



INVESTMENTS IN EDUCATION DEVELOPMENT

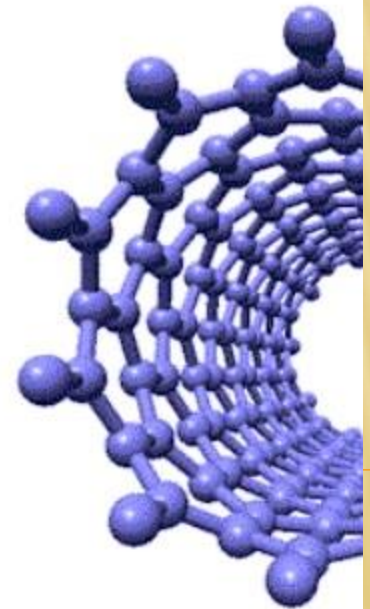
# Innovation and Development of Study Field Nanomaterials at the Technical University of Liberec

[nano.tul.cz](http://nano.tul.cz)

These materials have been developed within the ESF project: Innovation and development of study field Nanomaterials at the Technical University of Liberec



TECHNICAL UNIVERSITY OF LIBEREC  
[www.tul.cz](http://www.tul.cz)



Ing. Stanislav Petřík, CSc.,

Ing. Aleš Gardián, MBA (Elmarco s.r.o.), Fred Lybrand; MBA (Elmarco Inc., USA)

# **INOVATION AND BUSINESS** **IN NEW TECHNOLOGIES**

# Managing Intellectual Property

---



## Intellectual Property (IP)

IP is a specific commodity, that one does not lose when it is passed on to another one. It includes results of creative intellectual activity. At a university, IP is usually result of research and development activity. From the law point of view, IP is a type of property that can be protected by specific regulations.

There are two types of IP:

***Industrial property*** (patents, industrial design, trade marks)

and

***copyright*** (computer software, literature, scientific, musical, audiovisual works, etc.).

**Intellectual property law** covers all legal rights over original creations such as commercial and artistic products. Protection is granted to both tangible and intangible creations (i.e. musical, literary and artistic works, ideas, discoveries and inventions, words, phrases, symbols and designs).

---

Specific law citations (in Czech) can be found at:

[http://europa.eu/youreurope/business/start-grow/intellectual-property-rights/index\\_en.htm#czech-republic\\_en\\_protecting-intellectual-property](http://europa.eu/youreurope/business/start-grow/intellectual-property-rights/index_en.htm#czech-republic_en_protecting-intellectual-property)

Copyrights, trademarks, patents and industrial designs are the **most common forms** of intellectual property protection.

---



## Industrial property rights

Industrial property rights cover:

- **technical products** (inventions and utility models);
- **industrial design items** (industrial models, including designs);
- **identification rights** (designations of origin and trade marks);
- **other kinds of creation**, such as improved integrated circuits (semiconductor topographies), or new animal breeds and farming methods.

According to the Act on Inventions and Improvements, inventions that fulfil certain conditions may be granted **patents**.

# Co lze chránit

## Předměty autorského práva

Díla

Umělecká  
Vědecká

Počítačové programy

Databáze

Autorská práva  
(copyright)

## Předměty průmyslového vlastnictví

Technická  
řešení

Designová  
řešení

Vizuální/grafická  
označení

Forma ochrany

Patent  
Užitný vzor

Průmyslový  
vzor

Ochranná  
známka



A **utility model** is a new, industrially-useful technical solution which goes beyond the bounds of mere professional know-how. For items with a lower level of inventiveness or less economic importance, a **simpler quicker and less costly form of protection than a patent** may be chosen for the invention..

---

## Díla a jiné předměty autorskopravní ochrany

Okamžikem vytvoření díla  
v objektivně vnímatelné podobě

Po dobu života autora  
+ 70 let po jeho smrti

Není teritoriálně omezena

### Vznik ochrany

### Doba trvání ochrany

## Předměty průmyslového vlastnictví

Zápisem do rejstříku,  
udělením patentu

Podle předmětu ochrany  
a placení poplatků za udržování  
Princip teritoriality

An "**industrial model**" is understood to mean the appearance of a product or the parts thereof (marks of lines, outlines, colours, shape and the materials or decorations used).

---



A **registered trade mark** is a distinctive sign or indicator that allows people to distinguish your products or services from the others already on the market. It can be a name, a logo, the shape of a product or its packaging.

---

A "**designation of origin**" is understood to mean the name of an area or location identifying goods typical of such a location because of their quality or special characteristics.

---

A **geographical indication** is the name of an area that identifies goods coming from that area. Your product is entitled to geographical indication protection if it has a specific quality, reputation or other characteristic linking it to a specific geographical area where it has to be produced, processed and prepared.

---



The different types of **identification rights** are:

- trade mark;
  - designation of origin;
  - geographical indication.
-

## Copyright

Copyright grants to the creator of an original piece of work exclusive rights to his/her work for a certain period. It is not necessary to register pieces of work to be entitled to protection. This intellectual property right is consequently **informal**.

Property rights last, unless otherwise stipulated, for the period of the author's life and for 70 years after his/her death.

---

Copyright includes:

- **personal rights of the author** - the personal interests of the author and his/her connection to his/her work;
- **property rights of the author** - the asset value of the work.

The **Act on Copyright and Rights Related to Copyright** is the main law covering this issue.

---



	Patent	Užitný vzor
<b>Co lze chránit</b>	Vynálezy, chemické směsi, zařízení, zapojení, způsoby výroby, měřicí postupy, použití známé látky k novému účelu	Totéž jako u patentu kromě veškerých „způsobů“
<b>Řízení</b>	K získání patentu je nutné podat žádost o úplný průzkum (zjišťuje se splnění podmínek patentovatelnosti).	Neprovádí se úplný průzkum, aplikuje se registrační princip. Pokud je užitný vzor po formální stránce v pořádku, je zapsán.
<b>Zveřejnění</b>	18 měsíců po podání přihlášky se zveřejní celý obsah přihlášky.	Ke zveřejnění dojde až po zápisu užitného vzoru publikací dokumentu.
<b>Průměrná doba udělení ochranného dokumentu</b>	3 roky	6 měsíců
<b>Maximální doba platnosti ochranného dokumentu<sup>1</sup></b>	20 let	10 let

**Basic patent search can be done using internet.**

1. Czech national patent database:

<http://www.upv.cz>

2. European database (+ 60 million documents):

<http://www.espacenet.com/getstarted/>

e-learningový course Esp@cenet Assistant.

<http://ep.espacenet.com>

3. United States Patent and Trademark Office – USPTO (the same information collects Google Patent Search service)

<http://patft.uspto.gov/>

<http://www.google.com/patents>

# Patent

The patent laws usually require that, for an invention to be patentable, it must be:

- Patentable subject matter, i.e., a kind of subject-matter eligible for patent protection
- Novel (i.e. at least some aspect of it must be new)
- Non-obvious (in United States patent law) or involve an inventive step (in European patent law)
- Useful (in U.S. patent law) or be susceptible of industrial application (in European patent law)
- Usually the term "patentability" only refers to "substantive" conditions, and does not refer to formal conditions such as the "sufficiency of disclosure", the "unity of invention" or the "best mode requirement".

---

*In CR: Law No. 527/1990*