




Innovation, Science and  
Economic Development Canada  
Canadian Intellectual Property Office

Innovation, Sciences et  
Développement économique Canada  
Office de la propriété intellectuelle du Canada



Intellectual property  
It's yours. Own it.

Canada

This publication is also available online at [Canada.ca/intellectualproperty](http://Canada.ca/intellectualproperty)

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# Intellectual property It's yours. Own it.



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# Create it

Innovation starts with an idea—your idea. You discover a problem to solve, or a gap to fill. Sometimes it starts with a fleeting thought that keeps coming back, or it's a tug that won't let go. Then it starts waking you up at night or it just won't let you sleep. Your idea demands attention. It wants to go places, and you decide that you're the one to take it there. What if you also decide to treat that idea as a valuable business asset right from the beginning? That's what intellectual property (IP) is all about.

## Who should care about intellectual property?

Business owners

Entrepreneurs and innovators

Inventors

Designers

Researchers

Imagine that your next-door neighbour asked you to describe what you do. Would you use any of these words? If so, then you need to know about IP.

## What is intellectual property?

IP is all around us. The inventions and products that we use every day all had their beginnings as intellectual property. IP is what you create, invent, or develop as a result of your intellectual activity. IP is valuable, and just like other types of property you own, it comes with legal rights.

## Why does intellectual property matter?

There is no monopoly on good ideas. People discover new things every day. As you develop your idea into something tangible—whether that means building your business, or designing and creating a product to manufacture or sell—someone else might be

doing the same thing. Protecting your creation helps protect your ability to reap the benefits of your hard work.

## What does your future look like?

What if you could look five or ten years into the future? What will your creation look like? Will your company be a household name? Will you have a product in everyone's kitchen? Will you be making money from licensing agreements?

Whatever your goals are, use your IP rights to help you achieve them. And don't be afraid to think big. After all, it was your ingenuity.







# Identify it

Inventing something new is a process. You do research. You try things. Some work, some don't. When you invent, you learn. And you create IP. Virtually every innovation has some type of IP, right from the moment you start bringing your idea to life.

Many businesses—both big and small—use their IP to introduce innovations to Canadians and bring new products into the marketplace. What if your “original creation of the mind” is next? Start giving your IP the attention it deserves.

## Types of intellectual property

IP rights protect you as a creator. There are four main types of IP rights, and more than one might apply to your creation.

What if you wrote a song that is catching fire on internet radio? You own the copyright to that work. **Copyright** means the sole right to produce or reproduce a work—or a substantial part of it—in any form.

What if you have a name for your new business that's clever, catchy, and describes the essence of you and your product? You have created a **trademark** for your company. A trademark is what identifies your goods or services in the public mind.

What if you are creating a new inkless, erasable marker that works on paper, whiteboards, and glass? You might be eligible for a **patent**. Patents protect original inventions, and can be applied to products, processes, machines, chemical compositions, and improvements to any of these.

What if you were tired of your traditional looking teapot, so you designed one in a different shape? You have created an **industrial design**. Industrial designs are the visual features of shape, pattern, configuration or ornament, applied to a finished article. An industrial design must have features that appeal to the eye.

How many of these apply to you? Even if the answer is only one, you have IP that you can protect.

## What you can do

Did you create an original literary or artistic work? You can register your copyright. Have you established a business? Make sure your company name, logo, or slogan doesn't infringe on someone else's trademark. Search the Canadian Trademarks Database to find out if it has already been filed or registered. Are you creating a new product or design? Make sure someone else hasn't done it first. Search the internet, including the Canadian copyright, patents and industrial designs databases. Meanwhile, take steps to treat your innovation as a trade secret. Identify your IP, and start putting it to work for you.





## Trade secrets

A trade secret is information that gives you a business advantage over a competitor. Trade secrets can include formulas, practices, designs, patterns, data compilations, devices, or instruments. To consider something a trade secret, you need to *keep* it secret.

Treating your innovation as a trade secret makes the most sense at the research and development stage.

It also makes sense for innovations that could later be protected by patent or industrial design registration. Can your creation be reverse engineered? If not, protecting it as a trade secret might be an excellent strategy.

If you want to protect sensitive information as a trade secret, make sure your employees, customers, vendors, and visitors know that they are forbidden to disclose or in any other way

misuse your trade secrets. Have them sign confidentiality agreements if you can.

But beware: a trade secret is only a secret until someone finds out about it. If another person independently invents or discovers the details of your trade secret, there is nothing to stop them from using it, applying for a patent, or publishing the information.

## DID YOU KNOW?

CIPO has the largest collection in Canada of current technological know-how from around the world. Patents and registered industrial designs are a way for people to share cutting-edge information. Each document describes a new aspect of a creation in clear and specific terms and is available for anyone to read. This makes them vital resources for businesses, researchers, academics and others who want to keep up with developments in their fields, and capitalize on what has already been done. Learn how to access the collection by visiting [Canada.ca/intellectualproperty](https://Canada.ca/intellectualproperty).







# Protect it

Let's be honest. Competition is fierce, which means that protecting your creation starts well before you're ready to sell your product or service.

Take the right steps to protect and exploit your innovation as much as possible. Like physical assets, these IP rights must be acquired and monitored to maximize their value.

Venture capitalists, angel investors, and other financing organizations may want to fund your creation, especially if you can prove you own it. Since patents and registered industrial designs are recognized as assets, you may even be able to use them as collateral for a bank loan.

Licensing to other parties can be a vital revenue stream when you enter new markets across Canada and in other countries. For start-ups, licensing is typically the fastest way to generate cash flow.

Still not sure what IP assets you have? Take a closer look at each one below.

## Copyright

Simply put, copyright means “the right to copy”, and copyright law prohibits others from copying specific types of works without your permission. Copyright is the exclusive legal right to produce, reproduce, publish or perform an original literary, artistic, dramatic or musical work, including computer software programs, sound recordings, or a communications signal. Regardless of their merit or commercial value, Canadian law regards all original creative works to be copyright material.

You own the copyright to your work as soon as you create it. Even though copyright protection is automatic, having a certificate of registration is evidence that your work is protected by copyright and that you are the owner. Registering

your copyright can also protect you in a legal dispute.

Visit the CIPPO website to learn how you can register your copyright. You can apply to register a copyright at any time after you create something. In most cases, copyright expires 50 years after the creator's death.

## Trademarks

A registered trademark is a way of protecting your corporate or brand identity. Everything that sets your business apart—its name, product and service names, slogans, logos, taglines and even sound—produces a brand image that your customers come to know.

By registering your trademark, you gain the exclusive right to use the mark across Canada for 15 years. Registration is renewable every 15 years after that.

## PATENTS VS. INDUSTRIAL DESIGNS

A **patent** protects new products, processes, machines, chemical compositions, and improvements to any of these. Most patents today are new and useful improvements of existing inventions.

An **industrial design** protects the visual appearance of a product—its ornamentation, shape, pattern, configuration or any combination of these features.

Trademarks that are not registered still offer some protection, but can be challenging to enforce. Registering your trademark will help you protect your brand from imitation and misuse.

Why bother? Having a registered trademark can boost investor confidence, build your reputation, and become a revenue source through licensing or franchising. What if your company name eventually becomes better known than your product? If you own it, you can leverage it. And why shouldn't you? It's your identity.

### Patents

Patents give inventors exclusive rights to their inventions for a period of up to 20 years, which can give you a competitive advantage in the market. You can generate revenue by manufacturing and selling your invention without one, but having a patent allows you to take action against other people who use, make, or sell your invention without permission.

Why not just keep it a trade secret? Things that are hard to conceive but easy to deconstruct are prime

patent material. Patents can boost the confidence of investors and shareholders, because they demonstrate your commitment in protecting your invention. With a patent, you can also enter into licensing agreements that allow someone else to exploit your patent for a fee, or by selling your patent. But you can't license or sell something that you don't own.

The earlier you start thinking about how the patent process could apply to your creation, the better. In Canada, patents are granted to the first inventor to file an application, so it is smart to file as soon as possible after you complete your invention in case someone else is doing something similar. Even if you can prove that you were the first to think of the invention, you lose the race if a competing inventor files before you do. If you have disclosed your invention without applying for a patent, move quickly—you have 12 months from disclosure to file!

Even if there are similar patents already published, a minor but inventive improvement or variation might still be eligible for protection.





## PATENTS AND INDUSTRIAL DESIGNS: THE BIG PICTURE

Patents and industrial designs allow inventors to profit financially from their creativity. This is an attractive incentive for research and development, which ultimately benefits all Canadians. Without the possibility of protection, many people might not take the risk of investing the time or money needed to create or improve new products. Be bold. Put your creation out there. Grow it, leverage it, and enjoy it.

In fact, 90 percent of new patents are for improvements to existing inventions.

### Industrial designs

Industrial design protection is for the appearance of a product. By registering your design, you get exclusive rights for up to 10 years. A registered industrial design will give you a legally enforceable right to use your product's design to gain a marketing advantage.

Why register? Unless you register your design, you can't make a legal claim of ownership, and you have no legal protection to prevent others from making, importing, renting, or selling any article that uses your design.

In Canada, there is no time limit for registering an industrial design, as long as the design has never been made public or offered for commercial sale or use anywhere in the world. If your design has been published, you must file for registration within 12 months of publication. It was your creativity, so why not own the rights to it?





# Make it happen

There are costs associated with protecting your IP, and many inventors and creators are reluctant to make the investment. But ask yourself: How does the cost of protecting your IP compare to the time and money you have invested in your work?

## Let CIPO help

CIPO can provide information about IP that people can use to develop their IP strategies and can offer assistance in navigating CIPO's databases.

CIPO also maintains lists of registered trade-mark agents, registered patent agents, and agents who specialize in industrial designs, if you wish to hire someone to assist you. Hiring a registered agent is not mandatory, but is highly recommended.

## Take the first step

Take the first step in protecting your IP by learning more about how IP rights apply to your work. Develop an IP strategy that will help you make the most of your original creations.

Visit [CIPO online](https://www.cipo.gc.ca) and discover information, tools and services that might be right for you: [Canada.ca/intellectualproperty](https://Canada.ca/intellectualproperty)

Reach us by phone at 1-866-997-1936 or by email at [ic.contact-contact.ic@canada.ca](mailto:ic.contact-contact.ic@canada.ca) with your questions.

Stay connected on social media



## More resources

Through Innovation Canada, the Government of Canada is simplifying its suite of innovation programs into a one-stop shop, so that innovators and entrepreneurs will no longer need to spend time figuring out which department to go to or which program best meets their needs. You can find out more about all of the programs that enable and support Canadian businesses and innovators at [Canada.ca/business](https://Canada.ca/business).



[Canada.ca/intellectualproperty](https://Canada.ca/intellectualproperty)