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Handbook presentation

This handbook is the result of a project funded by the European Union's Leonardo da Vinci Programme. The aim of the Q.Lime Project is to create practical and accessible training materials to support Intellectual Property Rights (IPR) and Licensing management, whilst at the same time contributing to the implementation of the core quality criteria for in Vocational Education and Training (VET) project as identified by the "Technical Working Group on quality in VET" (Copenhagen Process).

Intellectual Property (IP) forms a central role within the knowledge economy and it is important that businesses develop a thorough understanding of IP in order to ensure that they maximise their productivity and competitiveness on the global market. The value of IP within the modern economy has been confirmed by theoretical economic justifications and empirical evidence. IP is increasingly being viewed as a bridge between the intellectual and economic spheres of our society and a key element of the commercialisation process.

Although Europe is renowned globally for its excellence in research, it is still relatively weak in exploiting research results and in transforming them into innovative, commercial products and services that can boost competitiveness. This is partly because Universities, public research centres and SMEs do not always fully understand the IP process and are unaware of how to ensure that their knowledge and research findings are effectively protected.

The purpose of this handbook is to provide individuals, businesses, research institutes, and other interested parties with relevant information and examples of good IP management. It is hoped that this handbook will help to raise awareness of IP issues amongst professionals working in Industrial Liaison Offices (ILO), Technology Transfer Offices (TTO), Scientific and Technological Parks, and academic and industrial research centres or SEMs.

The overall objective of the Q.Lime project is to help bring together existing information on the value that protection of IPR can offer the European knowledge based sector. The following chapters provide a broad view of existing information, with specific data and information on IPR for Bulgaria, Greece, Italy, and UK collated by the Q.Lime project partners.

Q.Lime partners:

Bulgaria – Technology Development and Innovation Limited

Greece – Urban and Regional Innovation Research Unit (URENIO), Aristotle University of Thessaloniki

Italy – Calpark (Project Promoter), University of Calabria (Project Coordinator), Consorzio SPIN

United Kingdom – Oxford Innovation Limited

Preface

What is ‘intellectual property’?

The term ‘intellectual property’ (or IP) has recently become topical and, at times, controversial. Some critics attack it as a negative force or as an issue that is largely irrelevant to developing countries. Other critics in developing countries have voiced the opinion that IP effectively obstructs creativity. Richard M. Stallman¹ once declared that *“Intellectual Property as a specific thing, doesn’t exist”*.

The term IP can create confusion because there is a growing tendency to assume that copyright, patents, and trademarks all equate to ownership of the physical objects. Recent experience shows that the legislators tend to modify existing IP laws so as to render them increasingly similar to the laws pertaining to ownership of physical objects. If this situation continues then, ultimately, ownership of the physical product, and ownership of the intellectual thinking/ research behind the product/ service would eventually be accepted to be one and the same. However, in reality the legislation covering intellectual property is quite different to that which covers tangible assets and these legislators must take care on how they apply the letter of the law.

The term IP is intrinsically complicated and to the non-legal mind, it can be profoundly confusing as it does not always mean the same thing in different legislative scenarios: Copyright law was designed to protect the written word; Patent law aims to encourage the publication of ideas; and Trademark law exists to protect the final consumer.

These laws were developed in independent ways and each has a very different objective and methodology. However, the confusion created by the term ‘intellectual property’ is that we begin to think that we have only one homogenous group of laws, whereas really, IP is made up of a number of individual legal protections.

Mark Lemley, Professor of Law, Stanford Law School, has stated that *“the spread of the use of the term ‘intellectual property’ is a fashion that began after the foundation, in 1967, of WIPO²”*. One option to eliminate confusion may be to coin a new term to refer to intellectual property. But, this would not really be a solution as we would still be left with the generalisation that all these separate laws cover one and the same thing.

The best way to regard intellectual property is to view it as consisting of all the separate elements of patent, design, trademark, and copyright, rather than thinking of them as one single law.

¹ Richard Matthew Stallman (Manhattan, New York March 16th, 1953) is the founder of the free software movement, the GNU Project, the Free Software Foundation, and the League for Programming Freedom. An acclaimed hacker, his major accomplishments include Emacs (and the later GNU Emacs), the GNU C Compiler, and the GNU Debugger. He is also the author of the GNU General Public License (GNU GPL or GPL), the most widely-used free software license, which pioneered the concept of the copyleft.

² The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations. It is dedicated to developing a balanced and accessible international intellectual property (IP) system, which rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest. Established by the WIPO Convention in 1967 with a mandate from its Member States to promote the protection of IP throughout the world through cooperation among states and in collaboration with other international organizations. Its headquarters are in Geneva,

CONTENTS MAP OF THE HANDBOOK

Part I

The First Part of the handbook contains...

Chapter 1	Chapter 2	Chapter 3	Chapter 4	Chapter 5
INTRODUCTION ON IPR	METHODS OF PROTECTION	EXPLOITATION OF IP	IPR PROCEDURES OVERVIEW	COSTS
General overview of IPR focused on: -What is Intellectual Property? -Why protect and exploit IP? -What are IP Rights? -Whose rights?	Framework of different methods of protection of IPR, including: - Copy Right - Patents - Trade marks etc.	Information on how to use and exploit defensible IPR, including: - patent - Licensing IPR - spin-out - joint ventures.	General overview of IPR procedures at European and International level as well as relevant information related to Helpful Sites	Information related to the costs to protect IPR in Bulgaria, UK, Greece and Italy as well as at European and International level.

Part II

The Second Part of the handbook contains...

Chapter 6	Chapter 7	Chapter 8	Chapter 9	Chapter 10
EVALUATING OPPORTUNITIES AND CHOOSING THE BEST ROUTE FOR EXPLOITATION	IPR PROCEDURES GUIDE	INTERNATIONAL, EU AND NATIONAL LEGISLATION	"IPR IN THE EU PROGRAMMES ON VOCATIONAL TRAINING RESEARCH AND TECHNOLOGY DEVELOPMENT".	BEST/GOOD PRACTICE CASES
Methods and means of evaluating routes to exploitation focusing on market and industry analysis.	Detailed guide on national procedures for IPR protection in Bulgaria, UK, Greece and Italy	Legislation of International and European Treaties specifically for patents and national legislation on IPRs	Crucial points of the new EU Regulation 1906/18-12-2006 concerning the ownership of IPRs between the participants in an EU Programme of the FP7	Actual cases to demonstrate exploitation of IPR is not always a simple or easy process.

LEARNING SUPPORT TOOLS

The Section includes...

Chapter 11	Chapter 12	Chapter 13	Chapter 14
SELF EVALUATION TOOLS	GLOSSARY	BIBLIOGRAPHY	ANNEXES
Ten groups of questions, referring to all the material of the handbook.	Definitions for the basic IPR terms and concepts		<ul style="list-style-type: none"> - Fees for EPC and PCT applications - Addresses of national patent offices of Q.Lime partner countries - NDA model contracts

What is IP?

IP means the legal rights, which result from intellectual activity in the industrial, scientific, literary and artistic fields. Article 2 of the Convention Establishing the World Intellectual Property Organization (WIPO) defines that the intellectual property includes three different types of rights:

- **copyrights and related rights** – rights relating to literary, artistic and scientific works, including software, performances of performing artists, phonograms, radio and TV broadcasts, scientific discoveries and data bases;
- **industrial property rights**: inventions in all fields of human endeavour, prototypes, industrial design, trademarks, services marks, appellation of origin, commercial names, designations, and rights for protection against unfair competition;
- **other rights resulting from intellectual activity, including rights on commercial and company secrets, other secrets**: know-how, show-how, new plant and animal species, internet connection, topology of microprocessors, etc.

IP protection: why protect and exploit IP?

IP protection aims to safeguard the rights of the creators and other producers of intellectual property results. Inventors, writers, etc. transform their ideas into tangible assets and they are granted with certain rights. For example the owner of a patented invention can prevent others from producing or selling the device.

All legal systems define the protection of intellectual property. The rules comprise a special group of legislation which expresses the legal intent of the government authorities to provide legal framework for all social interaction of intellectual nature. Thus, IP and IPR are created to regulate the social actions and interaction concerning the creation, recognition, legal protection and use of IP. According to WIPO “countries have laws to protect IP for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.”

The subject of the IP legislation is the immaterial results and products of intellectual activities/processes, which are ubiquitous and can be used simultaneously by different users at different places. This characteristic of IP presupposes that the governments worldwide must coordinate their legal efforts and enter international IP treaties, such as the Berne Convention for the Protection of Literary and Artistic Works, the Madrid Agreement Concerning the International Registration of Marks, the Convention Establishing the WIPO, the Patent Cooperation Treaty, the European Patent Convention, etc. The treaties lay down the international rules for protection of IPR, and greatly facilitate the use of IP internationally. The World Trade Organization (WTO) adopted Trade-Related Aspects of IP, an international agreement with a direct effect on member states' legal systems, which is binding for all member countries. It provides measures for customs control in the WTO member countries on the intellectual property of the import and export goods and for stopping goods at the border, when there's a suspicion for an offence against the Intellectual Property law.

What are IP Rights?

The national legislation of different countries elaborates and provides legal protection of IPR to a different degree. Legislation systems worldwide provide rights over inventions (patent rights); rights over literary, artistic and scientific works, including software, performances of performing artists, phonograms, radio and TV broadcasts, scientific discoveries and data bases (copyrights); rights over trademarks and appellations of origin; rights over company names, etc. There are differences with respect to the protected intellectual result. For instance copyright gives a wider range of opportunities to their owner than trademark rights. Most generally speaking all IPR provides exclusive right of use and the right to prohibit the use of the result by others.

Who owns IPR

The owners of IPR are the individuals and legal entities, the state, and the local government (municipalities). Some of the rights can be recognized only to a physical person (right to authors name acknowledgment as a part of the copyright). Industrial property rights are obtained and used mainly by legal entities like companies, corporations, etc. In some legal systems there is IPR that could be recognized only to traders, such as the trade name and company name right, trademark rights, etc. Copyright is also often acquired and exploited by corporations, for example the movies and music production are subject to copyright and has already become one of the world's largest industries.

Part I

1 METHODS OF PROTECTION

1.1 *Confidential Information*

Confidential Information is regarded as any information concerning the business methods and/or the products of a company. This wide term includes any kind of information related to the secret Know-How of a company, such as information about an invention, or its content, construction guides, patterns, drawings, management services, technical information on methods or products, personnel training methods, production methods, etc. Depending on the specific case, the secret Know-How of a Company, some times may be officially protected and some others may not. Thus, if the confidential information concerns an invention, it could be legally protected by asking a Patent to be granted (see below 2.3).

There are cases, however, where, even though the confidential information concerns an invention, the inventor should not ask for a Patent. The legal advise on those cases is the following: if the competitor, by examining the product, can find the way it was made or the method applied on it, then the product/process should be patented (e.g. the secret preparation formula of a soft drink). But if the competitor, by examining the product, cannot figure out those secrets, then it is better for the inventor not to patent his product/process, but to keep it secret. That is because patents last only twenty years, but secret formulas may be kept secret for decades.

In any case, most of the time the information does not concern an invention but the general well-being and well-functioning of a company. For that kind of information, there is no official legal procedure of protection. Actually, the only protective measure is a "Non Disclosure Agreement" or a "Confidentiality Agreement" written by an Attorney and signed by a person who, while collaborating with the company or by the employees who, while working in the company, become aware of confidential information.

1.2 *Copyright*

Contrary to patents, which concern technical creations, copyright is attributed to original intellectual works, such as literary works (any kind of written document), musical works, photos, architectural designs, drawings, pictures, designs and computer software. The only prerequisite for a work to be protected by copyright is for that work to be *original*, with a general meaning, that the work is the creation of the author and not copied from someone else's work. Only the work is protected in the way it is expressed, not the idea behind the work. This means that, for example, a "Manager's Manual" is protected as a literary work and cannot be copied by a third person without the written permission of the author, but the ideas and the content of it, such as methods for the good operation of a company can be applied by anyone without any permission of the author, since ideas cannot be protected. It also means that anyone else can write a "Manager's Manual", provided he does not copy parts of somebody else's work.

Copyright gives the owner of an original work the exclusive right, to authorize or prohibit, indicatively (not exclusively) to copy or reproduce the work in any manner or form, to translate it into another language, to adapt or do other arrangements of their work, or in any way to amend the work, to issue the original or copies of the work to the public, to lease the work, to perform, to show, or to play the work to the public, to broadcast or re-broadcast the work to the public, through radio, or television, to prohibit the importation of copies of the work that were produced in a non EU member, or in an EU member without his authorization (infringing copies), the right of the owner to follow his work, etc. Those rights of the owner are referred to all or parts of the work.

Copyright is created at the moment of the creation of the work, on a worldwide basis. However, there is no official legal procedure to protect an original work. Actually, the inclusion of the symbol © with the name of the author, which the owner must place to his work, is only a claim that the work is an original one of the named person, protected with legal measures if infringed, but is not an official proof of the owner of the author of the work. Therefore, the only legal advice as a method of protection of a copyright is that the author of the work must collect proof about the date of creation, in order to be able to prove that he is the real author of the work. That proof may be an official deposit of a copy of the work to a Notary's Office in order to take a certified date, or to the National Library, if in existence, etc. Copyright protection lasts for 70 years starting from the end of the year the author died.

1.3 Patents

A Patent is granted to the inventor of a product and/or a method, which is *new* and *inventive* and presents *industrial applicability* (three prerequisites).

An invention is considered to be *new*, if, on the day the application is filed, has never been published, anywhere in the world. Therefore, before the filing of the application, the inventor must not publish the invention in any way, or sell it or advertise it, etc.

Apart from novelty, the inventor must keep in mind that an invention always moves the present state of the art forward. So, the invention is considered to *be inventive*, i.e. *to has an inventive step*, if it solves a technical problem in a way not obvious to a person who is skilled on that field. The inventiveness of the product/process is mostly the most difficult point to be proven, therefore, the inventor must always prepare the necessary documents, in very close cooperation with an Attorney qualified in Patents.

The third prerequisite, the industrial applicability, is common to most of the inventions and it means that the invention can find application in any sector of industry.

The inventor must file the necessary documents to the national Patent Office of the country he has his residence. Those documents are called the Specification Documents, and are the Description, the Claims, the Abstract and the Figures (Drawings) of the invention, written in a very specific way by the Patent Attorney.

The patent, when granted, gives the owner the exclusive right to productively exploit his invention for 20 years, following the date of the submission of his original application (priority date), without any extension of the

protection period. All these 20 years, the owner must pay renewal fees to the National Patent Office of each country separately.

Indicatively and not exclusively, the "productive exploitation" of the Patent gives the owner a monopoly to the following acts: a) To produce and market or use for the same purposes the products protected by his patent. b) To apply and market the process protected by his patent. c) To produce and market or use for the same purposes a product produced from his patented process. d) To give exclusive or non exclusive licenses of exploitation of the patent, and e) To prohibit any third party from productively exploiting his invention or importing without his consent the products protected by his patent.

The Patent offers to the owner only territorial protection. That means, that the owner of a (e.g.) Greek Patent, has the rights of the patent only within the Greek territory and cannot prohibit the copy and exploitation of the invention in Italy or in the UK if it has not also been filed as a European Application (EPC Procedure) and has not been granted the UK or the Italian patent as well. He can prohibit however the importation of those copied products in the Greek territory. So, the novelty of an invention is examined on a world wide basis, but the patent attributes rights to his owner only to the territories of those countries he has been granted a patent.

The patent owner may exploit their invention even before the patent is granted, or even if the patent finally is not granted, by giving exclusive or non-exclusive licenses of exploitation of the Know-How that generally their new product/method contains.

1.4 Domain name

A Domain Name functions in two ways: it states the position of a computer in the internet and also, it states the connection of a computer with a specific person, a company, an organisation, a foundation etc. Anything can become a Domain Name, such as names, first, or last, Company names, name of a product, addresses, numbers, advertisements' slogans, simple phrases, etc. Domain Names have enormously facilitated the contact of the users/customers with companies all over the world and have increased commercial transactions. Therefore, every day more and more companies create their site and register a Domain Name.

The Registration of a Domain Name is simple. It can be national (for instance "company.gr", or "company.it"), or European ("company.eu"), as long as the Domain Name is available and is not already registered by somebody. (It can also be international by ending ".com").

For the national Domain Name, each country has a competent authority supervising the inspection of the procedures concerning the management of the national domain names, as well as private companies to complete the registration, the Registrars.

For the European Domain Name ".eu", competent authority is EURid (<http://www.eurid.eu>). Anyone based in EU can register a Domain Name ending ".eu". The registration, takes place through one of the 1000 accredited Registrars from all over the world.

1.5 Unfair Competition

As "Unfair Competition" is considered a variety of the anti-competitive acts, such as the acts harming consumers' economical interests (such as misleading and unfair advertising), disclosure of trade secrets (confidential information), anti-competitive business and marketing practices, passing-off, etc. The general clause of effective Competition, is that the one who makes the best offer at the better price will prevail, and it is lawful to try to attract competitor's clients, but only with lawful means. Therefore, all unfair Competition methods are completely prohibited on a European level (Directive Proposal) and all Member States provide legal measures ensuring that Competition between enterprises will remain fair, based on the best offer best price rule. Special EU legislative measures rule specific acts unlawful, such as misleading advertising or comparative advertising.

1.6 Registered Design

Provided it is new and presents originality, the appearance of a product (three dimensions design) or a pattern of it (two dimensions design) can be registered. If the design concerns a product, that product does not have to be new (e.g. jewels, cell phones, electric appliances, etc). The owner of the registered design has also a monopoly (such as for patents) to use and exploit their design exclusively for 5 years, and then renew it for up to 25 years, provided they pay the renewal fees. That monopoly covers the visual appearance of the product, not the product itself (unless it is also a patented product). That means that other companies may always create the same product with a different appearance. The design can be registered by application filled to the competent National Office of one or more countries, or, with a single registration in all EU member states.

1.7 Plant breeders' rights

Plant varieties or biological processes producing plant varieties are exempted from patentability, although this provision does not apply to microbiological processes or the products thereof (European Patent Convention, Article 53 (b)).

1.8 Company name

Though there is no common European policy on this topic, any person doing commercial or industrial business uses a Company name, which sometimes also indicates the kind of business (according to the relative national Law). The Company Name in the EU countries is protected under the Trade Marks Law, or/and the Copyright Law, and/or special legislative provisions.

1.9 Trade Mark

Trade Mark is a sign of a specific producer or of someone offering services or products. The Trade Mark enables the consumer to distinguish the searched product or service from others, which are similar and maybe competitive. Any sign that is distinctive can be registered as a Trade Mark, such as words, numbers, and

designs etc, even sounds of music. The sign must be distinguished from other similar ones, registered for the same or for similar products or services, and must never describe the kind of the products/services it distinguishes. For example, the word "Apple" can be registered for Computer appliances but cannot be registered to distinguish the trading of apple fruits.

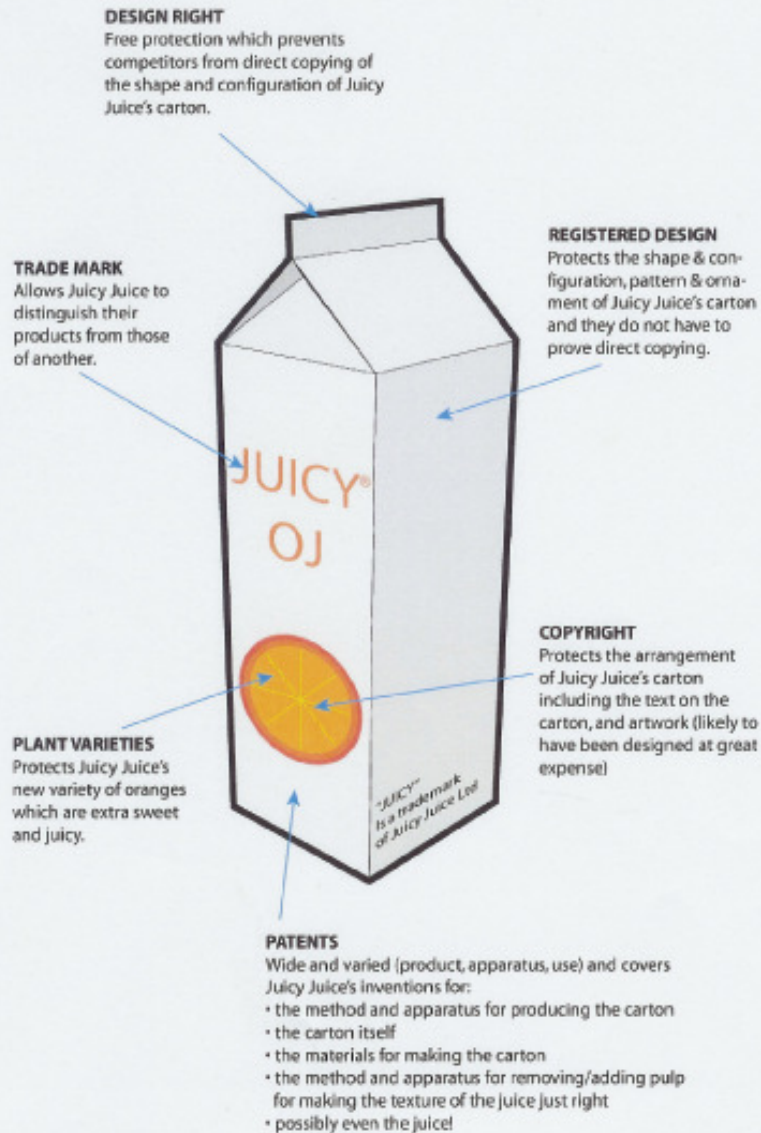
The owner of a registered trade mark has exclusive rights on it, such as, to use it or to put it on its products, invoices, stationery, get-ups, and any advertisements.

The registration lasts ten years, and then it can be renewed indefinitely for one or more decades.

The owner of the trade mark can register it by filling an application to the competent National authority of one or more countries, or by filling one single application, to have an EU registration for all EU member states.

HAVE ORANGE JUICE FOR BREAKFAST?

EVER CONSIDER HOW MUCH IP GOES INTO ITS PRODUCTION?



Source: Mathy&Squire – Patent&Trade Mark Attorney

2 EXPLOITATION OF IPR

The route to exploitation of defensible IP will be a decision for the university, research department, company or individual. **But why exploit?**

Many would say it's for financial reasons, but there are also social and economical reasons to exploiting IPR. For example the wider effects on growth and sustainable development providing a quality of life for all within the whole community. Whatever the reasons, the criteria that govern IPR and its subsequent exploitation remain the same.

- It **must** be industrially applicable;
- It **must** be different from what has gone before;
- It **must** not have been previously disclosed in any form (except in confidence);
- It **must** not be in the public domain.
- It **may** be a new use of a known product;
- It **may** be an advancement on what has gone before;

There are a few exclusions to what is patentable and these have been discussed elsewhere in this handbook.

Note: An important and first step in the exploitation process should be establishing ownership, whatever route of exploitation is taken. Most Universities, Government and commercial research establishments will usually have a policy statement regarding research and its potential exploitation, which should be taken into consideration in conjunction with this handbook.

2.1 Patenting

What does having a patent mean and what does it allow?

As with any other IPR, a patent gives the owner the means to prevent other people from infringing their right of ownership to a particular invention. It does not necessarily, however, give them the right to use the invention, particularly if someone else has an earlier, dominant patent.

If an earlier patent does exist, this does not exclude exploitation. Often the new patent is an enhancement so talks with the dominant patent holder can be held to explore ways of exploiting the patent. This could be under licence for a specific market or as a partner.

Often patenting comes down to a monetary decision, as the amount of time effort and funding needed before the owner of the patent sees any rewards will often preclude exploitation.

Owning a patent does, however, offer further options to exploitation but this has to be weighed up with costs, time and effort required by the owner over the lifetime of the patent. This lifetime could be upwards of 20 years.

2.2 Licensing

The Licensing of IP can take several routes and is seen as a much simpler approach to exploitation and financial gain. In the main it allows an established company to exploit the product or service, usually in exchange for an up-front fee payment followed by royalty on all sales.

The reason for licensing can include:

- The owner of the intellectual assets does not have the essential expertise or infrastructure for effective exploitation.
- There are established companies that are well placed to exploit the innovation.
- The owner of the intellectual assets wants a low risk way to exploit the innovative technology.
- There are some applications that the innovator does not wish to exploit through more direct routes.

Licensing allows for several vertical markets to be exploited simultaneously. Sector specific companies can be approached to exploit the IP in complementary markets. Again it should be remembered that before any license agreement is entered into it should be established that there is no prior claim on the IP.

Important issues that should be considered when licensing are the details of the agreements. These should be worded to take into account that sometimes the Licensee does not actually want to exploit the IP but is trying to prevent its use or to stop their competitors from using the IP.

Monetary issues that should be considered include the opportunity for additional business and development costs. Will the licensee pay for any consultancy from the organisation or individual that owns the IP? Will the licensee support any research funding to further develop the IP? This route does have drawbacks in establishing rights of ownership and should not be entered into lightly.

Further monetary issues that should be looked at prior to taking the licensing route include consideration as to whether the licensing income covers the administrative costs of establishing a licence.

2.3 Spin-outs

A spin-out is when a new business is formed to develop and exploit the new technology. The company is usually formed around patents and could be under licence from a University or a research organisation. The organisation that owns the rights will often have an equity stake, so why spin-out and when?

Often a spin-out is considered the best route because the technology is so new that established companies are not in a position to exploit the IP. A spin-out can also be considered the best route to prove a new technology with the possibility of more value to be extracted from the ultimate exploiters once proof-of-principle or concept has been established.

Often a spin-out is the only route for the owner of a new idea to commercialise and exploit the IP, particularly if others in the organisation do not recognise its real value.

If the long-term goal is to commercialise through a joint venture then often a spin-out is establish first to provide a clean and firm base on which to establish the joint venture.

2.4 Joint Ventures

For the purposes of this handbook a joint ventures means forming a new business enterprise that is a formal collaboration between an established company and a research organisation or a spin-out of the organisation. This form of exploitation should be considered when a significant amount of further development is needed and both partners can make effective contributions to the development effort. Joint venture between a spin-out and a commercial partner does hold advantages to the inventor or researcher. It allows for a more active involvement compared to licensing, with the inventor sharing some of the risk in exchange for more of the reward. It can also allow continuation of the research by the originators. Joint ventures do have pitfalls, particularly relating to the partner relationship. Often the commercial partner has to refer all decisions back to the parent company, producing delay and frustration. The capabilities of the partner may have been exaggerated and are much lower than expected or suggested. The agreement between the partner and the IP owner may be ignored or priority given to the parent company's needs over the joint venture. The partner may learn quickly or take into its own parent the individuals with know how and then has no need for collaboration. All these considerations should be taken into account prior to entering into a joint venture.

3 IPR PROCEDURES OVERVIEW

The purpose of this section on IPR Procedures is to provide basic information and provide links to some of the main websites where help is available on information on IPR. It should be noted that these sites offer guidance only and for IPR protection, professional assistance should often be sought prior to application.

Procedures relating to IPR are usually split into ‘registered rights’, those that have to be applied for, and ‘automatic rights’ such as copyright and design rights.

Registered rights will normally require formal registration and proof of ownership is a major factor on registration. It will attract both official fees for registration and professional fees. Registered rights can be challenged but when granted give absolute monopoly.

Automatic rights require no registration but may require steps to be taken to ensure these rights are established, particularly if enforcement becomes necessary, as evidence will be required.

It should be noted that different rights give protection in different ways and protection can be sought for more than one type of IPR for each case in certain instances. Please remember though that non-confidential disclosure prior to any application for patent or registered design protection can result in the IPR application not being granted.

Further information on IPR procedures can be found under Part II, Section 7.

3.1 European Patent Procedures

The European Patent System is based on the Munich Convention of October 5th, 1973. This Convention is important because it established that it is possible to obtain, with a single application, a protection title in each of contracting States. Any natural person, legal person, or entity, regardless of nationality, place of residence, or site of headquarters can apply for the granting of a European patent. The patent application form has to be written in one of the official languages of the European Patent Office (EPO) (English, French and German). The application consists of: request for a grant, description of invention, claims, drawings, abstract and technical information. The request must be filed in the official EPO request for grant form (EPO form 1001), which can be obtained free of charge from the EPO or any patent office of the contracting states. The applications may be sent directly by post to the EPO, or by fax where permitted by authorities of those contracting states. Moreover, European patent applications may be submitted online or via electronic data media using software issued by the EPO. European patent applications cannot be submitted to the EPO by telegram, telex, teletex or e-mail.

The procedure includes different steps that can be clustered in two basic phases. A third stage comes into play when opposition is received, and provides for the appeal proceedings.

The main steps are:

Phase one is to apply for the grant of European Patent according to the European Patent Convention (EPC) (form 1001 and annexes related to description, claims, summary and the design) and pay the fees due.

The Receiving Section of EPO (EPO branch at the Hague and the Berlin sub-office) will provide for:

1. an examination on filing and formalities examination. It examines whether the date filing can be accorded, if so - then whether the filing and search fees have been paid and whether the translation of the application into the language of the proceedings exists (if required);
2. preparation of the European search report sent to the applicant. This includes a non-binding opinion on whether the application and the invention to which it relates meet the requirements of the EPC, so-called "Extended European Search Report" (rule in force since 1.07.2003);
3. publication of the European patent application (description and the claims) and the search report in the European Patent Bulletin 18 months from the application date or from the earliest priority date;
4. within six months from the publication of the European search on the European Patent Bulletin, the applicant can request for the examination of the patent. This request is considered completed with the payment of the examination fee (this is obligatory in order to obtain a European patent).

The second phase is carried out by the Examining Division (EPO branch in Munich) on the applicant's request as described above. The EPO examines whether the application and the invention, to which it relates, meets the requirements of the Convention considering the search report. It specifically means, the invention has to undergo the scrutiny of patentability requirements. The examination is done with respect to the entire application and the final decision is also made with respect to its entirety. The Examining Division communicates to the applicant if the patent is granted or is refused, withdrawn, or deemed to be withdrawn.

The applicant has to:

- approve the text of patent proposed by the examining division;
- to provide a translation of claims into the other EPO official language not used;
- to pay the grant fee.

If you have paid the fee and file the necessary translation it is deemed the applicant has agreed the text intended for grant. The grant becomes effective on mention in the European Patent Bulletin. The patent proprietor also receives a certificate for the European patent, with the specification annexed.

The third phase consists of the opposition proceedings. The opposition to a patent can be made by any person within 9 months of the date the patent grant was published. The examination of opposition is handled by the Opposition Division in Munich. The outcome is either the revocation of the patent or rejection of the opposition interlocutory decision stating that, with the amendments made by the proprietor, the patent and the invention to which it relates meet the requirements of the EPC.

3.2 IPR: International Patent Procedures

An application for the grant of a patent is international when it is filed under and with reference to the Patent Cooperation Treaty (PCT). The PCT is a multilateral treaty that was concluded in Washington in 1970 and

entered into force in 1978. It is administered by the International Bureau of the World Intellectual Property Organization (WIPO), whose headquarters are in Geneva (Switzerland).

In order to obtain the protection for an invention in a wider number of countries the applicant can fill in an international patent application according to the Patent Cooperation Treaty (PCT) or the Agreement of Cooperation for Licences. This is an agreement managed from the WIPO (World Intellectual Property Organization), agreed between 117 countries with the aim to offer one procedure to obtain a licence in a greater number of countries. The international demand for a licence, written up in English, French or German, can be sent to the WIPO of Geneva, or one of the centres of the EPO.

The PCT has the same effect as a series of individually applications to each Country. The PCT does not eliminate the necessity to continue the procedure of release in each country, but it facilitates the procedure because the application will face the international phase after 30 months.

The PCT procedure consists of two main phases, “international phase” and “national phase”, although these expressions are not actually used in the PCT. The procedure begins with the filing of an international application and it ends, in the case of a favourable outcome for the applicant, with the grant of a number of national and/or regional patents.

The International Phase consists of these steps:

1. the drawing up of the international application by the applicant and its processing by the “receiving Office” this can be at any of the member/non member state offices listed on the PCT website ;
2. the receiving office (for Italy this is “Ufficio Italiano Brevetti e Marchi” (UIBM)) will commence a research on the state of the art to word-wide level;
3. the receiving office, that realized the research, will send to the applicant a report on the research and a preliminary assessment on patentability of invention. This preliminary assessment is important for the applicant in order to take a decision on the possibility to continue the procedure to obtain the valid patent or to release the rights.
4. the publication of international patent application and of the research report (not preliminary assessment).

The publication of an international application, international research report and preliminary assessment on patentability are conveyed to the National (or regional) Offices as elected on the international application (the so-called “elected Offices”). The communication occurs upon request by the elected Office to the International Bureau. International preliminary examination is subject to certain conditions and qualifications being met.

On completion of the international phase, further action is required in each of the nNational (or regional) Offices on the original international application. In particular, the applicant has to pay to those Offices the required national (or regional) fees, provide them with any translations that are required and appoint a representative (patent agent) where required.

There is a limited time by which these steps must be taken and the international application may cease in any State where the deadline has not been met. The National (or regional) Offices then examine the application and grants or refuses the National (or regional) patent on the basis of their national laws. These procedures

constitute what is usually referred to as the “national phase” of the PCT procedure. Within 31 months from the PCT application, the applicant must decide whether and when to start the national phase.

3.3 Community Trade Mark (CTM)

Trademark is the sign of a products' producer or of a services' provider, enabling the consumer to distinguish the specific product or service from other similar ones. In order for a sign to be registered as a Trade Mark, it has to be distinctive, i.e. must be distinguished from other similar ones, registered for the same or for similar products or services. Also, the sign must not describe the kind of the products/services it distinguishes. Having distinctive character, any sign might become a trade mark, such as words, numbers, designs, shape of products, etc.

The owner of the trademark can register it by filling an application to the competent National Authority of one or more countries and thus to obtain protection within the geographic territory of that specific country or countries. However he has another option: by filling one single application, to have an EU registration to all EU member states and to have his trademark protected within the whole Community territory, by registering a Community Trade Mark (CTM).

The application for a CTM can be filled to the National Industrial Property Office of one of the EU countries, or to the Benelux Trade Mark Office and then forwarded to the Office for Harmonization in the Internal Market (OHIM – Alicante, Spain) within one month. It can also be filled directly to OHIM (Alicante), by post, or fax or mail, according the OHIM instructions found in <http://oami.europa.eu>.

The applicant must use application documents of official form, found in each Industrial Property National Office, or in the official site of OHIM. The application will be filled in the applicant language as well as in one of the OHIM's official languages, i.e. Spanish, German, English, French or Italian.

The owner of a registered trade mark has exclusive rights on it, such as, to use it, to put it on its' products, invoices, stationery, get-ups, advertisements by any means, electronic, audiovisual, etc.

The registration lasts ten years, and then it can be renewed indefinitely for one or more decades.

The list of fees needed in order for a CTM to be registered, is contained in chapter 5 section 5.2.

3.4 Community Industrial Design

Provided it is new and presents originality, the outside appearance of a product or a part of it (three dimensions design) or a pattern on it (two dimensions design-ornamentation) can be registered. If the design concerns a product, that product does not have to be new (e.g. jewels, cell phones, electric appliances, etc). The design may be referred to shape, contours, lines, materials, etc.

Registered designs are protected for 5 years and this protection period may be renewed by paying protection fees for 5 years more, until the total of 25 years of protection.

If the design is not registered it is protected only for 3 years from the date of availability to the public and only against a third person who copied the design. Otherwise, if the third person proves that he created the same design without knowing the existence of the unregistered design, there is no infringement and the owner has no right against him.

The registered Design gives to its owner the exclusive right to use and exploit it. That monopoly covers the visual outside appearance of the product or of a part of it, not the product itself. Accordingly, other companies may produce the same product with a different appearance. The design can be registered by an application filled to the competent National Office of one or more countries, or, with a single registration in all EU member states, giving thus protection to the whole of geographic territory of Community.

The applicant may file its application to the National Industrial Property Office (or to the Benelux Trade Mark Office), or directly to the Office for Harmonization in the Internal Market (OHIM) by post, fax or e-mail.

The applicant must use application documents of official form, found in each Industrial Property National Office, or in the official site of OHIM.

The list of fees needed in order for a Community Design to be registered, is contained in chapter 5 section 5.3.

3.5 Helpful Sites on IPR EU & Overseas

<http://www.jisc.ac.uk/legal/> - (JISC) Legal is a free information service and it provides links to further Internet sites on international IPR.

<http://www.european-patent-office.org/index.en.php> - European Patent Office

<http://ep.espacenet.com> - European site for searching patent documents, providing the same patent database available to the European Patent Office examiners. It provides information on emerging technology.

Note: UK based applications to the EPO have to be cleared by the UK Patent Office first.

The site also has an e-learning tool to assist in the efficient use of esp@cenet.

<http://oami.eu.int/> - The Office of Harmonization in the Internal Market

<http://www.wipo.int/> - World Intellectual Property Organisation

<http://www.wto.org/> - World Trade Organisation

<http://usinfo.state.gov/products/pubs/intelprp/index.htm> - Information on the US perspective on trade and IPR issues

<http://usinfo.state.gov/products/pubs/intelprp/index.htm> - Assists potential and current contractors taking part in Community funded research and technological development projects on IPR issues

<http://www.auril.org.uk/> - The professional association representing all practitioners involved in knowledge creation, development and exchange in the UK. Its members are from universities, NHS Trusts and public sector research establishments. The publications available include:

- IPR in e-Learning Programmes
- Managing Intellectual Property - A guide to strategic decision-making in universities
- Partnerships for Research and Innovation between industry and universities - a guide to better practice

<http://www.tii.org/> - The European association for the Transfer of Technologies, Innovation and Industrial Information.

<http://www.copyrightservice.co.uk/> - Provides copyright registration for original works by writers, musicians, artists, designers, software providers, authors, companies, organisations and individuals. Copyright is an automatic right and doesn't need to be registered. However, the ability to defend can become an issue so care should be taken in record keeping.

<http://www.intellectual-property.gov.uk/> - news page of the UK Government-backed Intellectual Property website.

<http://www.lawsociety.org.uk/> - The Law Society of England and Wales

<http://www.reallyuk.co.uk/> - provides training and consultancy relating to the use of intangible assets in enterprise, but the site also has useful information on IP.

3.6 Bulgarian National Procedures

3.6.1 Patents

The protection and the use of patentable inventions in Bulgaria is governed by the Patent Law, Promulgated in State Gazette No. 27/02.04.1993, last amended by State Gazette No. 30/11.04.2006. Patents can be obtained for inventions in any field of technology, which are new, involve an inventive step and are susceptible of industrial application. The legal protection for an invention is afforded by means of a patent. The patent attests the existence of a patentable invention, its priority, its inventor and to the exclusive right of the patent owner in the invention. The term of validity of a patent shall be 20 years from the date of filing of the application. The right to file an application belongs to the inventor or to his successor in title. Where an invention is made on a contractual basis, the right to file shall belong to the commissioning person, unless otherwise provided in the contract. Patents in Bulgaria are registered by the Bulgarian Patent Office. The application should follow all the requirements, specified into the Bulgarian patent legislation. The address of the Bulgarian Patent Office is: G.M. Dimitrov 52 blvd., 1040, Sofia, Bulgaria, and the official site is: <http://www.bpo.bg/>.

3.6.2 Licensing

Regulations that govern license contracts are included into several legal acts. The general provisions are specified into the Commercial Law Promulgated in State Gazette No 48/18.06.1991, last amended by State Gazette No 38/09.05.2006. As far as license on inventions, trademarks, utility models, industrial designs and others are concerned, there are specific regulations under the Patent Law, under the Trademark Law, under the

Design Law, etc. Under a license contract the owner of a right over an invention, utility model, industrial design, mark, topology of integrated circuit or know-how, (licensor), grants for compensation, entirely or in part, the use thereof to the licensee. Under the Bulgarian legislation the license contract should be entered into the register of the Patent Office and it is considered to be effective vis-a-vis third parties after the registration. Regulations that govern license contracts are included into several legal acts. The license contract shall be entered in a register of the Patent Office. It shall be effective to third parties after the registration.

3.6.3 Trade Marks

The protection and the use of trade marks in Bulgaria is governed by the Law on Marks and Geographical Indications Published in State Gazette No. 81/1999, of September 14, 1999, last amended by State Gazette 30/11.05.2006. In accordance to article 9, marks are defined as signs that are capable of distinguishing the goods or services of one person from those of other persons and can be represented graphically. Such signs may be words, including the names of persons, or letters, numerals, drawings, figures, the shape of the article or its packaging, a combination of colors, sound signals or any combination of such elements. The right over a trade mark is obtained by the registration of the sign in the The State Register of Marks. The register is kept by the Patent Office of the Republic of Bulgaria. Marks are registered for a period of 10 years following the filing date of the application and the registration may be renewed for an unlimited number of further 10-year periods.

3.6.4 Company names

The regulations that govern the registration and the use of the company names are subject of the Commercial Law Promulgated in State Gazette No 48/18.06.1991, last amended by State Gazette No 38/09.05.2006. In accordance to article 7 a trade name is the name under which a merchant carries on its business and under which it signs. The right over a trade name can be acquired after the court registration of a merchant. The registration is fulfilled by application of the merchant to the district court, where his seat is located.

3.6.5 Domain names

Domain names in Bulgaria are not a subject of a special legal protection under the Bulgarian legislation. A domain name is an address of a Website within the internet. Domain names allow a computer to access a certain website. The top-level Internet domain name for Bulgaria is .bg. The .bg domain is administered by Register.BG Ltd – a private company, incorporated under the law of the Republic of Bulgaria. The Registry has developed its own policies and procedures. They are based on Internet standards, discussions with Internet Service Providers and network experts, both in Bulgaria and abroad and on gained experience. All the information related to the registration of .bg top level domain is published on the following site: <http://www.register.bg/>.

3.6.6 Industrial design

The protection and the use of patentable inventions in Bulgaria is governed by the Law on Industrial Designs Published in State Gazette (SG) No. 81/1999, of September 14, 1999, last amended by State Gazette No 30/11.05.2006.

In accordance to article 3 of the Law, industrial design means the appearance of the whole or a part of a product resulting from the specific features of the shape, lines, contours, ornamentation, colors, or combination of such. The right over a design could be acquired by registration at the Patent Office. The term of protection for a registered design is 10 years from the filing date of the application. The registration may be renewed for three successive periods of five years each

3.7 English National Procedures

3.7.1 Patenting

The first point of call for IPR should be The Patent Office <http://www.patent.gov.uk/> as they are responsible for IP (Copyright, Designs, Patents and Trade Marks) in the UK. The site offers all relevant documents required to register either on line or for download and manual application. The site also includes useful information on copyright, patents, designs and trade marks.

From the main page of the Patent Office website, links are provided to the main international sites.

<http://www.patent.gov.uk/>: This site has a guide on Managing Intellectual Property, specific to strategic decision-making in universities.

<http://www.intellectual-property.gov.uk/>: A UK Government-backed site that provides answers to questions and resources on IP issues of Copyright, Designs, Patents and Trade Marks, there is also a section on Other Rights including:

- rights in performances for performers and those making recordings of performances;
- protection for trade secrets under confidentiality agreements;
- database right for some types of database (other types may be protected by copyright)
- protection for geographical indications of origin;
- protection against unfair competition under "passing off" law ;
- publication right for first publication of material in which copyright has expired ;
- protection against circumvention of copy protection devices;

3.7.2 Licensing

The owner of a patent has the right to License that patent. A license can be exclusive or specific. If someone is granted an exclusive license they take on responsibility for exploiting the opportunity.

Some patents have many markets and many sectors. In this case it could be more profitable for the owner to license specific sectors to more than one licensee. Some licenses are taken up but the opportunity is never

exploited, this may be for many reasons not least that it was to stop the opportunity coming to market. This case highlights the need for specialist help when drafting a licence, including clauses that provide for a licence to be revoked if exploitation is not developed.

3.7.3 Trade Mark

A Trade Mark has to be applied for and will incur fees on application. Initially a search is requested and if this is accepted a trade mark can then be applied for. A trade mark is a sign which can distinguish goods and services from those of other traders. A sign includes, for example, words, logos, pictures or a combination of these. Once a trade mark is accepted associated costs will apply.

3.7.4 Company Name

In the UK company registration matters are dealt with in law, by the Companies Act 1985 and the updating legislation contained in the Companies Act 1989. All limited companies in the UK are registered at Companies House, an Executive Agency of the Department of Trade and Industry. It also has a key role in providing information about British companies.

A new company must:

- give details of its constitution in the form of a Memorandum and Articles of Association;
- give details of its directors, company secretary and members;
- have a registered office.

A new company comes into existence when the Registrar of Companies issues a certificate of incorporation.

3.7.5 Domain name

<http://www.nominet.org.uk/> is the national registry for all domain names ending in ".uk". There are many websites that provide a service to register a domain, with add on services. All of these sites have to be registered through Nominet.

<http://www.icann.org/registrars/accredited-list.html> (ICANN) Lists international registrars for domain name registration.

3.8 Greek National Procedures

3.8.1 Patents

According to Law 1733/1987 "Technology Transfer, Patents and Technological Invention" (articles 1-4), the institution competent to grant Patents in Greece, is the Industrial Property Organization (OBI – <http://www.obi.gr>). The applicant submits the patent specification (Description, Claims, Abstract, Drawings) to OBI, who, in a period of approximately 8 months, send to the applicant the Search Report. A Patent is granted within 18 months from the date of the submission of the Application. All the patent information

remains secret for a period of 18 months, even if the Patent finally is not granted to the Applicant. The Patent is valid for 20 years from the date of the submission of the application (priority date), without any extension of the protection period.

3.8.2 Licensing

All the Agreements concerning Know-How Licensing and generally Technology Transfer, in order to be valid, have to be registered to the Registry of the Industrial Property Organization (OBI– <http://www.obi.gr>), within one month from their effective day (Law 1733/1987 "Technology Transfer, Patents and Technological Invention" (article 21-22).

3.8.3 Trade Mark

According to Law 2239/94 "On Trade Marks" (article 6), any person who wants to register a trademark in Greece, submits the necessary documents to the General Secretary of the Ministry of Commerce (<http://www.gge.gr>). The authority decides about the registration or not of a trademark, in a trial that takes place in approximately 6 months after the date of the submission of the application. The registered trademark is protected for a period of ten years, renewed as many times as the owner desires.

3.8.4 Company name

Any person (fiscal or legal) doing commercial or industrial business, registers his name to the Registry of the competent Commerce, within two months from the starting of the business. (Law 1089/1980, "Commercial and Industrial Chamber of Trade and Handicraft", articles 4 & 8). Competent Commerce is the one of the city where the person does business (seat of the Company).

3.8.5 Domain name

According to the Ministry Decisions 268/2002/B1617 and 310/2004, the competent authority for the supervising and the inspection of the procedures concerning the management of the domain names ending ".gr" in Greece, is the National Committee of Telecommunications and Posts ("EETT" – <http://www.gr>), while the Registry is kept by the Foundation for Research and Technology – Hellas (FORTH) ("ITE"- <https://grweb.ics.forth.gr/>). The registration may be entrusted to several specific private companies, the Registrars (https://grweb.ics.forth.gr/greek/reg_list.html).

3.8.6 Registered Design

The institution competent for the registration of designs in Greece is The Industrial Property Organization (OBI – <http://www.obi.gr>). The Design is protected for 5 years from the date of the submission of the application (priority date), with the possibility of extension of the protection period, until 25 years totally. (Law 2417/1996 "Ratification of Hague Management for the International Registration of Industrial Design" and Presidential Decree 259/1997).

3.9 Italian Patent Procedures

3.9.1 IPR Procedure Overview

The Italian Patent System is regulated from the “Industrial Property Right Code” (See Section 8.5 – Italy National Legislation). IP covers two main areas: industrial property (inventions: patents, utility, models, trade marks, industrial designs) and copyright (represented by literary, musical, artistic, photographic and audio-visual works).

To patent three requirements must be fulfilled:

1. the invention must be new;
2. it must be an inventive step;
3. it must be capable of industrial application.

Novelty: The European Patent Convention defines this requirement in art.54: “an invention shall be considered new if it does not form part of the state of the art”.³

Invention step: The invention must not be obvious.

Industrial application: The invention must be capable of being made or used in some kind of industry.

The patent system provides three different level of protection:

- National Patents;
- European Patent;
- International Application.

According to the Italian National Law, the right to apply for the grant of a patent belongs to the author of the invention, although, if a patentable invention such as an industrial Patent is realized during the duration of an employment contract, the law foresees three different exceptions to the general rule. (In order to study in depth this issue see section 7 - IPR Procedure Guide).

Each Country has its own particular national patent system, although generally in Europe, the “first-to-file rule” applies. According to this rule, the first applicant has priority over any subsequent applicant. In some countries, such as in the US, a “first-to-invent” principle is applied. According this principle, the person who first made the invention has priority in conflicting applications..

The Italian National Patent Office responsible for the national and international patent system as well as for trademarks, models & design is the Italian “Ufficio Italiano Brevetti e Marchi” (UIBM). .

Since June 1st, 2006 the Italian patent system provides two procedures for the submitting a patent request:

1. in paper format, sent to the patent offices of the local Chamber of Commerce or to the Italian Patent and Trademark Office (Ufficio Italiano Marchi e Brevetti);
2. on-line through the Infocamere service for the data transmission to Chamber of Commerce, available on the web sit <http://telemaco.infocamere.it>

³ The state of the art is every thing made available to the public by means of a written or oral description, by use, of filling of the European patent application or the priority data if the application has one.

In order to apply for the grant of an Italian Patent, it is necessary to submit one of the following forms, depending on the specific type of patent:

- Invention (Form A)
- Utility Model (Form U)
- Design (Form O)
- Trademark (Form C).

(The above cited forms are available on-line on the web site www.q-lime.org)

3.9.2 Patent

The **invention patent** protects technological invention, either products or process. According to art.45 of the Intellectual Property Code it is possible to patent: products, productive procedures, plant variety rights, while it is not possible to patent "discoveries, scientific theories, mathematic methods, principles and the methods for intellectual activity, for games or business activity, the programs of computer, the presentations of information". A patent provides the patent holder with the right to exploit invention during 20 years in an exclusive manner. It has a duration of 20 years that starts from the date of the submission for the grant of a patent. It isn't possible to renew the patent after term time.

3.9.3 Trade Mark

A **trade mark** is any sign used to individualize the products and services of a given enterprise and differentiates them from their competitors. The registration has a specific application form depending on the country. The trade mark is valid in the territory where the person has applied for a trade mark registration. The exclusive rights over a trade mark can be obtained by use as well as by registration.

The trade mark has an unlimited duration and can be renewed every 10 years.

3.9.4 Design

The **design** represents the aesthetic or ornamental characteristic of a product. The design cannot be protected, it's the materialization of idea that can benefit from protection. ????

3.9.5 Domain Name

The SMEs register one (or more) domain name(s) to establish their presence on the internet and obtain worldwide visibility for their business. This online "window" will allow them to advertise their products and services, to improve their use of electronic communications to do business, and to compete in the e-market.

3.9.6 Utility Model

The **utility model** is a particular type of patent that exists in Italy and in a few other States (China, Germany, Japan, Portugal, Spain). It lasts for 10 years and cannot be renewed after term time.

The Intellectual Property Code, art. 84 allows a "double registration" for an idea under an invention patent and utility model when it is not easily identified as to the best form of protection. The law allows for an utility

model to be considered if the invention patent application is not agreed to or is only partially agreed to. If the application has a utility model instead of an invention patent or vice-versa, the Italian Patent and Trademark Office asks to the applicant to modify the original application, this will have a retrospective effect. According to current law it is not allowed to protect an idea using more than one form of protection.

In order, to apply for the grant of a patent of invention or utility model:

- it is not necessary to have a prototype but the applicant must be able to present a general description of the invention.
- it is necessary to prepare a technical description that highlights the aim of the invention and the technical problem it resolves.

4 COSTS

4.1 European and International patent fee

As can be seen above there are associated costs for any international application, not least translation costs. It is therefore advisable to choose your countries wisely when deciding where to apply for patents as the more countries you choose, the more expensive it is. Over a five to six year period, it can easily cost in excess of £50,000 to proceed with a simple invention in some major European countries, the United States, Japan and a few other places.

Decisions have to be made at an early stage as to where to apply for patent applications to ensure maximum effectiveness. This is often a financial decision; what are the major markets for sale rather than the places of manufacture. For example if somebody cannot sell in the UK, France, Germany, the US or Japan, what effect will it have on business?

The complexity and length of an initial patent application has cost implications when applying for patents in the EU or Internationally as:

- The longer the initial patent application the greater the initial cost
- This also has serious long term effects
- The initial application will be translated overseas, to establish the priority date.
- The final patent application will also be translated overseas.
- On grant, even a European patent has to be translated for the designated countries

It must be reiterated that the cost of translation is expensive and proportionate to the length of the document. Translation costs are for each country applied for so any decision on which countries to apply for should take into account the financial implications.

The European and International systems, governed respectively by the European Patent Office (EPO) and Patent Cooperation Treaty (PCT), have different fee schedules from the national offices due to the diverse number of countries that may be designated.

The International system is not an international grant procedure but an international application procedure and has two schedules of fees: the international phase, and the national phase. As advised above the cost of both phases depends on the number of countries selected and maintained.

The EPO web site provides a section on their schedule of fees, costs and prices. The information can be viewed or downloaded as Adobe PDF files version in English, French & German. The WIPO web site also provides a section on the PCT fees. (also on web site <http://www.q-lime.org>).

4.2 Bulgarian National Costs

Fees collected by the Patent Office of the Republic of Bulgaria⁴

The following fees in leva are collected for patents for inventions and utility models:

	Inventions			Utility Models		
	100%	50% - 1)	25% - 2)	100%	50% - 1)	25% - 2)
1. Filing of applications	40	20	10	40	20	10
2. Patent claims - for each claim following the tenth one	16	8	-	8	4	-
3. Declaration of priority - for each priority	20	10	-	20	10	-
4 Examination of application for one invention	240	120	60	120	60	30
5.Examination of application for a group of inventions:						
a) for a group of two inventions	360	180	90	240	120	60
b) for each subsequent invention of the group	80	40	20	50	25	12.50
6.Publication of a mention of an application	40	20	-	40	20	-
7. Filing of a request for accelerated publication of an application	30	15	-	40	20	-
8. Making changes in the description, claims, drawings and abstract on the applicant's initiative	32	16	-	32	16	-
9. International correspondence on a Patent Cooperation Treaty (PCT) application	60	30	-	60	30	-
10. Grant of a Patent	40	20	-	40	20	-
Publication of patent description, claims and drawings						
a) up to 10 pages						
b) for each page following the 10th one	80	40	-	80	40	-
	12	6	-	12	6	-
11. Publication of a mention of the grant of a patent	40	20	-	40	20	-

⁴ All the fees are published in <http://www.pbo.bg>

12. Maintenance of a patent:					
a) for each of the first 3 years after filing	15	7.50		10	5
b) for the 4th year	50	25		30	15
c) for the 5th year	100	50		60	30
d) for the 6th year	150	75		110	55
e) for the 7th year	200	100		150	75
.....					
h) for the 10 th year	+100	+50			
r) for the 20th year	500	250		400	200
s) for patents granted under §4 of the Transitional and Final Provisions of the Patent Law with an extended term of validity	1700	850		-	
for the 21st year	2000	1000		-	-
for the 22nd year	2500	1250		-	-
for the 23rd year and each subsequent year	3000	1500		-	-
13. Request for patent renewal	400	200		200	100

1) Where the applicants are the inventors themselves or micro- or small enterprises under the Law on the Small and Medium-Sized Enterprises

2) Where the above mentioned applicants file a written statement of willingness to license

The following fees in leva are collected for industrial designs:

	Fees
1. Filing of an application	40
3. Priority claim -for each priority	20
3. Examination of an application:	
a) for one design	120
b) for each subsequent design	80
c) for a set or a composition	200
d) for each individual article of a set or a composition	80
4. Registration of a design	150
5. Issue of a registered design certificate	50
6. Publication of a registered design with black and white image in a field sized 7/8 cm	8
a) for each subsequent field	8
b) with a color image in a field sized 7/8 cm	50
c) for each subsequent field	50
7. Renewal of registration:	
a) first renewal	200
b) second renewal	300
c) third renewal	400
d) up to six months upon expiration of the term of payment, extra	100
8. Consideration of appeals against decisions to :	
a) terminate application proceedings	100
b) refuse registration:	
- for one design	100
- for each subsequent design	50
- for a set or composition	150
- for each individual article of a set or composition	50
9. Consideration of registration cancellation requests	
a) for one design	250
b) for each subsequent design	50
c) for a set or composition	300
d) for each individual article of a set or composition	50

The following fees in leva are collected for marks:

	Trade marks, service marks and jointly owned marks	Collective and certification marks
1.Filing of application and examination: a) for one class	160	320
b) for each subsequent class	20	40
2. Priority claim - for each priority	20	20
3.Publication of a mention of an application -for a color publication, extra	40 20	40 20
4. Registration	160	320
5. Issue of a certificate of registration - for a color image, extra - for a color image, extra	40 10 10	40 10 10
6. Publication -for a color publication, extra	40 20	40 20
7. Renewal of registration and publication: a) till expiration of the registration term of validity b) up to six months upon expiration of the registration term	250 375	500 750
8. Consideration of appeals against decisions to: a) terminate proceedings b) refuse registration	100 150	100 150
9. Consideration of requests for: a) invalidation of registration b) revocation of registration	250 250	400 400
10. Entry of restrictions in the list of goods and/or services and issue of certificate	40	40
11. Consideration of a request for mark invalidation due to prior use in accordance with § 2(3) the Transitional and Final Provisions of the Law of Marks and Geographical Indication	60	80

4.3 English National Costs

4.3.1 Costs UK

In brief, all patent, trademark and registered design rights carry a cost, this cost is increased when EU or International registration is entered into. There are also costs associated with legal fees, for patent writing by a patent attorney and litigation when infringement occurs.

A UK patent lasts for 20 years from the date of filing the application at the Patent Office. The initial patent application establishes the priority date and is the basis on which everything else follows including patent protection around the world. A patent application is essential for future exploitation in most areas of technology so costs associated with an application should be factored into a business plan at an early stage.

For this protection, regular payment of renewal fees is required after the 5th year (i.e. the 5th year is the lowest fee, gradually rising to the 19th year being the highest fee).

An initial patent application and its associated costs for the UK can cost between £3,000 and £8,000 or more. As you can see from the charges listed below, the actual application is low; it is the professional help in drafting the application that brings the costs up.

4.3.2 Patents

A patent should be seen as an asset rather than a deterrent. It not only provides a monopoly for the owner, preventing others from infringement, but can be licensed, sold or used as a tool when negotiating joint ventures or cross licensing.

The importance of a patent as an asset in an enterprise means drafting a patent specification is a job for a professional. By implication fees are charged on a professional scale. At the current rate in 2005/6, time charges can range from £100 per hour for an unqualified assistant to £250 per hour or more for a partner. On top of this service charges can add another £500 for an application.

One way of keeping costs down is to do background searches using databases such as Espacenet, the European site for searching patent documents. Trying to write the patent application is not helpful or cost effective, but providing as much technical information as possible is. This information should, preferably, be in electronic format when supplied to the patent attorney.

Another way of reducing the costs is try and negotiate charges with the patent attorney. For large corporations, these costs are often budgeted for, as resources are made available for R&D. Patent attorneys are well aware of the huge gains and huge risks associated with start-ups, so for a small to medium sized enterprise the options on negotiation include:

- Reduced hourly rates and service charges
- Negotiation of a fixed fee or agreement for a rate with a cap
- Try to share the risk by deferring part of the fee to later if/when the project is successful.

Cost of litigation should also be considered, but litigation should be seen as a last resort. Defending patent cases is an expensive and very long process, in part because they are traditionally handled in the High Court. Trials last for weeks and also require the services of a barrister.

Insurance can be taken out to cover the costs of litigating against those that infringe a patent. However, the costs of premiums are usually high and the level of cover too low. Insurance for £500,000 of cover could easily be swallowed up even before the case came to court.

There is a cheaper form of litigation makes the use of insurance feasible. The UK provides a streamlined procedure through the Patents County Court. Here it is the Patent Attorney who presents the case, all evidence is in writing, there is no cross examination, no disclosure of documents and the whole procedure should take one day in court.

Litigation should be seen as a last resort, take out the personal aspect and make a decision on the financial side. It should also be noted that most litigation cases are settled and the use of Alternative Dispute Resolution

(arbitration) systems should be considered. In conclusion patent applications can be an expensive business so budget realistically over the long term period.

The following costs on patent applications were selected from the Patent Office website May 2006:

Application fee for a patent application	£30.00
International patent application - entry to national phase.	£30.00
Publication of translation	£12.00
Initiation of proceedings before the Comptroller.	£50.00
Late additions and declarations of priority	
Late declaration	£150.00
Late claim	£40.00
Request for a preliminary examination and search in respect of an international application for a patent (UK) which has already been subject to a search by the International Search Authority.	£100.00
Request for a preliminary examination and search in respect of any other application.	£130.00
Request for a further search under section 17(6) or payment for a supplementary search under section 17(8).	£100.00
Request for a search under section 17(1) for an international application which has been searched in the international phase	£80.00
Request for a search under section 17(1) for any other application	£100.00
Request for a further search under section 17(6) or payment for a supplementary search under section 17(8)	£100.00
Request for a substantive examination.	£70.00

From the fifth year renewal fees are applicable on a rising scale, these charges are for UK or International renewal fees:

Payment of renewal fee (and additional fee for late payment).	
Renewal - 5th year	£50.00
Renewal - 6th year	£70.00
Renewal - 7th year	£90.00
Renewal - 8th year	£110.00
... increment of £20	
Renewal - 16th year	£270.00
Renewal - 17th year	£300.00
Renewal - 18th year	£330.00
Renewal - 19th year	£360.00
Renewal - 20th year	£400.00

Quote from the UK Patnet Office:

*Where a patent has been endorsed "⁵Licence of Right" then any renewal fees payable after the endorsement are at **half the normal rate** shown above and any person is entitled as of right to a licence under any such patent. However, this reduction does not apply to extension of fees."*

⁵ Licence of right means that any person is entitled as of right to a licence under the patent. This licence cannot take effect until its terms have been settled by agreement between the owner and the prospective licensee

For medicinal and plant protection products a Supplementary Protection Certificate is available that extends the protection granted by the patent for a period of up to five years after the 20-year term. This is for a product authorised to market in a particular Member State, it does not extend the term of the patent. The annual fee payments (and additional fee for late payment) are:

Application for grant of a Supplementary Protection Certificate..	£250.00
Payment of annual fees (year 1)	£600.00
Payment of annual fees (year 2)	£700.00
Payment of annual fees (year 3)	£800.00
Payment of annual fees (year 4)	£900.00
Payment of annual fees (year 5)	£1,000.00

4.3.3 Trade Marks

For details on trade marks please see the IPR Management section on IPR Procedures Guide

Trade Mark Search and Advisory Service (SAS) Report (for up to three classes)	£94.00
Fee for each additional class.	£11.75
Application to register a Trade Mark, covering one class of goods or service.	£200.00
Fee for each additional class.	£50.00
Renewal of trade mark registration.	£200.00
Fee for each additional class.	£50.00
Additional fee for late payment.	£50.00

4.3.4 Registered Design

For details on registered design please see the IPR Management section on IPR Procedures Guide

Application to register design	£60.00
Request for statement of grounds of decision.	£65.00
Request for extension of time to complete an application	
Application time extension 1 month	£18.00
Application time extension 2 months	£36.00
Application time extension 3 months	£54.00
Application to extend the period of protection	
2nd period renewal	£130.00
3rd period renewal	£210.00
4th period renewal	£310.00
5th period renewal	£450.00
Application to restore a registered design.	£120.00
Fee for restoration of a registered design.	£120.00

4.3.5 Conclusion

- Getting patents and enforcing them can be an expensive business
- Start with a good patent application
- Keep it as simple as you can
- Budget realistically for the future
- Negotiate on fees
- Litigate for gain, not principles.

4.4 Greek National Costs

4.4.1 National Patent

According to the official site of the Industrial Property Organization (OBI- <http://www.obl.gr>), the Organisation competent for granting Patents, the cost **for a national Patent**, to be filled, granted and protected for 20 years, is as follows:

From 01-01-2006 to 31-12-2006			€
Filling Fees			30,00
Additional Filling Fees for each claim exceeding ten			17,00 per claim
Search Report Fees			150,00
Granting Fees			95,00
Fees for register the transfer, licensing, or rights amendments, company name amendment, change of proprietor/owner			136,00
Annual protection fees			
	1 st	Year of protection	0
	2 nd		0
	3 rd		0
	4 th		0
	5 th		54,00
	6 th		70,00
	7 th		84,00
	8 th		98,00
	9 th		114,00
	10 th		134,00
	11 th		154,00
	12 th		184,00
	13 th		214,00
	14 th		242,00
	15 th		272,00
	16 th		322,00
	17 th		358,00
	18 th		392,00
	19 th		430,00
	20 th		472,00
In this list there is no provision for the legal fees of the Attorney who will prepare the patent Specification (i.e. Description, Claims, Abstract).			

4.4.2 Industrial Design

According to the official site of the Industrial Property Organization (OBI- <http://www.obi.gr>), the Organisation competent **for the registration of designs**, the cost **for an Industrial Design** to be registered, as it follows:

(From 01-01-2006 to 31-12-2006)	€
Filing Fees	20,00
Additional filing fees for multiple registration (up to 50 designs)	8,00 (for each additional Design)
Publication Fees	14,00
Additional Publication Fees for multiple registration (up to 50 designs)	3,00 (for each additional Design)
Fees to postpone the Publication	14,00
Fees to postpone the Publication for multiple registration (up to 50 designs)	3,00 (for each additional Design)
Fees for register the transfer, licensing, or rights amendments, company name amendment, change of proprietor/owner of the Design	58,00
Fees for five years protection	
Fees for the first 5 years	0
Renewal Fees for second 5years protection	58,00
Renewal Fees for third 5years protection	58,00
Renewal Fees for forth 5years protection	72,00
Renewal Fees for fifth 5years protection	88,00

In this list there is no provision for the legal fees of the Attorney who will prepare the necessary documents.

4.4.3 Trade Mark

According to the official site of the General Secretary of Ministry of Commerce, Trade Marks Department (www.gge.gr), the Department competent for registering a Trade Mark, the cost **for a national or foreign Trademark to be registered** is as it follows:

National Fees for one Class (Nice classification)	120,00 €
National Fees for each additional Class	30,00 €
National Deposit Fees	appr. 6,10 €
Official Legal Fees	208,00 €

In this list there is no provision for the fees of the Attorney who will prepare the necessary documents.

4.5 Italian National Costs

4.5.1 Italy: Patent fee

The Italian government recently decided to cancel from the filing and maintenance fees related to the registration of several intellectual property rights. The decision, which has been implemented by Italy's Financial Law for 2006 (Law 23/12/2005, N. 266), applied from 1st January 2006 to all filing and maintenance fees related to Italian patents for industrial invention, patent for utility models, registration of models or designs, as well as European patents validated in Italy. Moreover, stamp fees associated to the filing of the above mentioned intellectual property rights have also been cancelled. Please note that the cancellation

⁶ Italy's financial law 2006 – paragraph 351 and 352

concerns only filing and maintenance fees, not registration or other fees. Furthermore, filing and maintenance fees for other intellectual property rights, such as trade marks, remain unchanged.

4.5.2 Fee for governmental grant in force from 01/01/2006

The financial law of 2006 (Law 23/12/2005, N. 266) – art. 1, paragraph 351 cancelled the fee on governmental grant for:

- Patent for Industrial Invention;
- Patent for Utility Models;
- Registration of models or designs.

Please note: see Table 4 (over fee payments) for applications prior to the deadline for the fees payment on 31/12/2005 during the grace period).

The following tables represent governmental grant in force until 2005 respectively for:

- Patent for Industrial Invention (*Table 1*);
- Patent for Utility Models (*Table 2*);
- Registration of models or designs (*Table 3*).

TABLE 1 – (rates 2005 - Patent for Industrial Invention)

	EURO
4 ^{er} years	47,00
5 th years	61,00
6 th years	88,00
7 th years	121,00
8 th years	168,00
9 th years	202,00
10 th years	236,00
11 th years	337,00
12 th years	472,00
13 th years	539,00
14 th years	607,00
15 th years (following until 20 th)	741,00

TABLE 2 – (rates 2005 - Patent for Utility Models)

	EURO
If paid in 2 five years rates	
- 1 st five years	337,00
- 2 nd five years	674,00

TABLE 3 – (rates 2005 - Registration of models or designs)

Governmental grant for 1 models or 1 designs	EURO
Fee for 2 nd five years	404,00
Fee for 3 rd five years	674,00
Fee for 4 th five years	674,00
Fee for 5 th five yaers	674,00
Governmental grant for more models or designs (number not higher then 100)	EURO
Fee for 2 nd five years	674,00
Fee for 3 rd five years	1.011,00
Fee for 4 th five years	1.011,00
Fee for 5 th five yaers	1.011,00
Annual Governmental grant for one textile design	67,00
Annual Governmental grant for more textile design	101,00

TABLE 4 – (over fee for the payment in the grace period)

TPOLOGY	EURO
Industrial Invention	51,65
Utility Models	81,00
Models or designs	81,00
Trademark	34,00

4.5.3 Trade Mark Fee

The amended financial law does not cancel the governmental grant for the Trademarks.

For trade mark, the applicant must pay € 81,00 for each application and € 34,00 for letter of assignment.

Payment is made on mail account n° 00668004.

4.5.4 Stamp Fee in force from 01/01/2006

The financial law – art1, paragraph 352 – foresees the exemption of stamp fee for:

- Application and certificate of patent for Industrial Invention;
- Application and certificate of patent for Utility Models;
- Application, registration of certificates, application for extend protection for 5 years for models and designs.

For the trade marks, the applicant must pay the stamp fee.

Moreover, the exemption does not apply to an applicant for annotation and transcription for patent, models, designs, trademarks, for administrative procedures to make in U.I.B.M.(Italian Patent & Trademark Office), for letter of assignment, for issuing of certified copies.

Part II

5 EVALUATING OPPORTUNITIES AND CHOOSING THE BEST ROUTE FOR EXPLOITATION

The critical success of any business depends on the extensive knowledge of the market, the industry and the technology. The market impacts and directs all aspects of the company's activities.

Before deciding on what is the best route for any particular opportunity, some form of evaluation has to take place to provide a basis on which any decision can be made. The use of tools and screening procedures are necessary for strategically analysing situations before deciding upon the next step.

Therefore the purpose of this section of the workbook is to offer an individual a broad overview and provide basic techniques to evaluate and assess IP. This is to enable a more informed decision on protection and best route for exploitation to be made and developing a business opportunity around that IP.

5.1 Evaluating Opportunities

In evaluating opportunities, it is crucial to perform an analysis of the market, the industry and geographical data which will facilitate the decision making process. In this section these analyses are fully explained leading to a procedure that highlights the main risk factors and helps decide between opportunities. Market and Industry analysis work hand in hand.

Market analysis is primarily performed for the following reasons:

- To determine if there is a profitable market for your products or services;
- To establish the need for developing a marketing plan;
- To ascertain market information that will assist in the sale of your product or service.

Industry Analysis follows on from this and like market analysis consists of the following:

- overall financial size of the industry which includes (description of overall turnover or estimate in the case of a new markets)
- product units sold (description of total product units sold or expected to be sold). These amounts can be broken down into subcategories (description of subcategories and amounts corresponding to them).
- historic growth rate; technological opportunities
- trends and characteristics related to the industry as a whole (life cycle stage of industry and projected growth rate, etc.)
- major customer groups within the industry (ie., businesses, governments, consumers, etc).

5.1.1 Market/Industry analysis

Market analysis provides information about the market size and potential market growth, examines if the product or service meets market (customer) need, identifies competition and barriers which may hinder market

entrance and considers the advantages of the product's price, performance and delivery. A complete analysis usually includes a review of the industry's market most recent performance, its current status and the outlook for the future. The following provides a range of ways and means to gather the required information.

Target segments of the market and positioning

A major factor in determining whether there is a market for your product is knowing who your customers are and understanding their needs and desires. Knowledge of the customer enables you to determine the market size and what determines their buying decision. It provides information that will assist in choosing a location, determining product or services to be offered, establishing pricing and planning a selling strategy. A definition of the target market leads to a clear understanding of the marketing strategy that will be developed. Information such as the outputs of production, distribution channels, pricing, promotion and other marketing decisions will assist the company in developing a marketing strategy that will be closer to the specific market segments.

By segmenting the market, the company can achieve better performance focusing its efforts on segments of the market more attractive for the product, determining the suitable marketing mixes for the product. Markets consist of consumers who differ in more than one respect.

Usual parameters for market segmentation are geographical and demographic data, leisure data and behavioural data (such as speed of adoption, social position, rate of use, product loyalty), product end-use (commercial, domestic etc) as well as the benefit and advantages sought by consumers in the product. The procedure usually adopted to segment the market is to research the above data based on informal interviews and formal questionnaires, or data analysis in order to generate specific segments which differ a lot, or development of segment profiles based on characteristics of segment members.⁷

The target market is a group of customers at which the product is aimed. An important factor to consider when defining your target market is to try to be as specific as possible. The mistake many businesses make is that they try to penetrate many segments. "One size" does not fit all, and this approach often leads to failure.

Issues to consider:

- Identify characteristics of the market you are targeting (primary).
- Target market size
- Trends and potential changes which may impact your primary target market
- Characteristics of your secondary markets.

Data Acquisition

Secondary data is information that has been gathered by someone else and is relevant to the specific business idea to be pursued. Such information includes the size and characteristics of any market and demographic profiles, *which* are the most common type of secondary data.

There is a variety of sources available for secondary data:

- Demographics and Income Statistics for Postal Areas
- Local, Municipal, Provincial, and Federal Government Departments and Agencies

⁷ Marketing plan tool. http://www.newventuretools.net/e-tools/en/marketing_plan (produced by URENIO)

- Business and Industry Associations / Trade Publications / Periodicals
- Business and Industry Trade Shows and Exhibitions
- Local Public, Business, and Educational Institution Libraries

The alternative to public data is a private vendor. Private sector sources process the public databases, update the data to current-year, offer data for any geographic area, and integrate public databases with a variety of private databases such as consumer surveys and business lists. Data is readily available from private vendors but is not free.⁸ In addition to secondary data, primary data can also be acquired. This information is gathered specifically for a research project and should be considered only when marketing research is required. It is a more complex process which requires a systematic collation of information which can become worthless if it is not organised properly.

When researching a business idea, it is important to do a meticulous search for information. It is also recommended to do in house. This will assist in understanding the market for the idea better, and can help to keep initial costs down. Once the initial research has been completed, the need to contract professional services to collect additional information or to verify the information already collected can be taken. This initial information can form an important base of information from which a consultant can work from, as well as, identify more specifically what is required by the consultant, particularly when there will be costs associated with their services.

Sources for data acquisition⁹

1. E-mail Discussion Groups

Congregate with like minds for an inside look at the market. Joining an active group will help spot trends, gauge sentiments among market participants, and provides an avenue to make contacts for further research.

Here are two good places to search for discussion groups:

<http://www.topica.com>

<http://groups.yahoo.com>

<http://homebiztools.com/analysis.htm - esend#esend>

2. Internet Search Requests

For a snapshot of demand by Internet users for the product or service, try the search tool at DigitalPoint.com. It shows how often people are searching for terms related to the market:

<http://www.digitalpoint.com/tools/suggestion/>

3. Online Competitor Research

Investigate competitors by doing an online search. ProFusion is an advanced search tool that lets you drill down into a search topic and can even automatically notify when competitors change or update their websites:

<http://www.profusion.com>

⁸ Alvin C. Burns-Ronald F. Bush, Marketing Research. 2003 p.150

⁹Market Analysis: Determine the Feasibility of your Business Product or Service www.homebiztools.com/analysis

4. Trade Publications

Subscribe to magazines, newspapers, and ezines within the target market. Not only is this a great way to keep up with current market conditions, but also stay in the loop as the business matures. Find appropriate publications at these directories:

EzineLocator <http://www.ezinelocator.com>

NewsDirectory <http://www.newsdirectory.com>

KnowThis <http://www.knowthis.com/publication/professionalpubs.htm>

5. Industry Surveys / Research

Here are several professional organizations that gather statistical, economic, and demographic data:

Nua Internet Surveys <http://www.nua.ie/surveys/>

Forrester Research <http://www.forrester.com>

National Association for the Self-Employed <http://www.nase.org/>

National Foundation of Women Business Owners <http://www.nfwbo.org/>

National Federation of Independent Business <http://www.nfib.com/>

6. Public Libraries

Local libraries have a wealth of information. Search for specific data within the *Statistical Reference Index*, the *Wall Street Journal Index*, and the *Business Periodical Index*. For economic data within an industry, or even a particular company, try the federal government's *Standard Industrial Classification Manual*.

In conclusion, there is no substitute for analysing the market. Time spent using the above guide is well spent. Time and effort will be rewarded with a business that does what it should... make money.

Knowledge of product or service

Another important aspect of market analysis is to know the product or service and that it meets the market (customer) needs. Product or service focus must be the customer.

Some issues to consider:

- Specifications and key features must be relative to buyers' needs
- Determine market trends
- Regulations that apply to your product or service

Competitive Analysis

The competitors in the market are also part of the in market analysis. Knowledge of competitors that exist now and new competitors that are likely to enter the market are two major factors that are crucial in deciding whether to enter a market. How competitors react to you as a new entrant in the market and how your product or service compares with the competition are factors that can influence the success of a product or service in the market.

Assessing the strengths and weaknesses of products and services against the competition provides an excellent starting point for improving competitive performance. In this section, we highlight some of the factors that

need to be considered and provide a simple template that can be used for comparing the relative merits of either products and services or company positions.¹⁰

Factors to consider:

Comparing Products and Services

For every product or service, it is necessary to identify factors that can be used to differentiate it from the competition. Typical factors to consider could include:

Appearance	Applicability	Availability of Spares
Compatibility	Construction Method	Customer Support
Delivery Times	Ease of Use	Ease of Servicing
Lifetime	Packaging	Reliability
Selling Price	Sensitivity	Size and Weight
Special Features	Technology Employed	Warranty

Source: Technology Exploitation Guide. Oxford Innovation LTD, 2004

Comparing Companies

In practice each type of business will have its own set of ranking factors, but the following list should provide some ideas to get started.

Availability of Finance	Company Turnover	Customer Base
Customer Services	Design Capability	Development Capability
Engineering Capability	Managerial Competence	Market Reputation
Market Understanding	New Ideas Capability	Patent Coverage
Manufacturing Capacity	Product Performance	Product Quality
Product Range	Production Cost	Profitability
Regulatory Approval	Sales Network	Strategic Alliances

Source: Technology Exploitation Guide. Oxford Innovation LTD, 2004

Using the Analysis Template

The template below can be used either to compare products and services or to analyse competitive organisations. The procedure is essentially the same:

1. Draw up a list of factors that are relevant to the competitive position of the product, service or company. Select appropriate items from the above lists but also add any others that are relevant.
2. Enter the selected factors in the first column. Use the remaining column to list details about the product/service/company and that of competitors.
3. Write comments in the template for each company-factor interaction. Resist any temptation to present the company in an unrealistic light.
4. Rank each product/service/company against the selected factors (1, 2,...) then enter in the boxes provided. Total the column to provide a crude comparison.
5. Look carefully at the completed template, then decide whether, and how, the competitive position of the product, service or company could be improved.
6. Add as many rows necessary

¹⁰ Technology Exploitation Guide. Oxford Innovation LTD, 2004

Figure 1: Competitor Analysis Template

Product, Service or Company

Factor							
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Rank	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: Technology Exploitation Guide. Oxford Innovation LTD, 2004

Cost Analysis

It is essential to fully understand costs when performing market analysis. Product pricing can be done in relation to cost, competitors' prices, return on investment sought and on the basis of the estimated value perceived by the purchaser. The costs associated with a product will determine the profitability of the product.

Critical issues to consider are:

- Profit objectives in relation to price and sales volume
- Competitor prices and their pricing method
- Control of product price (high demand, low/no competition etc.)
- Selling product in different markets and different prices

Promotion and Selling

In order for a product to sell in the market, a promotional strategy must be developed. An analysis of the best methods of making the customers aware and motivating them to buy the product is also an important part of market analysis. The promotion strategy must first be developed in order for the advertising budget and overall sales plan to then be developed.

The choice of advertising medium is affected by a whole set of factors such as advertising medium which affects the public, the type of product, the advertising message and the cost. The basic aim of the marketing plan for a new product is to provide information to purchasers about its existence. The need to provide information will have a definitive effect on the advertising message, which is primarily based on the product's main idea. Moreover, the product phase will also affect the advertising budget, which is usually high for a new product in the effort to create awareness and to persuade the public to try it.

An effort should be made to define range, frequency and impact of the advertising medium, related respectively to the number of purchasers who come into contact with a certain advertising medium over a specific period of time, the number of repetitions of the message to which the average purchaser is exposed over a specific period of time and the positive value - effectiveness of those contacts via the specific medium.

For a new product in particular, emphasis on testing is important so as to break down the ignorance barrier purchasers may have about it. Product testing should be designed in such a way as to achieve the objective of a repeat purchase of the product. In practical terms this means that by testing the product the purchaser is then in a position to understand the product's value and to determine his purchasing behaviour accordingly. In most cases when the purchaser tries a new product, he wastes his time and money and reputation, etc. The most logical thing is to compensate him for this loss. Basic marketing tools for consumers are samples (testers), free trials, competitions, awards, coupons, gifts, money back offers, product guarantees, etc., while for merchants they are purchase discounts, money back guarantees, advertising discounts and displays of special advertising items, etc

The use of a methodologically planned public relations programme contributes significantly to successful marketing of the company and the creation of awareness about its products. The basic public relations tools are the news, articles/press releases, speeches, offices, exhibitions, sponsorship, print and audiovisual material, etc.

Important issues to consider:

- Promotional strategy
- Message you want to be perceived by your customers
- Choice of advertising medium
- Image
- Sales management (training, evaluation, communication, promotional activities by sales staff)

The above market analysis overview can help put together a marketing plan that may not guarantee complete success but it can be used as a guide to avoid mistakes.

Management tools for small and medium size enterprises have been produced and developed by the Aristotle University of Thessaloniki - Urenio Research Unit to facilitate the completion of marketing and business plans which are essential for short term and long term strategic decision making.

Internet links:

http://www.newventuretools.net/e-tools/en/marketing_plan

<http://www.newventuretools.net/e-tools/en/business>

Industry Analysis

There are **many sources of industry analysis**: investment firms, business and trade periodicals, trade associations, and government agencies. The process follows on from and is often part of the market analysis

Table 1: Steps to take into consideration when performing industry analysis

Steps	Determine what to look for	Desk and field data collection	Interpret data in industry analysis
Key Features	<ul style="list-style-type: none"> • Focus on major issues • Avoid looking for 'anything about the industry' • Start with overview information • Only get raw data once issues identified • Most use if done early in study 	<p>Gather overview data first:</p> <ul style="list-style-type: none"> • Identify key industry players • Look for industry studies • Consult private sector company reports • Consult public sector reports • Consult with department and external experts <p>Other published information:</p> <ul style="list-style-type: none"> • Smart use of search engines • Trade associations • Trade magazines • Business press • International government sources 	<ul style="list-style-type: none"> • Examine which of the elements are unusual or particularly influential

Source: industry analysis survival guide http://www.strategy.gov.uk/downloads/survivalguide/skills/eb_market.htm

5.1.2 Geographical Analysis

Geographic characteristics affect markets and should be taken into consideration when evaluating opportunities. The gathering of useful data will give critical information for developing a positioning strategy in a particular market. It has been shown that people with similar demographic and psychographic characteristics tend to live nearby, for example in suburbs, counties, regions, countries, etc. Also, people living within the same geographical boundaries often exhibit similar buying patterns. This phenomenon is further enforced by local weather, environment, and cultural differences. Segmenting markets along geographical boundaries can lead to more specialized and focused marketing approaches.

In performing geographic segmentation the following sources are available:

National census data: National census includes various demographic and psychographic information on residents of geographical segments, (median income, age, education, and so on). National census information is available from:

- United States: <http://www.census.gov/>
- United Kingdom: <http://www.statistics.gov.uk/>
- Australia: <http://www.abs.gov.au/>
- New Zealand: <http://www.stats.govt.nz/>
- Canada: <http://www.statcan.ca/>
- India: <http://www.censusindia.net/>
- Greece: <http://www.statistics.gr/>

Geographic Information Systems (GIS): These are digital mapping systems containing geographic data allowing manipulation of data. Certain geographic information may be used in segmentation. For example,

average temperature, rainfalls, and so on. More important use of GIS system is plotting results of geographic segmentation on a map so that important geographical clusters can be identified¹¹.

Geographic Segmentation Methods: Geographic segmentation is mainly used in mass marketing. Its purpose is to identify geographical segments that have similar properties as the ones that sell well. The following are two methods used in geographic segmentation:

- **Customer Profiling:** Profiling customers (or equivalents) can be used to identify geographic segments. First, develop profiles from customer profiles. If there is no customer profile database readily available, survey may be used to collect profiles. Then use the profiles to identify cities and suburbs from census and GIS systems.¹²
- **Neural Clustering:** Census and customer data can be merged along geographic variables, for example, zip code. Then combined information can be used to neural clustering tools to obtain geographic segmentation.¹³

5.1.3 Risk screening

As the previous section stated, risk assessment is dependent on knowledge of the market, industry and the technology. The tools described in the previous section described ways to assess the risks within the market and industry. This section develops on this process, offering ways to assess and provide a more informed view of how and if to protect then provide a general overview of the routes to exploitation.

This handbook provides one method on assessment called risk analysis. The matrices below are reproduced directly from the Oxford Innovation 'Innovation Action™ Toolkit'.¹⁴

Exploitation of an opportunity, (where an opportunity is seen as a process, service or device), has to start somewhere and it is assumed here that an opportunity goes through several stages of development. The uncertainties that are related to any development tend to reduce as it moves from being an innovative idea to being commercially viable. They typically follow a pattern, such as:

Status of Opportunity	Typical Uncertainties
Commercial Product	<ul style="list-style-type: none"> • Will it work as well as anticipated? • Will unexpected competition arise? • Will it satisfy changing user needs? • How can the product be improved?
Working Prototype	Above plus: <ul style="list-style-type: none"> • What are the problems of scale up? • Are existing production systems OK? • Will the end product perform equally? • Is it compatible with other systems?
Proven Concept	Above, plus: <ul style="list-style-type: none"> • What other technical barriers exist?

¹¹ Geographic Information Systems http://erg.usgs.gov/isb/pubs/gis_poster/

¹² Customer profiling <http://www.roselladb.com/customer-profiling.htm>

¹³ Neural Clustering <http://www.roselladb.com/segmentation-clustering.htm>

¹⁴ These can also be found, in part, on the website <http://www.oxin.co.uk> under the Technology Exploitation Guide, for UK universities and research institutes that can be downloaded.

	<ul style="list-style-type: none"> • Is it really better, or just different? • Is anyone else working in this area? • What standards must be met?
Innovative Idea	All of the above, plus: <ul style="list-style-type: none"> • Is the idea technically sound? • Has it been tried before? • How can the idea be protected? • How can the concept be proven?

As an opportunity develops from an innovative concept through to a commercial product, assessment priorities should be reconsidered at regular intervals, not least the most current knowledge of the market and industry.

The following risk screening procedure has been designed with two principal objectives in mind:

1. To help decide between opportunities when presented with several different options.
2. To highlight the risk factors associated with all opportunities before undertaking any development work.

It is important to appreciate that the screening matrix below provides only a guide to the prospect for innovation opportunities. Nevertheless, it will highlight some of the risk factors associated with ideas - and that alone makes it a very useful starting point.

The screening procedure examines risk under six headings:

1. **Market Attractiveness** Covers the size of the market for the idea, market growth prospects, barriers to entry, the strength of the competition and typical profit margins.
2. **Business Synergy** Considers whether the idea uses existing company skills, whether it uses existing production/distribution systems, and whether it could be sold to established customers.
3. **Feasibility of the Idea** Examines the complexity of the idea, the degree of novelty, the newness of the technology or application, and the need for official approval prior to commercialisation.
4. **Resource Requirements** Covers the need for additional manpower and equipment, the development timescale and the scope for external funding.
5. **User Benefits** Considers the 'uniqueness' of benefits, performance and price benefits, and the evidence for user demand.
6. **Protecting the Idea** Examines the scope for protecting the idea by patenting, the ease of duplication when developed, and any opportunities for third party licensing.

Suggested Score within the range +2 (for strong positive indicator) to -2 (for strong negative indicator). Remember that these are only risk indicators. Whatever the case, the expected reward should fully justify the level of risk involved.

As an example under Business Synergy, if a new customer base must be developed for the idea then a spinout may be the route to take if the opportunity is commercially viable.

If the company has to acquire new skills to pursue the idea, then a partner in a joint venture may be considered the best route to exploitation once all risks have been considered and its commercial exploitation is assumed.

Table 2: Risk Screening Factors Tables

Risk Screening Factors	
Positive Indicators	Negative Indicators
Market Attractiveness	
There are good market prospects for the idea.	The market for the idea is too small to pursue.
This market sector is growing very rapidly.	This market sector is static or in decline.
It will be relatively easy to break into this market.	Substantial barriers exist to entering this market.
Competition is weak and unable to organise against a new entrant.	Market leaders are large organisations with substantial resources.
Profit margins in this sector are known to be good.	Fierce competition in this sector is squeezing profits.
Business Synergy	
The innovation fits well with the company mission.	The idea provides a diversification opportunity.
The idea can be marketed to existing customers.	A new customer base must be developed for this idea.
No new skills are required to develop and exploit the idea.	The company must acquire new skills to pursue the idea.
Existing production and distribution systems can be used during exploitation.	Exploitation will require investment in production and/or distribution systems.
Total for Page	

Risk Screening Factors		
Positive Indicators	Negative Indicators	score

Feasibility of Idea

The technology for the idea is proven and understood.	The idea is based on a new concept.	
The idea is a new application for a product or process.	The idea involves new product or process concepts.	
Success is not dependent upon other developments.	The innovation is dependent upon another development.	
The innovation does not involve complex and unfamiliar sub-systems.	Several complex systems will be integrated in order to produce the innovation.	
No approvals or permits are required for exploitation.	Regulatory approval will be needed to exploit the idea.	

Resource Requirements

Little or no extra resources will be required to develop and exploit the idea.	Before the idea can be fully developed and exploited, further funds will be needed.	
The idea can be developed and implemented quickly.	It will take a long time to develop and exploit the idea.	
External funds/grants are available for development.	Development will be totally dependent on internal funds.	
Only existing staff will be needed to exploit this idea.	New staff will be needed to develop & exploit the idea.	
Total for Page		

Risk Screening Factors		
Positive Indicators	Negative Indicators	score
User Benefits		
The idea will bring unique benefits to users.	The idea does not provide any unique benefits to users.	
The idea will offer users better product performance.	The performance will be similar to existing products.	
There will be major price advantages for this product.	The new idea will not offer any price advantages.	
The idea will have a positive impact on the environment	The idea will require special effort to reduce its environmental impact.	
There is a clear and proven demand for the benefits offered by this idea.	There is no evidence that the users will appreciate benefits of the idea.	
Protecting the Idea		
It will be difficult for other companies to copy the idea.	Others may be able to copy the idea once it is on sale.	
Taking out patent applications can probably protect the idea.	The prospects for achieving effective patent protection for the idea are poor.	
Extra income may come from licensing to third parties.	Licensing income is unlikely to cover the additional costs.	
Total for Page		
GRAND TOTAL		

The results from this exercise should give a clearer indication on an opportunity. Whether and where to place effort, does the reward justify the level of risk, would the alternative of not doing something be a greater risk? In particular is the cost of protecting the opportunity, either by patent application, copyright, confidentiality agreements, secrecy, trade marks etc justifiable.

Selection of the optimum route to exploitation can then be further narrowed down with further selection processes. A definitive answer should not be expected but strong indicators help to identify key issues that can then be further assessed and addressed.

Spin-out, strategic partnership or licensing are the major routes to exploitation and can be assessed using several methods of evaluation. This handbook has chosen to use an essential ingredients template and exploitation decision guide.

There are many factors needed to ensure successful exploitation of an opportunity, ensuring the product or service reaches a customer base and several ways to deliver. Finding the optimum can be the key to a successful business.

The first consideration is to be aware of all the factors that are relevant for delivery to the end user. These vary but the following list extracted from the ‘Innovation Action™ Toolkit’ offers what a typical list might include:

Advertising	After Sales Service
Branding	Competitor Knowledge
Design and Packaging	End-User Knowledge
Environmental Analysis	IPR
Investment Funding	Manufacture
Market Credibility	Process Development
Product Promotion	Product Scale-Up
Prototype Development	Quality Assurance
Regulatory Approval	Sales Outlets
Special Materials	Storage and Distribution

Use the above list to produce one that is directly relevant to the opportunity, product or service to be exploited, and then use the template below to consider each ‘essential ingredient’ in turn. Decide which factors could be, or need to be, under the exploiters control and also how the remaining factors could be supplied. Tick all relevant boxes for possible exploitation, as the primary intention is to help identify possible options rather than define the final exploitation route.

Use as many lines as required:

ESSENTIAL INGREDIENT	Tick as Appropriate			
	Ingredient already available	Ingredient affordable and feasible in-house	Potential to contract out	Potential for ingredient to be supplied by a partner

Selection of the optimum route to exploitation can then be further narrowed down with further selection processes. A definitive answer should not be expected but strong indicators help to identify key issues that can then be further assessed and addressed.

When considering exploitation and what route to take, remember it is the person or organisation in charge of key intellectual and specialised assets (such as production, marketing and customer support) that benefits in the long term.

The following factors and implications guide, produced from the ‘Innovation Action™ Toolkit’, provides a awareness factor before the actual routes to exploitation are discussed in the latter section.

Figure 2: Decision Factors and their Implications

Decision Factor	Yes ✓	Comment
Unlikely to raise sufficient funds to develop or exploit the idea from in-house resources.		Favours licensing to company with sufficient resources and willingness to progress development.
Involves specialised assets (equipment, market access) for effective exploitation.		Suggests licensing or a spin-out linked to a strategic partnership.
Difficult to protect the intellectual assets.		Favours spin out if it can be justified economically but business will need to move quickly.
Sceptical business community is unconvinced about product feasibility or business prospects.		Favours spin out to prove concept and commercial potential.
Further development needed.		Consider all options but only if certain that added value outweighs cost of further development.
Unlikely to raise sufficient funds to develop or exploit the idea.		Either license or seek partnership with a company that has funds and essential exploitation assets.
Involves specialised skills for development and/or exploitation.		Depends whether skills are already in place and where they are located.
Some, or all, of the essential skills or exploitation assets are already in place elsewhere		Consider licensing or spin out with a strategic partner
Requires complementary skills or assets for effective exploitation		Favours partnership with owner(s) of complementary skills or assets
Development or exploitation involves a considerable risk		Favours strategic partnership to reduce risk exposure
Progress unlikely without drive of project champion.		Favours spin out, ideally involving someone with business experience.
Long term perspective needed for effective exploitation		Characteristic of many spin-out or joint venture developments, though licensing should not be ruled out
Straightforward to implement		Tends to favour either spin out development or licensing depending upon expected reward.
Mutual benefits would arise from exploitation involving another company.		A feature of strategic partnerships and sometimes characteristic of licensing opportunities.

5.1.4 Other Evaluation Tools

SWOT analysis: is a technique that is widely employed as the basis for market and business planning. The technique involves making an assessment of the **Strengths**, **Weaknesses**, **Opportunities** and **Threats** associated with a specified activity.

The SWOT analysis is a simple but powerful framework that allows a strategic analysis of complex situations, very useful when a very limited amount of time is available. The Strengths and Weaknesses generally arise in an enterprise's internal environment and Opportunities and Threats arise in the enterprise's external environment, (competition, economic climate, potential market, legislation). These external factors are usually

social, technical, economic, ecological and political. For this reason the SWOT Analysis is sometimes called Internal-External Analysis and the SWOT Matrix is sometimes called an IE Matrix Analysis Tool.

The SWOT analysis can help enterprises to uncover opportunities that they are well placed to take advantage of. Moreover it is useful because by understanding the weaknesses of enterprise business, it can manage and eliminate threats that would otherwise catch it unawares.

To use SWOT analysis, develop four lists, one list for each Strength, Weaknesses, Opportunities and Threats associated with the company/opportunity. Rank each of the lists in order of importance then transfer to a SWOT template. Discuss the analysis with colleagues and contacts internally and externally to the enterprise. The table below contains examples of key-questions to identify the Strengths, Weaknesses, Opportunities and Threats

Table 3: SWOT Analysis - key questions to identify

STRENGTHS	WEAKNESSES
Advantages of proposition? Availability of Finance? Competitive advantages? USP's (unique selling points)? Resources, Assets, People? Experience, knowledge, data? Financial reserves, likely returns? Marketing - reach, distribution, awareness? Innovative aspects? Location and geographical? Price, value, quality? Accreditations, qualifications, certifications? Processes, systems, IT, communications? Plant capacity?	Disadvantages of proposition? Gaps in capabilities? Lack of competitive strength? Reputation, presence and reach? Own known vulnerabilities? Timescales, deadlines and pressures? Cashflow, start-up cash-drain? Continuity, supply chain robustness? Effects on core activities, distraction? Reliability of data, plan predictability? Morale, commitment, leadership? Accreditations, etc? Processes and systems, etc? Management cover, succession?
OPPORTUNITIES	THREATS
Market developments? Competitors' vulnerabilities? Industry or lifestyle trends? Technology development and innovation? Global influences? New markets, vertical, horizontal? Niche target markets? Geographical, export, import? New USP's? Tactics - surprise, major contracts, etc? Business and product development? Information and research? Partnerships, agencies, distribution? Volumes, production, economies? Seasonal, weather, fashion influences? Material Supplies	Political effects? Legislative effects? Environmental effects? IT developments? Competitor intentions - various? Market demand? New technologies, services, ideas? Vital contracts and partners? Sustaining internal capabilities? Obstacles faced? Insurmountable weaknesses? Pressure groups Sustainable financial backing? Economy - home, abroad? Seasonality, weather effects? Trade barriers

Table 4: SWOT Template

STRENGTHS	WEAKNESSES	PRIORITY
		HIGH
		MEDIUM
		LOW
OPPORTUNITIES	THREATS	PRIORITY
		HIGH
		MEDIUM
		LOW

5.2 The Best Route

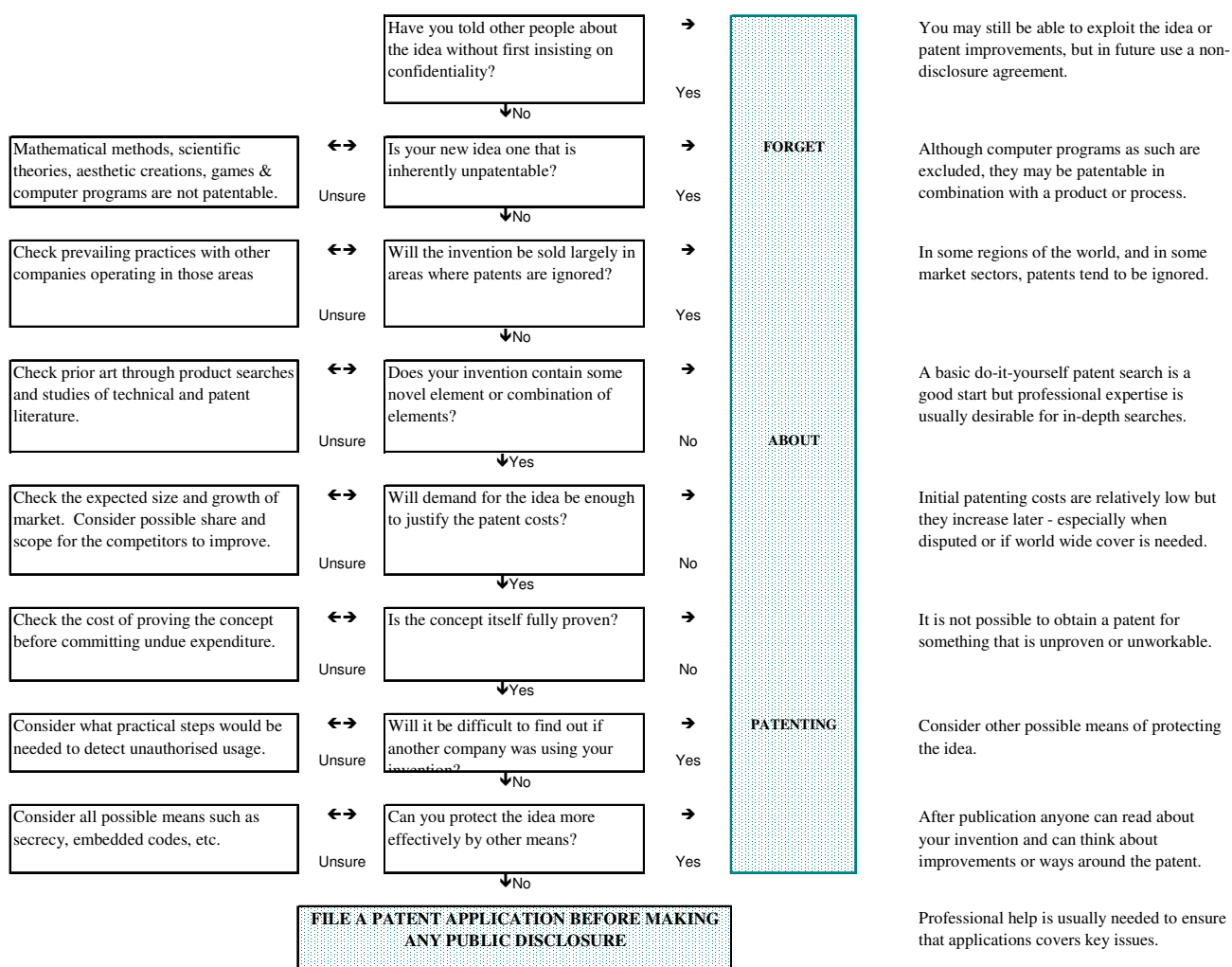
Spin-out, strategic partnership, licensing, these are the major routes to exploitation and can be assessed using several methods of evaluation. The evaluation and risk assessment tools of the previous sections, if used correctly, should give a good indication of finding the optimum route to a successful business. Even if a clear decision cannot be made it will bring awareness to issues that require resolution. As stated before, do not expect to find a definitive answer to what is the best route. For an individual or commercial company there are potentially many routes to exploitation, limited only by factors within the organisation. These limits could include the type of in-house resources available, not just financial but human resource. Who will drive the project, is there commitment, what kind of return is available, when will revenue be generated?

Exploitation of IP from research out of Universities or other government-funded research is often limited by internal regulations pertaining to the higher education establishment or the basis on which the funding was obtained. In the UK most universities have established a comprehensive set of guidelines on exploitation, ownership, and legal obligations. Often these are coordinated through a Technology Transfer Office or department set up to channel exploitation for the university and its employees. Before looking at the types of enterprises that can be used as a vehicle to exploit IP, a brief introduction to patents is given.

5.2.1 Patenting

As stated under Part I, patents give a commercial advantage by preventing direct competition by rivals. They provide the legal framework for the licensing of technology or other forms of exploitation. They are assets and as such can be sold or mortgaged as any other asset. Patenting provides a monopoly to make, license, use or sell for up to 20 years. For medicinal and plant protection, this can be extended by 5 years. A patent will not be granted if disclosure has taken place, although in the USA it is possible. Priority date for first filing is important, but in the USA priority is based on first to invent. Patent applications are published 18 months after filing, so others can file improvements or ways to get around it. However, publication does not imply granting of a patent. It is the start of a process in which novelty will be assessed. British Patents cover only UK and Isle of Man and European applications can cover up to 31 countries. A PCT applications can cover up to 133 other states, but remember charges are made for initial application, preliminary and full examination, translation and renewal and of course agent fees. It can be seen from the above that patents are not an easy solution to exploitation. There are several points to think about during consideration of applying for a patent, including costs (full details on costs can be found under Section 5). To help in this process the decision guide provided below from the ‘Innovation Action™ Toolkit’ should help in making that decision:

Figure 3: Patenting Decision Guide



5.2.2 Licensing

When is licensing the best route? The circumstances that provide for licensing as the best route are diverse and were covered under Part I. As commented, this can be because the owner of the intellectual assets does not have the essential expertise or infrastructure for effective exploitation. Alternatively, there could be more established companies that are well placed to exploit the innovation. Sometimes the owner of the intellectual assets may want a low risk way to exploit the innovative technology. It could also be that there are some applications the innovator does not wish to exploit through forming a spin-out or joint venture, so licensing is an alternate route.

What is licensing? A technology licence is a contract between two parties in which one party (the licensor) gives another party (the licensee) permission to exploit a technology in exchange for financial reward. The key factor for the licensor is the ability to protect the prospect/innovation in some way. This is typically through intellectual assets such as a patent, a registered design or a confidentiality agreement. Whatever the reason, a license agreement can be a complex document and is best finalised by someone specialising in legal commercial contracts. There is still reason and scope to consider what might be included in the agreement before seeking assistance and to consider issues that should be addressed and incorporated into a license agreement, including:

- Does anybody else have any claim on the IP?
- What assurance is there that the licensee exploits the licence?
- Will the licensee pay for any consultancy and/or support any research funding?
- Will the licensing income cover the administrative costs of establishing a licence?

The main reason for exploitation is the expected rewards but this is often reliant on the volume of sales. So taking up the last point above, it should be noted that there is a volume dependency associated with products and components.

Oxford Innovation Technology Exploitation Guide provides the following guide:

- millions of units per year - royalties <1% of selling price;
- hundreds of thousands of units per year - royalties 2-3% of selling price;
- tens of thousands of units per year - royalties 3-7% of selling price;
- sales of specialised products - royalties 8-10% of selling prices.

It should be noted that where licences are granted for part-developed product concepts, the royalties would normally be lower than these figures. Other forms of licensing include software licensing. Software licensing is usually protected by copyright and a software licence agreement authorises someone to do something with software, which would otherwise be an infringement of that copyright.

5.2.3 Spin-outs

When is spin-out the best route? This is often a question of state of mind as well as a business decision. Forming a spin-out is a stressful activity, not only for researchers that are looking to spin out of a university but for those that spin out of a company or corporation. The support of experienced business orientated personnel is left behind, this leaves a gap where business and management skills will be needed for the spin out, as well as running the subsequent business. As stated in Part I, the reasons to spin out are numerous, Isis Innovation Ltd, the technology transfer arm of Oxford University, has a very clear process for a potential spin-out a

company that is easily accessible on their website <http://www.isis-innovation.com/> . This goes through the process of identify product/services, route to market, business projections, and funding. It then goes on to building the team and explicitly identifies business organisation and legal requirements. In essence, it provides the basis for a business plan, the essential building block of any spin-out business.

5.2.4 Joint Ventures

Joint Ventures, or the less formal Strategic Partnerships, are often the option to take when skills or route to market are lacking. The knack is to find a partner that has strength where you are weak and vice versa. The most successful joint partnerships are when companies come together with a mutual desire to succeed and unite as two equal partners. For a spin out to join with an established company in forming a joint venture there are usually strong reasons, often this is because a significant amount of further development is needed and both partners can make effective contributions to the development effort. An alternative reason could be that the university spin-out wants to be actively involved in exploitation, rather than licensing, so they share some of the risk in exchange for, potentially, more of the reward.

There are many pitfalls in setting up and entering into a joint venture. It can also be the most difficult, not only because it can be a long drawn out process, but there is often difficulty in finding the right partner. **The checklist in section ‘6.1.3 - Risk Screening’**, can form the basis of a requirements specification that can give a clearer understanding of the needs to reduce this risk. Partnering is a complex business association and time is required to build the right kind of relationship. The Exploitation Guide offers a checklist to highlight some of the risks and manage expectations.

Figure 4: Partner Screening Checklist

Is the company very well known in the industry?
Are most press comments about this company positive or critical?
Is the company able to supply several references that reveal their performance in previous agreements?
Have you been able to check the most recent company accounts?
Do you always feel comfortable working with this company?
Does the company have a good credit rating?
Are you impressed by the quality of staff recruited by this company?
Is the company keen to adopt new technology and grow its business.
Has the organisation sufficient funds to invest in new products and technologies?
Is there evidence of the not-invented-here syndrome in this organisation?
Does the company make decisions quickly and meets all agreed deadlines?
Does it have a good understanding of technology and a technical base that is relevant to this development?
Has the company has all the complementary skills that should ensure a successful project?
Do any of your other contact have any doubts about the suitability of this company?
Have you searched public records to check whether there are outstanding court judgments against the company?

Once the type of partner to form a joint venture is identified, finding that partner would be the next step. There are several ways and routes and this would normally include the following but not exhaustive list:

- Business directories (paper based and on-line)
- Partner databases (e.g. Cordis)
- Chambers of Commerce
- Trade organisation and trade shows
- Government agencies (e.g. export services)
- Company Internet web sites
- Personal networks and referrals

The ideal partner will be one that has complementary skills, resources and assets and a fundamental attitude to collaboration in those mutual approaches to business of the two parties is sympathetic.

5.2.5 Franchising

The term 'franchising' describes many different forms of business relationships, including licensing, distributor and agency arrangements. All sorts of businesses and markets now use franchising. One particular market is described as 'business format franchising'. The British Franchising Association (BFA) describes this model as:

"The granting of a licence by one person (the franchisor) to another (the franchisee), which entitles the franchisee to trade under the trade mark/trade name of the franchisor and to make use of an entire package, comprising all the elements necessary to establish a previously untrained person in the business and to run it with continual assistance on a predetermined basis".

The BFA: Code of ethics <http://www.thebfa.org/codeofethics.asp> provides details on how to go about exploitation by franchising.

As with licensing, franchising needs specialist advice on protecting trade and service marks and the British Franchise Association maintains a list of lawyers <http://www.thebfa.org/members.asp?category=affiliates#1> with the necessary experience.

There must be more than an idea to franchise, there must be 'proven in practice' that the idea works. The British Franchise Association says:

"There needs to be drawn up and proven a comprehensive operations manual that details what a franchisee does, how they are to do it, and to what performance and quality standards. The manual(s) will need to cover the setting up phase as well as continuing operation."

So it is not an easy option for exploitation. Franchisors provide initial and continuing support services, and any franchised business has to be structured so that franchisees need services on a continuing basis and in consequence will want to go on paying the franchisor to belong to the network.

The BFA have at least 20 different business sectors represented from insurance services, hairdressing to quick print and design, and video rental to roof thatching.

The Europe approach, particularly to financing, is slightly different but details can be found on the website European Franchise Federation at: <http://www.eff-franchise.com>.

6 IPR PROCEDURES GUIDE

The following section provides the country specific information on IPR under the Q.Lime partner countries of Bulgaria, UK, Greek and Italian. Harmonisation is a vision that has yet to be achieved, and although many procedures are the same across Europe there are some country specific differences.

6.1 Bulgarian National Procedures

The purpose of the section is to provide information on the IP procedures in Bulgaria. It is based on Paragraph 4.4 of the Handbook and elaborates on the Bulgarian Patent Office role in IPR protection.

Before filling an application it is highly recommended to conduct a search in the databases of the Patent Office for the novelty of the invention. If there is not such an invention that already is patented an application could be filed to the Office. Patent applications should be filed to the Patent Office in the form as laid down by the President of the Office. All patent applications are recorded in the State Register. The applicant should also provide a request for the grant of a patent containing the title of the invention and the data identifying the applicant, in the Bulgarian language and a description of the invention, disclosing at least its essential elements.

The patent application should contain:

1. one or more claims;
2. drawings, if needed to understand the invention;
3. an abstract;
4. a written statement and a priority certificate where a priority is claimed;

The application shall be accompanied by a document certifying payment of the fees.

For each application an examination is conducted by the Patent Office. Where the patent application does not satisfy the formal requirements, mentioned above, the Examination Department informs the applicant of the deficiencies ascertained and shall give him a three-month time limit to correct them. If the applicant fails to respond or to make the corrections within the above time limit, the relevant procedure shall be terminated.

If legal protection cannot be granted, the Examination Department informs the applicant in written, together with the reasons, and gives him a three-month time limit for submitting his comments. If the applicant does not respond or if the Examination Department does not accept his arguments, a decision is taken to refuse grant.

The second stage of the examination process is the examination as to substance. The Examination Department investigates the state of the art in respect of each application, on the basis of the claims, description and drawings, and shall draw up a search report. During this stage the patentability of the invention should be determined in respect to its novelty, inventive step and its industrial application. During the examination process the Department may invite the applicant or his representative and hear their explanations on the documentation. In case the Examination Department determines that the invention is not patentable, it informs the applicant in writing, pointing out the legislative grounds for its decision and invites him to give comments or to make corrections within three months. If the applicant does not submit comments or fails to correct the

application, the Department takes a decision to refuse grant of a patent. In case the examination reveals that the invention is patentable the Department invites the applicant to pay the fees and takes a decision to grant a patent. When the patent is granted it is published in the Official Bulletin of the Patent Office.

6.1.1 Licensing procedures

Under a license contract the owner of a right over an invention, utility model, industrial design, mark, topology of integrated circuit or know-how, who shall be termed licensor, grants for compensation, entirely or in part, the use thereof to the licensee. The Bulgarian legislation provides regulations of the license contracts in several legal acts. The general provisions are subject matter of the Commercial Law. They apply to all types of license agreements, concluded under the Bulgarian law. Additionally, as far as a certain intellectual property result is being concerned, other laws also could be applicable.

Under the law, the license contract should be made out in writing and it should be entered into the register of the Patent Office. If it is not stipulated into the contract, it is assumed that the license is granted for use only on the territory of the Republic of Bulgaria. The main obligation of the licensor is to ensure to the licensee peaceful and undisturbed use of the granted rights, as well as protection against claims by third parties. Additionally he is bound to provide the information, needed for the use of the subject of the contract. The licensee has to pay the compensation fee and also has to keep in secret the information about an unpatented invention, utility model or know-how, which he has been granted the right to use. Compensation is due for the expired calendar year, unless otherwise agreed. The licensee of an exclusive license may also grant to another person the right to use the subject of the license. This contract is named a contract for sub-license. License contract concluded for an unlimited term could be terminated by each one of the parties with advance notice. Where the term for advance notice has not been specified in the contract, it shall be deemed to be six months, but the licensor may not terminate the contract before the expiration of the first year of its validity.

Specific procedures under the Patent Law

The Patent Law allows to the applicant or to the owner of the patent to offer the invention for public use (Preparedness for Licensing). In such case the request should contain a written statement that he authorizes any person to use the invention under the conditions of a non-exclusive license in return for equitable remuneration. The written statement under the preceding paragraph should be published in the Official Bulletin of the Patent Office. The patent owner may at any time request in writing that the offer of license be terminated and the withdrawal should be published also. An invention for which a patent is sought or has been obtained may be the subject of a licensing contract. The license can be exclusive, non-exclusive, full or limited. An exclusive license should be expressly agreed on. The licensor under an exclusive licensing contract can not grant licenses for the same subject matter to other persons. Even he himself has the right to use the licensed invention only if explicitly stated in the contract. Another type of license is the compulsory license. Such a license can be granted by the Patent Office to any person concerned, if one of the following conditions are met:

1. Failure to use the invention for a period of four years from filing of the application for a patent or of three years from the grant of a patent, the time limit which expires last being applicable;

2. Insufficient working of the invention to satisfy the needs of the national market, within the time limits set out in item 1, above, unless the patent owner gives valid reasons therefor;
3. A declared national state of emergency - for its duration.

A compulsory license may only be non-exclusive and it may be terminated if within one year the licensee has made no preparation for working the invention. Such a license is terminated in all cases if the licensee fails to start working the invention within two years of grant.

Specific procedures under the Commercial Law and the Law on Marks and Geographical Indications

As far as a trademark is a subject of a license agreement, there are some specific regulations both under the Commercial Law and under the Law on Marks and Geographical Indications. In the case of license of a mark the licensee shall be bound to ensure the quality of goods in compliance with the trade mark which has become known to users before conclusion of the contract. The licensee shall be bound also to put the trade mark on the goods for which the license has been granted thereto. The use of a jointly held mark is permitted only with the written consent of all the holders, unless otherwise agreed. The license agreement should be recorded in the State Register at the request of one of the parties, the request being accompanied by an extract from the license agreement with data identifying the licensee and the licensor, the mark and its registration number and the term of the license agreement, with the signatures and seals of both parties affixed thereto. The Patent Office issues a certificate of recording.

6.1.2 Trade Mark procedures

Marks are signs that are capable of distinguishing the goods or services of one person from those of other persons and can be represented graphically. The marks can be trademarks, service marks, collective marks or certification marks. The trademark rights could be acquired by registration of the sign at the Patent Office.

Proceedings. In order of registration an application should be filed. The application should contain: the request for registration; the name and address of the applicant; the representation of the mark and the list of the goods and/or services for which the registration is requested. The application documents and data should be filed in Bulgarian. Each application is examined for compliance with the requirements to its form. Applications that meet the formal requirements are published in the Official Bulletin of the Patent Office and proceed to the second stage of examination – examination as to substance. If the mark is ineligible for registration in respect of all or some of the goods or services, the applicant should be notified and should be informed of the grounds for the refusal and allowed three months within which to respond. Where the mark contains an element which, in itself is ineligible for registration as a mark, the applicant may be requested, as a condition for registration of the mark, to renounce the exclusive right to that element. If he fails to present a reasoned objection or restrict the list of goods or services, the decision is taken for refusal the registration. Where the mark is found to comply with the provisions of the Law, the decision is taken to be registered. The registration is entered in the State Register of Marks and, within one month, the applicant is issued a registration certificate. The duration of the registration is for a period of ten years following the filing date of the application. Registration may be renewed for an unlimited number of further ten-year periods. The request for renewal may be submitted during

the last year of the protection period or within six months following the expiry of that term against payment of a surcharge.

6.1.3 Company name procedures

Company names are protected in Bulgaria under the Commercial Law. Article 7 defines trade names as the name under which a merchant shall carry on its business and under which it shall sign. The company name should be inscribed in Bulgarian language and it may also additionally be inscribed in a foreign language.

The Commercial Law establishes several obligatory requirements to the company name. It should correspond to the truth, it should not deceive, and should not be offensive to the public order and the morals. Additionally, in accordance with the type of the merchant, there are some additional requirements to its company name. For example, a sole proprietor's company name should incorporate without abbreviation the person's given name and either surname or patronymic by which he is known by the public. If it is a limited partnership, the company name should contain the name of at least one of the general partners and the extension "KD". If it is a general partnership, the company name should consist of the surnames or company names of one or more of the partners, with the extension "SD" or "S-ie".

Transfer of Company Name. Company names in Bulgaria can not be transferred freely to a third party. Under the Commercial Law a company name may be transferred only together with the enterprise of the merchant. The enterprise consists of all rights, obligations and factual relations of the merchant. A transfer should be by a transaction in writing with the signatures attested by a notary public and all the creditors and debtors should be advised of the transfer. The transfer should also be registered in the commercial register in the sections both of the transferor and the transferee and should be published in the State Gazette.

6.1.4 Domain name procedures

A domain name within .bg could be registered by legal entities, established under the legislation of the Republic of Bulgaria, government authorities, private persons, citizens of the Republic of Bulgaria, foreign companies, that have authorized a third party to register a .bg domain name. An applicant should submit an application form, properly filled and signed, a copy of the documents, certifying applicant's status and other documents (for example If the requested name is a trade mark of the applicant - a copy of the document certifying that the applicant is the holder of this trademark, signed by the applicant's legal representative that it is identical with the original). There are different formal requirements depending on the legal status of the applicant that should be checked before submitting the application. In order to be registered the domain name must be both valid and available. The requirements for the validity should be checked on the site of the administrator. There is also a list of reserved names, such as the names of towns, that could be registered only from the respected municipalities, the names of countries, etc.

The Registry for .bg deals only with primary domains of .bg. Registration of second or lower level names is responsibility of the registered administrative contact person for the domain. The Registry checks the validity and completeness of the submitted by the applicant documentation within three working days after receiving the application. If the documents fulfil the requirements, the applicant receives a pro-forma invoice and should

pay within 10 working days the initial registration fee and the registration fee for the first year and should inform the Registry. If there are problems with the submitted documents, the applicant is informed within three working days from the date of receiving the application and within thirty days he must correct the incorrect or missing information in the application. If, after this period, the application still fails to satisfy the requirements, the Registry considers that the applicant is not interested in that domain name and cancels the registration procedure. There are three grounds for refusal of a registration: insufficient documentation; failure to satisfy the requirements and names containing obscene and/or offensive words or phrases as contradictory to public interests and good practice.

6.1.5 Industrial Design

Under article 3 of the Law on Industrial Designs, industrial design means the appearance of the whole or a part of a product resulting from the specific features of the shape, lines contours, ornamentation, colours or combinations of such. The law recognizes the right of authorship to the person who has created the design. This right is unlimited in time and can not be transferred to another person or legal entity. In order to register a design it should be new and should have individual character. It also should not be contrary to public policy or to accepted principles of morality. The term of protection is settled to a period of 10 years that can be renewed for three successive periods of five years each. The right to file an application is recognized to the author of the design. If it is an employee design, the right belongs to the employer or to the commissioning person.

Procedure. In order to register a design an application should be filed to the Patent Office. There are two stages of examination at the Office. The first stage is the formal examination. Each application is examined for compliance with the formal requirements. If the application does not comply with them the Office invites the applicant to remedy them within three months, otherwise the procedure is terminated. The second stage is the substantive examination. The Office examines all the designs that comply with the formal requirements for their novelty and if it has an individual character. It is also considered if there are some other grounds for refusal of the registration. If there are grounds for refusal of the registration, the applicant should be informed in writing of all such grounds and should be invited to submit opposition within three months. If, the applicant fails to submit reasonable objections and/or does not limit the filed subject matter, a decision to refuse the registration shall be taken. If it has been established that the filed subject matter, or part of it, may be registered, a decision on registration shall be taken and issued a registration certificate is issued to the applicant.

6.2 UK National Procedures

As was indicated in the procedures overview under Section 4 the Patent Office is responsible for IPR in the UK. Those rights that are not automatic but need to be registered carry a fixed cost on application. The Patent Office site also provides current information on legislation.

Information on automatic rights (copyright, designs and trade marks) can also be found on the Patent Office site and again provides the latest information on legislation.

Figure 5: Main Features of UK Intellectual Property Law

	Subject Matter	Exclusions	Registration	First Owner	Term	Infringement
Patents (Patent Act 1977)	Inventions which are new, involve an inventive step, and capable of industrial application	Discoveries; scientific theories; mathematical methods; Copyright works; schemes, rules & methods for performing mental acts, games or business; computer programs as such; methods of medical treatment & diagnosis; immoral inventions; any variety of animal or plant or biological process (not including micro-biological processes)	Yes (note law relating to confidentiality)	Applicant (usually inventor or inventor's employer)	20 years from date of application	Making disposing of, altering to dispose of, importing using or keeping patented product without licence
Copyright (Copyright designs & Patents Act 1988 Par 1)	Original literary (including computer programs), dramatic, musical, artistic works; records, films, broadcasts, cable programmes	Immoral works; industrial designs	No	Author/maker; when made in course of employment, the employer	Author's life +70 years for many works	Copying, issuing copies to the public, performing broadcasting, cable transmission, adapting, authorising any of the foregoing, dealing in infringing copies, without licence
Registered Trade Marks (Trade Marks Act 1994)	Any distinctive sign used with goods or services		Yes	Applicant	Indefinite. Renewable every 10 years	Using identical or similar sign on same or similar goods or services
Registered Designs (Registered Designs Act 1994)	New exterior features of shape, configuration, pattern or ornament which are material to the eye of the purchaser	Designs dictated solely by functions of article; must-match designs, immoral designs; designs having no aesthetic appeal	Yes	Applicant (usually designer or designer's employer)	25 years maximum 5x5 year periods	Use of design by way of commercial manufacture, import or dealing
Unregistered Design Rights (Copyright Designs & Patents Act 1988 Part 3)	Any original aspect of shape or configuration of the whole or part of an article interior or exterior; topography of semiconductor chips	Mist-fit and must-match designs; commonplace designs; surface decoration	No	Designer (unless in course of employment, or commission, or computer generated)	15 years from creation or 10 years from first marketing, whichever is less	Copying the design exactly or substantially for commercial purposes by making an article to the design or by creating a design document for purposes of manufacture

Reference: Dr Hector MacQueen, University of Edinburgh

It is worth reiterating once again the Basic Facts about Patenting

- Patenting provides a way to protect from commercial exploitation by others.
- It provides a monopoly to make, license, use or sell for up to 20 years.
- For plant variety and plant breeders rights this can be extended by up to 5 years
- Applying for a patent involves filing a full description of the invention at a Patent Office.
- During the first 12 months, it is possible to amend the original text and extend coverage to other countries.
- 18 months from priority date, an application is formally published with the search report.
- In most countries, priority based on *first to file*. However, in the USA, it is based on *first to invent*.

- In most countries, it is not possible to file an application after disclosing the idea (without confidentiality).
- In the USA, it is possible to 12 months after inventing – even after disclosure.
- Patent applications are published 18 months after filing, so others can file improvements or ways to get around it.
- Publication does not imply a patent will be granted. It is the start of a process in which novelty will be assessed.
- British Patents cover only UK and Isle of Man.
- European applications can cover up to 31 countries. "European patent applications and patents can also be extended to countries that are signatories to agreements that effect the European Patent Organisation, that are 5 countries. (AL - Albania; BA - Bosnia and Herzegovina; HR - Croatia ; MK - the former Yugoslav Republic of Macedonia; RS - Serbia).
- PCT applications can cover up to 133 other states. The WIPO web site provide an updated list of the PCT Contracting States (last updating on October 13, 2006).
- Charges are made for initial application, preliminary and full examination, translation and renewal; and agent fees.
- Rights are effective from the date of publication of the application, but an infringement action cannot be started until after grant.
- License can be negotiated from application.

6.2.1 Patents

The initial patent application, usually submitted in the UK for a UK inventor, establishes a 'priority date'. This also allows an equivalent application to be made in most other countries up to 12 months after the initial date, even if there has been public disclosure during this period. The 12 month period is important as it forms a limit that cannot be extended.

This brings about the first of many decisions that has to be made by the individual inventor, university or organisation, often taken under advice and brings into play many factors for consideration.

The submission date can have a huge effect on what follows; if the application is made too early in the development of the invention, it could lead to a submission that either over or under claims the novelty of the invention. It may lead to vital parts being left out of the submission requiring changes to the original invention occurring. In this case there would need to be a re-file of the application.

If the invention is developed further, an application can be made within the 12 months using the original filing date as a priority document, citing the date and original material from the first application.

However, public disclosure can play a part in successful application, particularly if the new material was included in the disclosure or it can be seen as an obvious step from the original submission. Again, professional advice should be considered prior to any application, to ensure the best course, to ensure the system is used to the best advantage.

A decision to delay the submission is often made for commercial reasons. Disclosure too soon and at a crucial stage of the development of the invention could alert competitors or other researchers, leading to first to market advantage being lost. Any person resident in the UK who wishes to apply for an overseas patent must

first obtain permission from the UK Patent Office, unless a patent for the invention has already been applied for in the UK at least six weeks earlier.

In the UK the submission of the initial patent application is by a legal document called a **specification**. This specification details the salient parts of the novelty for the application and determines whether a patent can or will be granted. It must be comprehensive, a technical description is not enough. The invention must be identified and approached from different angles if appropriate, to develop as broad a patent as possible. This often allows for a fallback position, if one of the approaches is not granted it can be argued from a different perspective using the original application. Risk must be assessed and problems anticipated.

The importance of this specification warrants the need for the services and legal skills of a registered patent agent or attorney. The technical skills of the patent attorney or agent will be dependent on the particular area the application is for. Remember that the longer the initial patent application the greater the initial cost and long term effect cost. It requires a balance of providing enough information to cover all angles and limiting the size as the costs will mount up. If overseas patent applications are also applied for, remember there is the added cost of translation fees.

The Patent Office website provides details of how and what to submit along with all the relevant forms and charges that accompany the submission. Submission can also be done on-line.

If developments are made within the 12 months, additional patent applications can be filed. Additional priority dates are established for the additional matter and at the end of the 12 months, they can all be brought together and all of the priority date claimed.

The patent specification will include a full description of the invention along with any useful drawings describing the invention. Claims and abstract can also be included or provided at a later stage, but they must not contain added information to the original application as changes to the specification application are not allowed once filed. The format of an academic paper is not normally the basis for a good specification application.

Within twelve months from the priority date, action can be taken to continue with protection in the UK or anywhere else, via national, European or International patent applications. A European Patent Application is not a European Union application and can designate most European countries including Switzerland.

If granted, it becomes a 'bundle' of national patents with national fees and translations required. A Patent Cooperation Office can designate most countries of the world and can designate regional applications, including European Patent Application, again these centralised applications can eventually become regional applications. It does provide a cost effective way of delaying the cost of national or regional applications. National or regional action does not need to be taken for 30 months from the original priority date.

Once a patent has been granted it can be used as an asset for exploitation, but it also requires renewing for up to 20 years on an annual basis. The costs on this can be found under Section 5

6.2.2 Copyright

Copyright is an unregistered right so there is no official action to take and it comes into effect immediately. Copyright work should be marked with the copyright symbol © followed by the inventor's name and the date, to warn others against copying it, and to prove date of creation.

The Patent Office suggests the following type of works that copyright protects:

- original literary works, e.g. novels, instruction manuals, computer programs, lyrics for songs, articles in newspapers, some types of databases, but not names or titles;
- original dramatic works, including works of dance or mime;
- original musical works;
- original artistic works, e.g. paintings, engravings, photographs, sculptures, collages, works of architecture, technical drawings, diagrams, maps, logos;
- published editions of works, i.e. the typographical arrangement of a publication;
- sound recordings, which may be recordings on any medium, e.g. tape or compact disc, and may be recordings of other copyright works, e.g. musical or literary;
- films, including videos;
- broadcasts.

Copyright does not protect ideas, what it does do is protect the way an idea is expressed in a piece of work and prevents copying of a work of authorship. Protection time varies but is generally much longer than for patents, registered designs and unregistered design right.

Copyright in literary works expires at the end of 70 years from the end of the calendar year in which the author dies. If there is no human author such as computer-generated work, the copyright expires at the end of 70 years from the end of the calendar year in which the work was made.

In the chemical and biotechnology fields, copyright subsists in "literary works", which include factual documents such as reports, tables, instruction manuals, data sheets etc.

The copyright owner can opt to maintain their monopoly or to license another to make copies of the work.

For the Internet this is an important form of protection, Professor Hector L MacQueen of Edinburgh University in an article published in 2000 said:

“For many, the Internet is the latest means by which information and entertainment products .. may be made available to the world at a ... profit... Copyright protection therefore helps to make a market that would otherwise be limited to those who were unaware of their right (or ability) to copy... One of the ways in which rightholders have sought to deal with the problems posed by the ease of copying digital material has been the deployment of anti-copying technology ... In the context of the Internet and e-commerce, such technical barriers have an even greater importance as the means by which the user or customer may be compelled to pay in order to gain unfettered access to the work.”

6.2.3 Software Licensing - Copyright

The most common types of licensing for software are shrink-wrap and click-wrap. Shrink-wrap would normally have the agreement visible through the product packaging and this usually declares that upon opening of the package, the user accepts the terms of the licence and conditions of use. These terms and conditions try to encompass the terms of a normal licence including payment terms, restrictions on use loan and resale of the product. Click-wrap is the digital version of shrink-wrap, where the purchaser downloads a copy of the software once they have agreed to terms and conditions and made payment. This is conditioned by clicking on a button or check box to access the next stage of download. Escrow is when a third party holds, on deposit, confidential material on certain terms as to its release or control and use. The Escrow agent may be a bank, insurance company, accountant or attorney or a company that specialises in offering an escrow service.

With Software this is normally the source code held by the third party. It is designed to protect large companies, or companies dependent on a single piece of software not available from any other source in the event of bankruptcy or liquidation of often small software publishing houses.

When licensing there is no right or wrong form of agreement, it should be relevant to both parties and must be seen as fair and equitable to all concerned. As stated earlier in this handbook, a license is a complex legal document and is best finalised by someone specialising in commercial contracts.

6.2.4 Registered Trade Mark

A trade mark is any sign which can distinguish the goods and services of one trader from those of another. A sign includes word, logo or other symbol (including smells, sounds and colours). When a trade mark is registered the symbol ® or “TRM” can be used but is not necessary. Using the ™ symbol **does not** indicate that a trade mark is registered and does not provide protection. The ® symbol indicated the mark **is registered** but not necessarily in the UK. A trade mark can last indefinitely if renewal fees are paid every 10 years and it continues to be used. Applications are made to the Trade Marks Registry in each required country, and/or to the EU Trade Marks Registry to cover the EU, and takes up to one year to be granted. Registered trade marks can also be used to provide a legal basis for licensing and merchandising or to prevent counterfeiting.

6.2.5 Common Law Trade Mark Right

In many countries, including the UK, rights (known as "common law rights") can be acquired in a trade mark even though the mark is not registered. A particular mark that establishes a reputation in that mark can acquire common law rights. Common law trade mark rights allow the trade mark proprietor to stop others using a mark which is confusingly similar. The protection lasts for as long as a reputation actively exists in the mark. In the UK, the rights are enforced by a passing-off action. The costs of enforcement can be very high compared to an action for infringement of a registered trade mark, as the common law trade mark proprietor has to prove a reputation in the mark.

6.2.6 Registered Design

A registered design is a state-granted exclusive right in a novel design for the appearance of a product or packaging, or a graphic symbol or typeface. It protects the outward appearance and shape of the whole or part of an article. Design registration is available in most countries although the nature of the protection varies widely. It lasts for up to 25 years in the UK, if renewal fees are paid.

The UK Patent Office states the following:

“A registered design is a monopoly right for the appearance of the whole or a part of a product resulting from the features of, in particular, the:

- *lines*
- *contours*
- *colours*
- *shape*
- *texture*
- *materials*

of the product or its ornamentation.”

To submit an application will require details of the individual or company owning the design on the product or textile. Priority from an earlier application made in another country can be made but must be within six months of the earlier application.

6.2.7 Industrial design

Industrial Design registration is for manufactured products and not artistic designs, they protect the way manufactured products look. An industrial design consists of the creation of a shape, configuration or composition of pattern or color, or combination of pattern and color in three dimensional form containing aesthetic value. An industrial design can be a two- or three-dimensional pattern used to produce a product, industrial commodity or handicraft.

The Wikipedia website suggests the following description for Industrial design:

*“**Industrial design** is an applied art whereby the aesthetics and usability of products may be improved. Design aspects specified by the industrial designer may include the overall shape of the object, the location of details with respect to one another, colours, texture, in an industrial way, for example an artisan can't be considered an Industrial Designer although he may challenge the same aspects of a product.”*

6.2.8 Database Right

Database right protects against unfair extraction or use of the contents of a database. It is an automatic right so enforcement may require proof when the database was created and by whom. It is covered in part by copyright law, in that it is a work that shows originality in its selection, coordination and arrangement.

Databases containing biological data such as nucleic acid and/or amino acid sequences, protein structures, information on protein formation etc may qualify for protection. Protection is limited to nationals of EU member states or residents of the EU and companies having their registered office or principal place of

business in the EU. Database rights last for 15 years under the EU legislation, but can be extended if the database is updated. The protection is against unauthorised extraction, whole or of a substantial part of the database contents. In many other respects database right is similar to copyright: it is created automatically, does not have to be registered and is a right against use (not a monopoly). Database right can provide a legal framework for licensing access to a database this is particularly of interest to businesses based on the provision of biological data.

6.2.9 Confidential Information and Know How

Companies and individuals can protect some of their IP by means of confidentiality. It can protect know-how, trade secrets and other confidential information (such as customer lists, terms of a deal). Confidentiality can be implied but for legal purposes the use of confidentiality agreements to cover discussions of confidential information with parties such as financiers, potential development partners or licensees is best. Confidentiality lasts as long as agreed between both sides but loses its value if there is any leak and stops being confidential if many people know. Know How refers to those tricks and touches and experience that can make the difference in the effectiveness of an industrial process or a product's efficiency (such as the best way of manufacturing a chemical product when the method cannot be deduced from the end product). Know-How can be protected as confidential information and can be an extra licensing tool such as a patent licence allowing access to related know-how.

6.2.10 Domain Name

Nominet is the official registration site for .uk domain names and like companies house holds all information on registered names and their owners on a system. However, a domain name can be registered through a registration agent. The agent must be a member of Nominet to have access to Nominet's automated domain name registration and modification system. A domain name has to be unique, and it cannot be pre-registered or reserved. To find out if a domain is already registered go to the WHOIS at www.nominet.org.uk. To register is simple and is usually done completely on line, including the payment for the duration of the registration. Most domain names are registered through a registration agent. They may be an ISP or a domain name reseller or just a company that specialises in registering domain names. A .uk domain name is not owned but is registered for a period of two years, after this period the holder has first chance to renew. Registration/renewal costs are £80 + vat through Nominet. Nominet offer registered agents a discount rate on renewal fees (£5+ vat), and a registration agent can pass on its discount rate. The fee charge by a registered agent will usually include the agent's own charges. Dependent on what is deemed to be a more popular name this charge varies, and is why there is so much disparity on costs.

6.2.11 Company name

To have a company name implies the setting up of a new company, and a new company comes into existence when the Registrar of Companies issues a certificate of incorporation. The responsibility for registration of companies in Great Britain is Companies House and will cost £20.00. For an additional fee a same-day

company incorporation can be obtained. The name must not already be registered on the Company Name Index, held at Companies House. Certain names will not be allowed and be rejected, a full list of registered names can be found on the website <http://www.companieshouse.org.uk/>

Most company names will end with the words 'Limited', 'Unlimited', 'Public Limited Company' to indicate their limit of liability. Registering a new company requires details of its constitution in the form of a Memorandum and Articles of Association, details of its directors, company secretary and members and it must have a registered office.

6.2.12 Spin-Out Companies - Company Law

The forming of a company is made very easy in the UK, once a company has a name this is registered at Companies House. But it does come with legal responsibilities, not least against the directors. Many companies are registered as Limited Liability, which protects owners from creditors. The responsibilities include:

Directors' Responsibility carry risks as they protect creditors from owners.

- A limited company must have directors.
- A director must not continue trading when the company is insolvent.
- Directors must keep accounts, which reflect accurately the company's financial condition.

Directors are like trustees of the company, and must not benefit personally at the company's expense. Directors are **personally liable** for the activities of the Spin-out.

6.3 Greek National Procedures

6.3.1 Patent Procedure

According to Law 1733/1987 "Technology Transfer, Patents and Technological Invention" (articles 7-9), and according to the "Guide to obtain a Patent" issued by the Industrial Property Organization (OBI – www.obigr.org), the person intended to be granted a Patent, must submit to OBI the necessary documents, i.e.: The Description, the Claims, the Abstract, the Drawings of the invention (the Drawings must be in Scholler paper) and a formal Application, all these documents in duplicate. The submission of the documents to OBI, may be made by the applicant, or by the legal representative (in cases of legal persons), or by their Attorney. The following documents may be also needed to be furnished: a) The "Designation of the inventor" document (where the applicant is a legal person, or where the applicant is not the inventor, or the sole inventor). B) A ratified statute of the company, where the applicant is a legal person and the submission of the application is made by the legal representative. c) Power of Attorney if the submission is made by the Attorney of the applicant signed by the applicant and ratified for authenticity by a public authority. d) Certification of priority and authorized translation, if international priority is claimed. e) Official Declaration that the invention was presented (if presented) in one of the officially recognized exhibitions according to the Paris Convention 1928 (Greek Law 5562/1932) within the previous 6 months. f) National fees.

Within approximately 8 months from the filling of the application, OBI issues the Search Report, quoting any relative document found. The applicant may submit observations on the Search Report, within three months from its' issuing. If the observations are accepted, the Examiner transforms the Search Report. In any case, Examiner issues the Final Search Report, according to which, the Patent is granted or not.

If the Patent is to be granted, the applicant is informed about paying the Editing and Granting Fees. The Patent is valid for a period of twenty (20) years, from the day following the priority date (i.e. from the day following the date the application was filed for the first time), provided the applicant/owner of the Patent, pays the yearly protection fees in due time. OBI does not inform the owner about the expiration of the time limits. It is the applicant's responsibility to pay in due time. Payment of the yearly protection fees may be accepted within 6 months from the expiration, with a 50% penalty fees. Publication of the abstract is made on the official OBI Newsletters.

6.3.2 Licensing Procedure

All the Agreements concerning Know-How Licensing and generally Technology Transfer, in order to be valid, have to be registered to the Registry of the Industrial Property Organization (OBI– <http://www.obigr>), within one month from their effective day (Law 1733/1987 "Technology Transfer, Patents and Technological Invention" (article 21-22). In any future judicial conflict arising from the terms agreement, as for example concerning its' validity, or the rights of the transferee, or the amount payable according to the agreement, etc, in order to be discussed by the Court, an Official receipt of registration to OBI must be furnished. So, if an agreement is not registered to OBI at all, or not registered in due time, the case cannot be discussed by the Court.

6.3.3 Trade mark Procedure

According to Law 2239/94 "On Trademarks" (article 6), any person who wants to register a trademark in Greece, files the necessary documents to the General Secretary of the Ministry of Commerce (<http://www.gge.gr>). The owner is legally represented by an Attorney at Law, who, before filling the necessary documents, will make a detailed research, to ascertain that the trademark to be registered is not already registered by a third person, in order to distinguish the same or similar products or services. Equally, a trademark who is not the same but it is similar to a previously registered one, cannot be registered to distinguish the same or similar products or services. Therefore, the trademark Attorney will search for visual or even sound similarity between other trademarks already registered, distinguishing the same or similar products or services.

The search comprises: a) search in the national trademarks' Registrar (<http://www.gge.gr/4/search.asp>), i.e. trademarks from fiscal or legal persons resident or seated in Greece, already registered in Greece b) search in the foreign trademarks' Registrar (<http://www.gge.gr/4/search.asp>), i.e. trademarks from fiscal or legal persons resident or seated abroad, already registered in Greece and c) search in the European Union (EU) trademarks'

Registrar(<http://www.oami.eu.int>) (<http://www.gge.gr/4/organ.asp?192>), i.e. trademarks from fiscal or legal persons resident or seated wherever in the EU, already registered as EU trademarks.

If the search proves that the trademark is not registered, or not registered for the same or similar products or services, the applicant may proceed with the filling of the Application. The Application is in a specific official form, edited by the General Secretary of the Ministry of Commerce, and is filled, together with a Power of Attorney, as well as with 10 black & white copies of the trademark, 10 colorful copies of the trademark (if the trademark is colored), with dimensions not exceeding 8x9 cm. In case of legal persons, a ratified copy of the statute is also necessary. This year, the cost is 120 € for one Class of products/services, plus 30 € for each additional Class (Nice Classification), plus 208 € official legal cost, plus the legal fees of the Attorney who makes the research and prepares the necessary documents of the file.

The Trademarks Committee is responsible to decide about the registration or not of a trademark, in a trial that takes place in approximately 6 months after the date of the submission of the application. One week before the trial, the applicant may contact the Trademarks Committee and be informed about the status of its' application. If the application has no comments from the Committee, i.e. if the Committee has concluded that the trademark has no similarity with other already registered and generally that the trademark has distinctiveness and creates no risk of confusion, there is no need for legal representation on the day of the trial. However, if the Committee has concluded that the trademark cannot be registered, either because it has no distinctiveness, either because it creates risk of confusion with other(s) trademark(s) already registered, the applicant must be legally represented on the trial and submit a brief Memorandum. Otherwise his application for registration will be refused. If the Committee refuses the Memorandum, the applicant later may apply to the competent Courts. Any registered trademark is published on the official Governmental Gazette. The registered trademark is protected for a period of ten years, renewed as many times as the owner desires, for another decade each time.

6.3.4 Company Name Procedure

Any person (fiscal or legal) doing commercial or industrial business, registers his name to the Registry of the competent Commerce, within two months from the starting of the business. (Law 1089/1980, "Commercial and Industrial Chamber of Trade and Handicraft", articles 4 & 8). However, in practice, for a valid registration, the businessman will be legally represented by an Attorney at Law before they can start trading, even before the draft of the constitutional Statute of the company (in cases of legal entities). Therefore, the Attorney, will declare to the Commerce the Company Name intended to be the Company's official name, and intended to be registered. The Commerce will make a detailed research, in order to ascertain that the specific Company Name is not already registered by a third Company. If so, the businessman has a priority of usually twenty (20) days to set up the company and to furnish to the Commerce the original Statute. Immediately afterwards, the Company Name is declared and registered to the Commerce. During those twenty days, the businessman has a priority, meaning that even though he has not furnished the necessary documents, no other person may register the same Company Name. After the expiration of the twenty days' period, if the businessman has not furnished the Statute officially ratified, the Company Name is available, to be registered as the Company Name of any

third person. Competent Commerce is the one of the city where the person does his business (place of business for fiscal persons, seat of the Company for legal entities). The biggest Commercial and Industrial Chambers in Greece are those of Athens (<http://www.acci.gr/>) and of Thessaloniki (<http://www.ebeth.gr/eb/index.asp>).

6.3.5 Domain Name Procedure

According to the Ministry Decisions 268/2002/B1617 and 310/2004, the competent authority for the supervising and the inspection of the procedures concerning the management of the domain names ending ".gr" in Greece, is the Hellenic Committee of Telecommunications and Posts ("EETT" – <http://www.gr>), while the Registry is kept by the Institute of Computer Science, Foundation for Research and Technology – Hellas (FORTH) ("ITE" - <https://grweb.ics.forth.gr/>). Any person, fiscal or legal may register one or more Domain Names. The registration may be entrusted to several specific private companies, the Registrars (https://grweb.ics.forth.gr/greek/reg_list.html), or to private companies collaborating with the official Registrars. In practice, for a registration to be valid, the Registrar or the person themselves, makes an ariority search to ascertain that the specific Domain Name is not already registered by a third person. The search is made by visiting the relative site <http://www.gr>. If the Domain Name is not registered, the person makes a registration which is provisional and he receives an e-mail by ITE , "Verification of a Domain Name Application", containing all the necessary data concerning his pending application. Afterwards, if the Domain Name is accepted and registered, the person receives by e-mail an "Approval of New [.gr] Domain Name Application" sent by the Hellenic Telecommunications and Post Commission, verifying the registration. The duration of the registration is two (2) years, renewable for two more years each time, and this year the cost for each registration is 30 euros.

6.3.6 Registered Design Procedure

The Industrial Property Organization (OBI – <http://www.obl.gr>). The person who wants to protect an industrial design, has to submit an application, officially formatted by OBI, in duplicate. The submission of the necessary documents to OBI may be made by the applicant, or by the legal representative (in cases of legal persons), or by their Attorney. The necessary documents for the application are the following: a) Representation or photo of the design, in duplicate, not exceeding 16x16 cm. b) Official filling fees. c) Official registration fees. d) Protection fees for the first 5 years. e) Designation of creator document in cases where the applicant is a legal entity or where the applicant is not the creator/author of the design. f) Ratified copy of the constitutional Statute, in cases of legal entities. g) Power of Attorney h) Certification of Priority, if priority is claimed. i) Official Declaration that the design was presented (if presented) in one of the officially recognized exhibitions according to the Paris Convention 1928 (Greek Law 5562/1932). j) List of products where the design is to be applied. i) Classification of the products where the design is to be applied, according to the Locarno Convention 1968. k) Description of the design up to 100 words.

If the Design is accepted to be registered, OBI issues a Certification of Protection, within four (4) months for the filling of the application. The Design is protected for 5 years from the date of the submission of the

application (priority date), with the possibility of extension of the protection period, until 25 years totally, provided the owner pays the renewal protection fees in due time. 2417/1996 "Ratification of Hague Management for the International Registration of Industrial Design" and Presidential Decree 259/1997).

6.4 Italian National Procedures

6.4.1 Patent Procedures

The purpose of this section dedicated to the Italian Patent System is to:

- obtain a clear and detailed picture of the patent procedures currently being undertaken by the national patent offices;
- give a brief framework of the differences between Inventor and Holder of a patent;

This section provides further details to that of Paragraphs 4.7 - Italian Patent Procedure and 8.5 Italy: National Legislation.

6.4.2 Italy institutions

The Italian Patent System is regulated from the “Industrial Property Right Code” (See Section 8.5 Italy: National Legislation). In order to apply for the grant of an Italian Patent, it is necessary to submit one of the following forms, depending on the specific type of patent:

- Invention (Form A)
- Utility Model (Form U)
- Design (Form O)
- Trademark (Form C).

(The above cited forms are available on-line on the web site www.q-lime.org).

As regard the characteristics of the Italian National Patent Office, the “Ufficio Italiano Brevetti e Marchi” (UIBM), the Italian Patent Office, is an executive arm of the Department of Production Activities. UIBM is responsible for the national and international patent system as well as for trademarks, models & design. Regarding the national patent system, the main activities of UIBM are:

- gathering applications for granting Industrial Properties possessor titles and related documents (including PCT),
- legal and technical examination, granting, investigation or rejection of applications, examination, transcription,
- recording and release of patent certificates and copies and disclosure of patent related information.

The UIBM provides both generic and specific patent related information to SMEs and small entrepreneurs. In the Italian Patent system, Chambers of Commerce are responsible for the filing of patent related documents. These local offices also support UIBM in promotion activities and information services. The institutional organization responsible to receive the national patent licence forms is the System of the Chambers of Commerce. It has been recognized as the most suitable organisation to carry out this public service because:

- there is an evident convergence of its mission with that one of the EPO (European Patent Office),
- it is in the forefront of the Information Technology Area.

In order to make the patent licence documentation accessible to all citizens, and to reduce and to streamline the bureaucratic procedures, an on-line data transmission system has been created.

Since June 1st, 2006 the Italian patent system provides two ways to submit a patent request:

1. paper format, that has to be sent to the patent offices of the local Chamber of Commerce or to the Italian Patent and Trademark Office (Ufficio Italiano Marchi e Brevetti);
2. on-line through the Infocamere service for the data transmission to Chamber of Commerce, available on the web sit <http://telemaco.infocamere.it>

PATLIB is the name given to the network of patent information centres comprising the national patent offices of each member state and all regional patent information centres. In total, over 323 such centres in Europe can help you with information and competent advice. The Italian PATLIB offices are localized in Chambers of Commerce, Technological Parks and in some Italian University. These are coordinated from the UIBM (Italian patent and trademark office) or from the Ministry of Production Activities, in agreement with the EPO. In support to these offices are the Centres of Documentation of the Chamber of Commerce, offering communication through the internet and a free assistance service to all citizen. All the patent demands come back to the PATLIB office, which then carries out the searches on the database and sends, by email or fax, the results to the other help desks in the territory. Recently a Patent Information Points (PIP) has been funded that provide helpdesk points on licensing information. These are connected with the PATLIB network. The PIPs are usually situated close to universities. Their mission is to provide licensing information more accessible to students.

6.4.3 Inventor and Holder of a Patent

According to the National Law, the right to apply for the grant of a patent belongs to the author of the invention. If an invention, patentable as an industrial Patent, is realized during the attainment of employment contract, the law provides for three different exceptions to the above described general rule. **1st case:** If the invention's activity is part of the employment contract, the employer will have the industrial patent rights while the inventor will have moral right as the patent author; **2nd case:** If invention's activity was not foreseen as part of the employment contract or provide for remuneration, the industrial patent rights belongs to the employer while the inventor will have a remuneration; **3rd case:** If an inventive activity by the employee was outside of the employment contract, but using tools of the company, the employee/inventor will have the industrial patent rights, but in a period of three months the employer can buy the patent at market price, recognizing a remuneration for employee/inventor.

There is further exception; if the inventor is an employee of a public organization (university, public administration, etc.). In this case, the inventor has the right patent, but if after five years of the patent grant, the inventor does not exploit or begin industrial development of the invention, the public administration

automatically acquires the patent right (but not an exclusive right) to use the invention and the subsequent financial rights.

6.4.4 Invention patent and Utility model: application procedures

The **invention patent** is the standard form of patent application discussed in the relevant chapters and represents a new and original solution to a technical problem. It has a duration of 20 years only that starts from the date of the submission for the grant of a patent. According to art.45 of the Intellectual Property Code is possible to patent: products, productive procedures, plant variety rights, while it is not possible to patent "discoveries, scientific theories, mathematic methods, principles and the methods for intellectual activity, for games or business activity, the programs of computer, the presentations of information".

The **utility model** is a type of patent that exists in Italy and a few other States e.g. China, Germany, Japan, Portugal and Spain. For this reason, if the Italian inventor wanted to extend the utility model submitted in Italy to other foreign States, they are restricted to those mentioned above. In Italy a utility model is normally granted without a specific examination, making it easier to obtain it more difficult to protect. It lasts for 10 years and cannot be renewed after term time.

Because it is not a simple decision for an applicant to choose between an invention patent or utility model when protecting their idea, the current law (Intellectual Property Code, art. 84) foresees the "**double registration**". This rule allows the decision of the best form of protection to be made by the Italian Patent and Trademarks Office.

In order, to apply for the grant of a patent of invention or utility model:

- it is not necessary to have a prototype but the applicant must be able to present a general description of the invention.
- it is necessary to prepare a technical description that highlights the aim of the invention and the technical problem it resolves.

The description must contain:

- a general explanation of the invention;
- a description of the characteristics of the invention.;
- the innovative steps that are to be defended.

The applicant must fill in the appropriate form (Form "A" for the inventions, Form "U" for the utility models), that contains the following data:

- the applicant's data (name, address, fiscal code or name of the company and VAT number);
- the inventor's name;
- a short description of the invention;

The request for the grant of a patent of invention or utility model is kept undisclosed for 18 months, but for some cases, such as military authorities this is reduced to 90 days.

Prior to registration of a patent outside of Italy, an Italian citizen or resident in Italy requires authorization by the Italian Patent and Trademarks Office, and has to be after the non-disclosure period of 90 days from the

Italian registration. It current takes 3 or 4 years for the Italian Ministry to grant or reject a patent application. All relevant payments and fees must have been made and a certificate of payment of the national fee should be attached to any application. In cases of rejection of a patent request it is possible to submit a petition to the Italian Patent and Trademarks Office, this must be made within 30 days from the notification of the rejection.

To maintain and keep the granted patent the owner must:

- pay annual fees;
- develop the patent.

Four dates are important for patent:

1. **Deposit date:** rights of patent holder begin;
2. **Publication data:** the application is accessible to the public;
3. **Grant data:** the patent effect are definitive and defensible;
4. **Deadline data:** the monopoly right on the patent is finished and becomes part of the public domain.

6.4.5 Trade Mark National Procedure

A trade mark is a marketing tool, which allows consumers to identify and recognize the products and services offered by a certain trader (words, design, letters, numbers, shape of product, etc). The collection and the combining of these signs represent the “brand” or “trade” recognised by the consumer as part of a commercial enterprise, often enhanced through advertising and commercial use, e.g. Coca cola trade. A trademark is an asset, creating committed relationships between an enterprise and customers. For example, “made in Italy” is synonym of prestige in some sector like fashion, jewellery, shoes, etc.

A trade mark has no time limit but must be renewed every 10 years. A trade mark has to be new so it is import to make thorough checks prior to registration or legal action can be taken. It is possible to register a foreign mark in Italy as long as it is not too famous and the registration is legal.

The exclusive rights over a trade mark can be obtained in two ways:

1. **by use** – the right belongs to whoever use that specific sign for the first time;
2. **by registration** – the right is obtained by registering the sign at the trade mark office.

As with patents, trade mark registration has specific application forms for each geographic territory (national trade mark) or region (community trade mark) where protection is requested. With a single application submitted to the Office for Harmonization in the Internal Market (OIHM), the holder has a trade mark valid for all Member States in the EU.

6.4.6 Domain Name Procedures

The domain name is a web site address. It should be noted that the owner of a trade mark that can also be identified as a domain name also has right to the domain name. Since July 2000 in Italy a “re-assignment procedure” that allows legal verification of title ownership to use a domain name, particularly in the case of forgery. This is a simple and quick process that can be used if the following are relevant:

1. identity or similarity between the domain name (not legally registered) and the trademark (legally registered);
2. absence of any right on the domain name by the current grantee;
3. bad faith in the registration or the use of the domain name by the current grantee;

If the holder of the registered trademark demonstrates the existence of points 1 and 3 and at the same time the current grantee of the domain cannot demonstrate the existence of any right on the domain name under point 2, the Jurisdiction Authority (Art.133 Intellectual Property Code) will provide the transfer of the domain name in favour of the holder of the trademark. The Italian Jurisprudence sees the domain name as a public sign, a trademark (Intellectual Property Code and Italian Legal Decree 30/2005).

6.4.7 Industrial Design

When a new and original design is created, it is very important to protect it legally, this can include the shape of a product. Its aesthetic beauty is immaterial, but it has to have a quality or characteristic that differentiates it from others designs. As well as to the shape of the product, it's possible to register a design, a decoration or a planed element. The design includes the external elements of the product but not the technical and practical aspects. The holder of a registered design has an exclusive right for a limited time, between 10 and 25 years. This right allows the exclusive exploitation of the design, as well as lawfully preventing third parties from manufacturing, using, selling, copy ring or imitating the design without prior consent. The exclusive right over a design is **not** (normally) obtained simply through use and can be protected by:

1. an industrial design. The duration of protection ranges from 10 and 25 years¹⁵.
2. A Trade mark. The duration of design protection is unlimited¹⁶.
3. Intellectual property;

In case of protection as Intellectual property the design is protected by copyright laws and is normally granted for the whole life of the author plus 70 years after his death (depending on relevant national legislation).

A single form allows registration of up to 100 designs or models if assigned in the same class of the international classification of the designs and models of the Locarno Agreement of 8 October 1968.

The application for the grant of the design has to be submitted to the local **Chamber of Commerce**. This office will give to the applicant a copy of the title-page on which is written the date and the application number.

Below is provided an example of the title-page: MI98O000001.

- "MI" means the province where the applicant did the deposit ("MI" is Milan Province, for example "RM" for Rome Province, etc);
- "98" means the application year;
- "O" means the type of class, in our example "O" is "ornamental class";
- "000001" means the progressive number of the application.

¹⁵ To have access to this protection the design must be new. Likewise, it must be original or have an individual character, or be applied to a product having an useful function.

¹⁶ In order to be protected as a trade mark, the design must be distinctive and not consist of an exclusively functional scope or one which is necessary for the functioning of the product to which it is applied.

A shape can be registered like a mark if it is bizarre, arbitrary, fantasy and it does not have an aesthetic or functional goal. For example the coca cola bottle is registered like a mark because the shape is defined bizarre, fantasy.

6.4.8 Copyright

Copyright protects intellectual creations that are original and expressed in a particular form and is granted normally to the creator. Copyright protection is automatic, it doesn't depend on the registration of a copyrightable work and granting of protection by certain authorities (e.g. Patent Offices), but takes effect by the mere fact of creation. This includes texts, manuals, web sites and their content, computer software, photos, structure of a database and its content, logos, plans, fashion patterns and slogans. Copyright does not protect ideas but their expression in a particular creation thus defending the free movement of ideas.

One exception to ownership by the creator is during an employment contract. In most countries of the European Union the employer becomes the owner of rights related the works made by its employees in the performance of their duties. However, this general rule isn't identical in all countries. In particular, Italy has two main regimes.

1. **Common Law:** the employer becomes the initial owner of the employees' intellectual creations - for example the UK law simply provides that the employer is the first owner (subject to the agreement to the contrary).
2. **Civil Law:** the employer is deemed to acquire copyright in the employees' creations by means of implied contract terms. In some countries (France, Italy, Belgium, Luxemburg, Portugal) the employee remains the owner of copyright, even though the work has been created in performance of the employees' job duties, which means that the employment contract does not trigger the implied effect of copyright transfer.

In Italy, as well as France and Luxembourg, the employer can acquire the copyright in the creations of his/her employees, if the work in question is the so-called collective work (work created by several employees under the direction of another person). If the employer is the one directing the creation process, he/she can be deemed to be the initial owner of copyright; in this case **the employer acquires only economic right in copyright work and moral rights are not transferable** and remain with the inventor/employee (creator). So, it is necessary to consult the employee if a modification or a new process of development of his work/invention is required. The employee must always be identified as the author of the work, unless he/she waives this right (paternity right).

Moral rights are rights of creators of copyrighted works generally recognized in civil law jurisdictions. While the United States still does not completely recognize moral rights as part of copyright law. Moral rights include the right of attribution, the right to have a work published anonymously or pseudonymously, and the right to the integrity of the work. Moral rights are distinct from economic rights tied to copyright, thus even if an artist has assigned their rights to a work to a third party they still maintain the moral rights to the work. The Article 6 bis of the *Berne Convention* say:

"Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation."

(Berne Convention for the Protection of Literary and Artistic Works, September 9, 1886, art. 6bis, S. Treaty Doc. No. 27, 99th Cong., 2d Sess. 41, 1986).

6.4.9 Confidentiality agreement (NDA)

IPR represents for many companies one of their most valuable assets. Therefore the company has to take appropriate steps both to protect the value of this asset and to enhance its full potential.

The company can't keep its ideas locked away from the business partners who can make it a success, but it has to protect it avoiding the unduly jeopardizing of that information.

A non-disclosure agreement – (NDA) - (Annex 1: Model of NDA contract) sometimes called a Confidential Disclosure Agreement (CDA), is a legal contract between the company (or in general the owner of the IP) and the other party that allows the company to share its IP with others and guarantees that the other party does not disclose certain information to anyone else.

A NDA (or CDA) guarantees a safe exchange of confidential information, including material and samples, between persons and/or legal entities. It should contain the following elements:

- Clear definition of the contracting parties;
- Statement of reason and a definition terms for the joint understanding and interpretation of the parties;
- The use of confidential information needs to be defined according to the purpose of the disclosure and in order to make sure that the parties treat the confidential information only as far as the intended purpose allows;
- Exceptions to the confidentiality obligation are usually included in every confidentiality agreement¹⁷.
- Explicit definition of the period of time in which the information is disclosed/exchanged for a certain purpose and an appropriate definition of the period of the confidentiality obligation, that has to be longer than the period of disclosure/exchange of information to ensure an appropriate protection of the disclosed information;
- A penalty clause and a jurisdiction clause.

Moreover the parties can agree in the NDA about the possibility to disclose information to third parties (subcontractors, subsidiary companies, holding companies, partners, researchers).

¹⁷ They refer to public domain information, information made accessible to the recipient by a third party without confidentiality infringement, and information which the recipient can prove to have known prior to the disclosure.

7 INTERNATIONAL, EUROPEAN AND NATIONAL LEGISLATION

7.1 *International & EU Patent Legislation*

Among the main agreement for the protection of Intellectual Property, we have:

1. Paris Convention for the Protection of Industrial Property

The Paris Convention is an international treaty on intellectual property concluded in March 1883 and ratified among 158 Countries. The Paris Convention established:

- the common general principle among Member States for the protection of Intellectual Property;
- equal treatment among European citizen;
- priority rights for the citizen that deposited a patent form in one of member State.

2. European Patent Convention (Munich Convention)

The European Patent Convention was signed in Munich in October 1973 and entered into force on 1st June 1978. The Munich Convention establishes a uniform patenting system for all countries signatory to the Convention, providing applicants with protection in as many of the signatory states as they wish. Once granted, the European patent is protected under the national law in each of the countries designated in the application. The Munich Convention created the European Patent Organisation (the legislative body) and the European Patent Office (the executive body), establishing a centralised procedure for granting European patents.

3. Patent Co-operation Treaty (PCT)

The 1st July 2005, 31 countries have ratified the Convention: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, Poland, Portugal, Romania, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and the UK.

The Patent Co-operation Treaty was signed in Washington on 19 June 1970 and came into force on 1st June 1978. The PCT allows for a filing of an international application to have the same effect as a national application in each of the contracting countries designated in the application. All the PCT applications are centralised through the World Intellectual Property Organisation (WIPO). In November 2005, one hundred and eighty-three States are members of the WIPO, and therefore any applicant can designate for protection in all these states or in a regional office such as the EPO.

8.2 *European Legislation for Community Trade Marks*

1. Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (CTMR) (OJ L 011, 14.1.1994, p. 1.)

amended by

Council Regulation (EC) No 422/2004 of 19 February 2004 amending Regulation (EC) No 40/94 on the Community trade mark (OJ L 070, 9.3.2004, p. 1.)

2. Commission Regulation (EC) No 1041/2005 of 29 June 2005 amending Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark (Text with EEA relevance) (OJ L 172, 5.7.2005)
3. Commission Regulation (EC) No 2868/95 of 13 December 1995 implementing Council Regulation (EC) No 40/94 on the Community trade mark (CTMIR) (OJ L 303, 15.12.1995)

amended by

Commission Regulation (EC) No 782/2004 of 26 April 2004 amending Regulation (EC) No 2868/95 the accession of the European Community to the Madrid Protocol (Text with EEA relevance) (OJ L 123, 27.4.2004).

8.3 European Legislation for Community Designs

1. Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ L 289, 28.10.1998)
2. Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ L 3, 5.1.2002)
3. Commission Regulation (EC) No 2245/2002 of 21 October 2002 implementing Council Regulation (EC) No 6/2002 on Community designs (OJ L 341, 17.12.2002)
4. Commission Regulation (EC) No 2246/2002 of 16 December 2002 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs) in respect of the registration of Community designs (OJ L 341, 17.12.2002).

7.2 Bulgarian National Legislation

1. Law on Copyright and Neighboring Rights, Promulgated in State Gazette No. 56/29.06.1993, last amended by State Gazette No. 30/11.04.2006
2. Patent Law, Promulgated in State Gazette No. 27/02.04.1993, last amended by State Gazette No. 30/11.04.2006
3. Commercial Law, Promulgated in State Gazette No 48/18.06.1991, last amended by State Gazette No 38/09.05.2006
4. Law on Marks and Geographical Indications, Published in State Gazette No. 81/1999, of September 14, 1999, last amended by State Gazette 30/11.05.2006
5. Law on Industrial Designs, Published in State Gazette No 81/1999, of September 14, 1999, last amended by State Gazette No 30/11.04.2006.

6. Law on Protection of Competition, Promulgated in State Gazette No. 52/08.05.1998, last amended by State Gazette No. 37/05.05.2006
7. Law on the Protection of New Plant Varieties and Animal Breeds, Promulgated in State Gazette N 84/04.10.1996, last amended by State Gazette No 30/11.04.2006
8. Law on Topographies of Integrated Circuits, Published in the State Gazette No. 81 of September 14, 1999; last amended by State Gazette No 30/11.04.2006
9. Regulation on Industrial Property Representatives, Adopted by Decree No. 137/15.07.1993, reflected denomination of 05.07.1999. Promulgated in State Gazette No. 65/30.07.1993, amended - State Gazette No. 86/21.10.1994, supplemented - State Gazette No. 41/23.05.1997, supplemented - State Gazette No. 32/08.04.2003, amended - State Gazette No. 69/23.08.2005
10. Regulations on the drafting, filing and examination of applications for the registration of marks and geographical indications, Published in State Gazette No. 9/01.02.2000), last amended State Gazette No.14/14.02.2006.

7.3 English National Legislation

As stated before, the Patent Office is responsible for developing and carrying out UK policy on all aspects of intellectual property. Also:

“The Intellectual Property & Innovation Directorate (IPID) deals with the policy for patents, copyright (and related rights), trade marks, designs and geographical indications of origin, and co-ordinates on issues affecting both copyright and industrial property matters...

The Directorate is responsible for formulating and implementing all new UK legislation in the areas indicated above. This includes any changes necessary to meet UK obligations under European Directives and international treaties.”

How to contact the UK Patent Office and IPID by mail:

The Patent Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Intellectual Property Policy Directorate
The Patent Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Tel: +44 (0)1633 814025
Fax: +44 (0)1633 814922

Websites:

- UK Patent Office - <http://www.patent.gov.uk/>
- European Patent Office - <http://www.european-patent-office.org/>
- World Intellectual Property Organisation - <http://www.wipo.int/>
- Chartered Institute of Patent Agents - <http://www.cipa.org.uk/>
- Institute of Patentees and Inventors - <http://www.invent.org.uk/>

7.4 Greek National Legislation

1. PATENTS & UTILITY MODELS

Law 1733/1987 "Technology Transfer, patents and technological invention"

Presidential Decree 321/2001 implementing Dir. 98/44/EC on the legal protection of biotechnological inventions

2. CONFIDENTIAL INFORMATION AND UNFAIR COMPETITION

Law 146/1914 "About Unfair Competition"

3. INTELLECTUAL PROPERTY RIGHTS

Law 2121/93 "Intellectual Property, Relative Rights and Cultural subjects"

4. INDUSTRIAL DESIGN

Presidential Decree 388/2002 and Law 2417/1996 "Ratification of Hague Management for the International Registration of Industrial Design"

Presidential Decree 259/1997 "Provisions of Application of the Hague Management for the International Registration of Industrial Design"

5. COMPANY NAME

Law 1089/1980, "Commercial and Industrial Chamber of Trade and Handicraft"

6. TRADEMARKS

Law 2239/94 "On Trademarks", incorporated the First Council Directive 89/104/EEC to approximate the laws of the Member States relating to trade marks (OJ L 040, 11/02/1989, p. 0001-0007) and the Council Regulation EC 40/94 of 20 December 1993, on the Community trade mark, OJ L 0011, 14/01/1994, p. 0001-0036.

7.5 Italian National Legislation

1. INDUSTRIAL PROPERTY

Patents:

- Legislative decree 10 February 2005 n. 30 "Industrial Property Rights Code" (*Codice della Proprietà industriale*);
- Legislative decree 10 April 2006 "Data transmission deposit of patent application for industrial invention" (*deposito telematico delle domande di brevetto per invenzioni industriali*) published on the Official Journal of Italian Republic, April 28th, 2006 (General Series n.98)

- Civil Code:
 - Art. 2584 c.c. – exclusive right;
 - Art. 2585 c.c. – patent object;
 - Art. 2586 c.c. – patent for new production procedure;
 - Art. 2587 c.c. – patent addicted to patent of others;
 - Art. 2588 c.c. – subjects of right;
 - Art. 2589 c.c. – portability;
 - Art. 2590 c.c. – inventions of employee;
 - Art. 2591 c.c. – to send special law;
 - Art. 2592 c.c. – utility model
- Decree N. 74, June 1999, contains the Regulation, which fully implements Law N. 64, June 1997, making it possible to file patent, trademark and design applications in the Republic of San Marino.
- Law No. 64, June 1997, on the filing, granting and registration of patents, designs and Trademarks (*"Ratifica ed esecuzione dell'Accordo di partenariato e di cooperazione tra le Comunità europee ed i loro Stati membri, da una parte, e la Repubblica di Bielorussia, dall'altra, con otto allegati, protocollo relativo all'assistenza reciproca tra le autorità amministrative in materia doganale, atto finale e scambio di lettere tra la Comunità e la Repubblica di Bielorussia relativo allo stabilimento di società, fatto a Bruxelles il 6 marzo 1995"*).
- Ministerial Decree N. 342, May 1995, Rule for the professional figure of consultant in intellectual property right and for the organization of professional register;
- Law n. 890, December 1984, Implementation of Treaty of International Cooperation for patent;

Trade Marks:

- Trademark Law (Royal Decree N. 929 of 1942), as last amended by Legislative Decree N. 198 of 1996.

Industrial Designs:

- Civil Code:
 - Art. 2593 c.c. – model and designs;
- Decree N. 95, February 2001, in force April 2001, fully implements Directive 98/71/EC on the legal protection of designs;
- Legislative Provisions on Patents for Industrial Models, (Royal Decree N. 1411 of 1940), as last amended by Legislative Decree N. 198 of 1996;

2. COPYRIGHT AND RELATED RIGHTS

Copyright:

- Decree Law N. 154, May 1997, several laws on specific issues, and latest Legislative Decree on the Implementation of CEE Directive 92/100/CEE, November 1994.
- Law on the Protection of Copyright and Neighboring Rights, No. 633, April 1941, as amended by Law N. 406, July 1981, C) Other Country-Specific Legislation or Activities

Unfair Competition:

- Competition and Fair Trading Act, Law No. 287, October 1990 (*Norme per la tutela della concorrenza e del mercato*).

How to contact the Italian institution by mail:

- Industrial Property - Supervisory Ministry:
Ministry of Production Activities (Ministero delle Attività Produttive)
via Molise n.2
I-00187 Rome
- Ufficio Italiano Marchi e Brevetti
Ministero dello Sviluppo Economico
Direzione Generale Sviluppo Economico e Competitività
via Molise n.19
I-00187 Rome

8 “IPR IN THE EU PROGRAMMES ON VOCATIONAL TRAINING RESEARCH AND TECHNOLOGY DEVELOPMENT”.

Generally under EC framework projects, IPR costs should be pre-agreed by the EC and, if awarded, cannot be transferred for any other use.

Full details can be found at <http://ec.europa.eu/research/fp6/> website, but the following extract provides an insight into issues that should be considered with joint projects are entered into.

“As was the case under FP5, “Knowledge” means the results of an FP6 project (knowledge is sometimes informally referred to as “foreground”)... One of the major changes in the IPR provisions for FP6 is the possibility for a contractor to explicitly exclude specific pre-existing know-how from its obligation to grant access rights to the other contractors... Any pre-existing know-how that is to be excluded should be defined in such a way that it is sufficiently clear to avoid uncertainty, yet broad enough to avoid detrimental disclosure (example: “proprietary know how relating to the manufacture of X according to the process Z”).

This means participants in other projects in a program no longer get royalty-free access rights to the foreground results. Under the 5th Framework program, participants of one project in a program were able to benefit from royalty-free access rights for results of all other projects in the same program. This is no longer the case. Now participants only get access rights to the foreground IPR of the project in which they are participating. This greatly enhances the value of patents filed for project results.

8.1 The regime of IPR under FP7¹⁸

The regime of intellectual property rights has to be considered of pivotal importance in the EC Framework Programmes for Research and Technological Development, adopted having regard to the Treaty establishing the European Community, and in particular Article 167 and the second paragraph of Article 172 thereof.

The Commission Proposal for the Rules for Participation to the EC Seventh Framework Programme for Research and Technological Development (2007-2013) [Brussels, 23.12.2005 - COM(2005) 705 final - 2005/0277 (COD)] contains a specific Chapter dedicated to “Dissemination, use, and access rights”. In this regulation, with respect to the dissemination, use and access rights (ownership, protection, publication, dissemination, use, and access rights to background and foreground) the objective has been to keep as much continuity as possible with FP6 with only improvements/fine tuning based on necessary changes that were identified during the implementation of FP6.

¹⁸ This document has been written on the basis of the [Commission Proposal](#) for the Rules for Participation Brussels, 23.12.2005 - COM(2005) 705 final - 2005/0277 (COD). If needed updated and completed versions on adopting these Rules and on the publication of the model contract will be available on our website www.q-lime.org.

In order to catch the changes introduced in the rules laid out in the Regulation [Brussels, 23.12.2005 - COM(2005) 705 final -2005/0277 (COD)] the following definitions have to be considered as keywords. Having regard to Article 2 of the regulation:

- “foreground” means the results, including information, whether or not they can be protected, which are generated by actions. Such results include rights related to copyright; design rights; patent rights; plant variety rights; or similar forms of protection;
- “background” means information which is held by participants prior to their accession to the grant agreement, as well as copyrights or other intellectual property rights pertaining to such information, the application that has been filed before their accession to the grant agreement, and which is needed for carrying out the indirect action or for using the results of the indirect action.

The changes introduced in the new regulation allow more flexibility to participants as their projects progress. The main ones are:

- a) removal of most of the obligations for participants to finalise conditions prior to their accession to the EC contract;
- b) removal of most of the obligations to request prior approval from the Commission for publication, transfers of ownership and provision of access rights to third parties, where all other project partners agree.

The table below shows, according to the abovementioned regulation, who is the owner of the foreground in specific cases.

Table 5: Foreground ownership

OWNER OF THE FOREGROUND	IN WHICH CASE ?	REFERENCE
The Community	Coordination and support actions consisting in a purchase or service subject to the rules on public procurement set out in the Financial Regulation	Art 39
The Community	Coordination and support actions relating to independent experts.	Art 39
Participants carrying out the work generating that foreground.	Foreground arising from work carried out under indirect actions	Art.39
Joint ownership of foreground among several participants	Several participants have jointly carried out work generating foreground and where their respective share of the work cannot be ascertained	Art 40

Moreover it is necessary to highlight that according to Article 24 of the Regulation “ *Save where otherwise provided in the call for proposals, all legal entities wishing to participate in an indirect action shall draw up an agreement, hereinafter “the consortium agreement”, to govern [...] additional rules on dissemination and use including intellectual property rights arrangements, as appropriate*”.

A checklist for consortium agreements under FP6 are available at:

(http://ec.europa.eu/research/fp6/model-contract/pdf/checklist_en.pdf)

Particular attention should be paid to the dissemination of foreground regulated by Articles 46 and 47. The general principle is that participant have to valorise the foreground through its use and dissemination, i.e. project participants should use the foreground they own, or ensure that it is used. Dissemination activities shall be compatible with intellectual property rights, confidentiality, and the legitimate interests of the owner of the

foreground. Therefore, in order to protect the legitimate interest of all the owners of foreground, each participant has to notify the other participants' prior any dissemination activity. If the project participants fail to effectively disseminate the foreground, the Commission can.

In the case of frontier research actions, participants shall actively ensure dissemination of foreground, taking into account the need to safeguard intellectual property rights, the benefits of swift dissemination, confidentiality, and the legitimate interests of the participants.

Comparisons on IPR provision under FP6 and FP7 indicating the main changes, are available on the website: ec.europa.eu/research/fp7. The following figure is taken from this document:

Figure 6: Comparison of IPR under FP6 & FP7

FP6

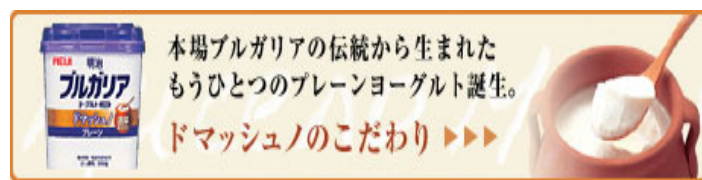
	Access rights to pre-existing know-how	Access rights to knowledge resulting from the project
For carrying out the project	Yes, if a participant needs them for carrying out his own work under the project	
	Royalty-free unless otherwise agreed before signing the contract	Royalty-free
For use purposes (exploitation + further research)	Yes, if a participant needs them for using his own knowledge	
	On non-discriminatory conditions to be agreed	Royalty-free unless otherwise agreed before signing the contract

FP7

	Access rights to background	Access rights to foreground resulting from the project
For carrying out the project	Yes, if a participant needs them for carrying out its own work under the project	
	Royalty-free unless otherwise agreed before acceding to the grant agreement	Royalty-free
For use (exploitation + further research)	Yes, if a participant needs them for using its own foreground	
	Either fair and reasonable conditions or royalty free-to be agreed	

9 BEST/GOOD PRACTICE CASES

9.1 A Bulgarian Case study



Changing the food culture through licensing

LB Bulgaricum Plc. has long-lived traditions on the production and exportation of dairy products, starter cultures and technologies. The company is the unique state-owned firm in the milk-processing sector of Bulgaria. It is the legal successor of the intellectual property, licensing activity and export positions of the former State economic enterprise Milk industry founded in 1965. The company has a unique collection of over 900 lactic acid bacteria and more than 100 different combinations of starter cultures. The company has significant volume of intellectual property in the field of the dairy industry: 11 patents for Bulgarian dairy products; 45 product trademarks registered in Bulgaria; company trademark registered in 26 countries; 6 appellations of origin. The basic activity of LB Bulgaricum Plc. is related to the granting of know-how and technologies for production of original Bulgarian dairy products abroad by concluding long-term licensing agreements. During 30 years using the starter cultures and the technologies of the company there has been produced yogurt under Bulgarian license in Japan, Germany, Switzerland, Netherlands, Cyprus, Finland, the Philippines, France, Austria. However, the biggest diversity of the dairy products produced under a license of LB Bulgaricum Plc. is to be found in Japan. Every day 24 millions of Japanese start their day with Bulgarian yogurt. Thanks to successful marketing during the last 30 years the image of Bulgaria in Japan, invariably linked with the yoghurt, represents a country with beautiful nature and healthy way of living.

The cooperation with the Japanese company is not limited only to the delivery of know-how and starter cultures but also includes joint research and developments over the healthy effect from the consumption of yoghurt and the creation of technologies for production of functional foods.

The Japanese market for yoghurt and other fermented milk products has grown from around ¥200.0 billion to about ¥300.0 billion over the past 10 years (according to manufacturers' shipment figures). While the overall market has levelled off in the recent 5-6 years following the yoghurt boom of fiscal 2002, MEIJI yoghurt business has continued to grow. (Table 1). According to the company experts the growing market share is due to the healthy demand for mainstay MEIJI Bulgaria Yogurt LB81 and the contribution of new products like MEIJI Bulgaria Yoghurt LB81 Domashuno.

Table 1 MEIJI Dairies' Share in Yogurt Market (%)

FY 2000	FY 2001	FY 2002	FY2003	FY 2004
25,2	26	27,1	27,4	28,3

Source MEIJI Dairies Corporation, Annual Report 2005, www.meinyu.co.jp

According to the company experts the major advantages of MEIJI Dairies Corporation in the Japanese yogurt market are:

- the company is the pioneer in the introduction of the product. The Japanese consumers conceive the company as producing “true yoghurt” because of the long years of promotion of the Bulgarian product;
- continuous innovation in the introduction of varieties of yoghurt in accordance with changing tastes of the Japanese consumers.

The steady growth of the MEIJI Bulgaria Yoghurt in the Japanese market is due also to the carefully planned and constantly developed marketing strategy. According to the company policy “MEIJI Bulgaria yoghurt” brand concept consists of two parts: things possible to change or elaborate and things to remain constant. The things that can be elaborated are: design content and details; the advertising message and the package form and design. The idea is to update the image of the product while keeping the tradition. Things to remain unchanged are: the logo mark and colour, the sound logo that has been already quite popular in Japan and the typical for the Bulgarian yoghurt taste. MEIJI Bulgaria yoghurt is the registered trade mark which allowed the company to avoid the stipulation in the law that appellation of origin can not be registered as trade marks. The Bulgarian brand has two meanings for the Japanese consumers: the yoghurt is original Bulgarian and the yoghurt is made by the Bulgarian bacteria LB 81.

The popularity of the plain yoghurt as well as the success of the, high-value-added product MEIJI Bulgaria Yoghurt LB81 Domashuno (Domashno means home-made in Bulgarian) is a prerequisite for the transfer of technology for the production of other Bulgarian milk products as white cheese. The long experience of MEIJI Dairies company in producing Bulgarian yoghurt provides a basis for the expansion of the yoghurt market in the Asian countries and particularly in China. The company operates already there as well as in Thailand, Vietnam, Indonesia. However, this expansion is characterized by high level of risk due to the IPR infringement, difficulties in the development of the whole infrastructure and problems in the advertising. A positive fact is that the Chinese customers have already experience with fruit yoghurts and this provides opportunities for entering the market with the plain yoghurt type by MEIJI in the future. IPR issues are of primary importance since the brand has been developed for more than 30 years in the Japanese market and any deterioration of the brand even abroad will hurt its domestic positioning.

Bibliography:

1. Slavova, M., J.Draganov, Sofia Restaurant in Tokyo – a new challenge for MEIJI Dairies Corporation, IPS, 2006
2. MEIJI Dairies Corporation, Annual Report 2005, www.meinyu.co.jp
3. <http://www.lbbulgaricum.bg>

9.2 An Italian Case Study: Patent and Spin-Off Regulation of The University Of Calabria

9.2.1 Institution profile

The University of Calabria is a public institution founded in 1968 and started its activities in Academic year 1972/73. The University of Calabria aims to provide scientific research, cultural training and civil progress of the society in which it works. It has six Faculties: Arts, Economics, Engineering, Mathematics and Natural Sciences, Pharmacy and Political Sciences. The University of Calabria's main goals are academic excellence, internationalisation, high content teaching courses, integration of its students in other university activities, expansion and support to foreign student exchanges. Since the beginning of its activity in 1972, the University has worked hard to develop research, didactic activities and collaborations with public and private entities, both at national and international level. It provides excellence in education, focused on students' qualification. It devotes a great deal of effort in enlarging its international relationships with other universities as well as with other institutions, promoting mobility of researchers, student exchanges and joint research programs. The University is one of the main places at regional level for the conception and experimentation of new technologies. Therefore it has the fundamental task to sustain the valorisation of scientific research results through the use of IPR protection systems as well as the licensing and eventual application of IP through the creation of Spin-offs.

9.2.2 Strategy used by the institution

Like many other Italian Universities, the University of Calabria has internal regulations for the valorisation of scientific research results and technology transfer. These regulations contain conditions, operational models to evaluate originality, validity of the patent and spin-off proposals to sustain their commercial valorisation. The Regulation provides rules on invention, utility models and any other intellectual property rights, developed from teaching or by technical staff of the Athenaeum in the framework of research or didactic activities carried out within the University.

The University, as owner in law, has the right to use this IP for its exploitation within the University or to license it to third parties provided the rights of the inventor are protected as described under the Regulations to include:

- a) a mechanism for division of the proceeds derived from the exploitation of the patent;
- b) agreements on the amount of the remuneration to protect the inventor's interests in the invention, when licensing to third parties.

The University funds the patent costs.

The internal procedure provides for a patent and spin-off Commission, a preliminary body of the Board of Directors that:

- evaluates the patentability of ideas and the opportunity to apply for the grant of a patent in name (on behalf of) the University;

- evaluates the opportunity to renew the patent validity period.

The Commission is supported by the Liaison Office and experts to who evaluate originality and validity of the patent proposal.

9.2.3 Results Obtained

According to an internal survey carried out within the University of Calabria, the number of patents granted by the researchers employed at the University amount to about 90 patent in the period from 01/05/1982 to 23/05/2002. The new regulations have already had a positive impact: since 2002 eight national and two PCT patents have been applied for on behalf of the University of Calabria. There has also been twelve new spin out companies, prior to the new regulations there was only 3.

9.3 An Italian case study - Develpack s.r.l.

Develpack s.r.l Packaging Development: the value of protected ideas.

9.3.1 Company profile

Develpack s.r.l. Packaging Development is a small enterprise, founded in 2002 that started its production activities in December 2004, developing R&D in the field of food packaging. Staffed by 10 people the organisational structure, in addition to the classical areas of Administration and Human Resources Management, includes:

- Marketing, oriented to:
 - analyse trend related markets and innovative products in the field of food packaging. This area uses ICT tools that provide a daily technology and patent watch;
 - promote the valorisation of the product developed through their licensing. It identifies firms potentially interested in Develpack products;
- Research and development;
- Legal office specialised in IP protection;
- Selling and valorisation of IPR.

The turnover by the licensee firms (packages producers and users) from products developed by Develpack amounts to about € 10.000.000,00. While Develpack's annual turnover from the royalties of the licensed patents is projected to be over € 500.000,00.

9.3.2 Strategy used by the company

The mission of Develpack s.r.l is to develop innovative packing solutions to satisfy emerging consumers' requirements: pleasure, novelty, health and practicality; together with ethical factors underpinning the products innovation across to different targets markets).

Develpack provides competitive advantage for itself and its licensees through:

- differentiation of the products on the market;

- the protection through patent of the packaging.

Develpack's strategy is focused on the valorisation through the licensing of their products, making internal research R&D activities essential for output, rather than by external research orders.

The table below represents the process adopted to take an idea through to a manufactured product.

FROM THE IDEA OF NEW PACKAGING TO THE PILOT MANUFACTURING		
The idea	Proposal elaboration of products and of their possible package.	Initial trend of subsequent activities.
Preliminary Estimates	Market	Analysis of Trend and Target, to which new product/package will be dedicated and selection of ideas.
	Technical	Initial estimate of technical aspects and of eventual difficulties in the realization of the products and selection of the idea.
	Economic	Financial analysis that, starting from the previous two steps, supports the decision
Decision	Phase guided by the criteria obtained thanks the previous activity	Screening of ideas unsuitable or not realizable and orientation toward the realization of project more definite
Brief	Focalisation of all the necessary elements to the define the target to achieve	The document contains information about the new packaging. It has clear information about marketing, technical, logistical, commercial aspect
Development	R&S packaging\Engineering	Analysis and design of the package according the date gathered during the previously and the problems related the wrapping up technologies
Protection	Application for the grant of industrial patent, utility model or ornamental model or design	Application, at national and international level, for the grant of one or more ideas to protect
Prototype	Sampling of a small series	Production of prototype of the package and wrapping up of the product in its package
In house testing	Analysis and test in real and simulate conditions	Introduction of opportune correctives to the first hypothesis
Out testing	Product presentation to panel selected considering the reference target.	Objective evaluation of the product through the gathering and elaboration of the reaction of potential consumers.
Pilot production	Test to technical and of system verification	Gathering of instruction as regard possible problems to face during the production.

Input R&D

Different marketing activities (market analysis oriented to identify new needs, brainstorming, consumer test, ect.) allow defined research inputs. After the definition of potential ideas, using different internal support tools

(global new product database, patent DB) a new product is verified and evaluated to assess the opportunity prior to the start of a new project.

Design and finite elements analysis. The planning stage takes care of operational and aesthetic components, carried out with the help of a CAD 3D system and integrated with software for the finite elements analysis (CAE). This provides a virtual simulation of real conditions of use of the packages (stress, deformation, operation, ect) to optimise the product in terms of cost/ benefit.

Rapid prototyping. The use of modern technology (3D Printing and vacuum casting) and Computer Numerically Controlled (CNC) methods of *subtractive* manufacturing allows rapid prototyping for faster evaluation and testing for all aspects of the product. The advantage is a considerable reduction of the development time of the new products.

Testing. The samples are prepared in the well equipped laboratories of Develpack to test, evaluate and optimise their function and behaviour in real conditions.

Industrial production. Develpack has more than twenty years of know-how in the production of packaging of plastic materials and work with market leaders. Develpack creates partnerships with its licensee clients providing the best solution for the production of the packages and taking care of all IPR issues, paying maintenance fees and patent protection.

9.3.3 Results obtained

Develpack s.r.l. Packaging Development has applied for 8 patents. Currently it has valorised the patent “Click-Pack”, licensing it to 5 firms, including Bonduelle Food Service. Click Pack is an innovative shaker-pack. In the IV range for salads, acts as a container for all components: vegetables, dressings, cutlery and napkin. With the sealed pack, simple pressure from the outside causes the dressing in its dispenser to be introduced into the section containing the vegetables. Then just a shake ensures a perfectly dressed salad, which can be eaten straight from the pack. As well as the production line model, a manual version will be available. The container, produced in totally recyclable injection-moulded Polypropylene (PP), is suitable for barrier effect graphic decoration using the IMS® system. Making it suitable in a wide variety of uses in other sectors at a more economic and competitive rate.

In 2002 Develpack and Internova, the Click-pack producer, celebrate a great success in their first joint project: the container awarded the Packaging Oscar.

The last and more important Develpack project is the Package Steam Pack. It a disposable package to cook food under pressure in microwave oven. The package is made up of two elements:

- an oven-proof dish organised in two section, to separate the food until the use and equipped of handles for an easy taking;
- an “Innov-active” valve, the element that characterise the package, also has the function as a cover for the smaller section. The valve, through a cyclic process “open and close”, allows an optimised steam release during cooking, considerably reducing cooking time.



Develpack entered “Seam Pack” for the WorldStar Competition 2005, hosted by the China Packaging Federation. This is an international competition organised by the World Packaging Organisation (WPO), a non-profit, non-governmental, international federation of packaging institutes, associations, federations and other interested parties including corporations and trade associations. In total the WorldStar 2005 attracted 294 entries from 29 countries. Develpack s.r.l received the title of "President's Award of the Year 2005" and was honoured at an award ceremony in Beijing, China.

9.4 A Greek Case Study

9.4.1 Strategy used

In 1998, a fiscal person invented a device for collecting and re-circulating the water wasted during everyday sink usage unused water, placed underneath all kinds of taps, collecting the pure unused water which escapes during the intermediate intervals of use of the tap. The device has a very low production cost. It can be used both in households (kitchen, bathroom) and places of personal hygiene for the personnel of factories and the like. Since 1998 when he filed the first application in Greece, the inventor was granted for that invention many Patents, such as (among others) for the USA, Europe, Canada, Australia and Israel. The procedure and the granting of the patent, though it took a few years (3-5 years as usual), however it was easy and without any impediments, since all the Search Reports were completely clear with "A", meaning that an invention does not belong to the existing state of the art. Actually the specific invention did not belong to any known state of the art, since there weren't any previous similar devices in the field of collecting unused water and reusing it. Therefore, the inventor was granted the Patents without any problems.

However, today, 8 years later, he has not succeeded yet to exploit his invention commercially, though it is an invention dealing with one of the most crucial problems of today worldwide, the problem of water economy.

The inventor does not have a company to exploit the product and launch it to the market (his occupation is completely irrelevant). All the efforts for commercial exploitation of the invention all those years were made by him, personally.

The problems he faces are primarily the following:

- 1) The cost was very high in order to be granted all those Patents and to pay their renewal fees each year to each country and each lawyer.
- 2) He cannot afford the cost to produce his invention on his own, so he must find someone who wants to buy the patents or to take exploitation license.
- 3) The product does not belong to any existing state of the art. It is a completely new and innovative product, so the inventor has the burden to prove that a completely new solution has really been invented.
- 4) Companies usually do not want to take the risk to be the first to launch a completely new product in the market. They prefer to consider someone who has already marketed the product successfully.
- 5) For a fiscal person it is very difficult to find access to the big companies of the market and to persuade them to pay attention to his invention. Such big companies usually do not even reply to an informative letter.

9.4.2 Results obtained

During the last few months, the inventor has managed to find great help by using "Diktyo PRAXI" network (<http://www.help-forward.gr/>), an Innovation Relay Centre created by the Greek Industries Association, aiming at the promotion of research and the cooperation between European industries.

The inventor met the members of the local office of PRAXI very easily and he gave them all the information about his invention. The office presented the invention in the PRAXI's site, and the feed-back was immediate. The inventor is now negotiating the licensing of his invention with two interested parties (one agent of inventions and one company interested in exploiting the device).

9.5 A UK Case Study: Oxford Bio Innovation Limited

9.5.1 Best Practice

Oxford Bio Innovation Ltd (OBI) is a wholly owned subsidiary of DSL, a medium to small sized American company in the diagnostics industry and is engaged in the manufacture of it's own specialist products which it sells around the world with six staff and turnover of £1million. OBI is a company that has survived the transition from being an invention founded by a university in Australia to a spin-out that was subsequently purchased by an American Company.

9.5.2 Background

Back in 1935 an idea was put forward by a researcher that something should exist they couldn't find it but knew something was there. This was a biomolecule, given the name inhibin because what was found inhibited the growth of the pituitary gland in castrated rats. Conversely, as in many biological systems, many products from a biological reaction, opposes that reaction those molecules oppose or activate. Finally, these molecules were actually isolated by researches in Melbourne in the 1980s and were patented.

This raised some interesting questions about the world of patenting biomolecules, firstly the existence of this had already been proposed and secondly the molecules were discovered, nevertheless many molecules are patented. A company that supported the research patented them, but through a separate side agreement with the researches and the university, so an interesting layer of complexity has already starting to form.

The molecules themselves do not carry an enormous commercial value, unless they have a therapeutic use. Actually the value is from being able to measure the effect of the molecules. They are hormones that go up and down in different biological conditions and the measurements are very important. On top of this tools are needed and used to provide measurement on the hormones.

These tools in diagnostics are usually referred to as Antibodies – these are Mother Nature's specific detection agents and detect very specific molecules. The Australian group performed tests on mice but they had one bad

example and couldn't make progress commercially. However, research at Oxford Brookes University was able to make a range of antibodies that were able to prepare commercial products for the detection of these molecules.

This provided an interesting balance, Patents were held on one side along with all the cost of setting up the patents but no means of getting money. On the other side was an invention by a research group at Oxford Brookes unable to sell as they breached the patents that had been written and granted in Melbourne. So they came together and created an interesting way forward.

The lawyers spent many hours crafting a complex agreement whereby the Australians and Brookes University could work together. The lawyers who initially produced the agreement had their own interpretation of the content. When issues arose later, these lawyers were all doing other things so interpretation becomes a bit of a nightmare.

Oxford Brookes University entered the partnership game with the Australian company but the University couldn't actually sell the products themselves so had another agreement with another company called Serotec. Serotec had their own side arrangement with the patent owners in Australia to take the products forward. So initially Serotec was making the products and selling them.

The agreement was set up with the Australian company that Serotec would be able to sell to researchers only because they felt when the market for clinical exploitation would have much more money involved and would like to go with a much bigger diagnostics company. However, what happened was the process wasn't black and white with a subtle jump from pure research to pure routine, so Serotec started to find that they were selling for some clinical purposes.

This meant putting in a further clause whereby Serotec could sell to the clinical market further enhanced the agreement, but this was a very short agreement with 6 months notice. It also became clear that Serotec wanted to make the most of the technical opportunity. This was where the first spin out company emerged under a joint venture between Serotec and Oxford Brookes Oxford.

OBI started as a virtual company, people working for OBI were on secondment from either Brookes or Serotec. The costs were kept to a minimum and the manufacturing was organised at Serotec, with Serotec manufactured the products and then selling them back to OBI, but because OBI was using Serotec for its distribution it sold them back to Serotec. This created the commercial structure and the way forwards, complicated!

It also meant OBI had an enormous board of directors - ten directors for a company with four employees is an interesting ratio. Financial administration was administered through Oxford Brookes accounts department. There was in effect no commitment from shareholders and as there was very little capital sunk into the business, it could be stopped and wound down very easily. However, as the business seemed to do well, it was agreed to proceed and the next step was to find premises and employees were transferred to OBI, a trading company.

Development of OBI's own distribution network with direct sales to customers was facing difficulties. At the same time, to really exploit the product particularly in the USA, help was needed because there was a lot interest for using inhibin in Downs Syndrome screening, one of the applications. and the opportunity was very

large in the USA. A deal was signed with DSL that they would distribute OBI's products in the USA and develop the assay so it was more manageable and easy to use, they would sell that in the USA and have the distribution rights through Europe.

The next thing was to try and form a company to enter the clinical market, forming a joint venture with the patent holder to get out of the 6 months licence agreements. There was a lot of negotiation during 1999. Trying to reach agreement with people out of sync (one company in Australia the other in the UK) made it hard to put over points of view or to meet face to face.

Eventually in September 2000 the two companies metaphorically shook hands on the draft agreement. However, at this point problems with the patent owners in Australia made it necessary to raise a large amount of cash. This gave the opportunity for DSL in America to offer a substantial amount of money in return for the full rights. This meant the Australian company had to give OBI 6 months notice rather than signing the agreement.

Under litigation, it became clear that OBI were going to win the dispute, they did not have the patents but were left with the research market, no capital but value that could be sold. But who were they going to sell it to? Who were the people who are going to benefit most? Value was in the customers of OBI so DSL finally agreed the terms of sale in October 2001 and took over OBI. This was good for the people who worked for the company, as there were no redundancies.

9.5.3 Results

Lessons learnt: the most important lesson is to make sure the licence agreements are not overly complicated. When so many different parties have their own agendas, aim for a very clear-cut arrangement. Secondly, contracts really are all about the people who want to make it work so it is very important that there is true commitment. A handshake is all well and good but when the cash flow calls and other opportunities arise support is very quickly withdrawn. Finally the very complicated agreement with the Australian researchers, Australian company and Oxford researchers made it extremely difficult for DSL to get the three parties together and negotiate.

9.6 A UK Case Study: ISIS Innovation Limited – Technology Transfer for The University of Oxford

9.6.1 Overview of Best Practice

Isis Innovation Ltd (Isis) was established in 1988 as the technology transfer company of the University of Oxford. Working with Oxford University researchers, Isis now files on average one patent application a week. It has assisted in the formation of more than 40 spin-out companies, negotiated over 200 licence and option agreements, and managed over 100 consulting contracts for University researchers.

The main aims for Isis is to provide researchers with commercial advice, funds, patent applications and legal costs, negotiate exploitation and spin-out company agreements, and identify and manage consultancy opportunities for University researchers

The University of Oxford assigns its intellectual property to Isis (where there are no re-existing exploitation arrangements) and Isis then evaluates, protects and markets the intellectual property, Isis' main activities are:

- Working with University Researchers to identify, identify, evaluate, protect and market research with commercial potential.
- Patents and Licensing.
- Forming Spin-out Companies.
- Consulting, through Oxford University Consulting.

There is a website seen as a 'shop front' for investments achieved, current investment etc as well as general information for potential investors and companies is also available along with information packs both for businesses and investors.

Prior to Isis, from 1959 to 1999, only thirteen new companies were formed. Since 1998 a steady increase of patents have been filed. Licence opportunities have increased from just four in 1997 and Isis now actively seeks licensees willing to pay lump sums and/or royalties for the use of know-how arising out of research

9.6.2 The Organisation

Isis is a wholly-owned subsidiary of the University of Oxford, founded to exploit know-how arising out of research at Oxford University. It provides researchers with commercial advice, funds, patent applications and legal costs, and negotiates exploitation and spin-out company agreements, and identifies and manages consultancy opportunities for University researchers. Prior to the formation of Isis, any technology transfer was negotiated by individual researchers, professors and colleges and resulted in different contracts and negotiated gains for each spin-out or license.

With the advent of Isis each individual involved in IPR developed from research undertaken for the University of Oxford knows where all parties stand within the process. It provides the negotiations with third parties and provides funds for the initial stages of the spin-out process, including costs associated with IPR and licensing agreements.

9.6.3 The Process

The University of Oxford assigns its intellectual property to Isis (where there are no pre-existing exploitation arrangements) and Isis then evaluates, protects, and markets the intellectual property.

The following tables quantify and qualify the results from 1995, with Oxford Instruments the first company to spin-out from the University of Oxford.

Table 6 : Value of Oxford University Spin Out from 1995-96

Year	Name	Market Cap.	Equity
1959	Oxford Instruments	£117m	
1977	Oxford Lasers	-	-
1988	Oxford GlycoScience	£102m	Yes
1989	Oxford Molecular	£53m	Yes
1992	Oxford Aysmmetry	£316m	Yes
1994	PowderJect	£542m	Yes
1996	Oxford Biomedica	£74m	Yes
Total £1,204m Quoted valuations at 20/10/2003 or at sale of company /figures at April 2004			

Table 7: Value of Isis Spin Out from 1997-2005

Year ended March	1997	1998	1999	2000	2001	2002	2003	2004	2005
University Investment £'000	£0.04	£0.3	£0.5	£1	£1	£1	£1	£1	£1.2
Staff	3	9	9	17	21	23	34	36	36
Projects		168	243	319	415	476	629	725	764
Patents filed		31	51	55	63	82	65	52	55
Licence	4	8	18	21	36	42	71	81	38
Consultancy							34	50	48
New companies	1	2	3	6	8	8	7	3	4

ISIS was set up to help those researchers who wish to commercialise the results of their research. The University assigns its intellectual property to Isis (where there are no pre-existing exploitation arrangements) and Isis then evaluates, protects, and markets the intellectual property. In 2002, Oxford University Consulting became part of Isis, matching business consulting needs with University researchers. Isis works on projects from all areas of the University's research activities: life science, physical science, humanities and social sciences.

Isis' main activities are:

- Working with University Researchers

Isis helps researchers identify, evaluate, protect and market research with commercial potential.

- Patents & Licensing

Isis files, on average, one patent application each week and manages over 350 patent application families. Isis seeks to license technologies to companies to develop and sell technology based products. Licensees are sought from all technology and business sectors on an international basis.

- Forming Spin-Out Companies

Isis has assisted in the formation of 49 University spin-out companies since 1997, generating significant value in equity holdings for the University of Oxford. Isis works with University researchers to develop new business opportunities, identifying and sourcing investment, management and professional services.

- Consulting

Through Oxford University Consulting, Isis offers access to the University's unique consultancy and departmental services across the breadth and depth of the University's expert knowledge. OUC provides direct, cost effective solutions to current consultancy needs, and customises and manages each project to realise a company's business goals. Areas of expertise include problem solving, data analysis, expert evaluation, due diligence, and management and business development. OUC's activities meet the ISO 9001 quality assurance standard.

- University Links

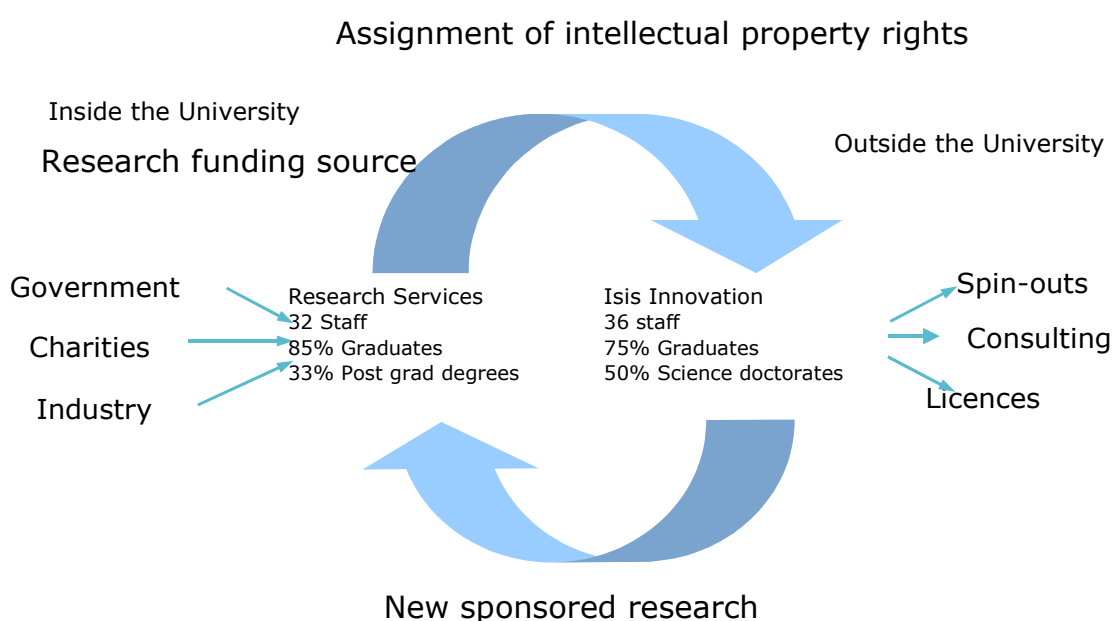
Isis has strong links with related University activities, including Research Services (which manages research grants and contracts to the University, and the assignment of University intellectual property to Isis for exploitation); Oxford Science Enterprise Centre (the Government and University-funded Science Enterprise Centre); and Saïd Business School (a leading international MBA School and centre for research in a wide range of aspects of organisational analysis).

The change over to a single unit providing the technology transfer role for the university required a cultural change. Those involved in this cultural change were the University entrepreneur culture, University technology transfer resource and the local professional environment

All three had to proceed together but the University had to lead the change because the ideas are in the University, and if the University doesn't lead, the University may not receive its share of the benefits. Isis organised the formulation of a set of procedures and processes to be initiated and put in place, ensuring all parties involved in IPR received a fair share of any profit.

It was found that when the University provided Technology Transfer resource, change happened faster.

Figure 7 : Assignment of Intellectual Property Rights



The process phases of the practice are shown above with Isis as the contact for outside of the university. Research funding goes through the research services inside the university then any spin-out opportunity is then flagged with Isis and the process is then orchestrated through them.

Isis Innovation was established to help researchers in the University of Oxford protect and commercialise their inventions. The strategy on how this can be achieved is described below.

The strategy provides an opportunity for the Research head to continue with research inside the university but still benefit from any IP. They can become part of the new company to continue research or have assigned someone from their department but is still associated with the original research.

On first contacting Isis the researcher is allocated a Project Manager who will work with the researcher to manage the activities involved in patenting, licensing and/or setting up a spin-out company.

Following on from the financial support provided through Isis, the following also provide support for any new company spun out from the university:

- Isis College Fund (£10.7m)

With £1m from the University and £9.7m from the Colleges, provides second round financing of Isis spin-outs.

- Oxford Innovation Society

Established by Isis in 1990 to foster University and business links the Oxford Innovation Society allows companies to have a "window" on Oxford science and fosters links between business and the academic community. Since 1999 over 90 companies have joined. Corporate members receive benefits that include 30 days' advance notification of all patent applications marketed by Isis, customised research presentations and seminars and intellectual property portfolios. Companies pay an annual fee of £6,800 for membership.

Isis has also produced four booklets to guide researchers through these processes:

- Intellectual Property, Patents and Licences.

A guide to how Isis works with researchers to identify, evaluate, market and licence inventions. Updated Mar 2004.

- Starting a Spin-out Company. A guide to the issues and processes involved in setting up a new spin-out company.

- Consulting & Services Agreements.

A guide to how Isis can help academics and departments with consultancy and service work.

- University Challenge Seed Fund.

A guide to accessing investment from the University's £4m seed fund.

These four booklets are available on this website, in both HTML and PDF formats, or from Isis Innovation www.isis-innovation.com.

Isis Angels Network (IAN)

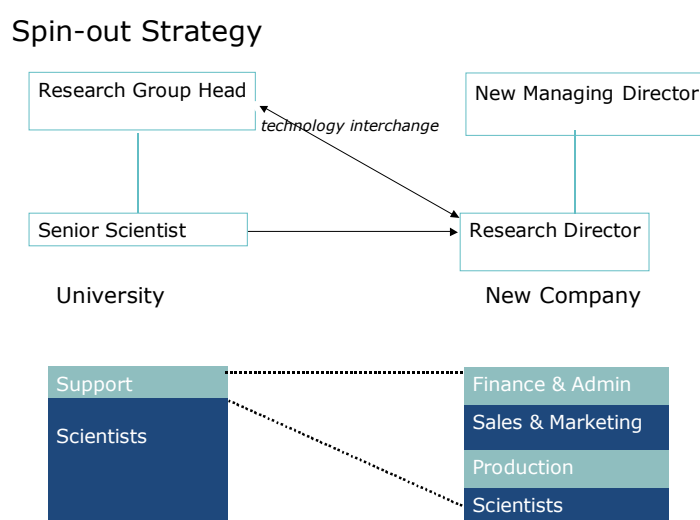
The University of Oxford established in 1990 the IAN as a not-for-profit company limited by guarantee; this provides a vehicle for the introduction of private individuals and companies with potential interest in investing

in spin-out companies from the University. The University co-ordinates a register of potential directors to act as its nominee on the board of these companies and Members of the network can also register an interest as a non-executive director.

Oxford University Challenge Seed Fund (£4m)

Launched in 1999 with £1m from the University and £3m in total from the Treasury, Wellcome Trust and Gatsby Foundation. This money was deployed to 68 projects and resulted in Equity stakes in 21 spinouts, 4 licensing deals and 35 active technology projects.

Figure 8 : Isis Innovation Spin-out Strategy



The table below shows the percentage of royalties assigned to the different areas of the university once they ‘kick in’ and provides a source of financing for Isis.

Table 8: Isis Innovation Assignment of Royalties

Total net Revenue	Researchers personally	University General Fund	Department Funds	Isis Innovation
to £72k	61%	9%	0%	30%
to £720k	31.50%	21%	17.50%	30%
over £720k	15.75%	28%	26.25%	30%

The processes for technology transfer took several years to adopt and has been refined as and when necessary to ensure best practice is continued as regulations, government funding schemes etc. have dictated the need to modification.

The development of relations is an important part of the practice, as it requires the co-operation of the University, Isis and the local professional community to assist in the development of new companies. This in turn aids the local economy as well as benefiting all parties involved in the process.

For others within the professional community the practice ensures they can be a part of the world-class research that comes out of the University through the Oxford Innovation Society. Established by Isis in 1990 to foster University and business links the Oxford Innovation Society allows companies to have a "window" on Oxford science and fosters links between business and the academic community. The development of Isis and the success seen over the past 6 years has ensured the society continues its relationship.

Also the Isis Angels Network allows communication and provides a vehicle for the introduction of private individuals and companies with potential interest in investing in spin-out companies from the University. The University co-ordinates a register of potential directors to act as its nominee on the board of these companies and Members of the network can also register an interest as a non-executive director.

Technology Transfer offices are currently being funded through the government HEIF. Funding the specific process of Isis has been adopted and adapted in some of the UK universities.

The practice provides a system for all local actors within the region to boost and encourage research as well as providing an exploitation route for new companies to make an economic impact within the region.

10 SELF EVALUATION TOOLS

Exercise no. 1 - Methods of Protection

		<u>YES</u>	<u>NO</u>
1	<u>CONFIDENTIAL INFORMATION:</u> A company has developed a new and innovative method for the preparation of a new chemical substance. The examination of the final product (chemical substance) does not reveal the secret steps of the application of the method. The Company has the right to ask for a Patent (20 years monopoly) and at the same time to keep the method as a secret confidential information of the Company.		
2	<u>COPYRIGHT:</u> A famous company manager writes and publishes the "Ten simple steps to save your Company" Guide, which becomes a best-seller. Any company manager can apply in his company the steps described in that book.		
3	<u>COPYRIGHT:</u> A famous company manager writes and publishes the "Ten simple steps to save your Company" Guide, which becomes a best-seller. Any company manager can copy the book and introduce the ten steps described in it, to the annual "Best Managers' Symposium".		
4	<u>COPYRIGHT:</u> A UK company launches a new advertising campaign in the press. In that campaign, extracts from Shakespeare's masterpieces are planned to be used. Does the company have to pay to anyone copyright fees, in order to reproduce the extracts?		
5	<u>PATENTS:</u> In 1980 a company had been granted a Patent for a new method of metal painting. Now the 20 years' protection period is over and the Patent is no valid anymore. Can a competitor ask and be granted a patent for the same method?		
6	<u>PATENTS:</u> In 1980 a company had been granted a Patent for a new synthesis of aluminium mixture. Now that 20 years' protection period is over and the Patent is no valid anymore, is it legal for a competitor to copy and use the mixture for free without paying for a license?		
7	<u>PATENTS:</u> A UK company created a new machine testing elastic strength. The invention is new and involves an inventive step. One piece of the machine has already been sold to a Japanese car industry. Does the Company has the right to apply for a Patent in the UK?		
8	<u>PATENTS:</u> A Greek company has invented a new device for measurement of air pollution. No piece of the device has been sold yet, however the company has published an advertisement of it in the Company's site in the Internet. Does the Company has the right to apply for a Patent in Greece?		
9	<u>PATENTS:</u> a. An Italian company was granted a Patent in Italy for a new machine producing juice. A USA company copied that machine and sells it in the USA. Is it legal? b. Can the American company import the machine and sell it in Italy?		
10	<u>DOMAIN NAMES:</u> A Bulgarian company has made a European registration of its company name, such as "ideacal.eu". A Greek company has the same company name (idecal). Can it make the same registration, "ideacal.eu"?		
11	<u>UNFAIR COMPETITION:</u> An Italian company publishes an advertisement claiming he offers the lowest prices of electric devices in Europe. The advertisement is a comparative one, i.e. it publishes a table with the company names (brands) of famous European competitors, and it gives the real prices they sell specific devices. The table demonstrates and proves that the Italian company has really the lowest prices in Europe on those devices. The advertisement increases the sales of the Italian company, while it lows dramatically the sales of the named competitors. Can those competitors bring an action against the Italian company, claiming unfair competition act?		
12	<u>REGISTERED DESIGN:</u> A UK company registers the design (appearance) of a fax machine, which is really new and		

	presents originality. Thanks to its original and unusual appearance, the machine achieves great sales. The registration offered the company a monopoly of 5 years. After the expiration of those 5 years, the UK Company neglected to pay the renewal fees for 5 more years. Can a Greek company sale fax machines with the same appearance?		
13	<u>PLANT BREEDERS' RIGHTS:</u> A Greek Company has invented a totally new plant variety, which is onion with the scent of iris. It is interested in patenting the variety throughout Europe. Can it apply for a European Patent?		
14	<u>TRADE MARKS:</u> A Company producing detergents wishes to register as a trademark throughout European Union the words "Detergent Tablets". Will those words be registered as it's trademark?		
15	<u>TRADE MARKS:</u> A Company producing detergents wishes to register as a trademark throughout European Union the word "Cleanestico", while for detergents is already registered the word "Cleanestix". Will "Cleanestico" be registered for detergents?		

Exercise no. 2 - Methods Of Protection

		TRUE	FALSE
1	Confidential Information is regarded as any information concerning the business methods and/or the products of a company.		
2	The term Confidential Information doesn't include any kind of information related to the secret Know-How of a company.		
3	The secret Know-How of a company can be made of information about an invention, or its' content, construction guides, patterns, drawings, management services, technical information on methods or products, personnel training methods, production methods, etc		
4	Both Copyright and Patents concern technical creations.		
5	A copyright is attributed to original intellectual works, such as literary works (any kind of written document), musical works, photos, architectural designs, drawings, pictures, designs and computer software.		
6	A Patent is granted to the inventor of a product and/or a method, which is <i>new</i> and <i>inventive</i> and presents <i>industrial applicability</i> (three prerequisites).		
7	The Registration of a Domain Name can depend from the company/organisation target because it benefits from having a specific extention.		
8	You get a country-specific domain i.e. ".bg" or ".gr" if your business carters to the local community, such as a pizza delivery business.		
9	The owner of the registered design can to use and exploit his design exclusively only for 5 years , without the possibility to renew it.		
10	The owner of the registered design has also a monopoly (such as for patents) to use and exploit his design exclusively, for 5 years, and then renew it for until 25 years, provided he pays the renewal fees.		

Exercise no. 3 - Exploitation of IP

		TRUE	FALSE
1	Patenting, Licensing, Spin-outs and Joint Venture are all methods of exploitation of IP		
2	A patent gives the owner the means to prevent other people from infringing their right of ownership to a particular invention.		
3	The Licensing of intellectual property don't can take several routes and it doesn't allow for several vertical markets to be exploited simultaneously.		
4	Both spin-out and Joint Venture are business formed to develop and exploit a patented technology without any licence from the University or a research organisation.		
5	A joint venture for the purposes of this handbook means forming a new business venture that is a formal collaboration between an established company and a research organisation or a spin-out of the organisation		

Exercise no. 4 - IPR Procedures Overview - European Procedures

1	The European Patent System is based on: a) the Hamburg Convention of October 7 th 1973 b) the Munich Convention of October 5 th , 1973. c) the Wien Convention of October 7 th 1973	
2	The patent application form have to be write in one of official languages of EPO. Which ones are they? a) English and German b) French and German c) English, French and German	
3	In which of the following parts consists the patent application: a) Request for a grant and description of invention; b) Request for a grant, description of invention, claims, drawings, abstract with technical information. c) Request for a grant, claims, drawings.	
4	Which one is the EPO request for grant form and how it can be obtained? a) The EPO form 1001 is the request for grant form, that can be obtained from the EPO after the payment of a fee; b) The EPO form 2001 is the request for grant form, that can be obtained free of charge from the EPO and any patent office of the contracting states; c) The EPO form 1001 is the request for grant form, that can be obtained free of charge from the EPO and any patent office of the contracting states;	
5	How can be submitted the applications? a) They can be sent directly or by post as well as online or on electronic data media using software issued by the EPO. It is not possible to send European patent applications to the EPO by telegram, telex, teletex or e-mail. b) They can be sent only directly or by post as well as online; c) They can be sent only online;	

Exercise no. 5 - Bulgarian National Procedures

		TRUE	FALSE
1	The protection and the use of patentable inventions in Bulgaria is governed by the Patent Law, Promulgated in State Gazette No. 27/02.04.1993, last amended by State Gazette No. 30/11.04.2006.		
2	The official website of Bulgarian Patent Office is: www.bpo.com		
3	The license contracts are not governed by any regulation or legal act.		
4	The right over a trademark is obtained by the registration of the sign in the The State Register of Marks.		
5	Domain names in Bulgaria are not a subject of a special legal protection under the Bulgarian legislation		

Exercise no. 6 - English National Procedures

		TRUE	FALSE
1	The Patent Office (http://www.patent.gov.uk/) is responsible for IP (Copyright, Designs, Patents and Trade Marks) in the UK.		
2	Registration of a mark establishes that it is a trade mark, and who owns it. Registration gives the owner the exclusive right to use the trade mark, and the right to prevent unauthorised use through a legal action for infringement.		
3	A Trade Mark has to be applied for and will not include any fees.		
4	A domain name works like a company name and is a name by which a company or organization is known on the Internet. It is a convenient "short-hand" way of identifying a company's web site address.		

5	Nominet UK is the national registry for all domain names ending in ".gr".		
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Exercise no.7 - Greek National Procedures

		TRUE	FALSE
1	According to Law 1733/1987 "Technology Transfer, Patents and Technological Invention" (articles 1-4), the institution competent to grant Patents in Greece, is the Industrial Property Organization (OBI – http://www.obi.gr)		
2	The Agreements concerning Know-How Licensing and generally Technology Transfer don't need to be communicated to Industrial Property Organization (OBI– http://www.obi.gr)		
3	The competent authorities for the supervising and the inspection of the procedures concerning the management of the domain names ending ".gr" in Greece are Industrial Property Organization (OBI– http://www.obi.gr) and the General Secretary of the Ministry of Commerce (http://www.gge.gr).		
4	The institution competent for the registration of designs in Greece, is the Industrial Property Organization (OBI – http://www.obi.gr).		
5	The General Secretary of the Ministry of Commerce (http://www.gge.gr) is the authority that decides about the registration or not of a trademark		

Exercise no.8 - Italian Patent Procedures

		TRUE	FALSE
1	The Italian Patent System is regulated from the “Industrial Property Right Code”	TRUE	
2	The three requirements that must be fulfilled to patent are Novelty, Invention step and Industrial application .	TRUE	
3	To apply for the grant of an Italian Patent, it is necessary to submit a specific form depending on the specific type of patent.	TRUE	
4	A patent provides the patent holder with the right to exploit invention in an exclusive manner for ever.		FALSE
5	A design is any sign used to individualize the products and services of a given enterprise and differentiate them from its competitors.		FALSE

Exercise no.9

		YES	NO
1	Before deciding on the best route for exploitation for a particular opportunity, businesses must first evaluate the market, the industry and the technology		
2	Which one of the following is not a reason for performing market analyses? a. establishing the need for developing a marketing plan b. determining if there is a profitable market for your product or service c. deciding on the type of research design for a particular market research project d. ascertaining market information that will assist in the sale of your product or service		
3	The purpose of segmenting the market is to establish a better understanding of your customers		
4	Secondary data is information that you have gathered for the purpose of the research study		
5	Primary data should be considered only when marketing research is required		
6	In risk assessment, performing an industry analysis is a critical step to developing a new business or product idea., which one of the following is not an essential part of industry analyses? a. Positioning the product against the competition b. trends and characteristics of the industry c. reviewing industry's recent and past performance (financial and sales performance) d. major customer groups within the industry (ie., businesses, governments, consumers, etc).		
7	The Maximum Company has invented an extra-strength instant coffee brand called Max-Caff, and has positioned it to be stronger tasting than any competing brands. What type of data will be critical before developing a specific positioning strategy?		

	<ul style="list-style-type: none"> a. demographic and psychographic characteristics b. financial and sales performance of industry c. competitor prices d. technological specifications 	
8	<p>The risk screening procedure has two principal objectives which one of the following is not one of the principal objectives of risk screening?</p> <ul style="list-style-type: none"> a. to help decide between opportunities when presented with several different options. b. to examine the complexity of the idea c. to highlight the risk factors associated with all opportunities before undertaking any development work 	
9	<p>Which of the following risk factors is not examined in the risk screening procedure?</p> <ul style="list-style-type: none"> a. Market Attractiveness b. Business Synergy c. Protecting the idea d. Customer Profiling 	

Exercise no. 10

<p>Your group is conducting research into the design of air conditioning ducts with the intention of cutting down ambient noise levels in buildings. Workers in the group are funded by the EPSRC.</p> <p>One of the researchers has previously worked in another university on reducing the noise emanating from gas turbine exhausts in electricity generating plant. That project relied upon the well known principle of active noise cancellation, using a loudspeaker and a microphone in a duct, downstream of a source of noise. The microphone detects the noise and feeds the signal to a control unit that controls the loudspeaker to produce noise whose frequency, phase and amplitude is such as to cancel out that of the source.</p> <p>The researcher has proposed a new approach to noise cancellation in air conditioning ducts. Instead of a single fan to move air through the duct, two fans are used side by side in the duct. A microphone is used to detect the noise downstream. Instead of a control unit controlling a loudspeaker, it controls one of the fans so that the noises cancel out. The fans are identical, but the motors can be controlled individually to alter the relative speeds of rotation and phases.</p> <p>Working with a laboratory technician employed by the university, the researcher has constructed a working prototype of the twin fan unit, with individually controlled motors connected to a control unit that incorporates software with an ingenious algorithm. Initial tests in a duct show a considerable reduction in noise over a single fan unit.</p> <p>Nothing has been disclosed publicly but the researcher is keen to have the results published and to organise some field trials.</p> <p>The long term plan is to spin out a company, Air-Head Consultants Limited, to exploit the technology. The company will install noise control systems and will also sell hardware and the associated software for others to construct systems.</p> <p>Discuss the questions on the response sheet and make notes on the conclusions you reach.</p> <p>This is a purely hypothetical exercise, so please do not consider issues of technical feasibility. Assume that the facts are as given and that the system works</p> <ol style="list-style-type: none"> 1. What precautions do you think should be taken immediately to protect intellectual property associated with the project? 2. Which aspects of the project do you think could be protected as confidential information, in the long term? 3. Which aspects of the project, such as apparatus, processes, software, do you think are suitable for patent protection? 4. Of those aspects which you think are suitable patent protection, which do you think are the most important to the project? 6. What issues of ownership of intellectual property do you think need to be considered? 7. What intellectual property issues might there be in setting up the spin out company?

ANSWERS:

Exercises no.1

1	<u>CONFIDENTIAL INFORMATION:</u> NO: The Company has to choose: Either to ask for a Patent and reveal all the details of the method otherwise the patent will not be granted, either to keep it as a secret confidential method of the company, taking the risk that a competitor may invent the same method sooner or later in the future. (However, on that case the competitor will not have the right to ask for a Patent for the same method, because the method is not considered to be a new invention anymore, see 2.3. <i>Patents</i>).
2	<u>COPYRIGHT:</u> YES: Only the work is protected in the way it is expressed, not the idea behind the work. So any manager can apply the content of the book to his company.
3	<u>COPYRIGHT:</u> NO: The owner of an original work has the exclusive right, to authorize or prohibit, the presentation of the work to the public (among other acts). So the presentation of it's content to the public must take place only with the written authorization of the owner of the copyright.
4	<u>COPYRIGHT:</u> NO. More than 70 years from the dead of the author have passed, so the protection of the copyright has expired.
5	<u>PATENTS:</u> NO. The method is not a new invention anymore, so no Patent can be granted for the same method.
6	<u>PATENTS:</u> YES. Anyone, competitor or not, can now copy and use the mixture without paying any license fees, since the twenty years' monopoly period has ended.
7	<u>PATENTS:</u> NO: The selling of one piece of the machine anywhere in the world consists "publication" of the invention as so the invention is not considered to be "new" anymore. So after the selling, the company cannot file a patent application anymore.
8	<u>PATENTS:</u> NO: The advertisement of the device, anywhere in the world or in the Internet, also consists "publication" of the invention and also destroys it's novelty. So after the publication of the advertisement, the company cannot file a patent application anymore, nowhere.
8	<u>PATENTS:</u> a. YES. The Patent offers to the owner only territorial protection, in those countries he has chosen to be granted a Patent. So, the Italian company cannot prohibit the American company to copy and produce the same machine in the US, because the Italian company had not asked to be granted the USA Patent, but only the Italian. However, if the Italian Company has commercial activity in the USA as well, it may find protection under other legislative provisions, such as those concerning unfair competition. b. NO. The Italian Patent gives the owner the exclusive right to produce the patented product within the geographical territory of Italy
10	<u>DOMAIN NAMES:</u> NO. In domain names registration and protection are based on priority. That means that the person who first registers a name is the one and only proprietor of it and has the absolute right to use it excluding any other from using the same name.
11	<u>UNFAIR COMPETITION:</u> NO. Comparative advertising, is an act of fair competition when it compares similar products and gives true information to consumers. The use of third parties' trade marks (brands), without their permission, is also lawful in order to make the comparison. The competitors could bring an action against the Italian company for unfair competition (illegal comparative and also misleading advertisement), only if the data of the comparison were untrue, such as false prices.
12	<u>REGISTERED DESIGN:</u> YES. The UK company, as the owner of the registered design has a monopoly to use and exploit his registered design for more than 5 years, and exclude any competitor from copying, provided he did not omit to pay the renewal fees for 5 more years (until 25 years totally). However, if the UK Company has commercial activity in Greece as well, it may find protection under other legislative provisions, such as those concerning unfair competition.
13	<u>PLANT BREEDERS' RIGHTS:</u> NO. According to the European Patent Convention, which rules the European Patents granting, plants' varieties are exempted from patentability.
14	<u>TRADE MARKS:</u> NO. The sign is not accepted as a trademark if it describes the kind of the products it distinguishes.
15	<u>TRADE MARKS:</u> NO. The sign must be distinguished from other similar ones, registered for the same or for similar products. In that case, "Cleanestico" will be put also on detergents, while other competitive detergents are distinguished under the registered trademark "Cleanestix". A risk of confusion to consumers is created, therefore, "Cleanestico" will not be accepted to be registered as a trademark.

Exercise no. 2

1	TRUE
2	FALSE
3	TRUE
4	FALSE
5	TRUE
6	TRUE
7	TRUE
8	TRUE
9	FALSE
10	TRUE

Exercise no. 3

1	TRUE
2	TRUE
3	
4	FALSE
5	TRUE

Exercise no. 4

1	b
2	c
3	b
4	
5	a

Exercise no. 5

1	TRUE
2	FALSE
3	FALSE
4	TRUE
5	TRUE

Exercise no. 6

	TRUE
1	TRUE
2	TRUE
3	FALSE
4	TRUE
5	FALSE

Exercise no.7

	TRUE
1	TRUE
2	FALSE
3	FALSE
4	TRUE
5	TRUE

Exercise no.8

	TRUE
1	TRUE
2	TRUE
3	TRUE
4	FALSE
5	FALSE

Exercise no.9

1	Yes
2	C - Deciding on the type of research design for a particular market research project is not a reason for performing market analyses. Market analyses provides information about the market size and potential market growth, examines if the product or service meets the market (customer) needs, identifies competition and any barriers which may hinder market entrance and considers the advantages of the product's price, performance and delivery. Deciding on the type of research design is part of the market research planning process and is performed only if market research will be decided.
3	No , By segmenting the market, the company can achieve better performance focusing its efforts on segments of the market more attractive for the product, determining the suitable marketing mixes for the product
4	No , secondary data is data that someone else has collected and is relevant to the specific business idea you want to pursue
5	Yes
6	A - Positioning the product against the competition is not is not an essential part of industry analyses. Industry analyses includes only a review of an industry's recent performance, its current status, and the outlook for the future
7	A - demographic and psychographic characteristics are critical before developing a specific positioning strategy because they can lead to a more specialized and focused approach.
8	B - to examine the complexity of the idea is not one of the principal objectives of risk screening. Examining the complexity of the product is one of the risk screening factors
9	D - Customer profiling is not a risk factor and it is not examined in the risk screening procedure. Customer profiling is a geographic segmentation method and is used to identify geographic segments

Exercise no.10

1	Tie in all those working on the project under NDA
2	Confidential Information - Know-how, process parameters, software
3	- Copyright - Software, technical drawings. - Design Rights - Shape and configuration of items.
4	
5	Patents - Process, apparatus, software.
6	Was any of the IP generated by the researcher whilst at the other university?
7	- What is the current university's policy? - Has the laboratory technician generated IP, and if so is he employed to invent? - If the student generates IP through involvement in the project, who will own that? - Tie in everybody

11 GLOSSARY

- **Alternative Dispute Resolution (arbitration):**
- **Berne Convention:** the 1886 international convention (amended several times) which sets out substantive rules for the protection of copyright at national level;
- **Business synergy:** considers whether the idea uses existing company skills, whether it uses existing production/distribution systems and whether it could be sold to established customers;
- **Certificate of Registration:** a document issued by an IP office certifying that an intellectual property right has been granted or registered;
- **Company name:** the name used by a fiscal or legal person doing business;
- **Competitive analyses:** is assessing the strengths and weaknesses of a company (or its products and services) against the competition;
- **Confidential Information:** any information concerning the business methods and/or the products of a company, such as information about an invention, construction guides, patterns, drawings, management services, technical information on methods or products, personnel training methods, production methods, etc.
- **Copyright:** a form of intellectual property that grants authors and artists the exclusive right to the reproduction, derivation, distribution, performance, and display of their original works, including literary, artistic, dramatic and musical works and computer programs;
- **Customer Profiling:** is developing profiles from customer profiles. If there is no customer profile database readily available, survey may be used to collect profiles. Then use the profiles to identify cities and suburbs from census and GIS systems.
- **Demographic profiles:** are personal or household characteristics such as age, sex, income, or educational level, etc.
- **Design:** the appearance of a product (three dimensions design) or a pattern on it (two dimensions design);
- **Domain Name:** an alphanumerical human-friendly form, easy to memorise for Internet users, corresponding to a digital Internet Protocol address;
- **Duration:** the period of time for which an intellectual property right lasts;
- **European Patent Classification:** the technical content of patent documents is classified according to the International Patent Classification (IPC), (<http://www.wipo.org>). The European Patent Office has further refined the International Patent Classification by adding subgroups. This refined classification system is called the European Patent Classification (EPC). (<http://l2.espacenet.com>);
- **European Patent Convention:** the European Patent Convention governs the application for, processing and grant of a patent in each State party designated by the applicant. Once granted, a European patent is treated as a bundle of separate national patents.

- **European Patent Office (EPO):** Intergovernmental organisation (not dependant of the EU) set up to administer the European Patent Convention. (<http://www.european-patent-office.org>);
- **Evaluation and selection procedures:** procedures during which the Commission, assisted by external independent experts, will evaluate the quality of the proposals submitted and select the adequate consortium to realise the project. The evaluation will be composed of scientific, technical parts and also of socio-economic and ethical aspects. The proposals are evaluated in accordance with the criteria that are clearly set out for each call. During the selection procedure, the Commission draws up a list of proposals ranked according to the points awarded by the experts based on the criteria. The proposals compete against one another and only the quality of the projects determines the final selection;
- **Fees:** sums payable for the services provided by IP offices;
- **First To File:** rule under which the first inventor to file a patent application for a specific invention is entitled to the patent (the usual rule in Europe);
- **First To Invent:** rule under which patent priority is determined by which inventor was the first to invent, rather than by who was the first to file a patent application (the rule in the United States);
- **Form A:** form to be obligatory filled in by each contractor of a consortium, for the purpose of voluntarily acceding to the contract concluded between the coordinator and the European Community. It requires from the contractor to accept all the rights and obligations of a contractor provided for this aforesaid contract. In case of non-compliance, the Commission may withdraw its offer to contract with the contractor;
- **Franchising:** the term 'franchising' describes many different forms of business relationships, including licensing, distributor and agency arrangements. A franchisor the owner of a franchise and the franchisee is the purchaser of a franchise licence who operates one or more outlets of the franchise business.
- **Geographic Analyses:** is assessing demographic, psychographic information on residents of geographical segments (people living in the same geographic boundaries);
- **Geographic Information Systems GIS digital:** are mapping systems containing geographic data which can be used for geographic segmentation such as, average temperature, rainfalls, and so on. More important use of GIS system is plotting results of geographic segmentation on a map so that important geographical clusters can be identified;
- **Geographic Segmentation:** identifies geographical segments that have similar properties;
- **Industrial applicability of invention:** the ability of an invention to be made or be used in any kind of industry, including agriculture;
- **Industrial application:** an invention shall be considered as susceptible of industrial application if it can be made or used in any kind of industry, including agriculture (Art. 57 EPC, (<http://www.european-patent-office.org>);
- **Industrial Design:** design comprising the visual features of lines, contours, colours, shape, texture or materials of a product or its ornamentation applied to a manufactured article;

- **Industry Analyses:** reviews an industry's recent performance, its current status, and the outlook for the future;
- **Intellectual Property:** Intellectual property means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields. Intellectual property covers two main areas: 1) industrial property, covering inventions, trade marks, industrial designs, and protected designations of origin; 2) copyright, represented by literary, musical, artistic, photographic, and audio-visual works;
- **Internet:** a global collection of computer networks that exchange information using the TCP/IP suite of networking protocols;
- **Inventive step of invention:** the ability of an invention to solve a technical problem in a way not obvious to a person who is skilled on that field, having regard to the state of the art;
- **ISP - (Internet Service Provider):** an institution that provides various kinds of Internet-related services (such as access to the Internet) to organisations and individuals usually for money;
- **Know-How:** confidential information that enables the accomplishment of a particular task or to operate a particular device or process;
- **Licence of Right:** Licence of right means that any person is entitled as of right to a licence under the patent. This licence cannot take effect until its terms have been settled by agreement between the owner and the prospective licensee;
- **Licence:** permission granted by the owner of an intellectual property right to do something restricted by that right, often within a defined time, context, market line, and/or territory;
- **Madrid Agreement:** an international system, administered by the World Intellectual Property Organization (WIPO), which allows the owner of a trademark registered in one country to apply for protection of that trademark in other countries within the system;
- **Market analysis:** provides information about the market size and potential market growth, examines if the product or service meets the market (customer) needs, identifies competition and any barriers which may hinder market entrance and considers the advantages of the product's price, performance and delivery;
- **Market Segmentation:** is a marketing technique that divides a market into groups that display similar behaviour and characteristics. Usual parameters for market segmentation are geographical and demographic data, leisure data and behavioural data (such as speed of adoption, social position, rate of use, product loyalty), product end-use (such as occasional use) as well as the benefit and advantages sought by consumers in the product;
- **Marketing mix:** includes a combination of product, packaging, price, channels of distribution, advertising, promotion, and personal selling to get the product in the hands of the customer;
- **National Census Data:** includes demographic and psychographic information on residents of geographical segments: median income, age, education, and so on;

- **National Office:** public authority whose role is to register patents, trademarks and designs (and other intellectual property rights) in a specific country;
- **Novelty:** the feature of an invention, not to form part of the state of the art, i.e. not to be known or published in any way, anywhere in the world;
- **Office For Harmonization In The Internal Market (OHIM):** community agency established by Regulation 40/94, of which the role is to register Community trademarks and designs. Trademarks or designs are thus protected throughout the territory of the European Union in a single stage. (<http://oami.eu.int>);
- **Paris Convention For The Protection Of Industrial Property:** an international treaty on intellectual property concluded in 1883 and updated several times that provides common rules between the State parties for the administration of intellectual property rights;
- **Patent Application:** the documentation applying for a patent be granted, including a specification describing the invention, any necessary drawings, a claim legally defining the limits of the rights claimed, and the filing fee;
- **Patent of procedure:** a patent that covers a way of obtaining a product that may have previously been known, in contrast to a patent for a product;
- **Patent:** a government grant that gives an inventor the right, for a limited period, to stop others from making, using or selling an invention without the owner's permission. In return for this right, the applicant must disclose how the invention works;
- **Patents County Court:**
- **PatLib:** Patent Libraries, are born in Italy in 1991, through the initiative of the national offices of the Members State of the European Patent Organization (EPO) and of the Regional Centres of patent licence information;
- **PCT Patent Cooperation Treaty:** International treaty allowing a patent application to be filed in many different countries at once by a standardized filing procedure;
- **Positioning:** is the location of a brand or product in consumers' minds relative to competitive products;
- **Primary data:** is a systematic gathering of information which has been acquired through marketing research for a research project;
- **Priority Date:** a claim that an application should be given the filing date of an earlier application provided that this earlier application was filed in the previous 12 months (for patents) or 6 months (for designs and trademarks) by the same applicant;
- **Promotional analysis:** is an analysis of the best methods of making your customers aware and motivating them to buy your product;
- **Proprietor:** the owner of an intellectual property right (not necessarily the inventor or creator);
- **Registration:** the formal recording of an intellectual property right in a registry;
- **Renewal:** extension of the registration of an intellectual property right for an additional period of time;
- **Risk assessment:** evaluates the risk factors associated with the market, industry and the technology;

- **Risk screening:** includes ways to assess and provide a more informed view of how and if to protect then provide a general overview of the routes to exploitation;
- **Secondary data:** is information which has been gathered by someone else and is relevant to the specific business idea you want to pursue. The most common type of secondary data is: the size and characteristics of any market and demographic profiles which are the most common type of secondary data;
- **SME:** the definition of SME's from the Commission (96/280/EG) (<http://europa.eu.int>) is the following:

Article 1

1. Small and medium-sized enterprises, hereinafter referred to as 'SMEs', are defined as enterprises which:

- have fewer than 250 employees,
- have either, an annual turnover not exceeding ECU 40 million, or an annual balance-sheet total not exceeding ECU 27 million,
- conform to the criterion of independence as defined in paragraph 3.

2. Where it is necessary to distinguish between small and medium-sized enterprises, the 'small enterprise' is defined as an enterprise which:

- has fewer than 50 employees,
- has either, an annual turnover not exceeding ECU 7 million, or an annual balance-sheet total not exceeding ECU 5 million,
- conforms to the criterion of independence as defined in paragraph 3.

The recommendation 96/280/EC will be replaced by a new definition which will be enacted on 1st January 2005 (Commission Recommendation of 6 May 2003). (IT: PMI – Piccole e medie Imprese)

- **Software Licensing - Shrink-Wrap, Click-wrap, Escrow:** the most common types of licensing for software. Shrink-wrap normally has the agreement visible through the product packaging and declares that upon opening of the package, the user accepts the terms of the licence and conditions of use. Click-wrap is the digital version where the purchaser downloads a copy of the software conditioned by clicking on a button or check box to access the next stage of download. Escrow is when a third party holds on deposit confidential material on certain terms as to its release or control and use;
- **Specification:** a specification is a comprehensive legal document for the initial patent application specification. This specification details the salient parts of the novelty for the application and determines whether a patent can or will be granted;
- **Strategic Partnerships:** less formal alliance than a Joint Venture;
- **Supplementary Protection Certificate:** a Supplementary Protection Certificate is available for medicinal and plant protection products that extends the protection granted by the patent for a period of up to five years after the 20-year term. This is for a product authorised to market in a particular Member State, it does not extend the term of the patent.

- **Target Market:** is a defined segment of the market that is the strategic focus of a business or a marketing plan. Normally the members of this segment possess common characteristics and a relative high propensity to purchase a particular product or service
- **Technology licence:** a Technology licence is a contract between two parties in which one party (the licensor) gives another party (the licensee) permission to exploit a technology in exchange for financial reward;
- **Trademark:** any word, name, symbol, device, or any combination thereof, used to identify and distinguish a product (food, drink, clothes...) in the market. A service mark is the same as a trademark except that it identifies and distinguishes a service rather than a product. The terms "trademark" and "mark" are commonly used to refer to both trademarks and service marks.
- **Trademarks Office:** a National Office responsible for registering trademarks;
- **UIBM:** Italian patent and trademark office;
- **Unfair Competition:** commercial conduct that the law views as unjust, giving a civil claim against a person who has been injured by the conduct, for example, trademark infringement;
- **VET (Vocational Educational Training):** Training policy is based on Article 150 of the Treaty establishing the European Community, which provides that: "The Community shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training". Following the Bruges initiative of the senior civil servants responsible for vocational training (October 2001), an enhanced cooperation process was initiated in the education and training field. The Copenhagen Declaration (2002) and the Maastricht Communiqué (2004) reasserted the priorities of transparency, recognition and training quality and set out priorities at national level.
The Leonardo da Vinci (lifelong learning) programme is the funding vehicle for training activities. It seeks to support and supplement the action taken by the Member States, using transnational partnership to improve quality, promote innovation and strengthen the European dimension of training systems and practice. This programme has been opened progressively to 31 participating countries.
- **WIPO (World Intellectual Property Organization):** an international body dedicated to helping to ensure that the rights of creators and owners of intellectual property are protected worldwide and that inventors and authors are recognized and rewarded for their innovations and creations (<http://www.wipo.int>);
- **World Trade Organisation (WTO):** the WTO is the only global international organization dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments. The goal is to help producers of goods and services, exporters, and importers conduct their business. The web site of the organization is <http://www.wto.org>

12 LIST OF ABBREVIATIONS

AL	ALBANIA
AURIL	ASSOCIATION FOR UNIVERSITY RESEARCH AND INDUSTRY LINKS (UK)
BA	BOSNIA AND HERZEGOVINA
BFA	BRITISH FRANCHISING ASSOCIATION
CAE	COMPUTER-AIDED ENGINEERING
CDA	CONFIDENTIAL DISCLOSURE AGREEMENT
CNC	COMPUTER NUMERICALLY CONTROLLED
DB	DATA BASE
GPL	GENERAL PUBLIC LICENSE
EC	EUROPEAN COMMISSION
EETT	HELLENIC COMMITTEE OF TELECOMMUNICATIONS AND POSTS
EPC	EUROPEAN PATENT CONVENTION
EPO	EUROPEAN PATENT OFFICE
EU	EUROPEAN UNION
FORTH	FOUNDATION FOR RESEARCH AND TECHNOLOGY – HELLAS
FP	FRAMEWORK PROGRAMME
GIS	GEOGRAPHIC INFORMATION SYSTEMS
HEIF	HIGHER EDUCATION INNOVATION FUND
HR	CROATIA
ILO	INDUSTRIAL LIAISON OFFICES
IMS	INTELLIGENT MANUFACTURING SYSTEM
IP	INTELLECTUAL PROPERTY
IPC	INTERNATIONAL PATENT CLASSIFICATION
IPID	INTELLECTUAL PROPERTY & INNOVATION DIRECTORATE
IPR	INTELLECTUAL PROPERTY RIGHTS
ISP	INTERNET SERVICE PROVIDER
IAN	ISIS ANGELS NETWORK
JISC	JOINT INFORMATION SYSTEMS COMMITTEE
MK	THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
NDA	NON-DISCLOSURE AGREEMENT
OHIM	OFFICE OF HARMONIZATION OF THE INTERNAL MARKET
OBI	INDUSTRIAL PROPERTY ORGANIZATION
PCT	PATENT COOPERATION TREATY
PIP	PATENT INFORMATION POINTS

PP	POLYPROPYLENE
R&D	RESEARCH AND DEVELOPMENT
RS	SERBIA
SAS	SEARCH AND ADVISORY SERVICE
SG	STATE GAZETTE
SMEs	SMALL AND MEDIUM-SIZED ENTERPRISES
SWOT	STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS
TCP/IP	TRANSMISSION CONTROL PROTOCOL/INTERNET PROTOCOL
TRM	TRADE MARK REGISTERED
TTO	TECHNOLOGY TRANSFER OFFICES
WIPO	WORLD INTELLECTUAL PROPERTY ORGANIZATION
WPO	WORLD PACKAGING ORGANISATION
WTO	WORLD TRADE ORGANIZATION
VAT	VALUE ADDED TAX
VET	VOCATIONAL EDUCATION AND TRAINING
UIBM	“UFFICIO ITALIANO BREVETTI E MARCHI” - ITALIAN PATENT & TRADEMARK OFFICE
UK	UNITED KINGDOM
USA	UNITED STATES OF AMERICA
USP	UNIQUE SELLING PROPOSITION

13 BIBLIOGRAPHY

Internet web site:

- IPR Help Desk: <http://www.ipr-helpdesk.org/index.html>
- World Intellectual Property Organization (WIPO): <http://www.wipo.int/portal/index.html.en>
- Italian Patent and Trademark Office (*Ministero delle Attività Produttive - Ufficio Italiano Brevetti e Marchi*) <http://www.uibm.gov.it/>
- European Patent Office (EPO): <http://www.european-patent-office.org/>
- Office for Harmonization in the Internal Market (*Ufficio per l'Armonizzazione del Mercato Interno*) <http://oami.europa.eu/>

Books:

- “From the deposit of the form to the protection, to the valorization of the invention” – Chamber of commerce of Vibo Valentia – Chamber of commerce of Reggio Calabria – Informa;
- PCT Applicant’s Guide – Volume II – National Chapter – EP;
- “Technology management : developing and implementing effective technology licensing programs”, Robert C. Megantz, New York, 2002

- “Il codice della proprietà intellettuale e industriale” (*Intellectual Property Code*) , Franceschelli, Tosi, La Tribuna , Piacenza, 2000;
- “La nuova disciplina della proprietà industriale dopo i GATT-TRIPs” (*new discipline of IPR after GATT-TRIPs*) Sandri Stefano, Cedam, Padova, 1999;
- “Proteggere l’idea : il brevetto come strumento di competitività aziendale” (*to protect the idea: the patent like tool of competitive field*) , Campodall’orto Sergio, Conti Giuseppe, FrancoAngeli, 2003;
- “Il mondo sotto breve” Shiva, Vandana, Feltrinelli, 2002;
- “Libro verde sul brevetto comunitario e sul sistema dei brevetti in Europa” (*the green book on european patent and patent system in Europe*), Commissione Europea, 1997;
- “Manuale del licensing”, Claudio Salvagni, Finanze & lavoro, Napoli 2003;
- “Intellectual Property: Licensing and Joint Venture Profit Strategie”, Gordon V. Smith, Hoboken, Wiley & Sons New Jersey 2004;
- “Technology – Based : Intellectual Property”, Razgaitis Richard, Wiley & Sons, 2003;
- “Basic International Intellectual property law Letterman”, G. Gregory, New York 2001;
- “Protect or plunder? understanding intellectual property rights”, Shiva, Vandana, Zed Books, New York 2001;
- “Intellectual property in global markets: a guide for foreign lawyers and managers”, Alan S. Guterman & Bentley J. Anderson, Kluwer law international, 1997;
- “The patent process”, Hovey, Craig, Wiley, New York 2002;
- “Intellectual property licences and technology transfer : a practical guide to the new European licensing regime”, Duncan Curley, Oxford 2004;
- Αντωνόπουλος Βασίλειος: Βιομηχανική Ιδιοκτησία, Εκδ. Σάκκουλας, Αθήνα – Θεσσαλονίκη, 2002
- Αργυριάδης Άλκης: Ευρεσιτεχνία, Αφοί Σάκκουλα, Αθήνα 1982
- Βασιλάκη Ειρήνη: Πειρατεία προγραμμάτων και άρθρα 16-17 ν. 146/1914, ΝοΒ 36.1340
- Beier Friedrich – Karl: Το Ευρωπαϊκό Δίπλωμα Ευρεσιτεχνίας, ΕπΕπ Δ.Σ.Θ. 1 (1980) 241
- Βούλγαρης Ιωάννης: Το Κοινοτικό Δίπλωμα Ευρεσιτεχνίας, ΕΕμπΔ 1993.521
- Κόκιος Στέλιος: Ο έλεγχος εις την απονομής των Διπλωμάτων ευρεσιτεχνίας, ΑρχΝ 1982.425
- Κοτσίρης Λάμπρος: Η εφευρετική ιδέα ως κριτήριο του νέου της εφευρέσεως, ΕΕΝ 1964.317
- Λεφάκης Λεάνδρος: Βιοτεχνολογικές εφευρέσεις, Εκδ. Σάκκουλα, Αθήνα-Θεσσαλονίκη, 2004.
- Λιακόπουλος Αθανάσιος: Βιομηχανική Ιδιοκτησία Ι, Εκδ. Αφοί Π. Σάκκουλα, 1993
- Λιακόπουλος Αθανάσιος: Βιομηχανική Ιδιοκτησία ΙΙ, Εκδ. Αφοί Π. Σάκκουλα, 1993
- Μαρίνος Μιχαήλ - Θεόδωρος: Περιορισμοί παραγωγής σε άδειες εκμεταλλεύσεως Διπλώματος ευρεσιτεχνίας ΕΕμπΔ 1985.385
- Μαρίνος Μιχαήλ - Θεόδωρος: Συμβάσεις μεταφοράς τεχνολογίας – Βασικά χαρακτηριστικά και προβλήματα, ΕΕμπΔ 1998.719
- Μηνούδης Μ.: Γνμδ. Διαχρονική θεώρηση του "νέου" των ελληνικών εφευρέσεων, ΕΕμπΔ 1995.351
- Παμπούκης Κωνσταντίνος: Το Δίκαιο της Βιομηχανικής και της Πνευματικής Ιδιοκτησίας στην πράξη,

Εκδ. Σάκκουλα, Θεσσαλονίκη, 1996

- Παναγιωτίδου Ευφημία: Δίπλωμα Ευρεσιτεχνίας σε πρόγραμμα Η/Υ, Εκδ. Σάκκουλας, Αθήνα - Θεσσαλονίκη, 2002
- Τουντόπουλος Β. – Χατζόπουλος Β.: Ηλεκτρονικές διευθύνσεις στο διαδίκτυο, Εκδ. Νομική Βιβλιοθήκη, 2001.
- Χατζηγάγιος Θωμάς: Η Σύμβαση του Λουξεμβούργου για το Κοινοτικό Δίπλωμα Ευρεσιτεχνίας, Αρμ 1983.186

ΑΓΓΛΙΚΗ – ΑΜΕΡΙΚΑΝΙΚΗ ΒΙΒΛΙΟΓΡΑΦΙΑ:

- *Bainbridge David*: Intellectual Property, Pitman Publishing, London 1992
- Cornish W.R.: Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, London Sweet & Maxwell 1989
- Likhovski Michael: Fighting the Patent Wars, EIPR [2001] 267
- Press Tim in Lloyd J. Ian: Information Technology Law, Third Edition, Butterworths, London, Edinburgh, Dublin, 2000
- Ullrich Hanns: Standards of Patentability for European Inventions, IIC Studies, Max Planck Institute, VCH 1980
- Verbruggen Johan and Lorincz Anna: Patents and Technical Standards, IIC 2002.125

Law:

- Italy's financial law 2006 – paragraph 351 and 352;
- Decree 10 April 2006 - Ministry of Production Activities;
- Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights;

14 DOCUMENTS AVAILABLE ON www.iprtraining.org

Annex 1 : Fee for European Patent Application

Annex 2: PCT Fee Tables

Annex 3: Evaluation of opportunities –addresses of the national patent offices of the member states

Annex 6: European financial Patent

Annex 8: Address of Italian Patlib Office

Annex 9: Italian Patent Cost

15 ANNEXES

Annex 1: Model of NDA contract

Annex 2: Patent Application Form

Annex 3: Example of a patent document