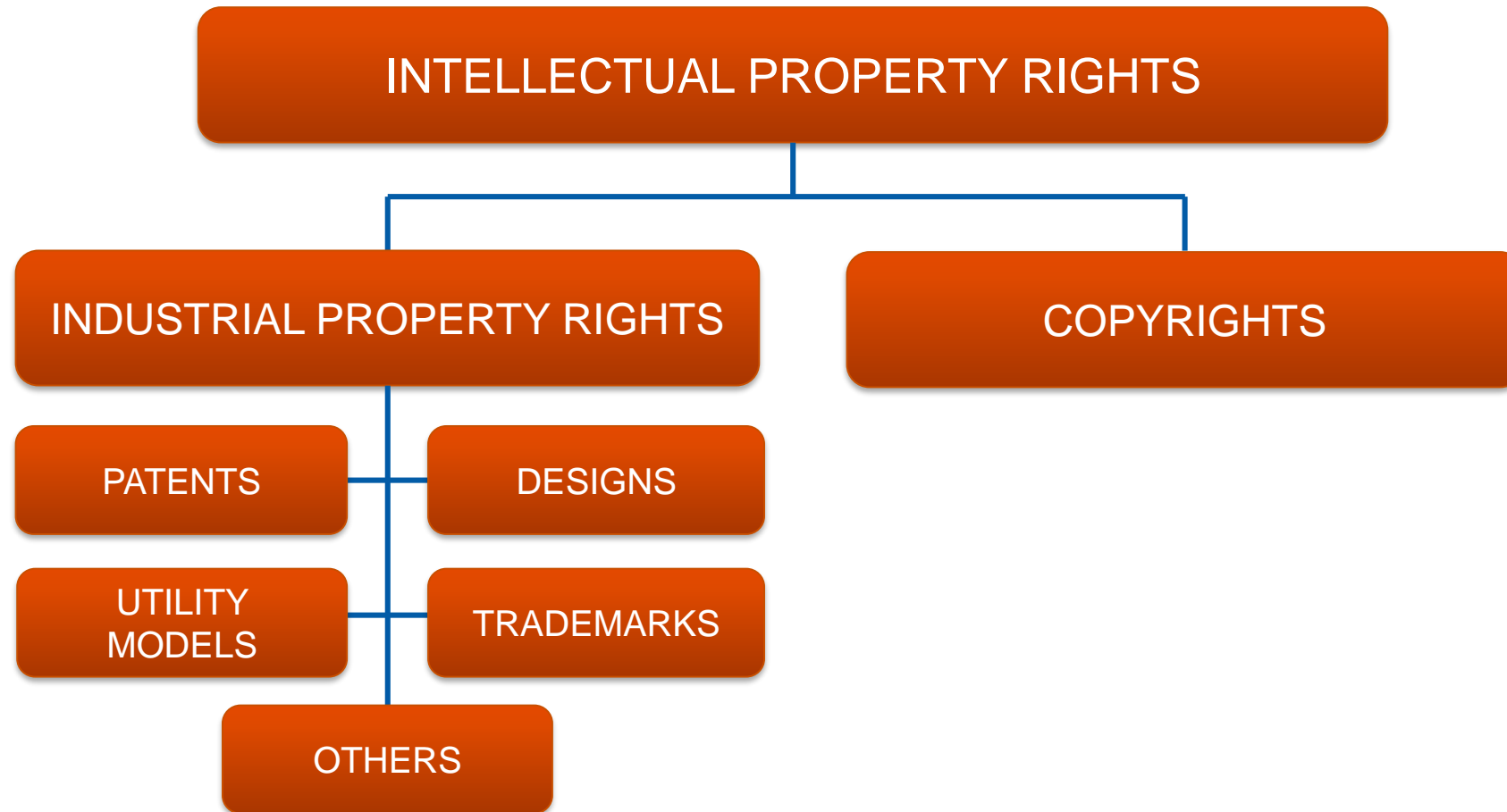




IPR: A Case Study 27.11.2024

Finnish Patent and Registration Office (PRH)

IPR - Intellectual property rights



One product – many IP rights!

Patents and utility models

- Data-processing methods
- Operating system
- Operation of user interface (use of touch screen)
- Camera optics

Designs

- Form of overall phone
- Position and shape of screen

Trade marks

- NOKIA
- Product "208"
- Start-up tone



Copyrights

- Software
- User manuals
- Ringtones
- Images

Trade secrets

- Technical know-how



Patents

Patents are key to successful business

What is a patent?

- An exclusive right
- Prevents others from **commercially utilising** your invention
 - Making, using, selling, offering for sale or importing
 - In the **country** where the patent is valid
- For a limited time
 - Up to **20 years**
- May be applied by the inventor or to whom he/she has transferred his/her rights
- In return for this protection, the holder has to reveal the invention to the public

What can you patent?

- A new and surprising solution to a technical problem
- A method, device, product and use
- **Not patentable** (in Europe)
 - Discoveries, scientific theories, mathematical methods
 - Aesthetic creations
 - Business methods, rules of games
 - Computer programs as such
 - Medical therapies

Your invention is patentable, if it's...

- **New**
 - Absolutely new
 - Not known anywhere in the world
 - Invention may **not** be **published** before the patent application has been filed
- **Inventive**
 - Invention must differ essentially from previously known inventions
 - It is not obvious solution to a person skilled in the art
- **Industrially applicable**
 - Technical

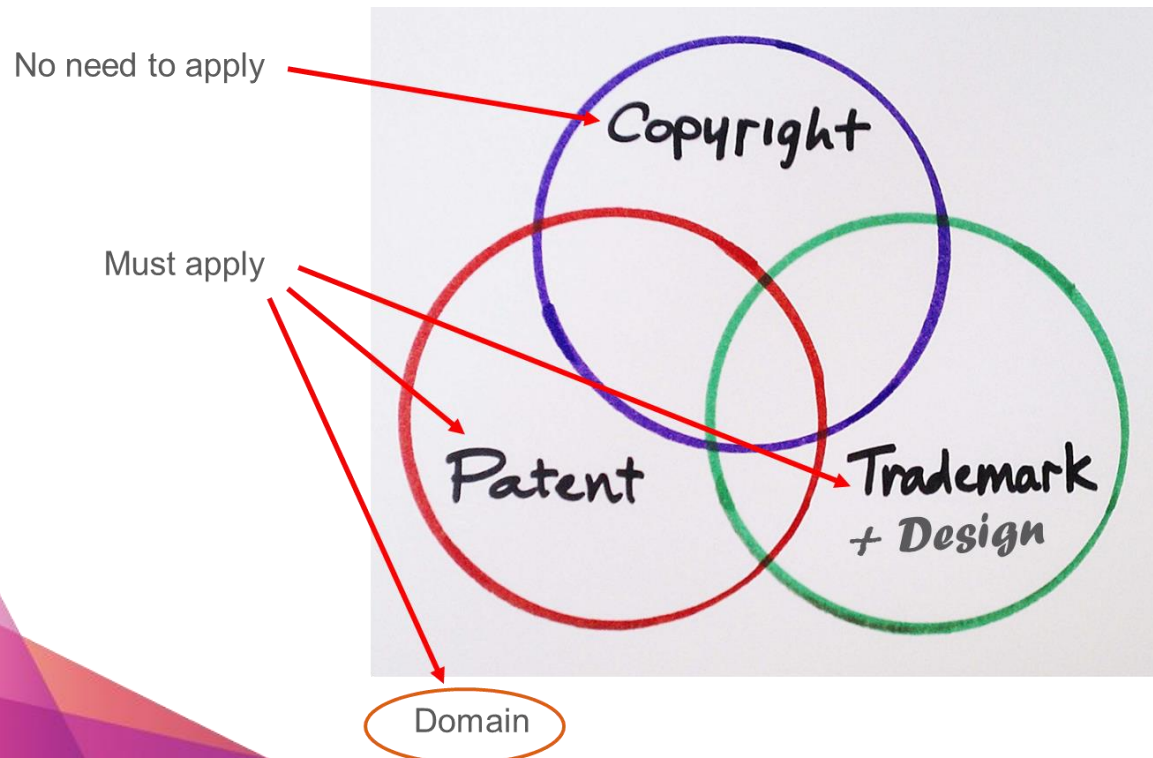
”A Lot Hinges On Patents”

- <https://www.youtube.com/watch?v=2PnlaDd0amk>



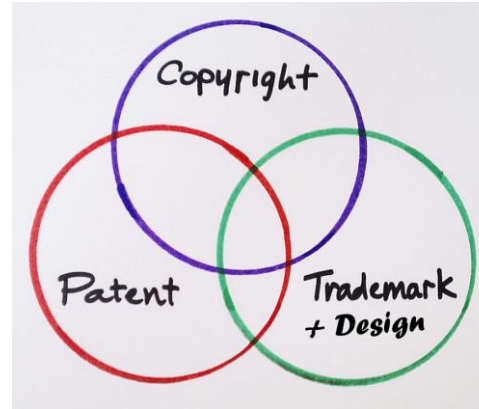
Right to say "no"!

When a patent (or other IPR) is granted, the owner gains the right to control manufacturing and sales, serving as the starting point for negotiations.



Building the IPR-moat for Your business is a process

- Several forms of IPR may be needed
 - Copyrights, patents, trademarks, designs
- Several patents may be needed
- Finding the core and recognizing the competition may take some time
- BUT: No need to dig a moat if you're not building a castle!



**A good business is like
strong castle with a deep
moat. Sharks in the moat!
Untouchable!**

Elon Musk 2022

“Patents are for the weak”

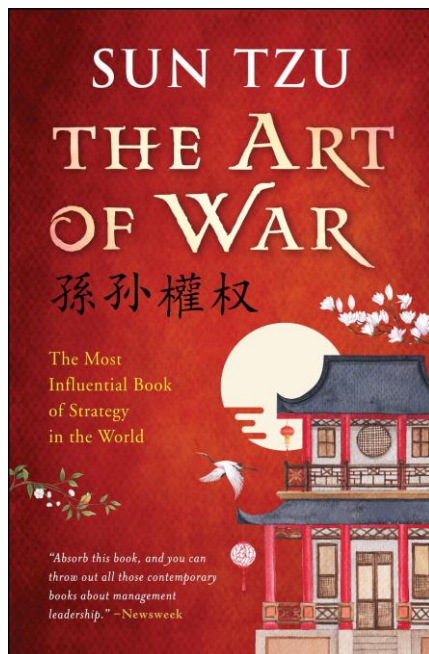
“They’re used like landmines in warfare”

“They don’t actually help advance things; they just stop others from following you”



Patents are tools of strategic maneuvers

Your point of view?



Gunsmith



or

General?



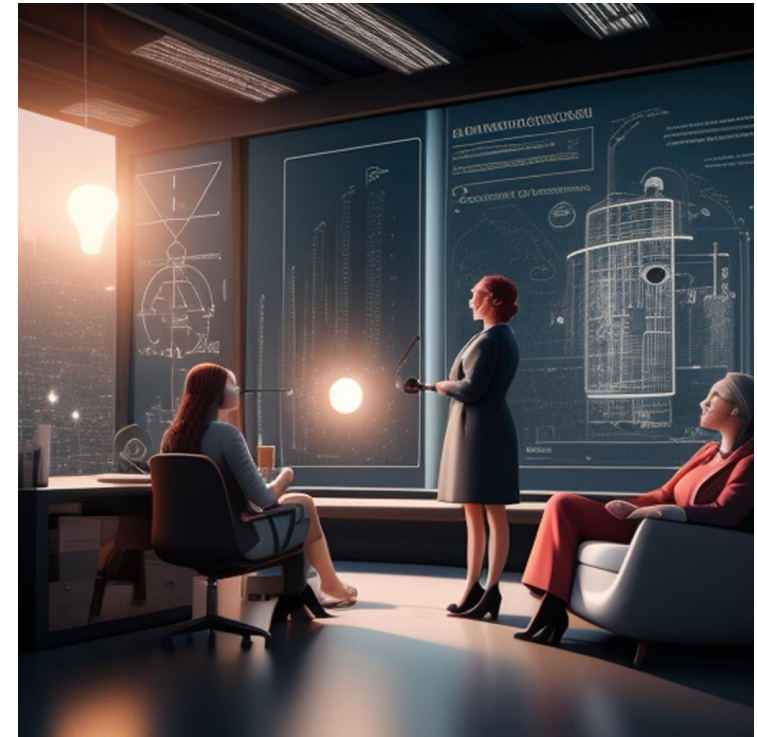


Leaving an IPR field on a racetrack may slow down competitors in the race for future market shares.



Sometimes bureaucracy is important

- Before any serious R&D -project, the rights to the results must be agreed
- If it is necessary to talk to any "outsider", NDA's (Non-disclosure agreement) must be made!
 - Can't always be made



What should have been done?

”Prevention is better than a cure”

1. Identifying the invention - a hinge
2. Transferring the rights from the employees to the company
(In this case the notification of the invention was not made)
3. Consider patenting – keep confidentiality before the decision
4. NDA’s when talking to the “outsiders”



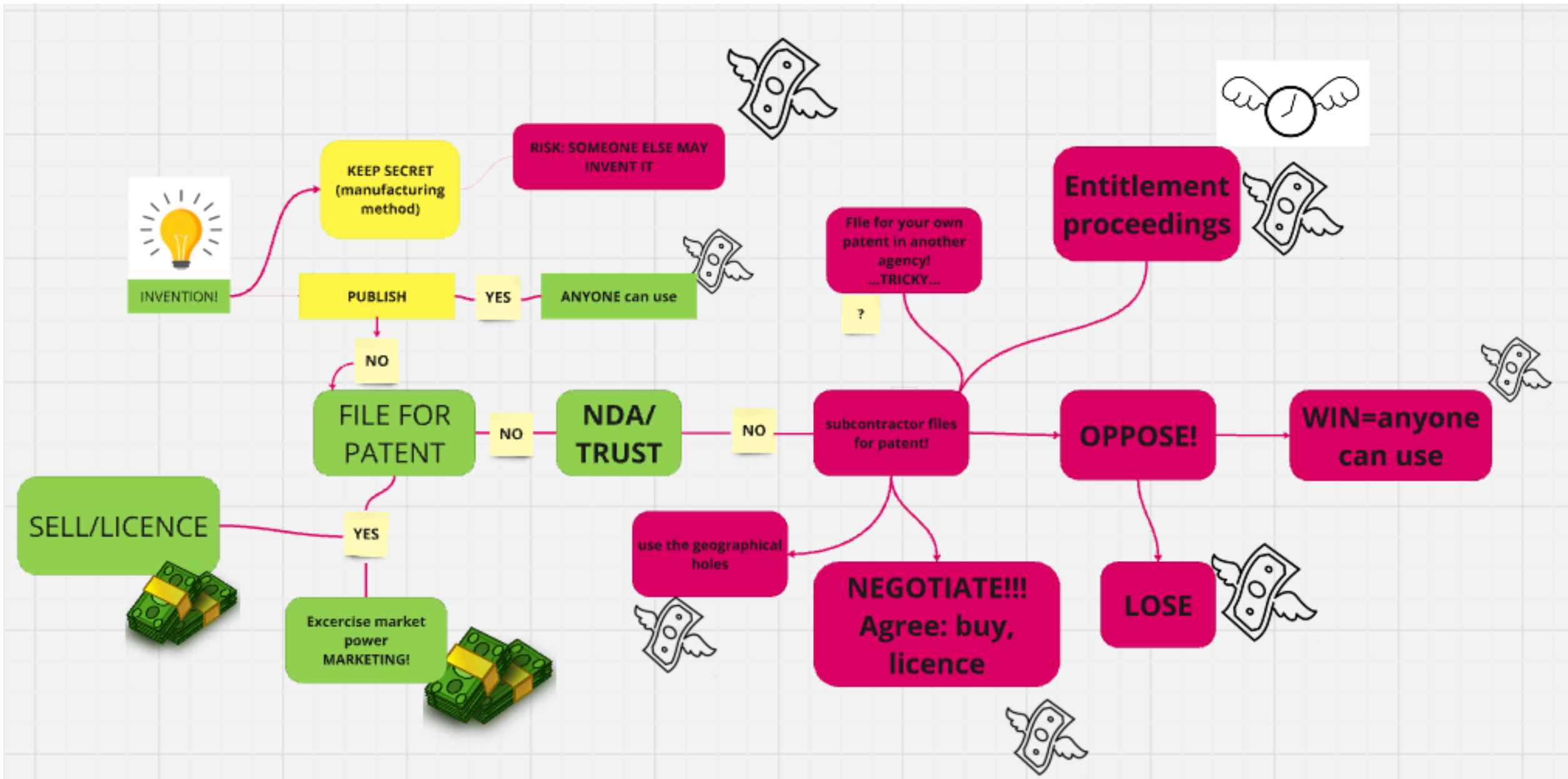
What still can be done?

1. Compulsory license – “A” can use the invention because “A” used it before the patent was granted to “B”
2. Trying to get the patent back – claiming that it was invented by the employees of the company
3. Trying to make the patent invalid by filing an opposition. The invention is not new because it was made public prior to the filing of the patent application
4. Negotiating a license

What are the possible outcomes?
Which option is the best and which is the worst?

1. “A” and “B” can use the
2. Only “A” can use the invention, takes a long time and a lot of money
3. Everybody can use the invention
4. “A” and “B” can use the invention
5. Nothing works and only “B” may use the invention







www.prh.fi

Sörnäisten rantatie 13 C, Helsinki
Mailing address: FI-00091 PRH, Finland
Customer Service: +358 29 509 5050 • Exchange: +358 29 509 5000

