

CIPO
CANADIAN INTELLECTUAL
PROPERTY OFFICE



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OFFICE DE LA PROPRIÉTÉ
INTELLECTUELLE DU CANADA

Give
your business
a competitive
edge

Intellectual Property



Industry
Canada

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Canada

Protect Your Rights: Take Advantage of Your Intellectual Property

What is Intellectual Property?

“Intellectual property” (IP) is the term used to describe the protected form of an original idea.

The Canadian Intellectual Property Office (CIPO) administers the Canadian IP system.

- **Patents** are for inventions, that is, new or improved kinds of technology.
- **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.
- **Copyrights** are for artistic, dramatic, musical and literary works, including software.
- **Industrial designs** are for the shape, pattern or ornamentation of a manufactured article.
- **Integrated circuit topographies** are the three-dimensional configurations of electronic circuits embodied in integrated circuit products or layout designs.

A valuable asset...

- **Use IP as collateral!**

Intellectual property can be critical to the success of a company. As the president of Coca-Cola has said, his company could survive the loss of all its material assets; as long as its trade-mark remained, Coca-Cola could rebuild.

Trade-marks can be worth billions. Some estimates (\$US) include:

- Coca-Cola — \$35 billion
- Nescafé — \$11 billion
- Marlboro — \$33 billion

Esso and Kellogg think intellectual property is worth fighting for. They have spent millions in a legal battle over exclusive ownership of “the tiger”.

The copyright on the song “Start Me Up” recently earned the Rolling Stones a fast \$12 million. Microsoft has obtained permission to use this song to promote their Windows95 software package.

Financial institutions are recognizing IP in their assessment of risks and assets for business loans. They consider ownership of IP rights and whether they are being exercised in a way consistent with IP laws; and they look at the extent of the rights granted. Lending agencies value IP rights for the role they play in protecting your business from unlicensed competition.

Protection...

- **Protect it!** Just as a business should protect its assets through insurance, priority should be placed on protecting IP. Some may consider it expensive to spend precious start-up capital protecting IP, but launching a new venture without it is like buying a building without checking the real estate title.

Searches are comparatively cheap insurance against the risk of financial loss in research and development (R&D), product development, set-up costs and promotion fees. Protecting IP is part of doing business!

- **Buy it—sell it—exclude others!** Registering a trademark enables you to prevent others from using it in association with the same or similar wares. Obtaining a patent or registering an industrial design gives you the right to control the use of your creation by others. This can lead to commercialization of a product, or a license agreement—thus ensuring financial rewards for ingenuity.

A great business tool for...

- **complete data**

CIPO's databases contain the largest single source of complete technological data available in Canada. The information is practical (it has to work to get a patent), detailed, valuable, timely and unique.

- **early disclosure**

When a patent application is opened to the public, it is the first time the information has been made available.

- **financial purposes**

Use your IP rights to back venture capital decisions and support loan requests.

- **creating partnerships and alliances**

Our databases provide contacts, generate ideas. Large firms which are often approached with new ideas

usually consider only those with a good solid patent: it lets them know exactly what is (and is not) covered!

- **international marketing**

Can you register your Canadian trade-mark in other countries? Make sure before you begin to gear up for the export market.

A way to save money...

Search CIPO's databases before you do anything else. Avoid duplication of R&D efforts; save time and money.

Our resources can help you...

- **solve technological problems.** Someone may have already solved your problem. It might be most cost effective to obtain a license or form an alliance.
- **shop around for the best technology.** CIPO's databases contain 1.3 million patents. One may be just right for you!
- **learn about problems encountered by others.** Remember the old adage about reinventing the wheel?

A search of our databases might reveal...

- **a patent has expired and is in the public domain.** It is now available for commercial use—free!
- **someone else has a patent or industrial design covering all or part of your creation, or has registered a similar trade-mark.** The good news is that you didn't waste your time and money developing something that can't be marketed.
- **there are no current patents.** This gives you a green light to proceed with your application.

And when you do have a product—make sure your trade-mark or industrial design is original—so that your product stands alone.

Strategic intelligence...

Use CIPO's databases to:

- **identify competitors.** Find out who is in the same business: check out the trade-marks files, since firms

must state their wares and services to obtain a trademark.

- **find out what competitors are doing.** New trademarks may indicate new goods or services, as will patents and industrial designs.
- **find out what is going on in an industry sector.** Sectoral and competitive information is all there—and with a global view, since applicants must indicate in which countries they want to file a patent through the Patent Cooperation Treaty.
- **generate ideas for R&D.** If there are only a few players in a certain line of business, there may be scope for another good idea...
- **track trends.** Create industry profiles, check out industry performance: the level of IP activity is a great economic indicator.

And finally...

- **Don't find out the hard way...** Many IP users have found out the hard way—in a court of law. They spent time and money in defense of their assets—instead of doing business.

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