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CANADIAN INTELLECTUAL PROPERTY OFFICE

Intellectual Property:

What it

Means to You

Canada

INTELLECTUAL PROPERTY: WHAT IT MEANS TO YOU

Ideas, designs, creativity—these are key to a prosperous and thriving society. They help us to work better, to make finer products and to compete more effectively in world trade. A brisk and orderly exchange of ideas is as important to our economy as the flow of money or goods and services.

To promote this exchange, while protecting owners' rights, the Government of Canada considers certain kinds of creative endeavour "intellectual property." You can receive legal recognition for these endeavours in much the same way as you can receive title to a piece of land. In addition, the records and documents that protect intellectual property owners' rights contain valuable information. Much of it is available to the public and may be useful to you in many ways.

Types of intellectual property

Six of the different kinds of intellectual property in Canada are discussed in this brochure:

- **patents** are for inventions, that is, new kinds of technology;
- **copyrights** are for literary, artistic, dramatic and musical works;
- **trade-marks** are words, symbols or pictures—or combinations of these—used to distinguish the goods or services of one person from those of another;
- **industrial designs** are for the shape, pattern or ornamentation of an industrially produced object;
- **integrated circuit topographies** refer to the three-dimensional configuration of the electronic circuits embodied in integrated circuit products or layout designs; and
- **plant breeders' rights** apply to certain new plant varieties.

All sorts of people have a stake in intellectual property—people in business, inventors, artists, designers, electronic microchip manufacturers, plant breeders and others. Whatever your particular interest, you'll find the type of intellectual property that applies to you in this brochure. You may want to inquire further to find out how laws, practices and information resources can work for you.

PATENTS

Patents offer inventors exclusive rights to their creations and thus provide incentives for research and development. Patent protection applies in the country that issues the patent and, depending on the country, extends for up to 20 years from the date the application is first filed. You can receive a patent for a product or a process which is new, workable and ingenious. In this way, patents serve as a reward for ingenuity.

Information, too

But patents do more than keep creative wheels spinning. They are also an important means of sharing know-how. Each patent document describes a new aspect of a technology in clear and specific terms and is available for anyone to read.

Eighteen months after a patent application is filed, the document is made public. This is done specifically to promote the sharing of knowledge. Thus, patents are vital resources for businesses, researchers, inventors, academics and others who need to keep up with developments in their fields.

When to apply

In Canada, a patent is given to the inventor who first files an application. It's wise, therefore, to file as soon as possible after completing your invention because someone else may be on the same track.

For more information, ask us for *A Guide to Patents*.



COPYRIGHTS

A copyright—the right to copy—means that an owner is the only person who may copy his or her work or permit someone else to do so. Generally, copyright in Canada lasts for the life of the author and 50 years following the author's death.

What is covered

The kinds of works covered include: books, maps, lyrics, musical scores, sculptures, paintings, photographs, films, tapes, computer programs and databases. Slogans, names and mere titles are not protected by copyright. The owner has the sole right to control any publication, production, reproduction and performance of a work or its translation. Royalty payments may be arranged through performing rights societies, collectives, publishing houses, or by the owners directly through contracts.



Proof of ownership

You obtain copyright automatically in Canada when you create an original work. Canadian copyright is recognized in many other countries under various treaties. You can register your copyright with the federal government's Copyright Office. You don't have to do so, but it can be a useful proof of ownership.

Owner's rights

Modern technology has made it easy to reproduce many kinds of works subject to copyright. Be very careful not to infringe on the rights of others by copying their computer programs, books, music, videos or other products. Penalties for such infringement can be quite costly.

For more information, ask us for a copy of *A Guide to Copyrights*.

TRADE-MARKS

Trade-mark registration gives you exclusive rights to words, symbols and designs, or combinations of these, that distinguish your wares or services from those of someone else. You register your trade-mark through Canada's Trade-Marks Office. By doing so you obtain protection within Canada for renewable 15-year periods.

Criteria

Your trade-mark must fulfill certain criteria to be registered. For one thing, it must not be too similar to one that is already registered or awaiting registration. Difficulties may also arise if it is too similar to a trade name (company name) in use in Canada. To avoid problems, it is best to conduct a search of existing trade-marks and trade names.

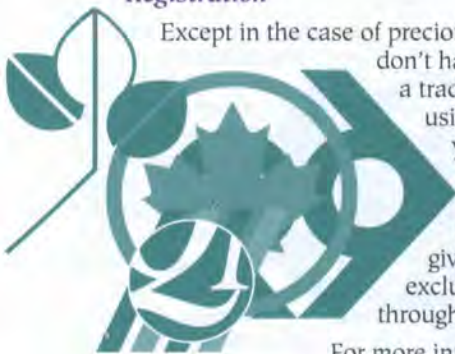
Searches

Finding out about trade-marks is also important if you are starting a company or business. If this is the case, you may wish to make sure no one else has registered, or is awaiting registration of, a trade-mark or is using a trade name similar to the one you want to use.

Registration

Except in the case of precious metals, you don't have to register a trade-mark. Just using it can give you certain rights to it. Registration, however, gives you exclusive rights throughout Canada.

For more information, ask us for a copy of *A Guide to Trade-Marks*.



INDUSTRIAL DESIGNS

Obtaining a registration for an industrial design will give you exclusive rights for an initial period of five years, renewable for a further five years. The design must be an original shape, pattern or ornamentation applied to a manufactured article. The shape of a table or the decoration on the handle of a spoon are examples of industrial designs. Once registered, industrial designs are available for public inspection.

Keep in mind that it is best to apply for registration before marketing your product.

Copyright vs. industrial design

If your design is an artistic work, it is automatically protected by a copyright, and you can register it as such. However, if you use the design as a model or pattern to produce 50 or more manufactured articles, you can protect it only by an industrial design registration.

For more information, ask for a copy of *A Guide to Industrial Designs*.



INTEGRATED CIRCUIT

TOPOGRAPHIES

Integrated circuit topography refers to the three-dimensional configuration of the electronic circuits used in microchips and semiconductor chips. Registration offers you exclusive rights for 10 years on your original circuit design. Protection can extend to the layout design as well as to the finished product.

Applications

To register, you must apply within two years of commercial use of the design. Your application must include a copy of the circuit layout and design.

Implementation

The *Integrated Circuit Topography Act* came into force on May 1, 1993.



For more information, ask us for a copy of *A Guide to Integrated Circuit Topographies*.

PLANT BREEDERS'

RIGHTS

The *Plant Breeders' Rights Act* gives you exclusive rights to new varieties of some plant species.

Conditions

To be protected, the varieties must fulfill certain conditions. They must be: 1) new, that is, not previously sold; 2) different from all other varieties; 3) uniform, that is, all plants in the variety are the same; and 4) stable, which means each generation is the same.

Publication

Before you can receive the rights to your plant variety, you must submit a description of it for publication in the *Plant Varieties Journal*. People then have six months to object to your claim.

What is protected

If your claim is granted, you are entitled to control the multiplication and sale of the seeds for up to 18 years. But other people are allowed to breed or save and grow the varieties for their own private use without asking your permission to do so.

Protection is available to Canadian citizens and to citizens of countries that are members of the International Union for the Protection of New Varieties of Plants (UPOV).

To find out more, contact the Plant Breeders' Rights Office at the address at the end of this brochure.



A NETWORK OF PARTNERS

The Canadian Intellectual Property Office of Industry Canada is responsible for five of the six types of intellectual property described in this brochure. Plant breeders' rights are the responsibility of Agriculture and Agri-Food Canada.

The Directorate has a network of partners, or intermediaries, across Canada. These innovation centres, provincial research organizations, industrial associations, universities, and other provincial and federal agencies can help you learn more about intellectual property. They assist researchers and small and medium-sized businesses by arranging lectures and information sessions. They also make arrangements for technological information searches. The Directorate can provide you with a list of these partners.

GENERAL INQUIRIES

For more information on patents, copyrights, trade-marks, industrial designs, or integrated circuit topographies, contact:

Canadian Intellectual Property Office (CIPO)
Industry Canada
Place du Portage, Phase I
50 Victoria Street, 10th Floor
Hull, Quebec
K1A 0C9
Telephone: (819) 997-1936
Fax: (819) 953-7620

For more information on plant breeders' rights, contact:

Agriculture and Agri-Food Canada
59 Camelot Drive
Nepean, Ontario
K1A 0Y9
Telephone: (613) 952-8000
Fax: (613) 992-5219

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