



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.

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Cat. No. Iu71-4/50-2018E-PDF  
ISBN 978-0-660-24643-7

Aussi offert en français sous le titre *La propriété intellectuelle vous appartient, protégez-la.*



# Intellectual property

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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 IP. 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 5 or 10 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 4 main types of IP rights, and more than 1 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 and catchy and that 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? It 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 are developing a cool new item of wearable technology? You may be able to protect its novel look as an **industrial design**. Industrial design is about how something looks. It protects the visual features of shape, configuration, pattern or ornament, or any combination of these features applied to a finished article. In other words, it protects the appearance of a product.

How many of these apply to you? Even if the answer is only 1, 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 web, 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?

The Canadian Intellectual Property Office (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 the documents 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. Visit [Canada.ca/en/services/business/ip](https://Canada.ca/en/services/business/ip) to learn how to access the collection.







# 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 IP rights 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 of them 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 and communications signals. Regardless of their merit or commercial value, Canadian law considers all original creative works to be copyright material.

Unlike with other IP rights, you own the copyright to your work as soon as you create it. In Canada, a certificate of registration of copyright can be used as evidence that copyright exists and that the person who registered it is the owner. Visit [Canada.ca/copyright](http://Canada.ca/copyright) 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, modes of packaging, moving images, holograms, colours, scents, tastes, textures and even sounds—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 10 years. Registration is renewable every 10 years after that.

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: THE BIG PICTURE

Patents 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.

agreements that allow someone else to exploit your patent for a fee. You can also sell 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. In fact, 90 percent of new patents are for improvements to existing inventions.

## Patents

Patents give inventors exclusive rights to their inventions for up to 20 years, which can give them a competitive advantage in the market. You can generate revenue by manufacturing and selling your invention without it, 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 your information 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 to protecting your invention. With a patent, you can also enter into licensing

## INDUSTRIAL DESIGNS VS. PATENTS

**An industrial design** protects the visual appearance of a product—its ornament, shape, pattern or configuration, or any combination of these features applied to a finished article.

**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.

### Industrial designs

Industrial designs can give a product a competitive edge in the marketplace. To sell a product, there are multiple factors to consider, including price, functionality, reputation and aesthetics. Consumers are often drawn to an eye-catching product; accordingly, manufacturers put a lot of money and know-how into their industrial designs. An effective design will appeal to the consumer and even create an emotional connection between the consumer, the product and the brand. It can influence consumer behavior, ultimately supporting the marketing and sales of the product. This is why a novel design is considered to be valuable IP.

Why register? Unless you register your design, you can't make a legal claim of ownership.

By registering your design, you gain the legal right to prevent others from making, importing, renting or selling an article that uses your design for up to 15 years.

In Canada, there is no time limit for registering an industrial design, as long as the design has never been disclosed to the public, in Canada or anywhere in the world. If your design has been disclosed, you must file for registration within 12 months of its disclosure. 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 to help you develop your IP strategy and can offer assistance in navigating its databases.

CIPO also maintains lists of registered trademark agents and registered patent agents you can hire 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 [Canada.ca/en/services/business/ip](https://Canada.ca/en/services/business/ip) to discover information, tools and services that might be right for you.

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. Visit [Canada.ca/en/services/business](https://Canada.ca/en/services/business) to find out more about all of the programs that enable and support Canadian businesses and innovators.

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

