Many right owners still include the symbol © as a highly visible way to emphasize that work is protected and that all rights are reserve.

https://www.wipo.int/copyright/en/faq_copyright.html

How long time last the law protection?

In reference to Berne Convention, the time limit should be equal to or longer than **50 years** after the creator's death.

How long time last the law protection?

Longer periods of protection may be provided at the national level.

Licensing

is a common method for gaining and transferring rights of copyright works;

If you wish to use copyright material, you usually need to get permission from the rights holder to do so.

Common types of copyright licences -examples

Exclusive licence

The exclusive licence allows the licensee to make use of the copyright work to the **exclusion of everyone else**, including the copyright owner

Limited use licence

is where a copyright owner allows a work **to be used only in a specific way.**

<https://www.nibusinessinfo.co.uk/content/different-types-copyright-licences>

Limited use licence

An example: When permission is granted to use a photograph in the production of a brochure, but if it is then used in an advertisement or on a website, a further licence will be needed

<https://www.nibusinessinfo.co.uk/content/different-types-copyright-licences>



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Thank you!



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