



PatWorld

Patent Intelligence Platform & Research Services



Innovation Pack

The essential guide to dealing with
intellectual property to protect your ideas.

Introduction

It is very important for innovative companies and inventors to be aware of the do's and don'ts when it comes to protecting your ideas and the intellectual property (IP) available. This pack provides all you need to know to maximise the benefits of your IP.



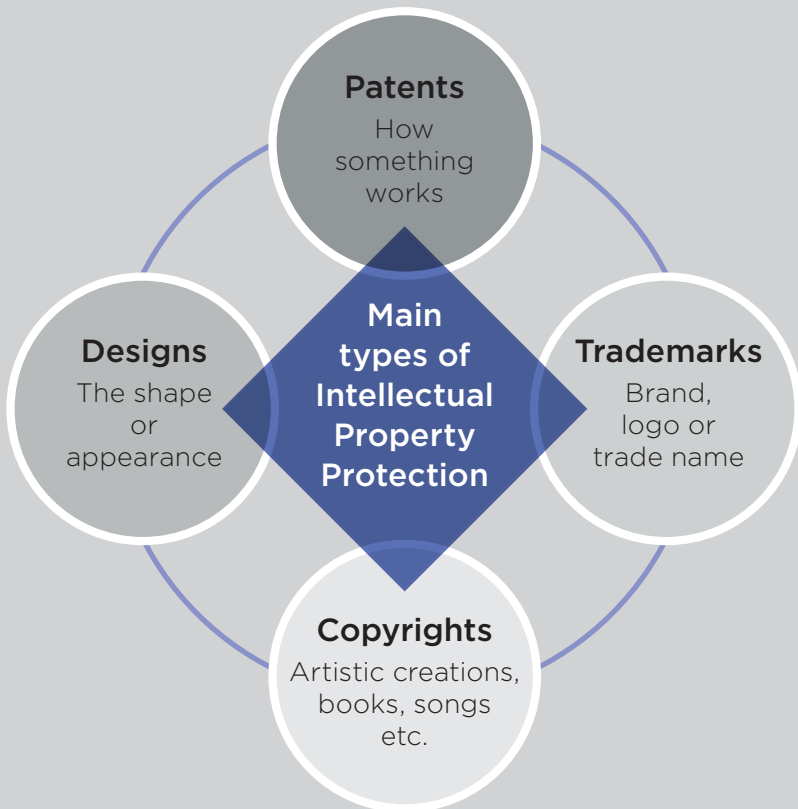


What is Included in the Pack?

Introduction	2
What is Intellectual Property (IP)	4
First steps when innovating – Keeping it secret!	6
What is a Non-Disclosure Agreement (NDA)?	9
Main types of IP searches and what are they used for	10
Patent searching	10
Prior Art	10
Patent Monitoring	10
State of The Art	11
Freedom To Operate	11
Design searching	11
Trademark searching	11
What is so great about patents?	12
How to apply for a patent	13
Carrying out your own prior art search	14
Resources Available to Support Innovation	17
US Intellectual Property Resources	17
Canadian Intellectual Property Resources	17
Other Resources	18

What is Intellectual Property (IP)

Intellectual property relates to protection for several aspects of inventions, there are four main areas, Patents, Registered Designs, Trademarks and Copyright.

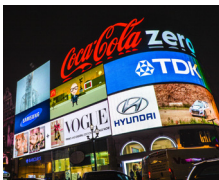




- ◆ **Patents** protect the way an invention works. So, you may have come up with the idea of a time machine, but if you cannot show how it works then you will not be able to patent it. Your invention, and the way it works must be new and inventive to be protected. A real-world example would be a new electric bicycle, its construction, and how it works.



- ◆ **Registered Designs** protect the way something looks (shape or appearance). A good example is the “Coca-Cola” bottle shape with its distinctive design, this would be suitable for Design protection. The design must be new to be protected. If you do not make a design application there is still automatic limited protection called “design right”.



- ◆ **Trademarks** protect trade names or logos etc that are representative of a company or product, for example the trade name “Coca-Cola”. A trademark does not have to be new as such but will need to be new for the type of company or type of product.



- ◆ **Copyright** is automatic (but can also be registered) and protects creative works such as the way something is written e.g. a book, song, or screenplay etc.



First steps when innovating – Keeping it secret!

When you first come up with an innovation (invention) the most important thing to consider is “Confidentiality”.

If you do not keep your invention secret and/or protected by a Non-Disclosure Agreement (NDA), then you may end up losing your rights over the invention. Making your invention public e.g. advertising it online, or discussing your invention with third parties, could end any hope of gaining patent or design protection¹.

Several examples are given below:

1	A bicycle manufacturer invents a new type of braking system and advertizes it online. If it is obvious how it works, and/or you sell any, you may not be able to protect the invention with a patent. This may allow anyone else to make and sell your braking system.
2	You come up with a great design for a wine glass and show this to a colleague. Your colleague then applies for a design application. If you cannot prove that you came up with this design first, you may have just lost your rights over it.
3	You come up with a catchy name for a new product and mention it to someone else in the industry. There may be nothing to stop that person taking the name and applying for a trademark.
4	You write the lyrics for a song and show them to someone. Again, unless you can prove you came up with the lyrics you may lose your copyright over them.

¹ **Please Note:** A **grace period** of 12 months may apply in the US and Canada.
Please consult a qualified patent attorney before disclosing your invention to anyone.



Witness

Signature

What is a Non-Disclosure Agreement (NDA)?

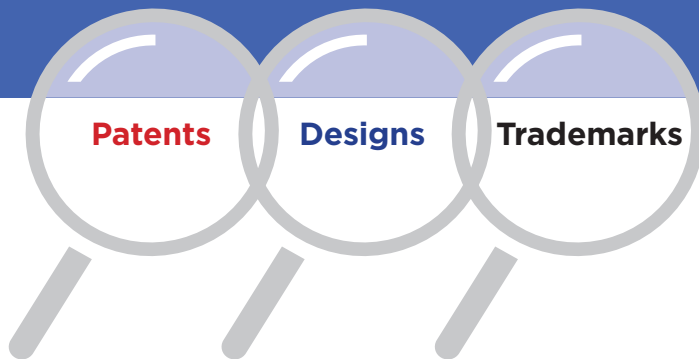
This is a written agreement with any third party e.g. an investor or potential business partner. It sets out a legal statement that they will not disclose, or use your invention or design etc, without your prior permission.

An attorney would be able to put one together for you, or they are available online, but this should at the very least be checked by an attorney. Alternatively, ask the third party to provide their NDA.

Remember signing NDAs is a standard practise in business. **If someone refuses to sign an NDA, walk away!**

Main types of IP searches and what are they used for

The main focus for IP searching is to establish whether something is new or protected. IP searching can be for Patents, Designs, or Trademarks. These will be described below:



Patent Searching

- ◆ **Prior Art** (or novelty or prior to filing) searching – Tries to determine if your invention is new and inventive “worldwide” before you make a patent application. It is an aid to answering the question: “Is it worth paying to draft and file a patent application?”.
- ◆ **Patent Monitoring** – Checking on a regular basis e.g. monthly, for new patents on a particular subject or new patent filings for a company or individual inventor.

- ◆ **State of The Art (SOA)** Searching – If you are a researcher or inventor and you are at the research and development stage of an invention, you may have several ideas on how to move forward. A SOA search will pull together all the different solutions other people have come up with and tried to protect with patents. Comparing your ideas to the results of this search can help you determine which of your ideas could be most fruitful.
- ◆ **Freedom To Operate (FTO)** Search – Before manufacturing, importing/exporting, or selling an invention, it's important to check that you won't infringe on other peoples' patent rights in the countries/territories in which you will be carrying out these activities. An FTO search will try to establish whether you are free to operate, therefore it is vital for start-up companies, and companies providing new products.

Designs Searching

These are very similar to the patent searches mentioned previously and are available for State of the Art (SOA), Novelty, Freedom to Operate (FTO) and Monitoring.

Trademark Searching

Checking for trademarks e.g. is a trade name already protected by a trademark in the US? Also, checking a company name to see what trademarks they own.

What is so great about patents?

A patent is the strongest form of IP protection available.

The reason for this is that a patent covers the way something works not just how it looks or is written. It can be a valuable asset for any company. In addition to this, placing “patent pending” on a product can be enough to ward off anyone trying to copy your product.



How to apply for a patent

You have your invention so what do you do next?

1	Have a look online to see if your invention has been done before. Is it new and inventive over other people's inventions? See following section on carrying out your own prior art search.
2	If you cannot find anything the next step is to get a professional prior art search carried out, asking the company to provide an NDA before you disclose any details of your invention.
3	Take the results of your search to a registered patent attorney. They will be able to assess the results to see if it is worth pursuing a patent application.
4	If going ahead, the patent attorney will be able to write/draft your patent application, and file it at a patent office.



search idea
online



professional
search



assess
results



draft & file
patent

Carrying out your own prior art search

Doing your own search is a great way to familiarize yourself with prior art, helping you to understand what makes your invention unique and inventive.



If you do find something that is close to your idea, then you may have saved yourself valuable time and money. However, identifying prior art similar to your invention may not be the end of the road. For instance, patent applications in the US are encouraged to cite prior art, applicants can use this to define their invention around what has been done before and distinguish its novelty and inventiveness.

There are a number of free patent databases available that can help with a quick search by providing cursory results including Google Patent and FreePatentsOnline. You can also take advantage of the free patent search databases provided by the Intellectual Property Offices in Canada, the US and/or Europe for your initial search.

Limitations of free databases can be, a low number of keywords per string, inability to run more complex or powerful queries, and restricted territories or countries available to search. The risk therefore is the potential to miss results that could impact the patent filing process and lead to setbacks.

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Commercial databases are more robust and can handle more complex search queries as well as providing more comprehensive results. The better results allow for a more informed decision when contemplating next steps in the patent filing process. However, the trade-off can be that many commercial databases come with a hefty price tag and require a minimum commitment, usually one year. In addition, pricing is negotiated by a sales agent upon subscribing and upon renewal.

More recently developed commercial cloud-based platforms such as **PatWorld** are far more flexible, whereby you pay for as much access as you need (day, month, or year) with no commitment

To make sure you have all the most relevant prior art, you should seriously consider having a professional patent, and non-patent search carried out.

Contacting a patent attorney after having a professional search completed can streamline the process, and have you well informed of the prior art relating to your invention before going forward with your patent application/s.

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Resources Available to Support Innovation

US Intellectual Property Resources

Grants.gov lists all current discretionary funding opportunities from 26 agencies of the United States government, including the National Institutes of Health, the National Science Foundation, the Department of Energy, and many others.

NIH Grants and Funding provides funding for biomedical research, and is the largest public fund in the world for this type of research.

United States Patent office (USPTO) is the federal agency for granting U.S. patents and registering trademarks. For inventors and entrepreneurs they provide resources **here**.

Canadian Intellectual Property Resources

Business Development Bank of Canada (BDC) offers a range of financing and advisory services for Canadian businesses, with a focus on small and medium-sized enterprises (SMEs). BDC offers a range of loans to suit your situation.

Canada Foundation for Innovation (CFI) makes financial contributions to Canada's universities, colleges, research hospitals and non-profit research organizations to increase their capability to carry out high quality research. In addition, it promotes productive networks and collaboration among Canadian universities, colleges, research hospitals, non-profit research institutions, and the private sector.

Canadian Intellectual Property Office is a special operating agency of Innovation, Science and Economic Development Canada. It delivers intellectual property (IP) services in Canada, and educates on how to use IP more effectively. Their main webpage provides education, tools and resources. Additionally, they provide information relating to **financing for your intellectual property**.

Communitech support the entire "Community of Tech" and to help companies start, grow, and succeed.

EUREKA provides a first point of contact for Canadian innovators seeking access to global value chains and foreign markets, with funding available to small and medium-sized businesses through NRC IRAP.

Going Global Innovation provides early-stage financing to researchers from Canadian SMEs, universities, and non-governmental research centers to pursue international Research & Development (R&D) partnerships with targeted key players in other countries.

Government of Canada Research Funding and Awards provides a broad spectrum of funding and awards for scientific research, research infrastructure, and research networks.

mARS Discovery District supports Canada's most promising startups — helping them grow, create jobs, and solve society's greatest challenges.

National Research Council Industrial Research Assistance Program (NRC IRAP) provide funding to support research and development projects at various stages of the innovation cycle.

Scientific Research and Experimental Development (SR&ED) Program uses tax incentives to encourage Canadian businesses of all sizes and in all sectors to conduct R&D in Canada. These tax incentives come in three forms: an income tax deduction, an investment tax credit (ITC), and, in certain circumstances, a refund.

The Trade Commissioner Service affiliates with other departmental groups to support exportation and international partnerships.

Other Resources

Top 40 list of start-up incubators in North America

European Intellectual Property Office

Navigating Patent Databases: Tips and Tricks





Your Intellectual Property Search Provider

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