

Software Engineering

Intellectual Property

Irina Todoran

Lecture designed based on the European Patent
Academy IP Course Design Manual



**University of
Zurich** ^{UZH}

3.12.2013

Requirements
Engineering
Research
Group

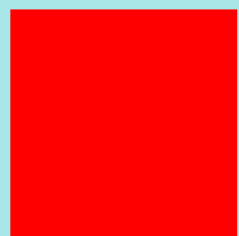
The logo for the Requirements Engineering Research Group, consisting of the letters 'R', 'E', 'R', and 'G' arranged in a 2x2 grid, with each letter inside a black square.

**SHARING
IS CARING**



PIRATE
PARTY UK

SHARING
IS CARTRIDGING



PIRATE
PARTY UK

INTELLECTUAL PROPERTY

Patents

Copyright

Trade Marks

Designs

Trade Secrets

IP Licensing

INTELLECTUAL PROPERTY

Patents

Copyright

Trade Marks

Designs

Trade Secrets

IP Licensing





What is Intellectual Property?

“Intellectual property (IP) refers to **creations** of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.”

(World Intellectual Property Organization - WIPO)

Overview of Intellectual Property

Overview of Intellectual Property

Legal right

What for?

How?

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Legal right

What for?

How?

Patents

New inventions

Application and
examination

Overview of Intellectual Property

Legal right

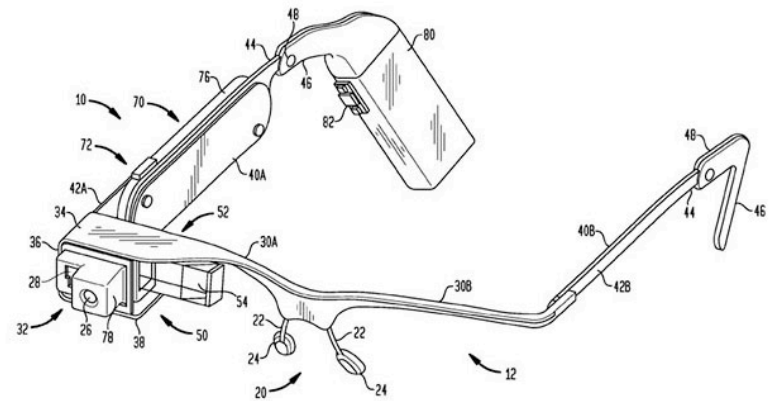
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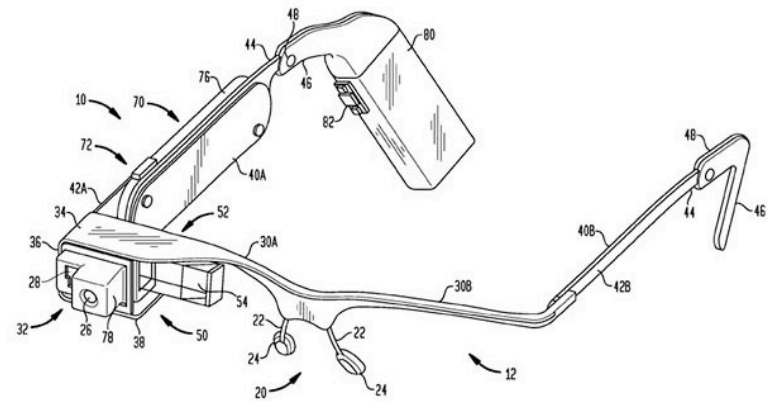
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Overview of Intellectual Property

Legal right	What for?	How?
Patents	New inventions	Application and examination
Copyright	Original creative or artistic forms	Exists automatically

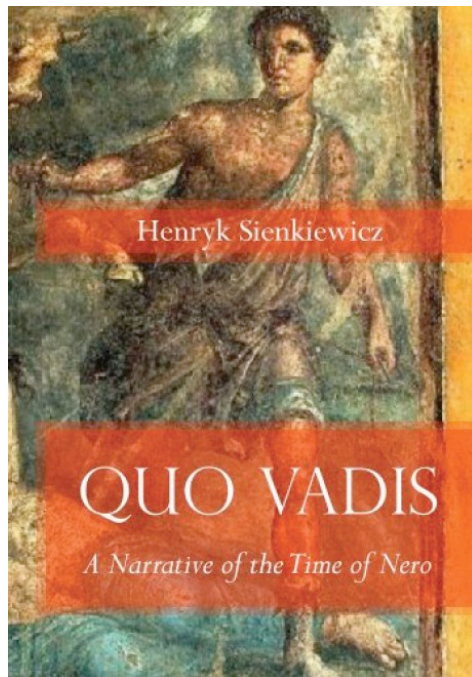
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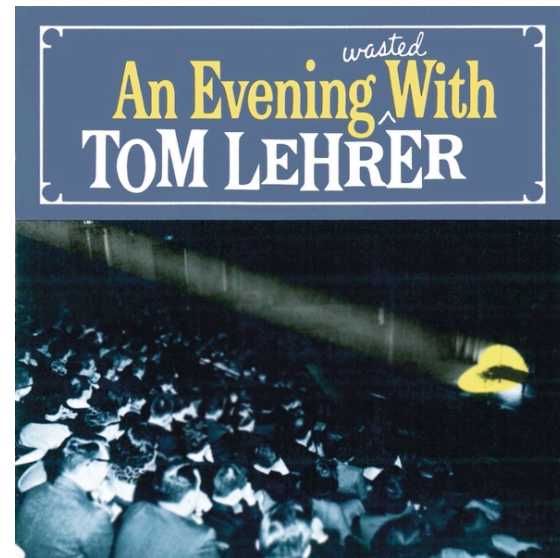
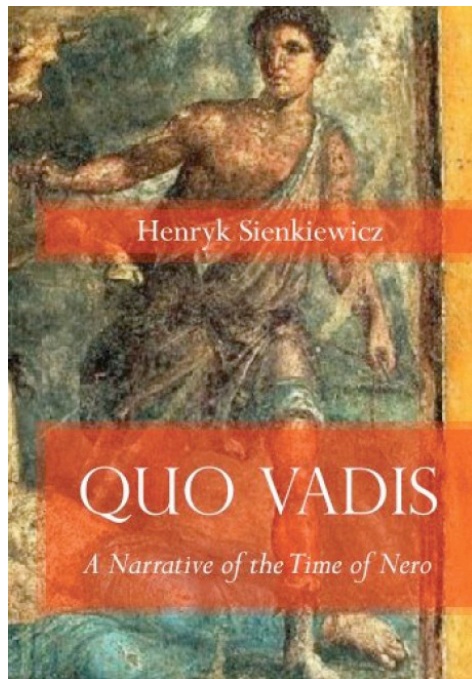
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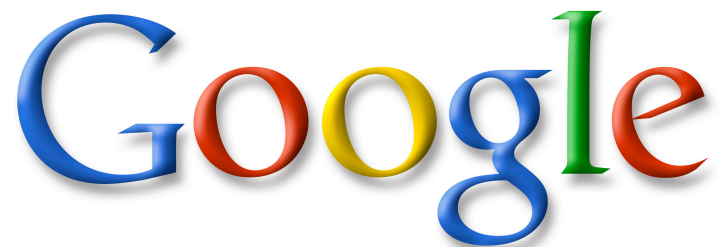


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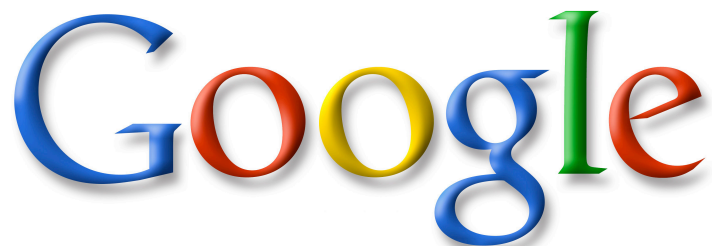
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Valuable information not known to the public

Non-Disclosure Agreement Template

NON-DISCLOSURE AGREEMENT

This Agreement is made on ____/____/____

BETWEEN

1. [the Disclosing Party], (the "Disclosing Party"); and
2. [the Receiving Party], (the "Receiving Party").

Project Reference: Information related, but not limited to, development projects and assignments to be performed by the Recipient for the Company.

The Company possesses competitively valuable Confidential Information (as hereinafter defined) regarding its current products, future products, research and development, and general business operations. Recipient may enter or has entered into a business relationship with the Company and in connection therewith may need to review or use the Company's Confidential Information and Materials or to create new Confidential Information and Materials for the Company. In consideration of the promises and covenants contained in this Agreement and the disclosure of Confidential Information and Materials from the Company to the Recipient, the parties hereto agree as follows:

1. Confidential Information and Materials

(a) "Confidential Information" shall be written in different parts. Continue writing confidential information and relevant materials of this non disclosure agreement template. "Confidential Information" shall be written in different parts. Continue writing confidential information and relevant materials of this non disclosure agreement template. "Confidential Information" shall be written in different parts. Continue writing confidential information and relevant materials of this non disclosure agreement template. "Confidential Information" shall be written in different parts. Continue writing confidential information and relevant materials of this non disclosure agreement template.

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2. Restrictions

Reasonable efforts to keep secret

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Trade secrets

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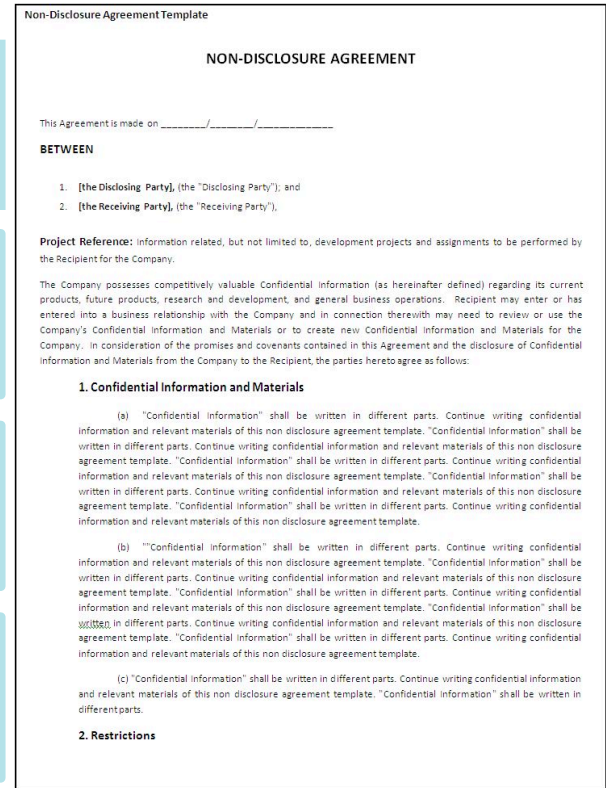
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How?



Reasonable efforts to keep secret

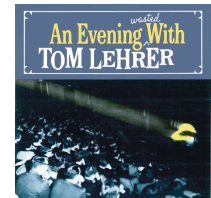
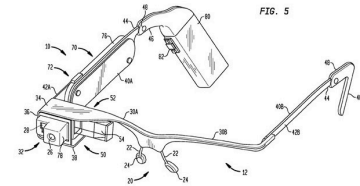
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Some IP found in a smartphone



© Apple

Some IP found in a smartphone

Trade marks

Made by Apple

Product iPhone 5s

Software iOS7, Siri

Patents

Data-processing methods

Semiconductor circuits

Chemical compounds

Copyrights

Software code

Instruction manual

Ringtones

...

Trade secrets

...?

Designs (some of them registered)

Phone shape and size

Interface design

External buttons and controls

...



© Apple

Intellectual property is important

Essential business asset in the knowledge economy

- ✓ Swedish steel-maker Sandvik: 20% of its value is from IP!

Increases **funding for innovative projects**

- ✓ Without IP, many innovative projects would not be profitable because anyone could simply copy the results

Protects **small innovative firms**

- ✓ Dolby[®] Laboratories
- ✓ W. L. Gore & Associates (Gore-Tex[®])

Needed to release IP into the **public domain** under **controlled conditions**:

- ✓ Linux (GPL): improvements must be free too!



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Bob has been granted a European patent on his invention, a widget.

Does Bob have the right to use, make and sell his widget in Europe?

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“The patent is a **contract** between **society** (which gets the knowledge) and the **inventor** (who gets the exclusive rights).”

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Innovate

Protect results, so the inventor can reap benefits → makes it easier to attract investment

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Share knowledge

To get protection, the inventor must publish the details → patent databases promote technology transfer

The first account of a “patent system”

*"If a cook invents **a delicious new dish**, no other cook is to be permitted to prepare that dish for one year.*

*During this time, **only the inventor** shall reap the commercial profits from his dish. This will **motivate others** to work hard and compete in such inventions."*

[Ancient Greek city of Sybaris (destroyed in 510 BC)]

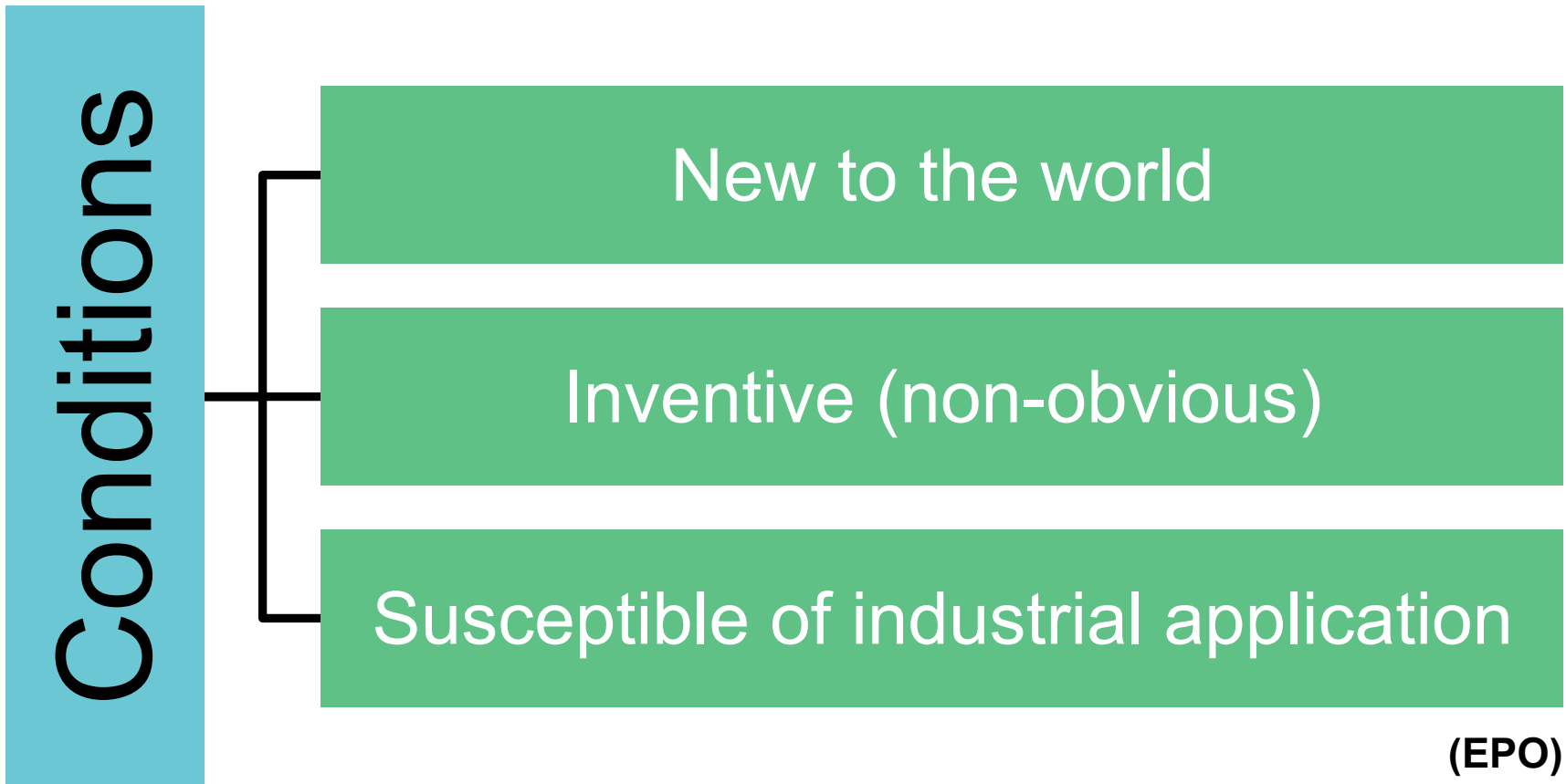
The patent system today

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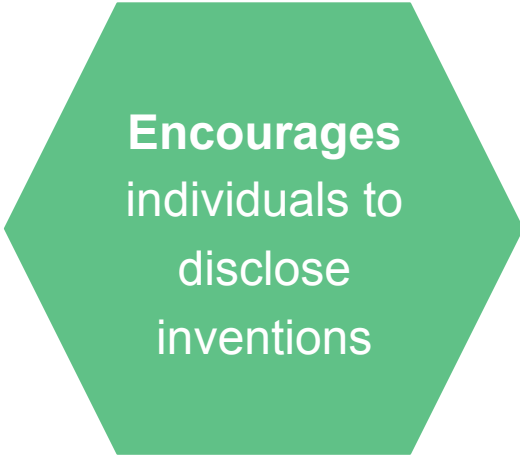
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Why patent?

Why patent?



Encourages
individuals to
disclose
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Prevents others
from making/
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Valid up to **20**
years from the
date of filing of
the patent
application

Why patent?

Encourages individuals to disclose inventions

Prevents others from making/using/selling/importing infringing products in the **country** where the patent was **granted**

The inventor can **sell the rights** or conclude licensing contracts

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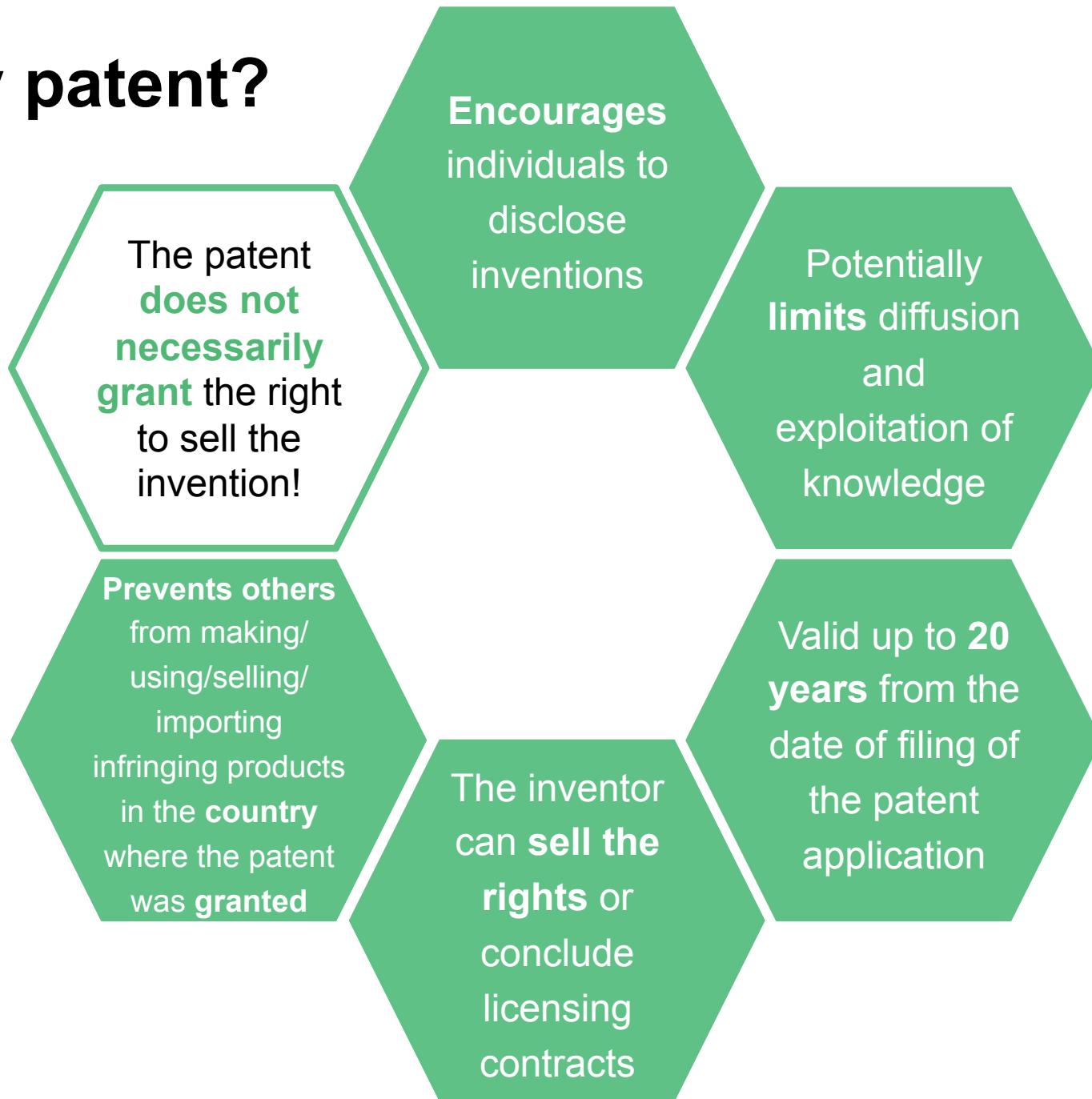
Potentially **limits** diffusion and exploitation of knowledge

Prevents others from making/using/selling/importing infringing products in the **country** where the patent was **granted**

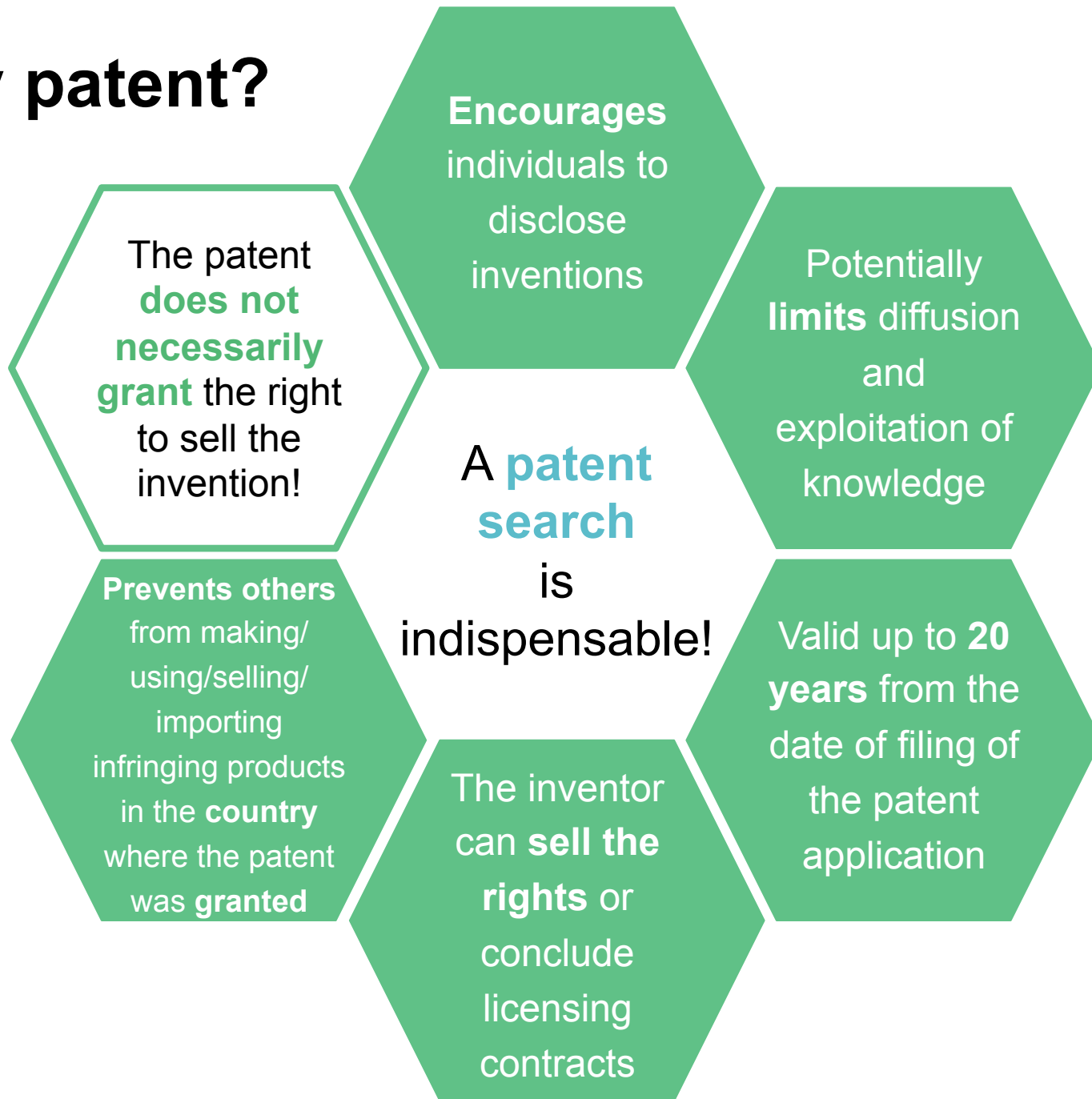
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What does a patent look like?

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US 20070150480A1

(19) **United States**
 (12) **Patent Application Publication** (10) **Pub. No.: US 2007/0150480 A1**
Hwang et al. (43) **Pub. Date: Jun. 28, 2007**

(54) **SERVICE DELIVERY PLATFORM**

Publication Classification

(76) Inventors: **Hans Hwang**, Watchung, NJ (US);
Cenk Ikiz, New York, NY (US)

(51) **Int. Cl.**
G06F 17/30 (2006.01)
 (52) **U.S. Cl.** **707/10**

Correspondence Address:
ACCENTURE CHICAGO 28164
BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO, IL 60610 (US)

(57) **ABSTRACT**

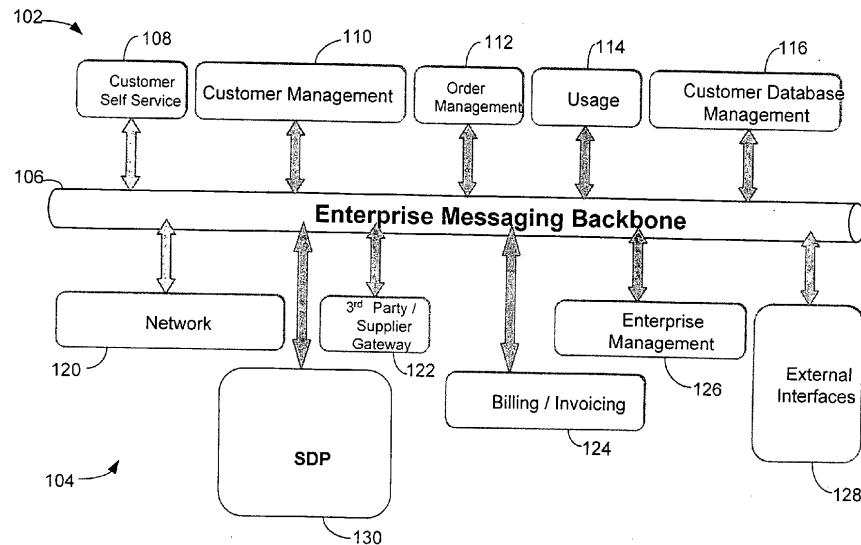
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(21) Appl. No.: **11/400,249**

(22) Filed: **Apr. 7, 2006**

Related U.S. Application Data

(60) Provisional application No. 60/670,114, filed on Apr. 11, 2005.



What does a patent look like?

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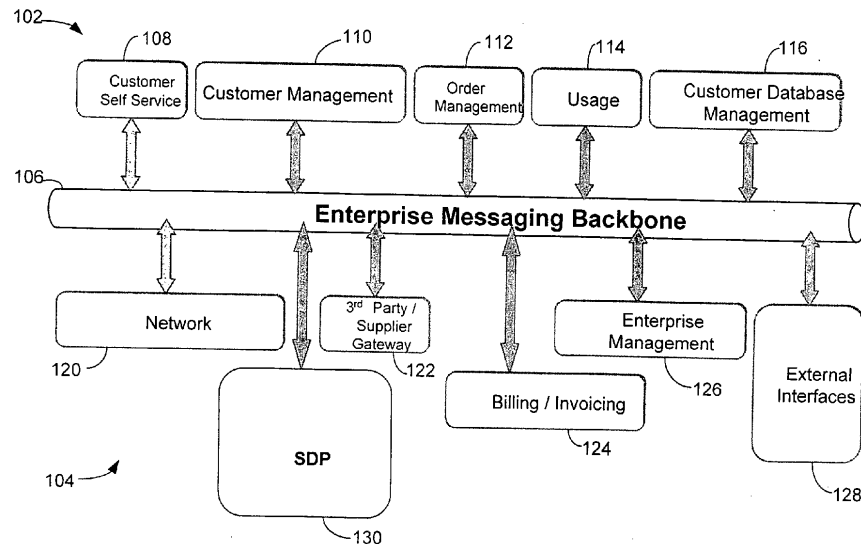
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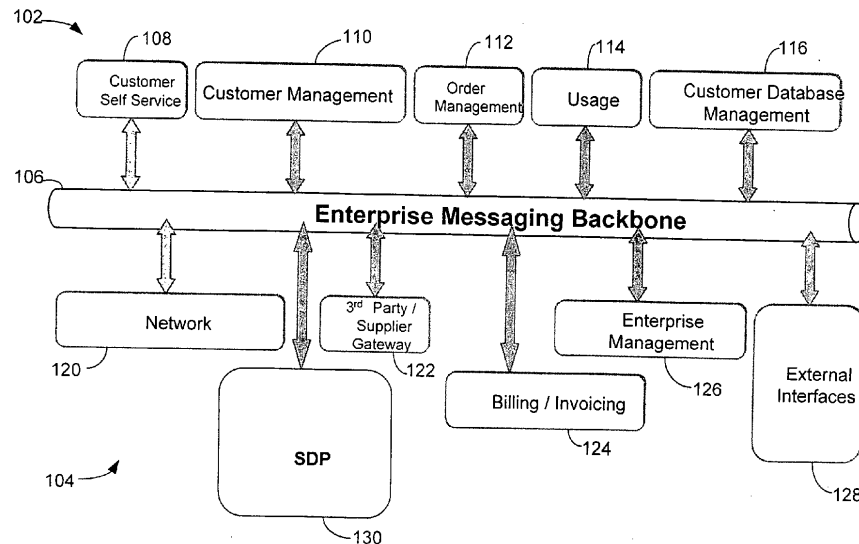
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Abstract

Around 150 words
as a search aid



What does a patent look like?

Description

Summary of prior art (i.e. the technology known to exist)

The problem that the invention is supposed to solve

An explanation and at least one way of carrying out the invention



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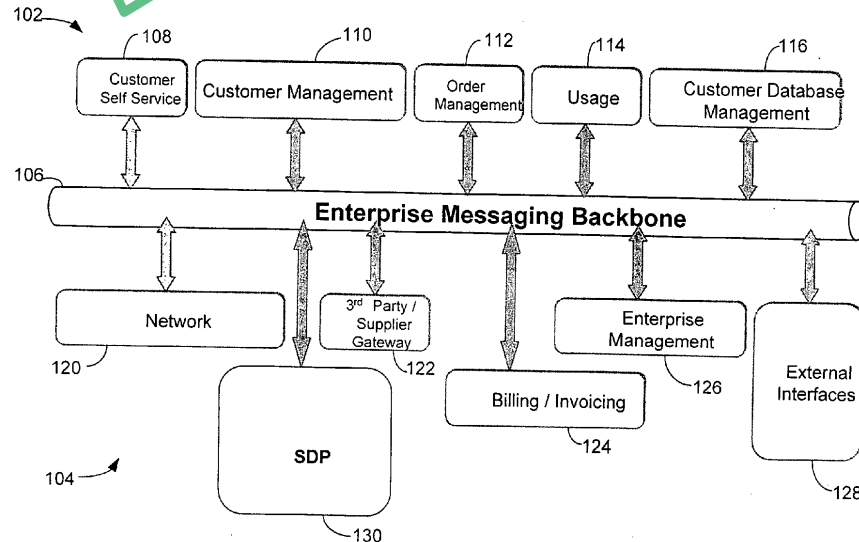
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U.S. Cl. 7

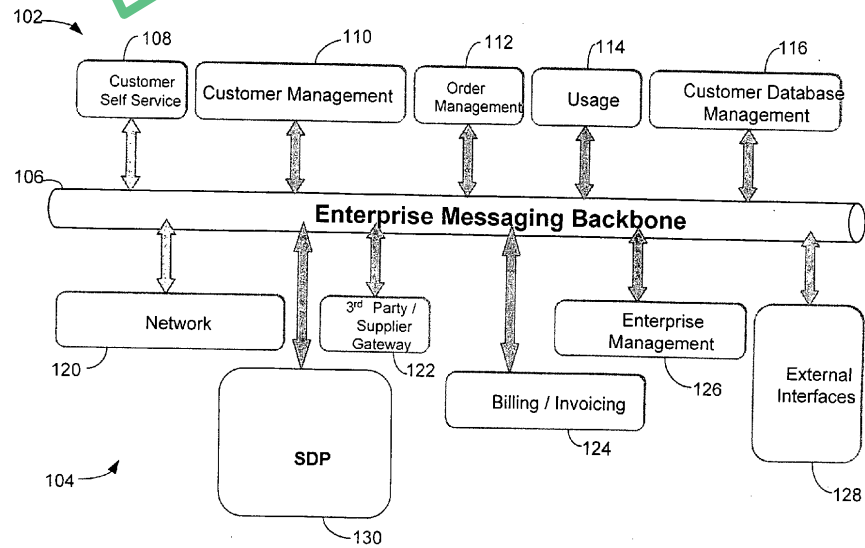
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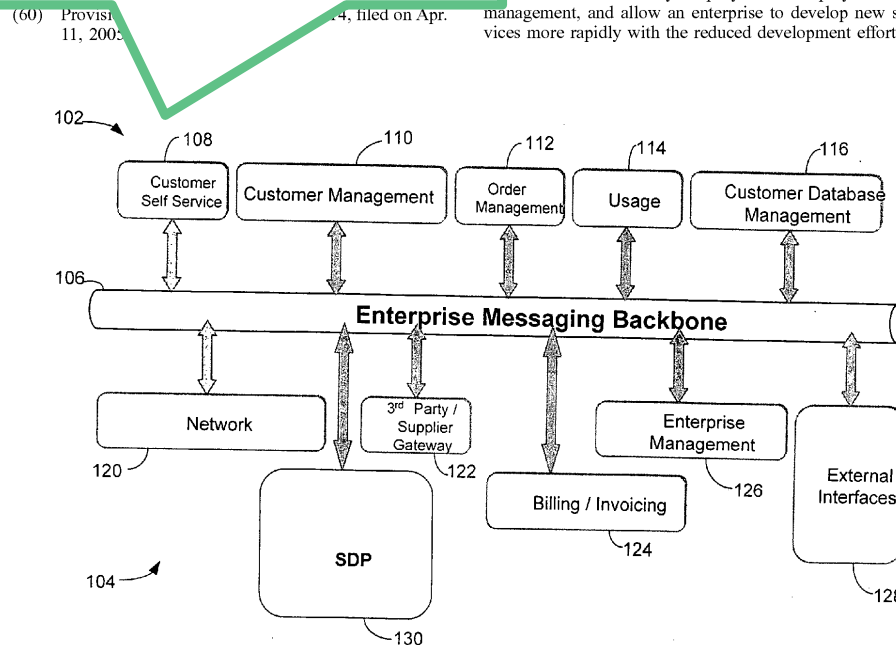
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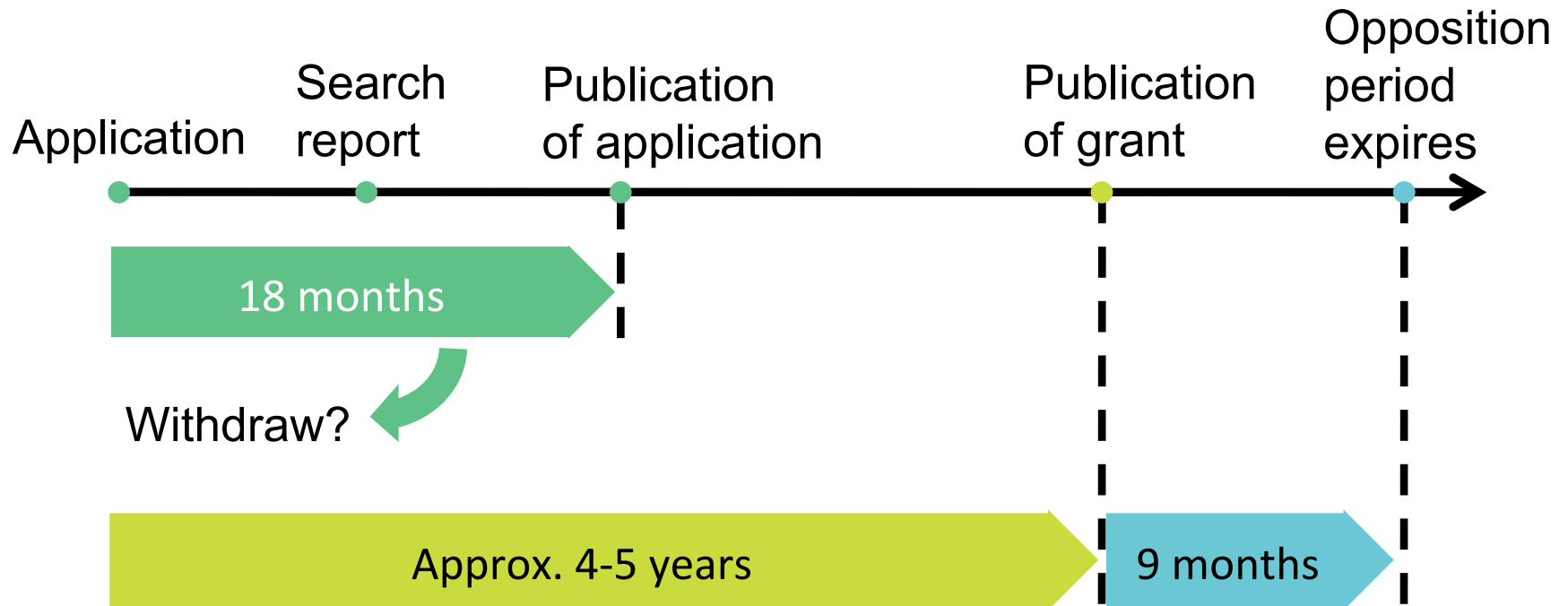
Drawings

Illustrate the claims and description



The patent procedure at the EPO

(European Patent Office)



Note: There is no such thing as an international patent!

+/- of patenting

Advantages

Disadvantages



+/- of patenting

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Strong, enforceable legal right

Makes invention tradable (licensing)

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Disadvantages

Reveals invention to competitors (after 18 months)

Can be expensive

Patent enforceable only after grant (this can take 4-5 years)

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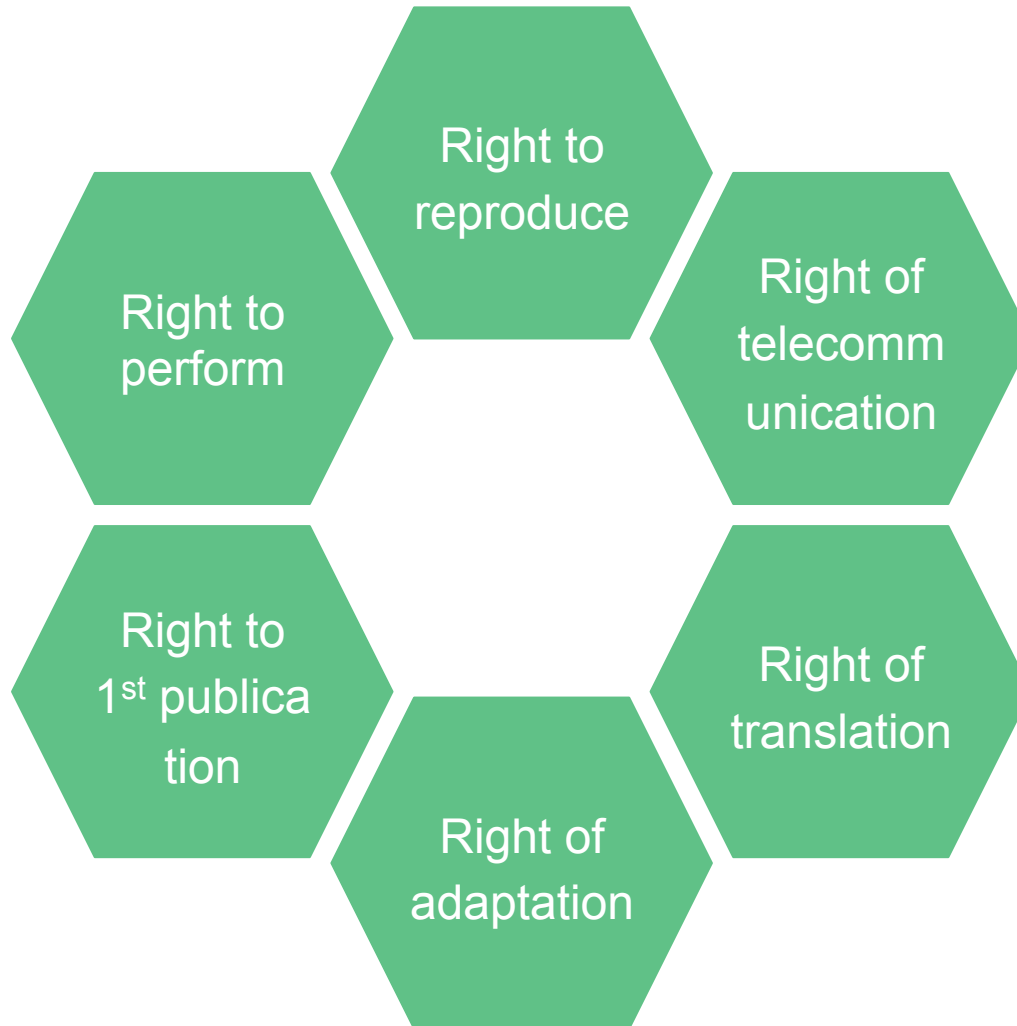
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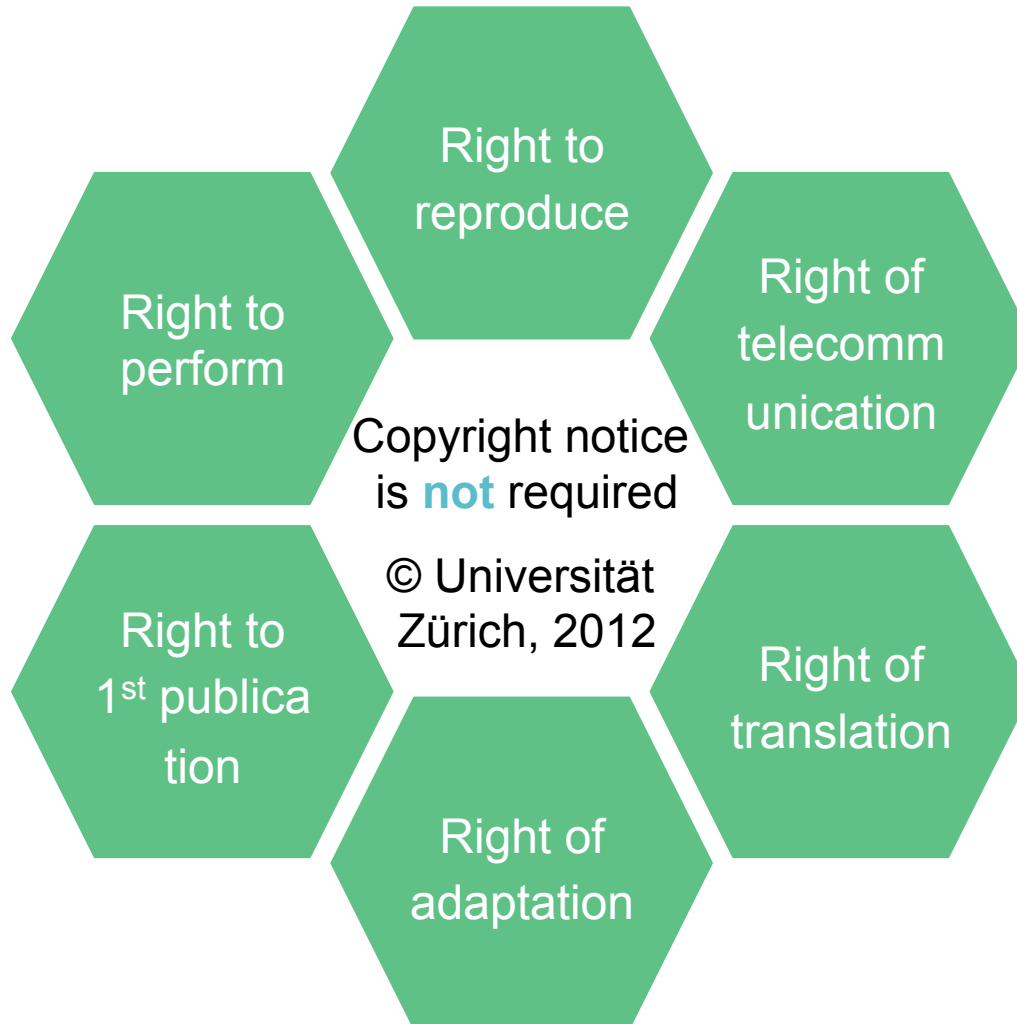
Is granted **worldwide** (146 countries)

Lasts for **70 years** after the author's death

Copyright “commercial rights”

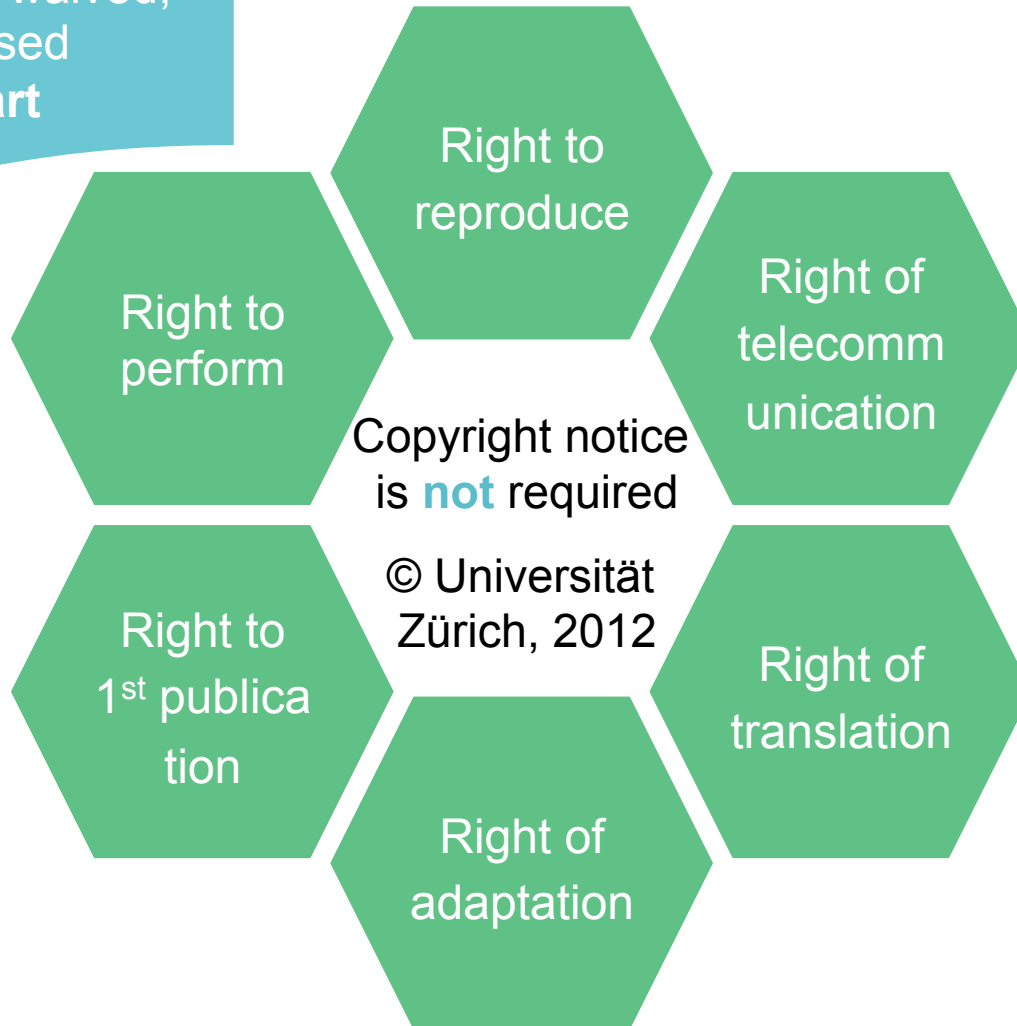


Copyright “commercial rights”



Copyright “commercial rights”

Copyright can be waived,
assigned or licensed
in whole or in part



Copyright for computer programs

Copyright for computer programs

Challenge: hybrid nature of software



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Problem: underlying ideas often remain **unprotected**

Digital copyright issues



Digital copyright issues



Most material on the Internet is protected by copyright.



Digital copyright issues



Most material on the Internet is protected by copyright.

Using such material may require **copyright clearance**.



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What is a trade mark™?

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Benefits

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Benefits

For companies:

Exploiting the reputation
built around the TM →
brand equity

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Exploiting the reputation built around the TM → brand equity

For consumers:

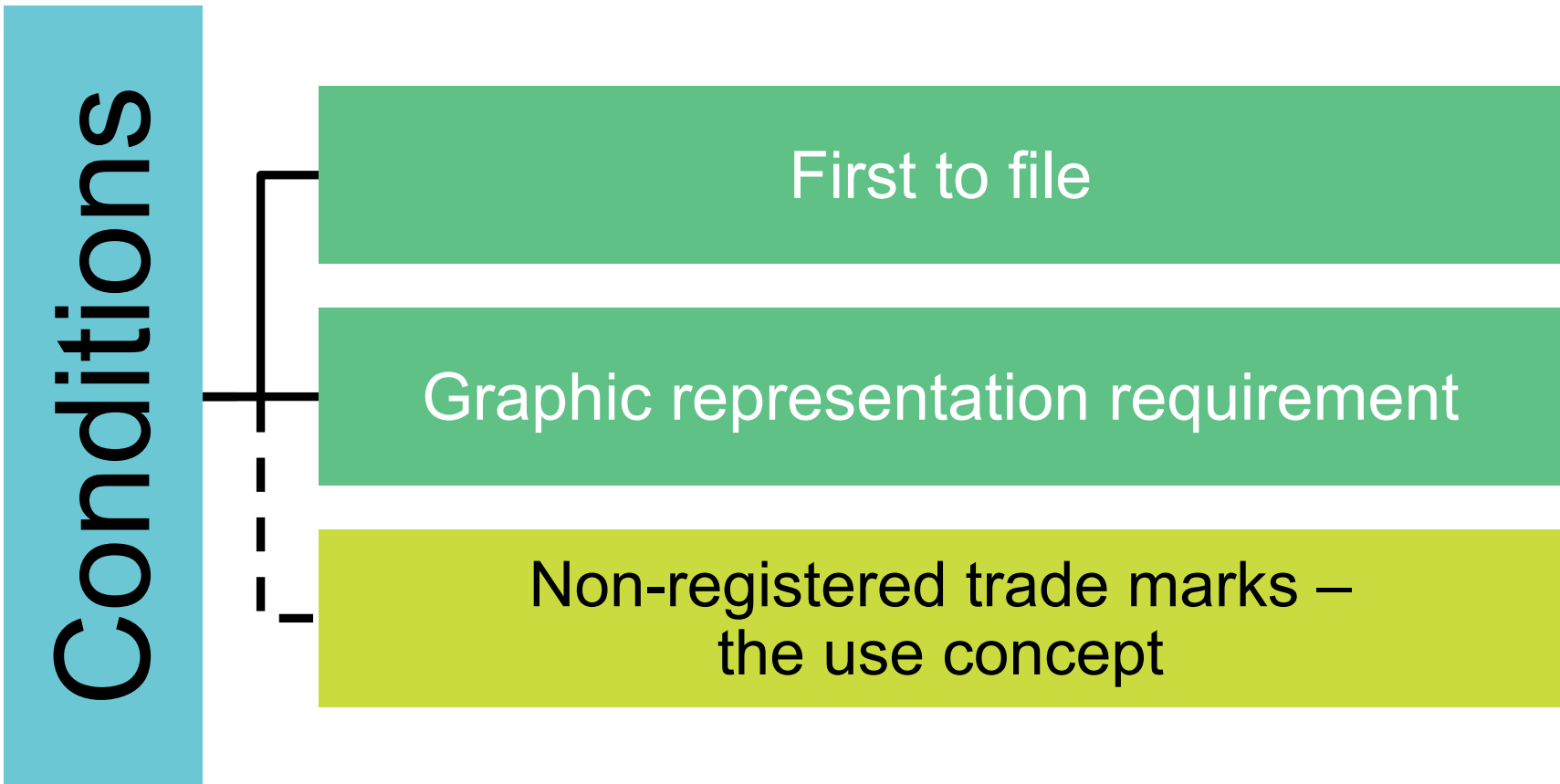
Differentiating products and receiving hints on quality

Economics of trade marks™

You want to **register** your trade mark?

Economics of trade marks™

You want to **register** your trade mark?



What serves as a trade mark™?



What serves as a trade mark™?



shapes

What serves as a trade mark™?



words

shapes

What serves as a trade mark™?



words

shapes

graphic marks

What serves as a trade mark™?



words

slogans

shapes

graphic marks











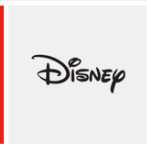





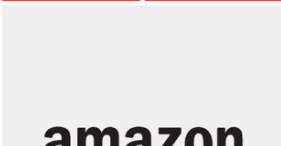







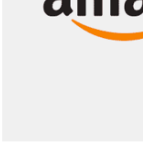















What is the value of a brand?

Interbrand Creating and managing brand value™

ABOUT US OUR WORK KNOWLEDGE BEST GLOBAL BRANDS NEWS ROOM CAREERS OFFICES

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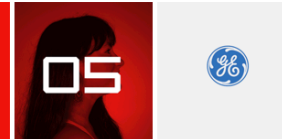

















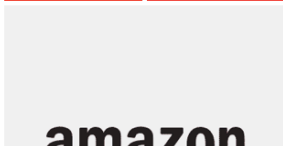













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[Best Global Brands](#)

[Best Swiss Brands](#)

Example: trade mark dispute

When you think of an iPhone...

Example: trade mark dispute

When you think of an iPhone...



© Apple

Example: trade mark dispute

When you think of an iPhone...

...but how about this?



© Apple



© Cisco Systems

Example: trade mark dispute

When you think of an iPhone...


...but how about this?



© Apple



© Cisco Systems

 CISCO had weak claim to trade mark because it had not actively used the trademark after filing it in 1999.

INTELLECTUAL PROPERTY

Patents

Copyright

Trade Marks

Designs

Trade Secrets

IP Licensing

What is a registered design?

“Designs enhance the **attractiveness** and **value** of products, in a way that is **not** related to its technical functionality.”

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Registered Designs

Can be registered with
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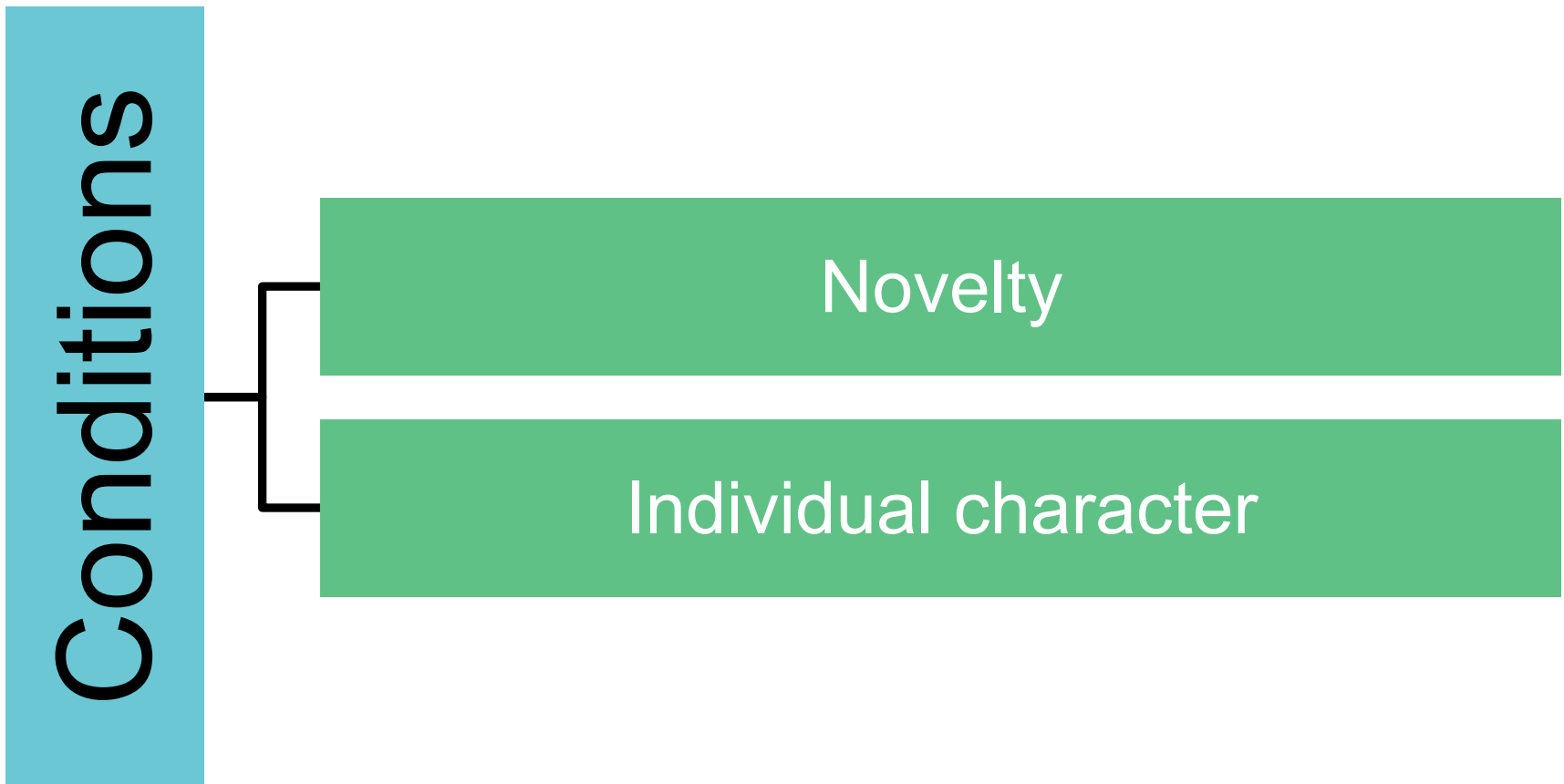
Have a duration of **25 years**

Owning a registered design

You want to **register** your design?

Owning a registered design

You want to **register** your design?



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Have **no** standard time limit

You just invented some new software which helps people sync files and folders between different locations and devices.

Discuss the possibility of using patents, copyright, and/or trade secrets. Include the possibility of using more than one form of protection jointly.

INTELLECTUAL PROPERTY

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IP Licensing

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“A license grants the **Licensee** (who licenses in) certain rights to IP held by the **Licensor** (who licenses out).”

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Can be **used for** technology, trade marks, franchising, software, publishing.

Can be **commercial, academic and open source.**

Free & open source licenses

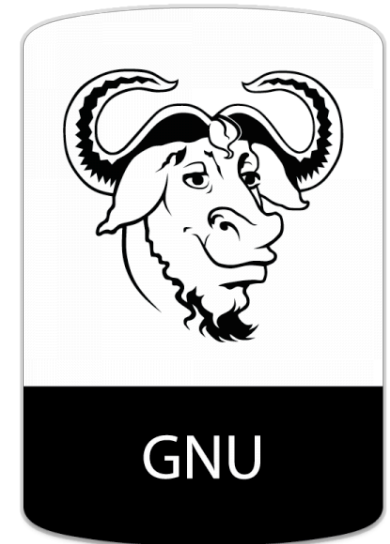
FLOSS: Free/Libre and Open Source Software

→ Freedom to copy and re-use

Free & open source licenses

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FLOSS Example: GPL

General Public Licenses (GPL) “infect” other software

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General Public Licenses (GPL) “infect” other software



your code

```
public class HelloWorld {  
    public static void main(String[] args) {  
        if(args.length == 0) {  
            System.out.println("Hello stranger!");  
        } else {  
            System.out.println("Hello "+args[0]+"!");  
        }  
    }  
}
```



FLOSS Example: GPL

General Public Licenses (GPL) “infect” other software



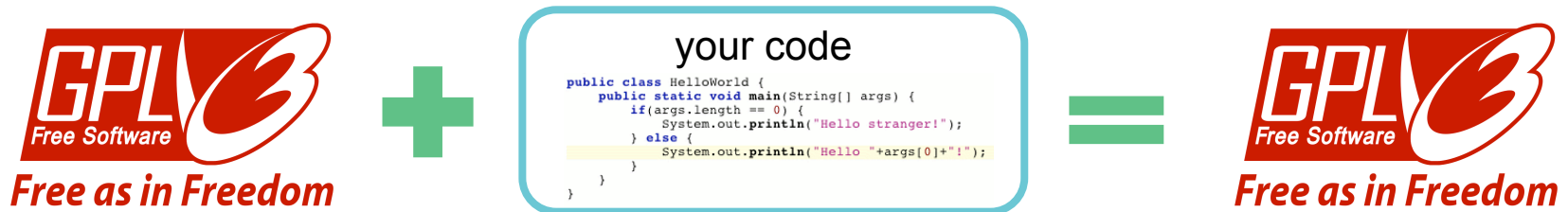
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}
```



FLOSS Example: GPL

General Public Licenses (GPL) “infect” other software



Note: GPL requires distribution of source code for **free**, and grant of rights to all users (“copyleft”)

=> Difficult to **commercialize** IP licensed under GPL

Lesser GPL



Lesser GPL



Applies to **libraries** of code

Requires distribution of **source code** of library and **object code** of other modules

Licensee must be able to **modify** the LGPL library and **recompile** it with other modules

More **commercialization-**friendly than GPL

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Some links

[World Intellectual Property Organization](#)

[European Patent Office](#)

[European Intellectual Property Rights Directive](#)

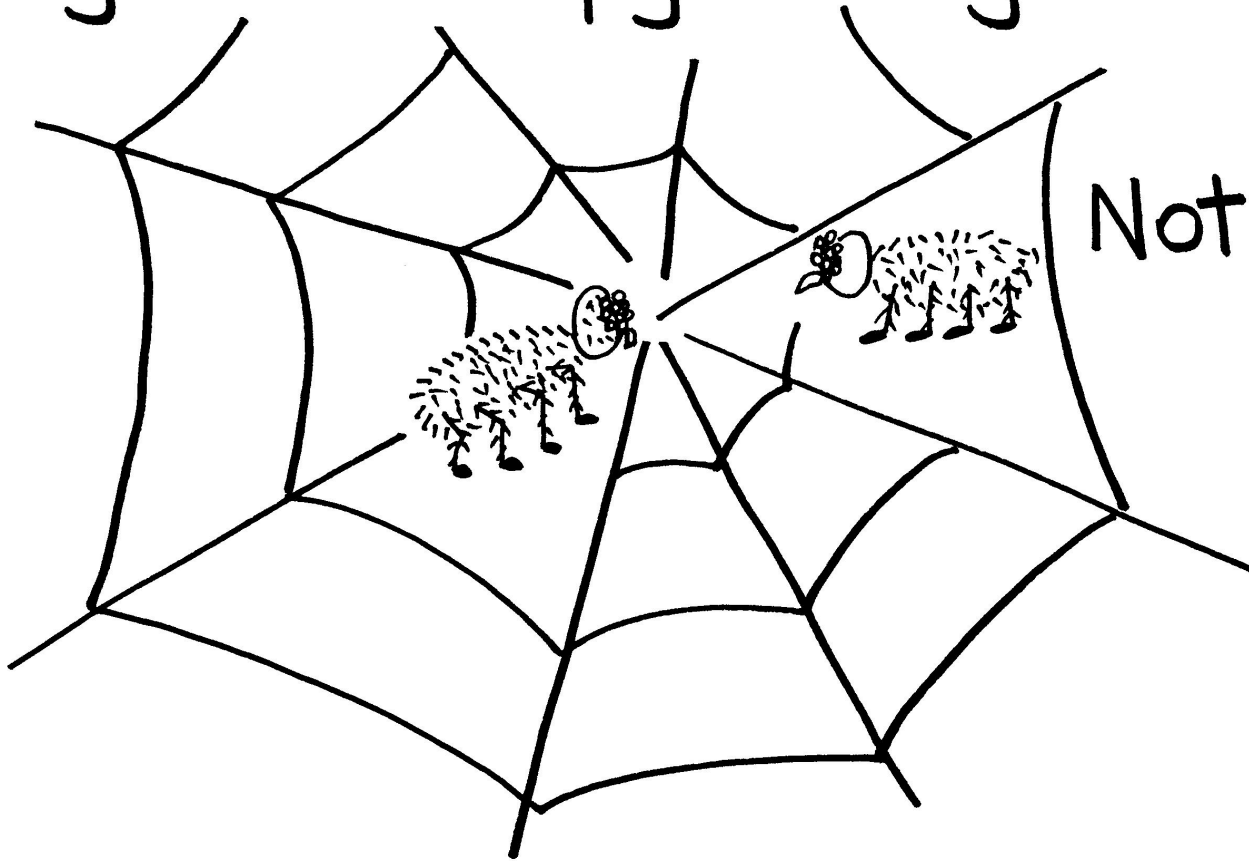
[European Directive on the Legal Protection of Computer Programs](#)

[Interbrand](#)

Acknowledgment:

Paul Cyr, University-Industry Liaison Office UBC

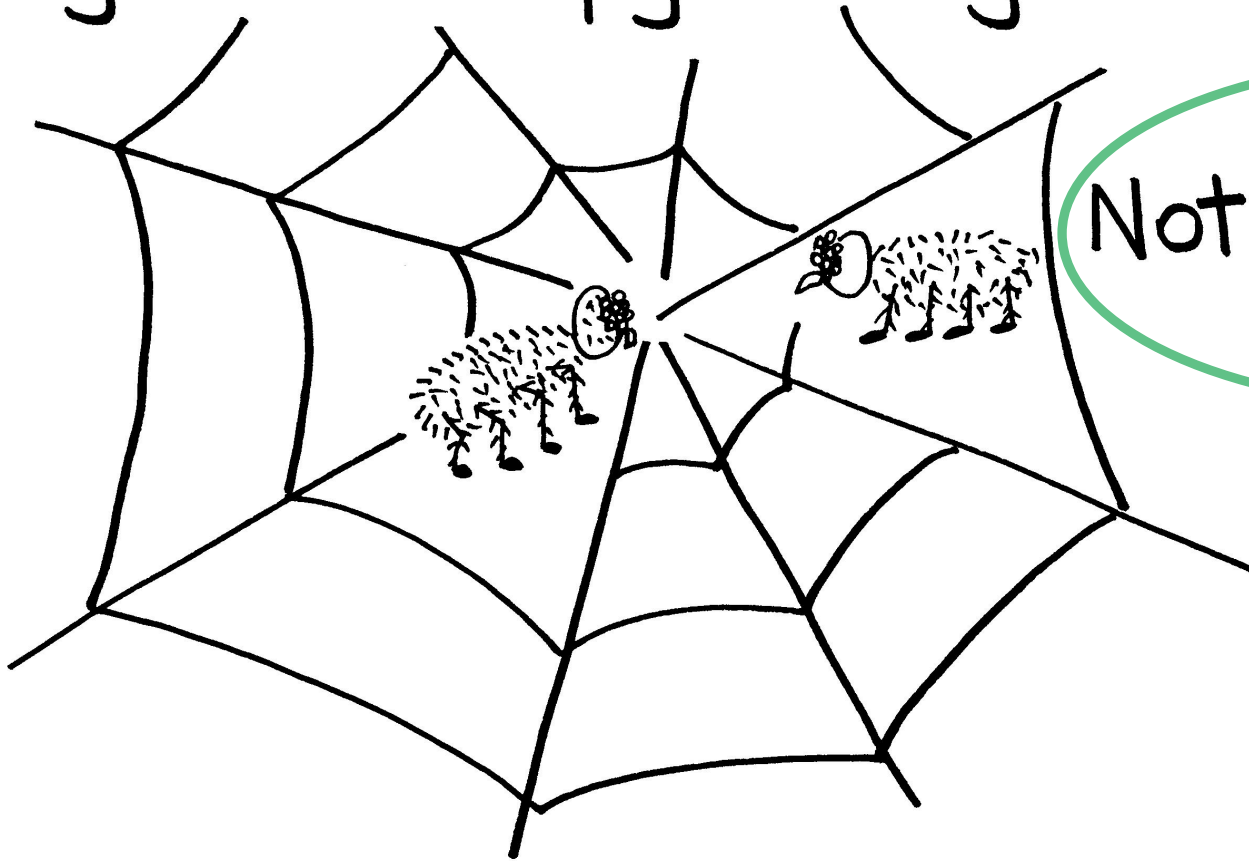
But surely if something's on the web
you can copy it - right?



Not necessarily.

Beito

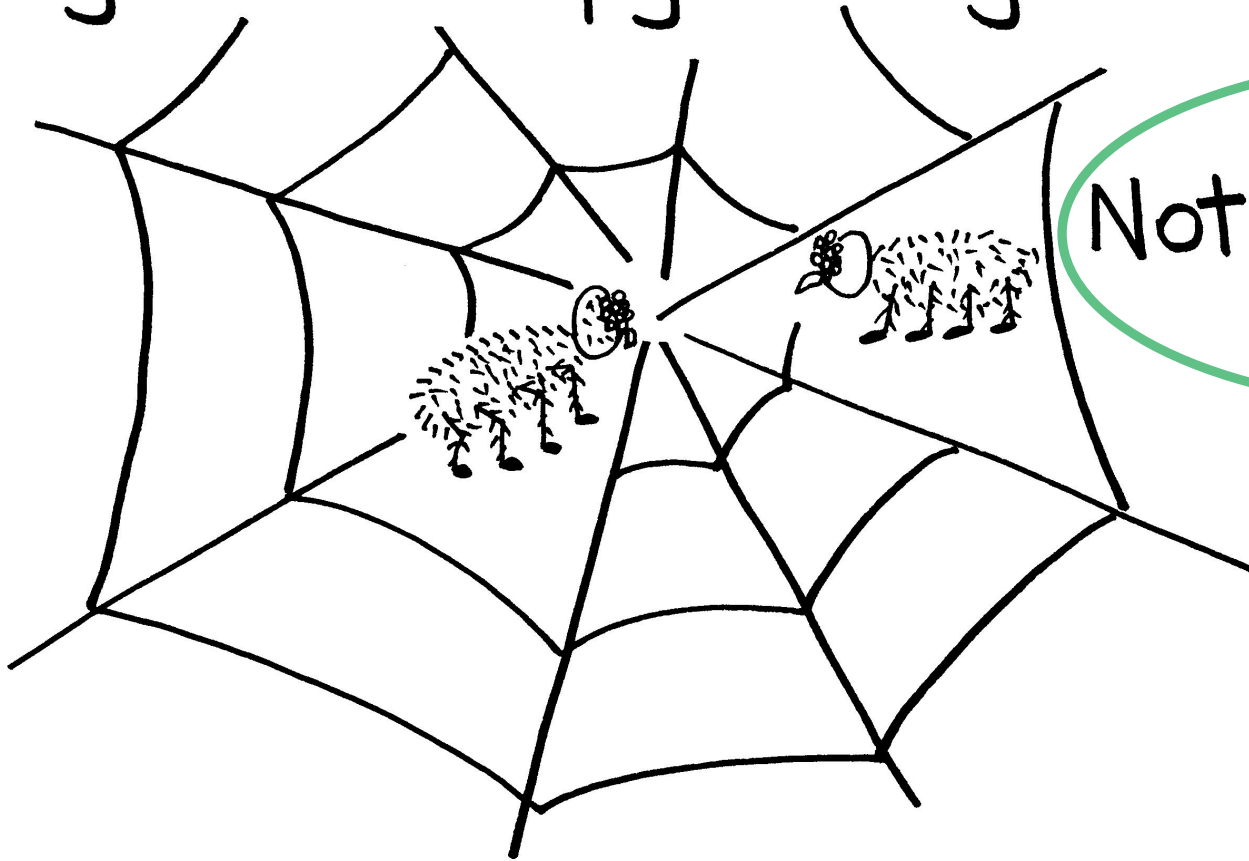
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