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Protects brand name, product name, company name, website name application name and all related logos	-Set of rights granted to an inventor -Essentially relates to inventions in field of science and technology Granted on 3 counts: novelty, inventive step, industrial applicability	-Protects works of art and any other artistic expression of ideas or concepts -Automatic right -Does not need registration	-Protects the visual aesthetics or the aesthetics of any Product -Does not cover mechanical working of the article.
Letters, Words, Names, Signatures, Labels, Shapes, Colours, Sounds	Innovation which could be product, services, business processes	Literary, Dramatic works, Musical works, Artistic works, published editions, presentations, sound recordings, films, TV & radio programs, performances	Shape, Aesthetic features, Configuration, Surface pattern of any product
Term : 10 years	Term : 20 years from date of filing	Term: 60 years either from the death of the author or 60 years from the date of publication.	Term: 15 years right
TM – trade mark is applied for * – trade mark is applied for	Patent Applied For Patent Pending Patent Application No. Patent No	6	Design Registration No.

INVENTOR

Inventor is a person who is dissatisfied with the existing reality.

He uses this dissatisfaction to create a unique product/process.

NK IDEÉ nk your idea

IPR for START-UPS!

Steps and Resources

Identify...

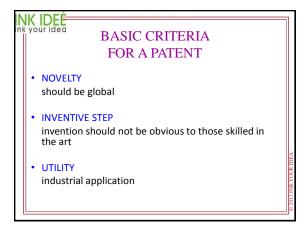
- Tech vs Non-Tech
- · Idea vs Products
- Brand name/logo vs website, GUI, Function
- · Content vs Source code

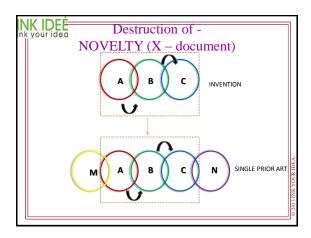
IPR for START-UPS!

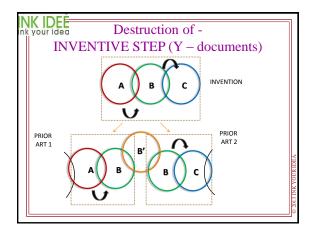
DO NOT GLOAT- Everybody wants to be Mark!!

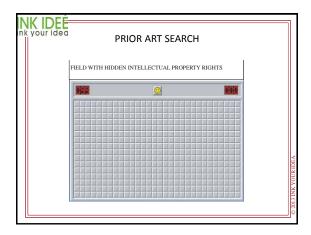
DO YOUR IPR SEARCH – People are smarter and faster than you!!

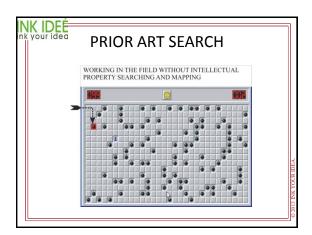
SEEK PROFESSIONAL HELP – You can not and should not do everything by yourself!













NK IDEE

your idea LEVELS OF INVENTION (I)

- <u>ALTSHULLER</u> studied 200,000 patent abstracts and classified inventions into levels of 'inventiveness'.
- LEVEL 1: Routine design problems solved by well known within the speciality. Usually, no invention needed.
- e.g. use of coal for writing.

INK IDEE

your idea LEVELS OF INVENTION (II)

 LEVEL 2: Minor improvements to an existing system using methods known within the industry.

E.g. graphite pencil (wrapped coal stick).

 LEVEL 3: Fundamental improvement to an existing system using methods known outside the industry.

E.g. ink pen (ink instead of coal).

NK IDEE

your idea LEVELS OF INVENTION (III)

 LEVEL 4: A new generation of a system that entails a new principle for performing the system's primary functions. Solutions are found more often in science that technology.

E.g. printer.

 LEVEL 5: A rare scientific discovery or pioneering invention of an essentially new system.

E.g. electronic pen and paper.

INK IDE

your ide FOREIGN JURISDICTIONS (I)

EUROPE

Nomenclature: INVENTIVE STEP

TESTS OF INVENTIVE STEP

Problem Solution Approach

- identifying the closest prior art, the most relevant prior art:
- determining the objective technical problem, that is, determining, in the view of the closest prior art, the technical problem which the claimed invention addresses and successfully solves; and
- examining whether or not the claimed solution to the objective technical problem is obvious for the skilled person in view of the state of the art in general.

NK IDEÉ

FOREIGN JURISDICTIONS (II)

EUROPE

Nomenclature: INVENTIVE STEP

TESTS OF INVENTIVE STEP

- Could Would approach
- 1) Is there any teaching in the prior art, as a whole, that would, not simply could, have prompted the skilled person, faced with the objective technical problem formulated when considering the technical features not disclosed by the closest prior art, to modify or adapt said closest prior art while taking account of that teaching [the teaching of the prior art, not just the teaching of the closest prior art], thereby arriving at something falling within the terms of the claims, and thus achieving what the invention achieves?

NK IDEE

your idea FOREIGN JURISDICTIONS (III)

Uk

Nomenclature: INVENTIVE STEP

TESTS OF INVENTIVE STEP

- 1) Identifying the inventive concept embodied in the patent;
- Imputing to a normally skilled but unimaginative addressee what was common general knowledge in the art at the priority date;
- 3) Identifying the differences if any between the matter cited and the alleged invention; and
- 4) Deciding whether those differences, viewed without any knowledge of the alleged invention, constituted steps which would have been obvious to the skilled man or whether they required any degree of invention.

NK IDEE

FOREIGN JURISDICTIONS (IV)

Nomenclature: INVENTIVE STEP

TESTS OF INVENTIVE STEP

- 1) (a) Identify the notional "person skilled in the art",
- (b) Identify the relevant common general knowledge of that person:
- 2) Identify the inventive concept of the claim in question or if that cannot readily be done, construe it;
- 3) Identify what, if any, differences exist between the matter cited as forming part of the "state of the art" and the inventive concept of the claim or the claim as construed;
- Viewed without any knowledge of the alleged invention as claimed, do those differences constitute steps which would have been obvious to the person skilled in the art or do they require any degree of invention?

NK IDEE

your id FOREIGN JURISDICTIONS (V)

USA

Nomenclature: NON-OBVIOUSNESS

Non-obviousness was first introduced in 1850 with reference to a United States Supreme

Court case

NK IDFF

your idea FOREIGN JURISDICTIONS (VI)

USA

Nomenclature: NON-OBVIOUSNESS **TESTS OF INVENTIVE STEP**

FLASH OF A GENIUS

- Used from 1941 to 1952
- "the new device, however useful it may be, must reveal the flash of creative genius, not merely the skill of calling."

your idea FOREIGN JURISDICTIONS (VII)

Nomenclature: NON-OBVIOUSNESS **TESTS OF INVENTIVE STEP**

> - S - M

eaching - uggestion - otivation

1) A person having "ordinary skill in the art" would not know how to solve the problem at which the invention is directed by using the same mechanism.

NK IDE

FOREIGN JURISDICTIONS (VIII)

Nomenclature: NON-OBVIOUSNESS

TESTS OF INVENTIVE STEP

GRAHAM FACTORS

- 1) the scope and content of the prior art;
- 2) the level of ordinary skill in the art;
- 3) the differences between the claimed invention and the prior art;
- 4) objective evidence of nonobviousness.
- In addition, the court outlined examples of factors that show "objective evidence of nonobviousness". They are:
- commercial success;
- long-felt but unsolved needs; and
- failure of others.

NK IDEE

INVENTIVE STEPS IN PHARMACEUTICAL PATENTS (I)

For process Patents:

- Use of different starting material (more economical, easily available, ease of handling, eco-friendly etc)
- Less number of steps,
- Simplicity,
- · Less number of equipment,
- · Economical,
- · Improved purity,
- · Ease of isolation, purification etc.

INK IDEE

INVENTIVE STEPS IN PHARMACEUTICAL PATENTS (II)

For product Patents:

- · Improved bioavailability
- · Faster onset of action,
- · Improved pharmacokinetics,
- · Improved patient compliance,
- · Improved specificity for target tissue,
- · Improved safety profile,
- · Improved efficacy.

NK IDEE

INVENTIVE STEPS IN IT PATENTS

- Machine transformation Test
- For computer related inventions, this test is employed
- It is argued that a process patent must either be tied to a particular machine or apparatus or must operate to change articles or materials to a "different state or thing."

NK IDEE

EXAMPLES (I)

- Claim reads: <u>means for fixing</u> the first wooden member to the second plastic member
- Is it obvious that "<u>means for fixing</u>" signifies all types of means of fixing and not limited to e.g. adhesive or nut-bolt or welding or screw

INK IDEE

EXAMPLES (II)

- Claim reads: <u>a hook for a crane</u> which is shaped like
- Is it obvious that "<u>a hook for a crane</u>" signifies a hook with the shape and size of useful for a crane and is different from a hook used for fishing

NK IDEE

EXAMPLES (III)

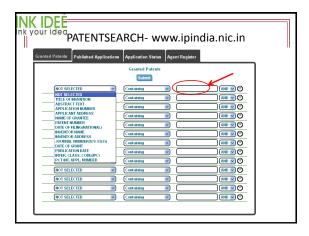
- Claim reads: a product with a 2-layered structure panel fixed by welding....
- If a product with the same structure as a 2-layered structure panel is obtained by a process other than welding, and that is publicly know, novelty is denied.
- If the same product with the same structure as a 2-layered structure panel fixed by <u>welding</u> cannot be usually obtained by other processes, the novelty is not denied unless the invention of the 2-layered structure panel using the process of <u>welding</u> is known publicly.

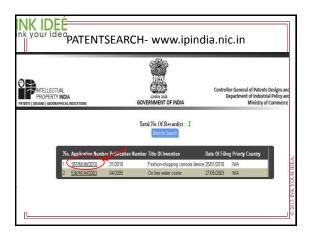


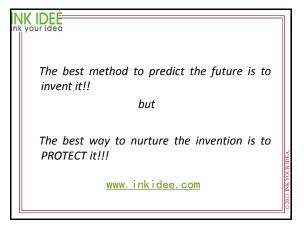














PATENT QUESTIONNAIRE

- What is the title of your invention?
- What are the objectives of your invention?
 what problem or problems does your invention solve
- how does your invention solve the problem or problems
- how does your invention differ from already patented or made inventions
- what improvements or new features are part of your invention
- how does your invention work or what process steps are involved
- What are the uses of your invention and state any different ways that your invention can achieve the desired result?
- List the parts of your invention or steps in the process if you have a process and how the
 parts or steps relate to each other.