

# Intellectual Property for Digital SMEs

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EUIPO  
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## Introduction - European Union Intellectual Property Office (EUIPO)



**EU agency** that offers **IP rights** protection to businesses and innovators across the EU and beyond

Based in Alicante, Spain, since 1994, from our foundation, our core business has been the registration of **EU Trade marks** and **Designs**.



Over **1.600** employees working directly and indirectly.



The Office uses **5** working languages (English, French, German, Italian and Spanish) and processes applications in **24** official EU languages.



We register more than **160,000** EU trade marks and up to **110,000** Community designs **annually**, offering IP protection to companies and individuals in a market of over 500 million consumers.

## Overview

- What is IP?
- Innovation process
- Benefits of IP
- Types of IP
- How to protect IP

## What is IP?

Intellectual property (IP) refers to **creations of the mind**, such as inventions, logos, designs, literary and artistic works.

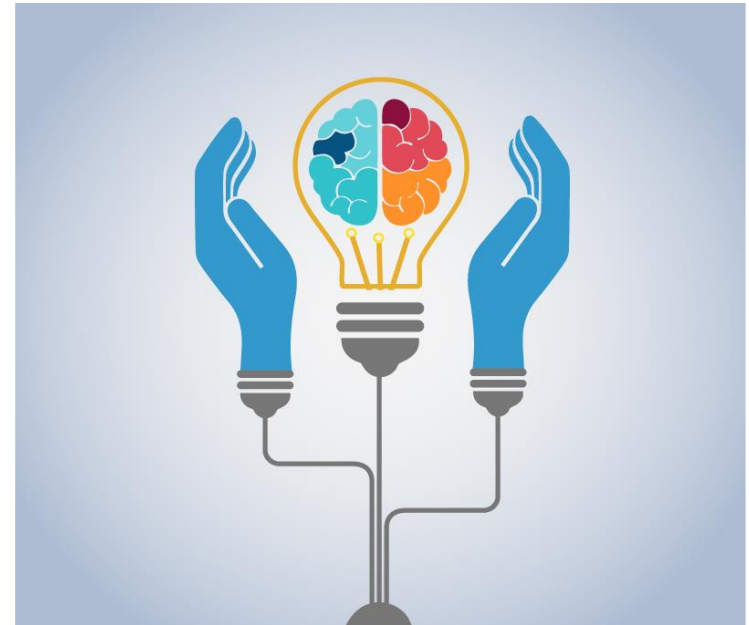
-> intangible assets.

IP is protected in law by IP rights (IPRs) for example, **copyright**, **patents**, **trademarks** and **designs**.

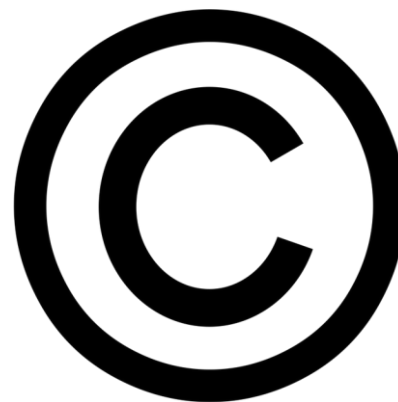
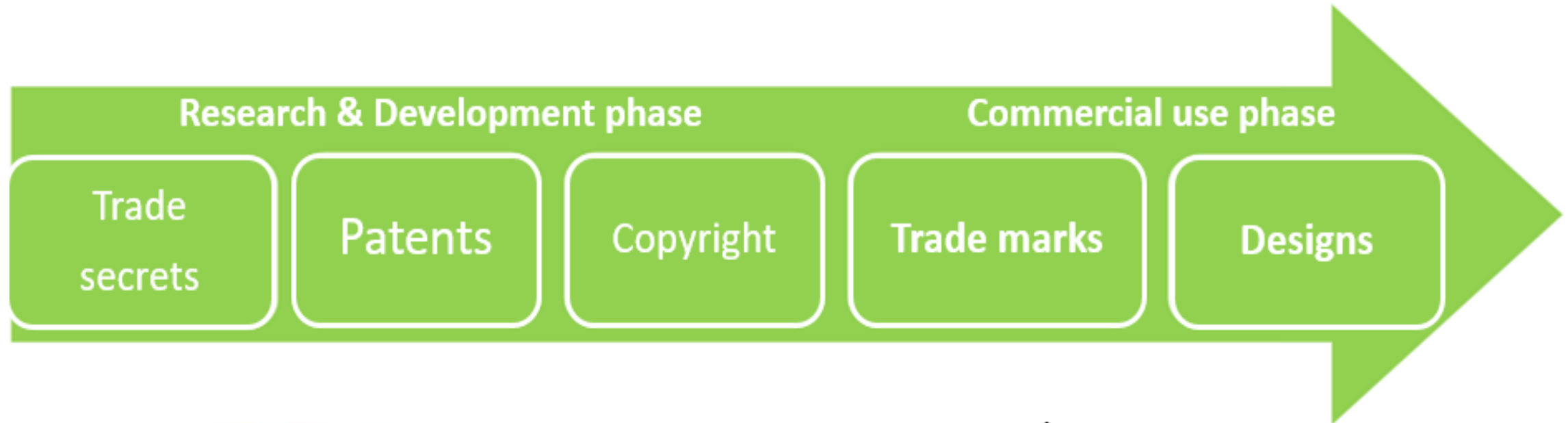
IPRs:

- exclusive rights awarded to an entity
- in exchange for disclosing innovation or creation

Right balance between the interests of owner and the public interest.



## Innovation process



## Benefits of IP: why protect IP

- Registering IP offers peace of mind and security
- Exclusive right, the only one in the market to exploit your invention/creation
- Exclude competitors: only solution in the market
- IP can be stolen if not protected (trade secrets, logos, designs..)
- IP defensive strategy against protected competitors
- Promotes Investment, less risks
- Promotes partnerships (guarantee)
- IP monetisation (selling or licensing)
- Tool for marketing (TM but also patents)



## Types of IP - COPYRIGHT

Protects **literary and artistic works** and gives the creator the **exclusive right to stop others** from using, distributing, publicly performing, displaying and making derivative works



artistic works: Includes books, films, music, newspapers, **software program code**, databases, drawings, sculptures, photos, etc

Copyright is **automatic in the creator** and does not have to be applied for.



lifetime of creator + 70 years



## Types of IP – PATENTS

A **patent** is an exclusive right granted for an **invention**.

An **invention** offers a new technical solution to a technical problem

**Inventions** are products or processes in any field of technology from an everyday kitchen utensil to a nanotechnology chip.



Patents are contracts between the inventor and the Administration that protect the owners rights under the following conditions:




**-20 years of protection**

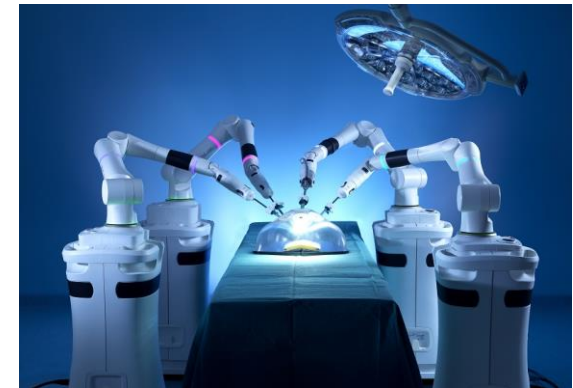
- Disclose the invention (after 18 months)
- new, inventive step, industrial application
- Specific geo scope

## Computer Implemented Inventions and patents

- Program code is protected by copyright
- Patent protects the underlying idea: **algorithm->process**
- Computer-implemented invention (CII): - Invention whose implementation involves the use of a **computer**, **computer network** or **other programmable apparatus**.
- The computer program has to provide a **technical effect**.
- Examples of **technical effect**:
  - saving extra memory, increasing speed PC
  - security of a process, rate of data transfer etc.

Examples of CII:

- 
- *washing machine cycle;*
  - *car braking system;*
  - *Surgery robotic arm*



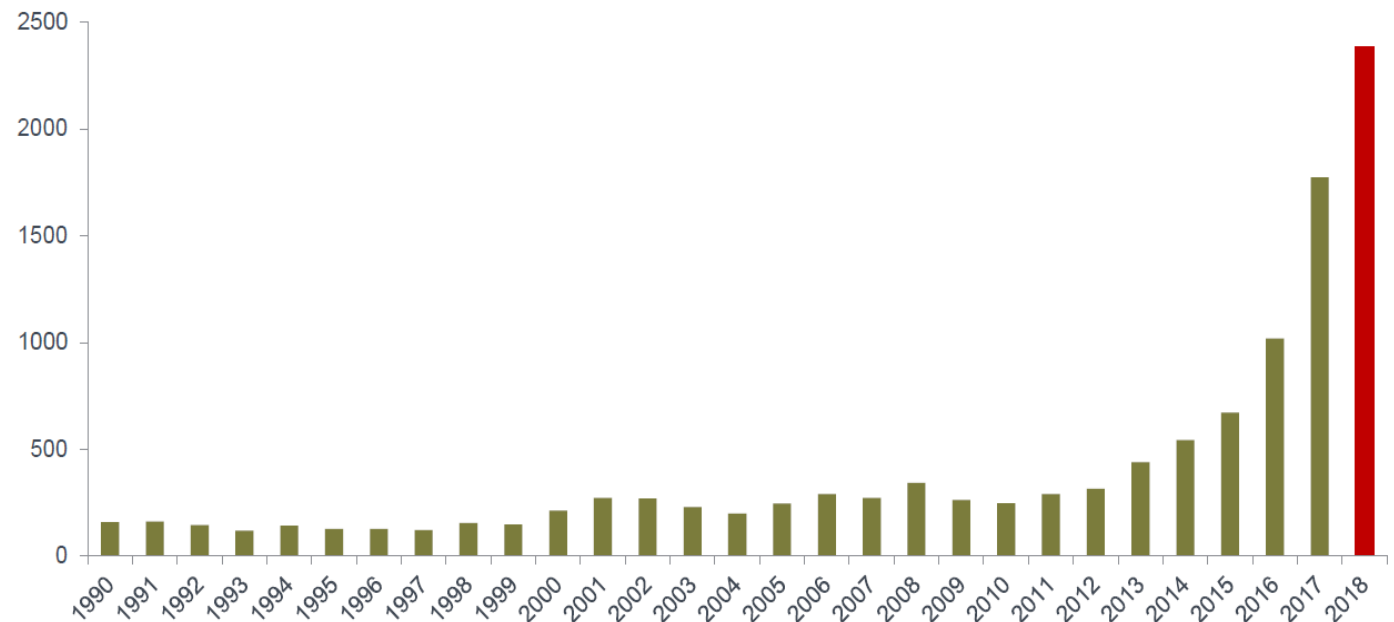
## Patent and Artificial intelligence

Artificial intelligence (AI) is the ability of computers and machines to perform **mental tasks** commonly associated with humans, such as learning, reasoning and problem solving.

The IP World has responded to the emergence of AI (also emerging technologies).

For example, EPO has refined its approach to patentability of inventions involving AI.

### Patent applications on AI at the EPO

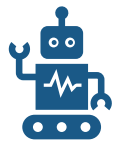


Source: EPO. The number of European patent applications in AI technologies corresponds to EP/WO families in the CPC class G06N7, G06N5, G06N99 /005 and G06N3, corresponding to core AI. In addition, a set of class symbols related to AI was compiled also, based on the description of the classification symbol. The results are presented by oldest filing date.

## Patent and Blockchain

- **Blockchain**, is a growing list of records, called *blocks*, that are linked using cryptography. Each block contains a cryptographic hash of the previous block, a timestamp, and transaction data.
- By design, a blockchain is resistant to modification of its data.

Blockchain ensures **secure communication** and **integrity of data**.

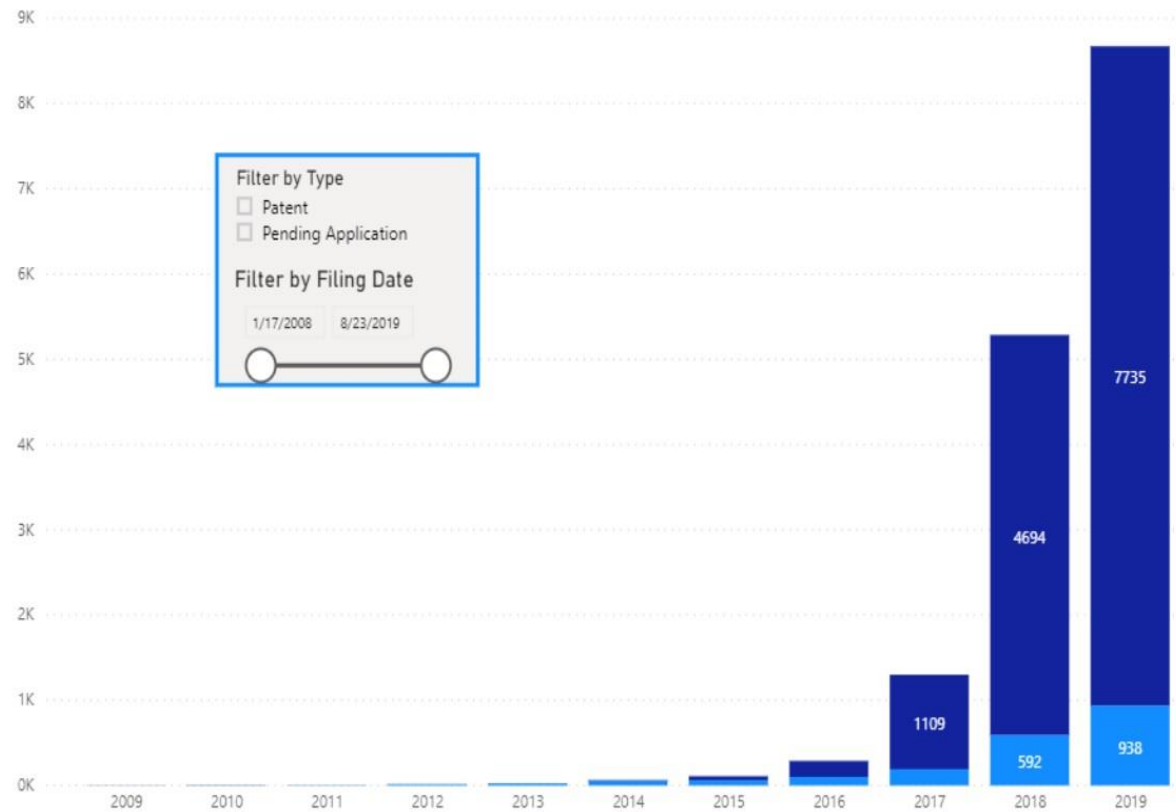


This is an invention with a technical effect-> Patent

# Patents and blockchain

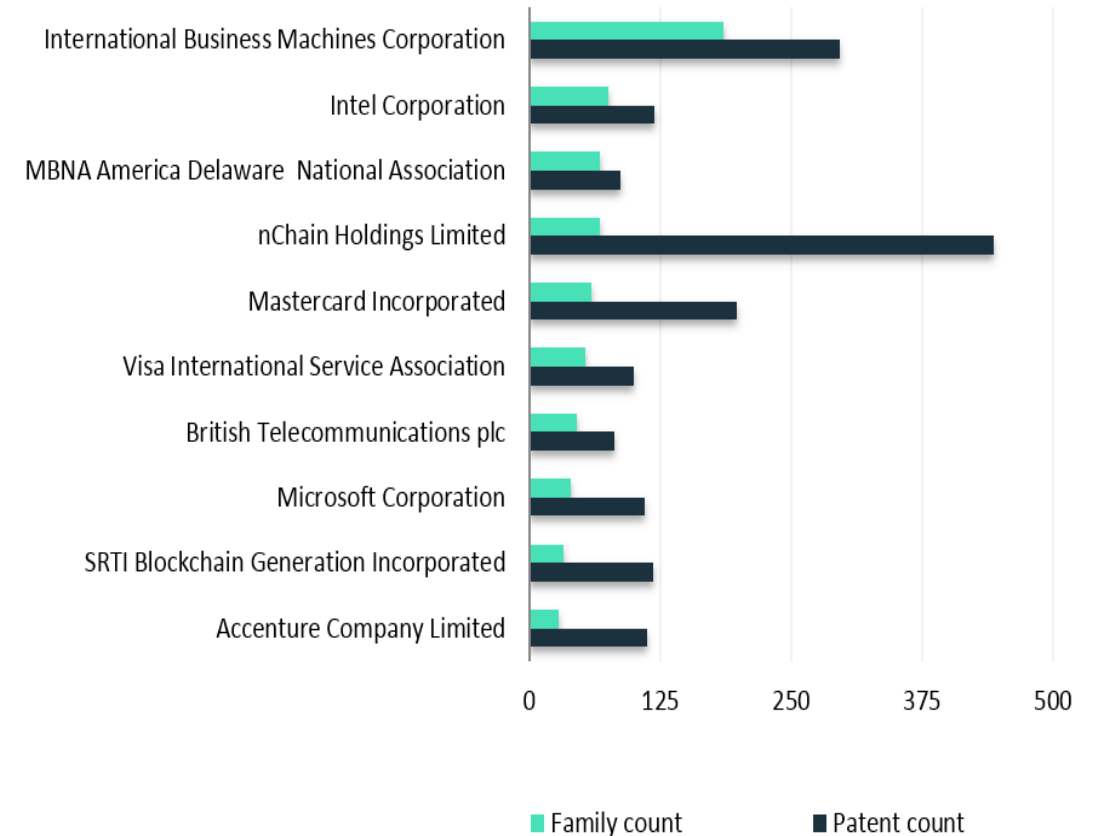
## WORLDWIDE BLOCKCHAIN PATENT APPLICATION PUBLICATIONS

(active patents & pending applications as of 10/1/2019)



Yearly Trends in the Number of Blockchain Patents and Applications

## Top 10 blockchain patent applicants (2010-2019)



## Patents and blockchain

(12) **United States Patent**  
**Andon et al.**

(10) **Patent No.:** US 10,505,726 B1  
(45) **Date of Patent:** Dec. 10, 2019

(54) **SYSTEM AND METHOD FOR PROVIDING  
CRYPTOGRAPHICALLY SECURED DIGITAL  
ASSETS**

(56) **References Cited**  
**U.S. PATENT DOCUMENTS**  
  
7,539,398 B2 5/2009 Alderdice et al.  
10,238,958 B2 3/2019 Inagaki  
(Continued)

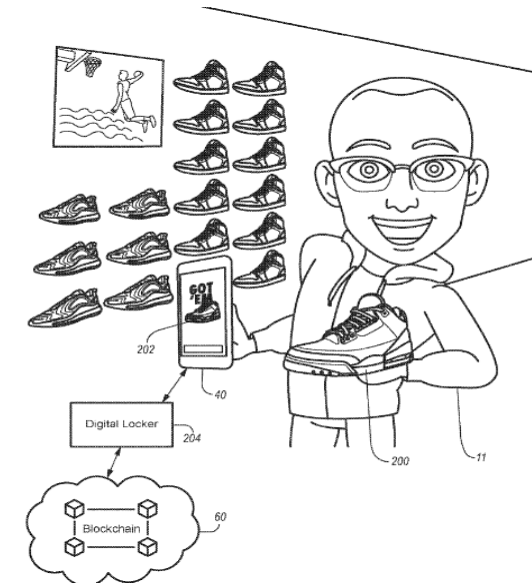
(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)

(72) Inventors: **Christopher Andon**, Portland, OR (US); **Matthew Davis**, Portland, OR (US); **Hien Tommy Pham**, Beaverton, OR (US); **Jeremy Schroeder**, Tigard, OR (US)

(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

### OTHER PUBLICATIONS

John Brownlee, "How Sneaker Designers Are Busting Knock-Offs With Bitcoin Tech" (Jun. 3, 2016) available at <https://www.fastcodesign.com/3060459/how-sneaker-designers-are-busting-knockoffs-with-bitcoin-tech>.



Nike's platform will track the ownership and verify the authenticity of sneakers using the blockchain-based system.

## Types of IP - TRADEMARK

A **trademark** is a sign capable of distinguishing goods or services of a company from those of others.

Types of TM: Logos, words, figurative, sounds, 3-D shapes, packaging, holograms, symbols, etc....

- Build brand recognition, reputation, origin of the product..
- Advertising on social media, website..
- Select a unique name (TMview search) to avoid infringement
- File a trademark application (first to file)



EUTM 000106948



EUTM 00649339

JUST DO IT

EUTM 000514984



Unlimited time, must be renewed every 10 years

# TMview

Search **61,839,266** trade marks  
across the European Union and beyond



Trade mark name: **(Contains) BITCOIN;**



0 trade marks  
selected

<< < 1-30 of 91 >

Edit columns



Clear filters

## Offices

- ☐ Australia-IPA (5)
- ☐ Czech Republic-IPOCZ (1)
- ☐ EUIPO-EUIPO (25)
- ☐ Spain-OEPM (11)
- ☐ United Kingdom-UKIPO (25)
- ☐ Italy-UIBM (8)
- ☐ Japan-JPO (6)
- ☐ Latvia-LRPV (1)
- ☐ Slovakia-SKIPO (1)
- ☐ WIPO-WIPO (8)

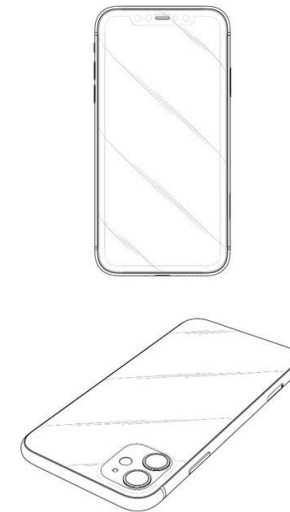
| <input type="checkbox"/>   | Graphic representation   | Trade mark name        | Application date | Goods and Servic... | Trade mark status | Trade mark office | Application number |
|----------------------------|--|------------------------|------------------|---------------------|-------------------|-------------------|--------------------|
| ✓ <input type="checkbox"/> |  <b>BITCOIN ACADEMY</b> | <b>BITCOIN ACADEMY</b> | 22/03/2021       | 36, 41              | Filed             | EUIPO-EU...       | 018434093          |
| ✓ <input type="checkbox"/> |  <b>bitcoin</b>         | <b>B BITCOIN</b>       | 02/03/2021       | 28                  | Filed             | Spain-OEP...      | M4110028           |
| ✓ <input type="checkbox"/> |  <b>BITCOIN MEESTER</b> | <b>Bitcoin Meester</b> | 01/03/2021       | 9, 36               | Filed             | EUIPO-EU...       | 018410522          |

## Types of IP - DESIGN

**External appearance** (shape, colors, texture..) of an industrial, handicraft or artisanal product, packaging or part of a product

e.g. a classic Porsche or Rolex watch, computer icon

- Need to file Design application
- first to file get the protection
- Can be invalidated for lacking novelty or individual character earlier disclosed IPR



006612479-0001



006612479-0002



Computer icons  
RCD 000600184-0008



5 years renewable up to 25 years







## DESIGN and Digital Industry

An industrial design might protect:

- ✓ Appearance of a character in the game
- ✓ Appearance of the gaming devices
- ✓ Graphical user interface







**DESIGN**view

Registration office code  
EM

Application number  
007695119

Application language code  
en

Second language code  
de

Application date  
13/02/2020

Registration date  
13/02/2020

Publication date  
25/02/2020

Design description  
No

Expiry date  
13/02/2025

Effective date  
13/02/2020

Design current status code  
Registered and fully published

Design current status date  
21/02/2020

## Complex product: different IPRs

### COPYRIGHT

- Ring tones
- Internal images
- Program code

### DESIGN

- General phone shape
- Button layout
- Screen position and shape

### TRADEMARK

- Company name, logo
- Phone model

### PATENT

- Products: camera, touch screen, battery...
- Procedures: to send messages, secure communications, increase memory....



»»» *International procedure*



»»» *National procedures*



»»» *European procedures*



- ☐ EUTM
- ☐ RCD
- ☐ European Patent



**INTERNATIONALISATION**

**THANK YOU FOR YOUR ATTENTION!**

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