



Introduction to IPRs

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Why The IPRs



“If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it.”

—Thomas Jefferson, Letter to Isaac McPherson, Monticello,
August 13, 1813

Why The IPRs



«اگر بخواهیم از میان تمام دارایی‌های شخصی آسیب‌پذیرترین‌شان را انتخاب کنیم، باید از «ایده» نام ببریم که حاصل قدرت تفکر است و تا زمانی در تملک انحصاری فرد می‌ماند که نزد کسی افشا نشود. به محض آن که افشا شد، به تملک همگان در می‌آید و دریافت‌کننده‌ی آن دیگر نمی‌تواند مالک آن نباشد.»

توماس جفرسون
نامه به آیزاک مک‌فرسون، مونت چلو
۱۳ اوت ۱۸۱۳

History of IPRs

500 B/Greek state of Sybaris allowed its citizens to obtain a patent for “**any new refinement in luxury.**”

1474, Venice: The first known patent law

1623/UK Statute of Monopolies 1623 (14 years of protection for creators of works)

1710: The Statute of Anne, (14 years of protection for inventors)

1641: Massachusetts General Court gave Samuel Winslow an exclusive right to utilize a new process of making salt for 10 years

1790/US: Patent Act

1836/US: New Patent Act: Patent Number 1 was granted

1883 and the **Paris Convention** for protecting inventors

1886 and the **Berne Convention** for internationally protecting of all forms of writing

1891 and **Madrid Agreement** on Trademarks

Eventually: **United International Bureaux for the Protection of Intellectual Property** and then **World Intellectual Property Organization.**

- تاریخچه حقوق مالکیت فکری در ایران
- ۱۳۰۴: تصویب «**قانون علامات صنعتی و تجارتي**» در زمینه مالکیت صنعتی (نخستین قانون ایرانی برای حمایت از طرح‌ها و ایده‌های صنعتی)
- ۱۳۴۸: تصویب عنوان «**قانون حمایت از مؤلفان، مصنفان و هنرمندان**» (این قانون در ادامه، با الحاقاتی درباره مدت زمان حمایت از آثار پدیدآورندگان تکمیل شد و در حال حاضر نیز حاکم است اما به اعتقاد عده‌ای دارای کارایی لازم نیست)؛
- ۱۳۵۲: تصویب «**قانون ترجمه و تکثیر کتب و نشریات و آثار صوتی**»؛
- ۱۳۷۹: تصویب «**قانون حمایت از حقوق پدیدآورندگان نرم‌افزارهای رایانه‌ای**»؛
- ۱۳۸۲: تصویب «**قانون تجارت الکترونیکی**»؛
- ۱۳۸۲: تصویب «**قانون ثبت ارقام گیاهی و کنترل و گواهی بذرونهال**»؛
- ۱۳۸۳: تصویب «**قانون حمایت از نشانه‌های جغرافیایی**»؛
- ۱۳۸۸: تصویب «**قانون جرایم رایانه‌ای**»؛ و
- ۱۳۹۶: تصویب «**قانون پیشگیری و مقابله با تقلب در تهیه آثار علمی**».
- البته لایحه‌ای تحت عنوان «حمایت از مالکیت‌های فکری» با هدف حمایت از پدیدآورندگان آثار ادبی هنری توسط وزارت فرهنگ و ارشاد اسلامی تقدیم مجلس شورای اسلامی شده که در جایگاه خود می‌تواند بسیار جامع و کارآمد باشد، اما تکلیف آن هنوز مشخص نیست.

- ۱۳۰۴ : تدوین قانون مالکیت علائم و تصویب قانون ثبت علائم تجاری ایران
- ۱۳۰۵ : تاسیس اداره ثبت علائم در ایران تحت نظر وزارت فلاحت، تجارت و فوائد عامه
- ۱۳۰۷ : چاپ علائم در مجله فلاحت به ترتیب شماره ثبت
- ۱۳۰۹ : استقرار اداره ثبت علائم در وزارت اقتصاد ملی و چاپ علائم در مجله اقتصاد ملی
- ۱۳۱۰ : تصویب قانون اختراعات و حمایت از اختراع و علائم تجاری در ایران و نسخ قانون سال ۱۳۰۴ (مرجع ثبت وزارت دادگستری)
- ۱۳۲۷ : تشکیل اداره ثبت شرکتها و علائم تجاری و اختراعات زیر نظر اداره کل ثبت اسناد و املاک کشور
- ۱۳۳۷ : تصویب آیین نامه اصلاحی اجرایی سال ۱۳۱۰ برای انطباق بیشتر با معاهده پاریس
- ۱۳۳۸ : الحاق ایران به معاهده پاریس
- ۱۳۴۰ : تغییر نام اداره ثبت شرکتها و علائم تجاری به اداره ثبت شرکتها و مالکیت صنعتی
- ۱۳۵۲ : تغییر نام اداره کل ثبت اسناد و املاک به سازمان ثبت اسناد و املاک کشور و همچنین تغییر نام اداره ثبت شرکتها و مالکیت صنعتی به اداره کل ثبت شرکتها و مالکیت صنعتی
- ۱۳۷۷ : پذیرش اصلاحات معاهده پاریس

۱۳۸۰: الحاق ایران به سازمان جهانی مالکیت فکری

۱۳۸۲: الحاق ایران به موافقتنامه و پروتوکل مادرید در مورد ثبت بین المللی علایم

تجاری کالا و خدمات

۱۳۸۳: الحاق ایران به معاهده لیسبون در مورد ثبت بین المللی نشانه های جغرافیایی و

نشانه های مبدأ کالا

۱۳۸۶: تصویب قانون ثبت اختراعات، طرح های صنعتی و علائم تجاری برای ۵ سال (تا

سال ۱۳۹۱) ولی ۷ سال بعد قرار شد دولت و مجلس این قانون مهم و تاثیر گذار را

تدوین و تصویب کنند.

مردادماه ۱۳۹۴ لایحه حمایت از مالکیت صنعتی در هیئت دولت تصویب شد

شهریور ۱۳۹۴ رئیس جمهور لایحه حمایت از مالکیت صنعتی را تقدیم مجلس کرد

مهر ۱۳۹۴ لایحه حمایت از مالکیت صنعتی به کمیسیون قضائی مجلس رفت

اختلاف دولت و قوه قضائیه بر سر ثبت مالکیت صنعتی

ابوالفضل ابوترابی عضو کمیسیون حقوقی و قضائی مجلس، "در بررسی طرح مالکیت

صنعتی، ۸۰ ماده قانون فعلی مالکیت صنعتی که به صورت آزمایشی در حال اجراست، به

۱۵۰ ماده تبدیل شده است"، گفت: بنا بر طرح جدید مالکیت صنعتی، "سیاستگذاری

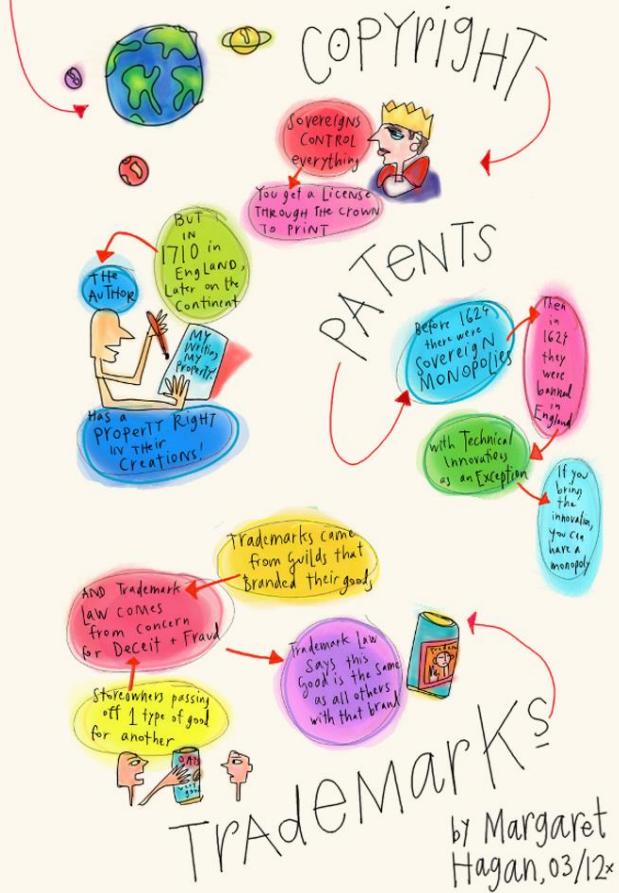
کلی بر عهده دولت است" اما "ثبت های مالکیتی باید در دفاتر ثبت اسناد رسمی انجام

شود و این موضوع یکی از نقاط اختلافی دولت و مجلس هست" اما "مجلس اجازه نخواهد

داد بلایی که بر سر ثبت مالکیت خودرو آمد بار دیگر تکرار شود".

Types of IPRs

THE WORLD BEFORE INTELLECTUAL PROPERTY



Copyright

Related rights

Trademarks

Industrial Design

Geographical Indications

Patents

Trade Secrets

Copyright:

A legal device that provides the owner the right to control how **a creative work** is used.

A copyright is comprised of a number of exclusive rights, including the right to **make copies, authorize others to make copies, make derivative works, sell and market the work and perform the work.**

Any one of these rights **can be sold** separately through transfers of copyright ownership.





Economic or exploitation rights

- Right of reproduction
- The right of distribution by way of tangible copies
- The right of communication to the public
- The right of transformation

Moral rights

- The right to be identified as the creator
- The right of integrity
- The right of first divulgation

Related rights:



The first of these related rights then are the rights of those who perform the works, namely the **performers, singers, actors, dancers, musicians** and so on.

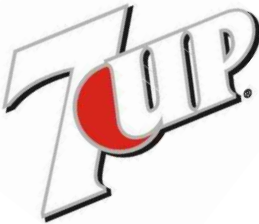
producers of sound recordings have also been granted specific rights.

The third group receiving protection for their related rights are **broadcasters**.

Trademark:

A word, phrase, logo, symbol, color, sound or smell used by a business to identify a product and distinguish it from those of its competitors.

If the business uses the name or logo **to identify a service**, such as photo copying, it is called a **service mark**. In practice, the legal protections for trademarks and service marks are identical.



TM

Global 500 2015

Brand-Finance®

**The annual report
on the world's most
valuable global
brands**

February 2015

Most Valuable Brands by Region

Africa



US\$ 4,672m

Asia Pacific



US\$ 81,716m

North America



US\$ 128,303m

South America



Bradesco
US\$ 12,385m

Europe



US\$ 33,079m

Middle East



US\$ 6,640m

Value of a Brand

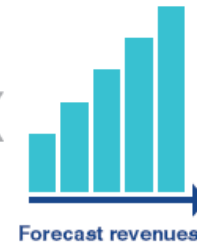
Global 500 2015

Brand strength
Index
(BSI)

Brand
'Royalty rate'

Brand revenues

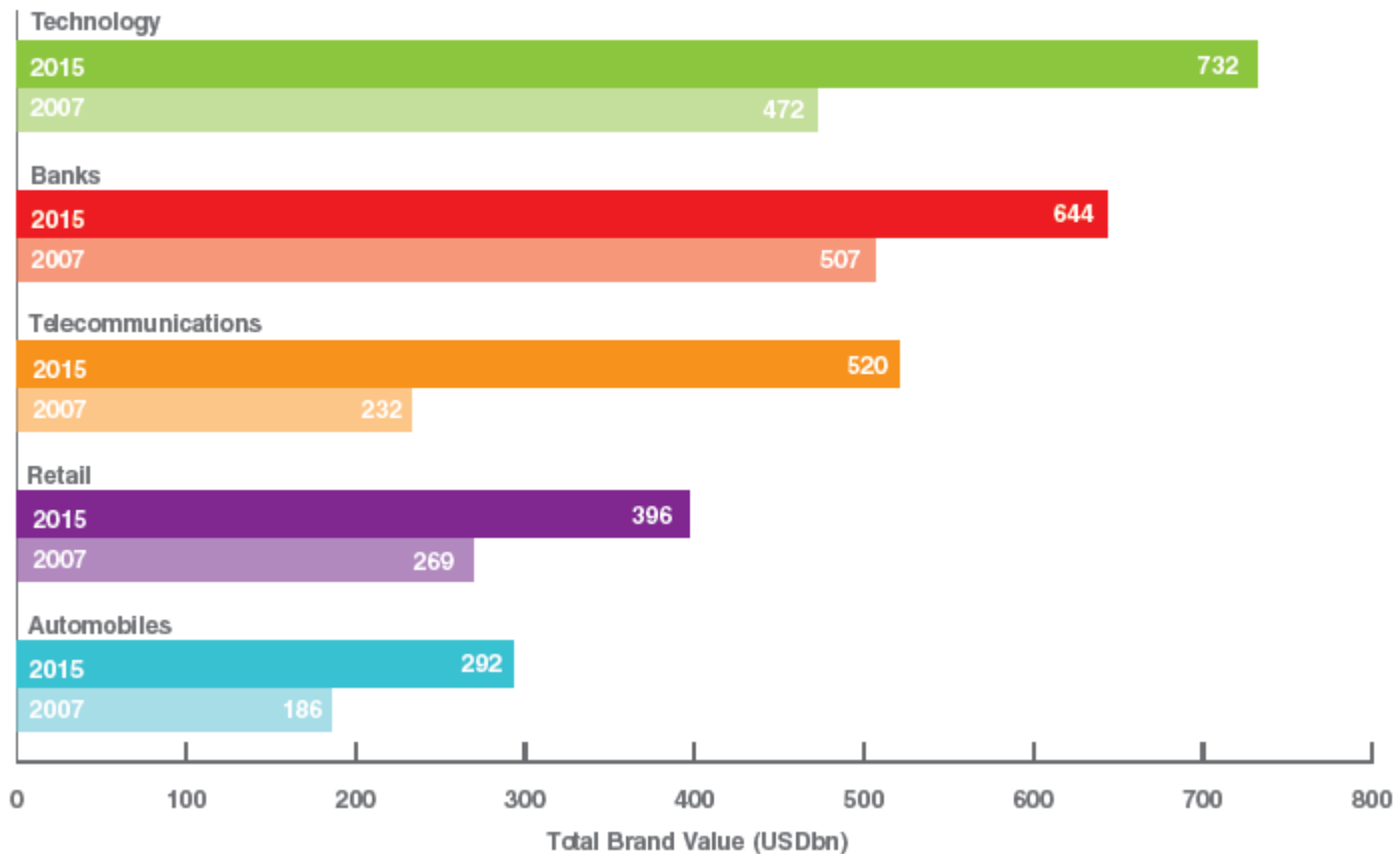
Brand value



	1 Rank 2015: 1 2014: 1 → BV 2015: \$128,303m +23% BV 2014: \$104,680m Brand Rating: AAA		6 Rank 2015: 6 2014: 7 ↑ BV 2015: \$58,820m +30% BV 2014: \$45,410m Brand Rating: AA+
	2 Rank 2015: 2 2014: 2 → BV 2015: \$81,716m +4% BV 2014: \$78,752m Brand Rating: AAA-		7 Rank 2015: 7 2014: 8 ↑ BV 2015: \$56,124m +24% BV 2014: \$45,147m Brand Rating: AAA-
	3 Rank 2015: 3 2014: 3 → BV 2015: \$76,683m +12% BV 2014: \$68,620m Brand Rating: AAA		8 Rank 2015: 8 2014: 6 ↓ BV 2015: \$48,019m -9% BV 2014: \$52,533m Brand Rating: AA+
	4 Rank 2015: 4 2014: 4 → BV 2015: \$67,060m +7% BV 2014: \$62,783m Brand Rating: AAA		9 Rank 2015: 9 2014: 13 ↑ BV 2015: \$47,916m +50% BV 2014: \$31,845m Brand Rating: AAA-
	5 Rank 2015: 5 2014: 5 → BV 2015: \$59,843m +12% BV 2014: \$53,466m Brand Rating: AAA-		10 Rank 2015: 10 2014: 9 ↓ BV 2015: \$46,737m +4% BV 2014: \$44,779m Brand Rating: AA+

Global 500 2015

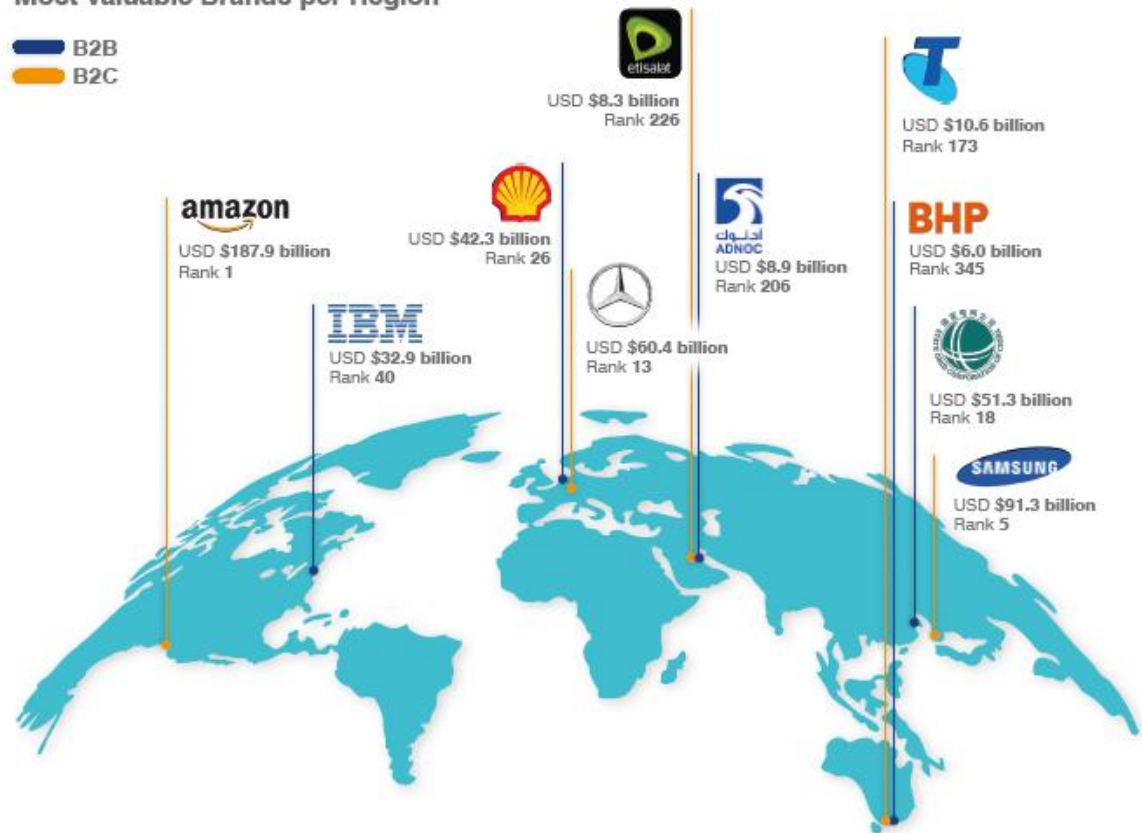
Total Brand Value by Sector

















Global 500 2019

Most Valuable Brands per Region

■ B2B
■ B2C





Top 10 Most Valuable Brands 2019

 1 ← 1  <p>2019: \$187,905m +24.6% 2018: \$150,811m</p>	 6 ↓ 5  <p>2019: \$87,005m +5.6% 2018: \$82,422m</p>
 2 ← 2  <p>2019: \$153,634m +5.0% 2018: \$146,311m</p>	 7 ← 7  <p>2019: \$83,202m +8.7% 2018: \$76,526m</p>
 3 ← 3  <p>2019: \$142,755m +18.1% 2018: \$120,911m</p>	 8 ↑ 10  <p>2019: \$79,823m +34.9% 2018: \$59,189m</p>
 4 ↑ 6  <p>2019: \$119,595m +47.4% 2018: \$81,163m</p>	 9 ↓ 8  <p>2019: \$71,154m +13.3% 2018: \$62,826m</p>
 5 ↓ 4  <p>2019: \$91,282m -1.1% 2018: \$92,289m</p>	 10 ↑ 11  <p>2019: \$69,742m +22.8% 2018: \$56,789m</p>

Top 10 CEOs 2019

 **1** 72.4 
Jeff Bezos
Amazon

 **2** 71.6 
Akio Toyoda
Toyota

 **3** 68.4 
Bernard Arnault
LVMH

 **4** 66.9 
Tim Cook
Apple

 **5** 64.7 
Robin Li
Baidu

 **6** 64.7 
Ginni Rometty
IBM

 **7** 62.4 
Bob Iger
Disney

 **8** 62.2 
Qingping Li
China CITIC Bank

 **9** 61.5 
Satya Nadella
Microsoft

 **10** 60.8 
Fred Smith
FedEx



Industrial Design:

Industrial design rights are intellectual property rights that protect **the visual design of objects that are not purely utilitarian.**

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.

Geographical Indications



A **name** or **sign** used on certain products which corresponds to a **specific geographical location or origin** (eg. a town, region, or country).

The use of a GI may act as a **certification** that the product possesses certain qualities, or enjoys a certain reputation, due to its geographical origin.

Trade secrets (Unfair Competition)



Any of various **distinct areas of law** which may give rise to **distinct criminal offences and civil causes of action**:

Matters pertaining to **antitrust law**, known in the European Union as **competition law**.

Unfair business practices such as fraud, and unconscionable contracts and business practices. Trademark infringement and **passing off, misappropriation of trade secrets**.

The
United
States
of
America



The Commissioner of Patents and Trademarks

Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.

Therefore, this

United States Patent

Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America for the term set forth below, subject to the payment of maintenance fees as provided by law.

If this application was filed prior to June 8, 1995, the term of this patent is the longer of seventeen years from the date of grant of this patent or twenty years from the earliest effective U.S. filing date of the application, subject to any statutory extension.

If this application was filed on or after June 8, 1995, the term of this patent is twenty years from the U.S. filing date, subject to any statutory extension. If the application contains a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121 or 365(c), the term of the patent is twenty years from the date on which the earliest application was filed, subject to any statutory extension.

Acting Commissioner of Patents and Trademarks

Attest

A **patent** is a set of **exclusive rights** granted by a **state** to an inventor or his assignee for a **limited period of time** in exchange for a disclosure of an **invention**.

Why a patent System

Economic Development

ORGANISATION
FOR ECONOMIC
CO-OPERATION
AND DEVELOPMENT



An **increased tendency** to disclose creations among the **Nationals and Foreigners**

50% of the economic development of US is based on technology

Over 80% of the value of the technology based companies in US are due to their IP assets

Only 59,000 companies in Europe have made use of the patent system in the last five years, thus **leaving** another **111,000** companies that should have used the patent system, but have not.

Why a patent System

ORGANISATION
FOR ECONOMIC
CO-OPERATION
AND DEVELOPMENT



Avoiding

Overlapping

R&D Activities

***US\$ 20,000 million** are wasted every year in Europe on reinventing and re-developing existing ideas because of lack of information*

Organization for Economic Co-operation and Development (OECD)

Providing a **Huge Source** of Commercially Promising Technical Information

About 80% of technical information is published in patent documentation - and **often nowhere else."**

What is patentable?

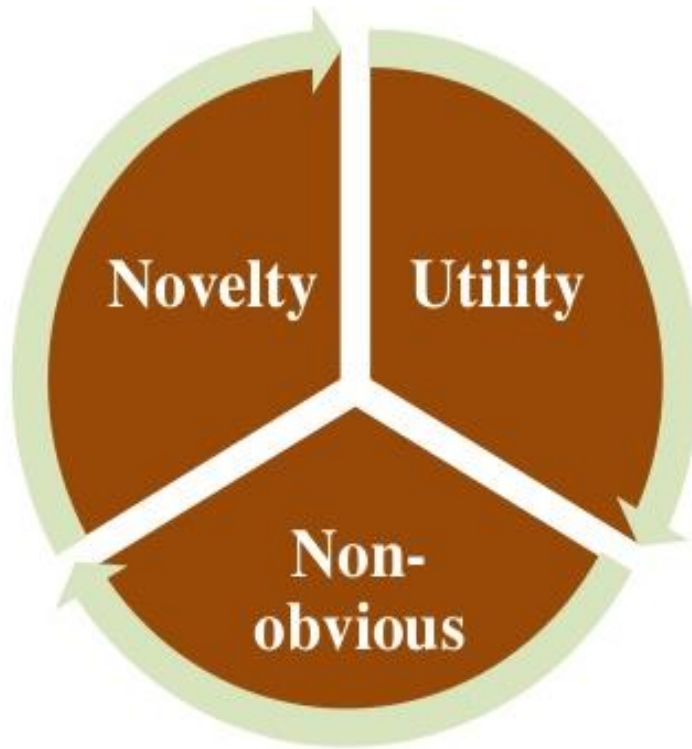


This?

Or maybe
this?

Or even
this?

Patentability Requirements





IWC
Try it here,
the Big Pilot's Watch.

IWC
Try it here,
the Big Pilot's Watch.

Non-obviousness (Inventive step)



Utility (Usefulness)

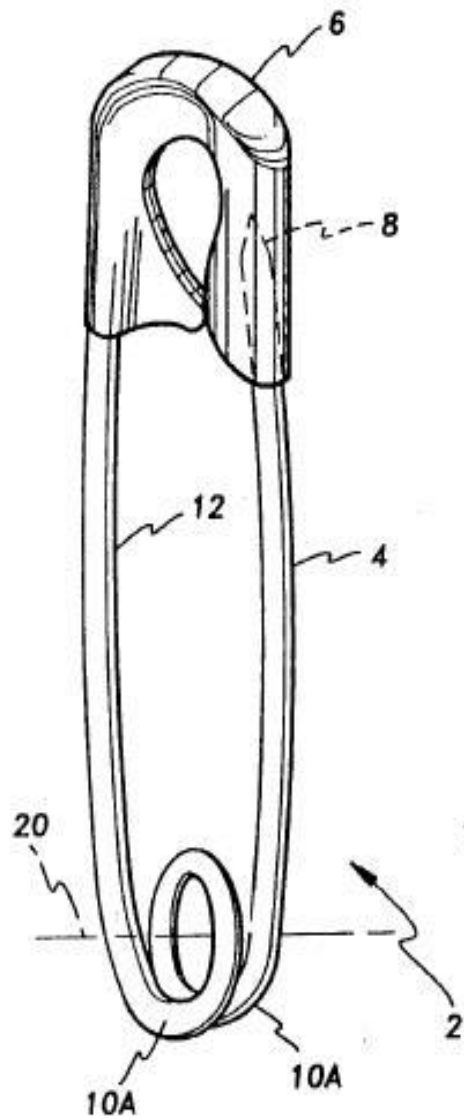


FIG. 1

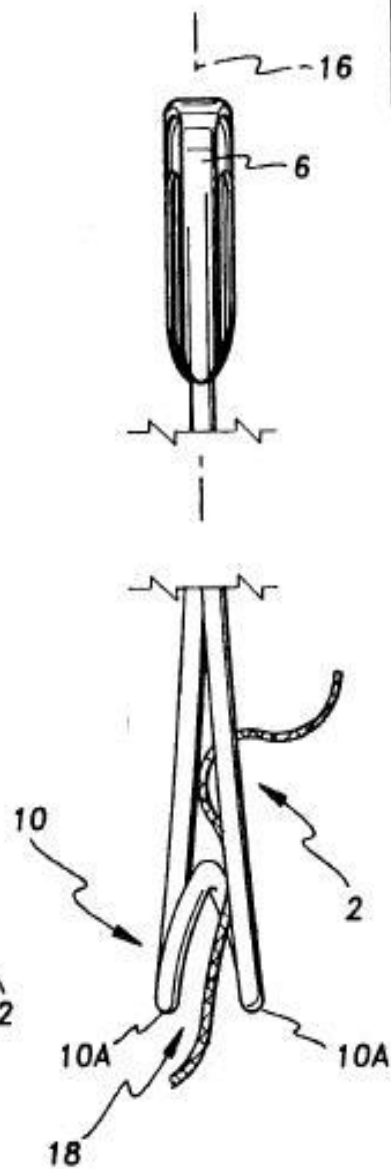


FIG. 2

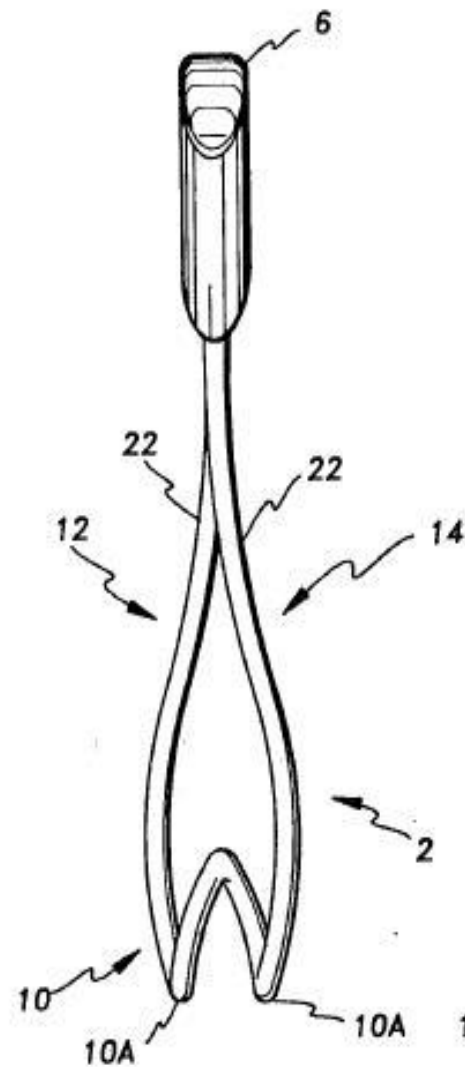


FIG. 3

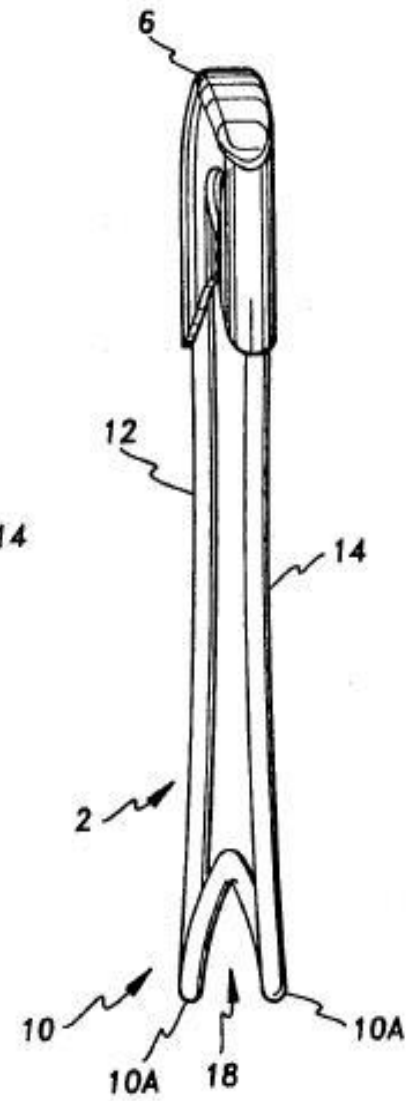
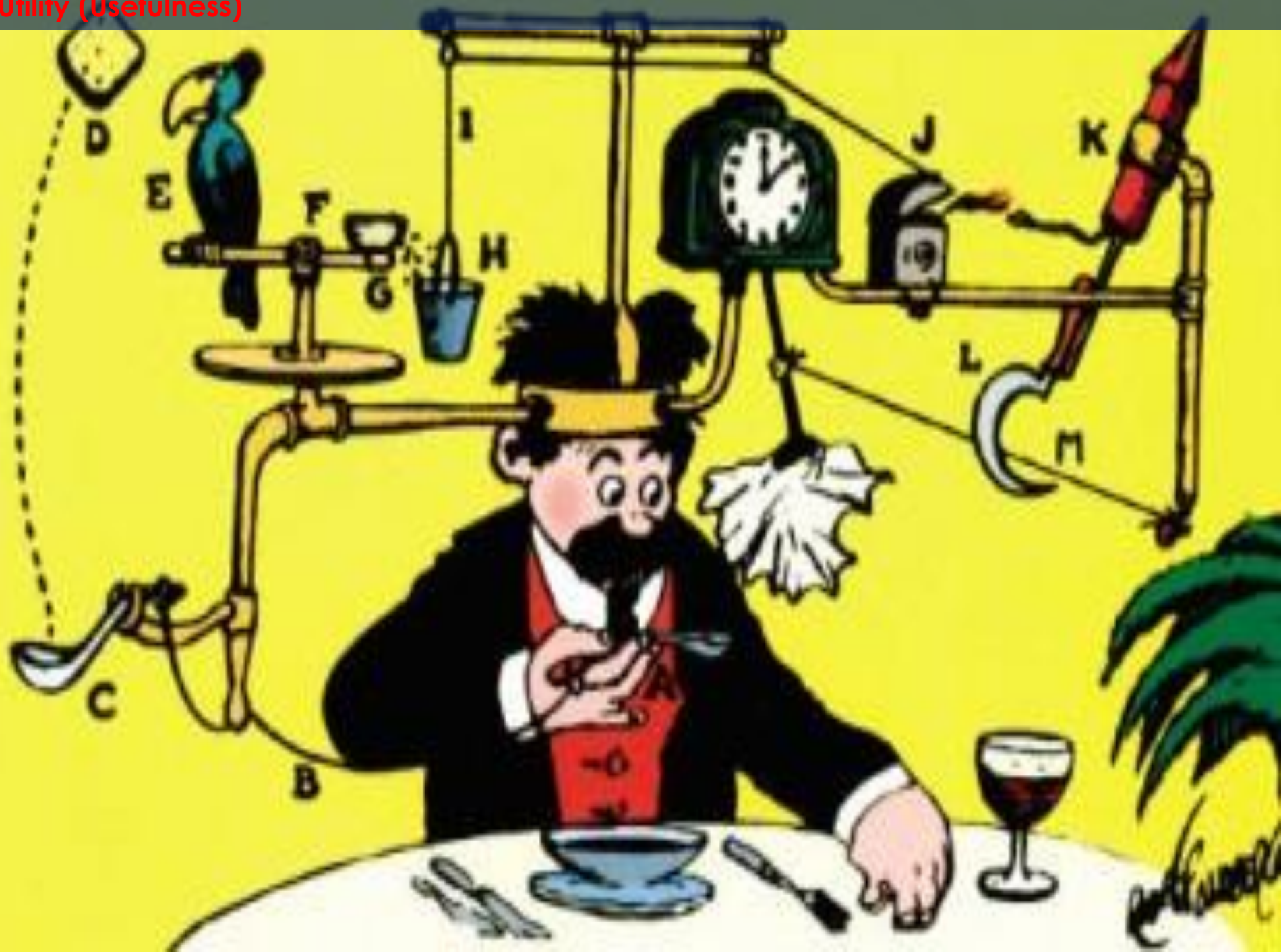


FIG. 4

Utility (Usefulness)



Exclusions from patentability

$\rho^2 \frac{e}{2m} \mu_0 = \frac{M_m}{N_A} = \frac{M_r \cdot 10^{-3}}{N_A}$
 $2\pi r m_e$
 $m_e = N \cdot m_0 = \frac{Q}{ve} \frac{M_m}{N_A}$
 $E = \frac{Ec}{a} \int_{-a/L}^{+a/L} \sin(\omega t + \phi) dy$
 $R_m = \frac{C}{T}$
 $k = \pm \sqrt{\frac{2m}{\hbar^2} (E - V)}$
 $l_t = l_0(1 + d \Delta t)$
 $I = \frac{U_e}{R + R_i}$
 $\omega = 2\pi f$
 $\frac{\sin \alpha}{\sin \beta} = \frac{v_1}{v_2} = \frac{nw_2}{nw_1}$
 $v = \frac{1}{\sqrt{\epsilon \cdot \mu}} = \frac{c}{\sqrt{\epsilon_r \mu_r}}$
 $\psi(x) = \sqrt{\frac{2}{L}} \sin \frac{n\pi x}{L}$
 $E = \frac{1}{2} \hbar \omega$
 $\beta = \frac{\Delta I c}{\phi_e} = \frac{\Delta E}{\Delta t} \frac{w_1}{x} + \frac{w_2}{x'} = \frac{w_2 - w_1}{x}$
 $\vec{\nabla} \cdot \vec{B} d\vec{l} = \mu_0 \iint_S \vec{J} \cdot d\vec{S}$
 $\vec{S} = \frac{1}{\mu_0} (\vec{E} \times \vec{B})$
 $E_k = \frac{\hbar^2 k^2}{2m}$
 $\oint \vec{D} \cdot d\vec{S} = Q_{enc}$

Laws of Nature



Exclusions from patentability



Abstract Ideas

Abstract ideas are concepts that **need to be visualized**, as they **cannot be illustrated through concrete examples**

Exclusions from patentability



Pseudoscientific ideas

Exclusions from patentability



(b) aesthetic creations

(c) schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers

(d) presentations of information



What is required

Enabling Disclosure and best mode



Unity of invention



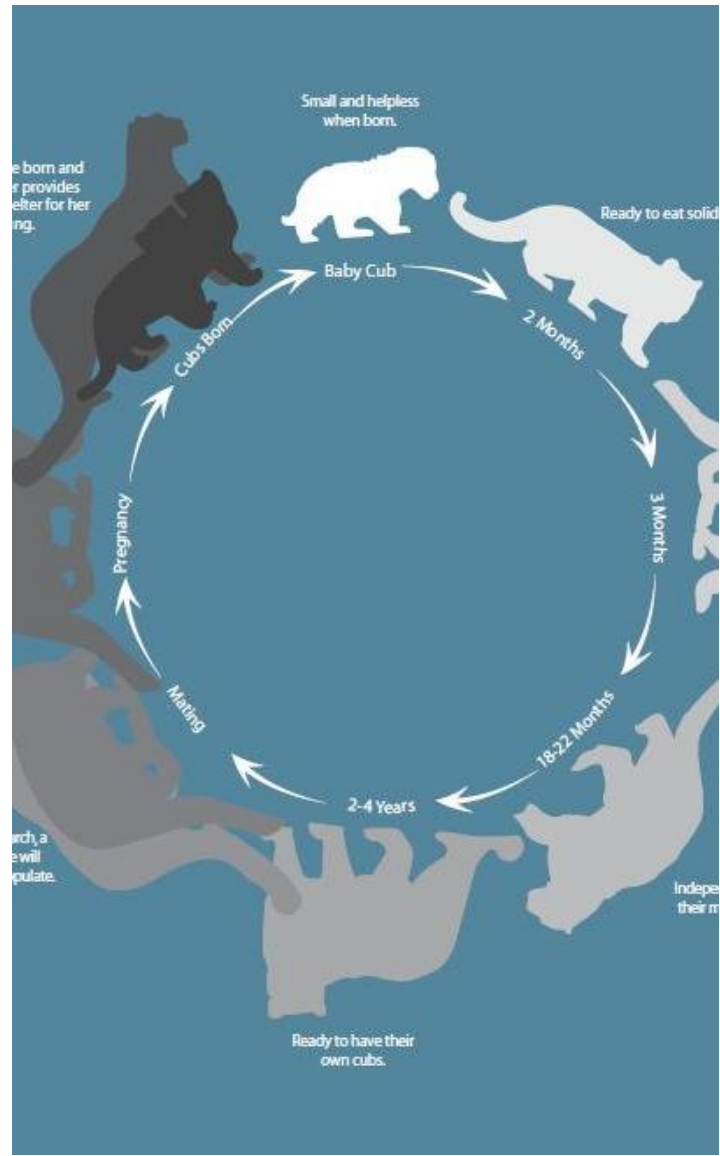
Written description and Formal requirements



Official fees



The life cycle



Application

Rejection

Pending

Abandonment

Grant

Licensing

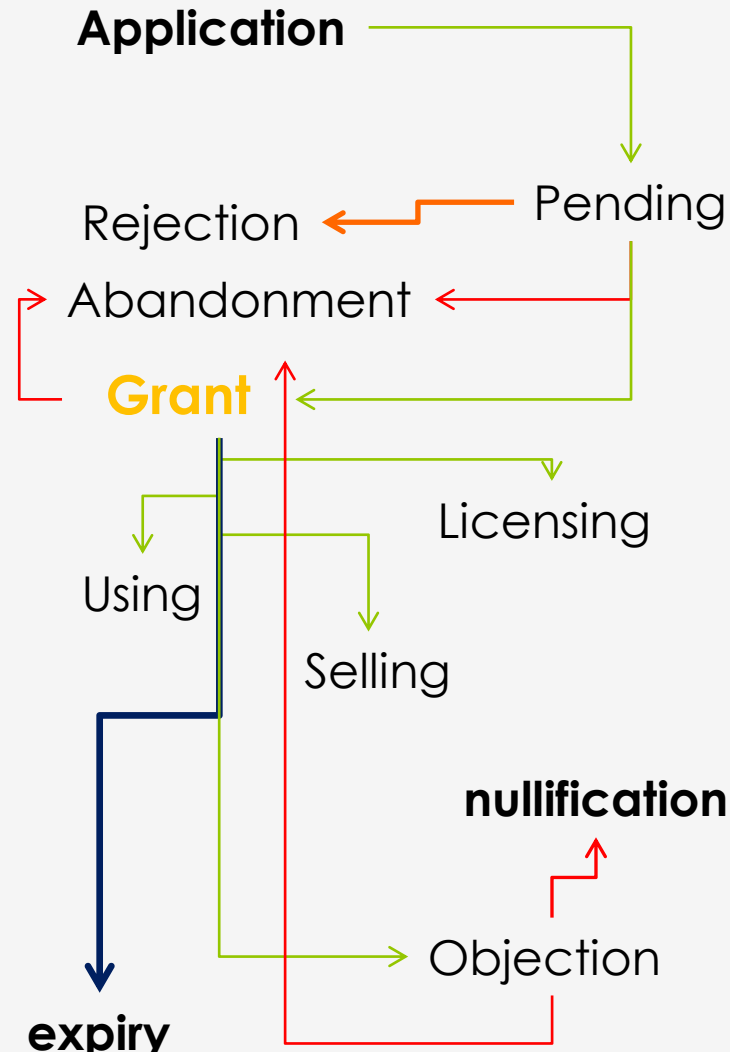
Using

Selling

nullification

Objection

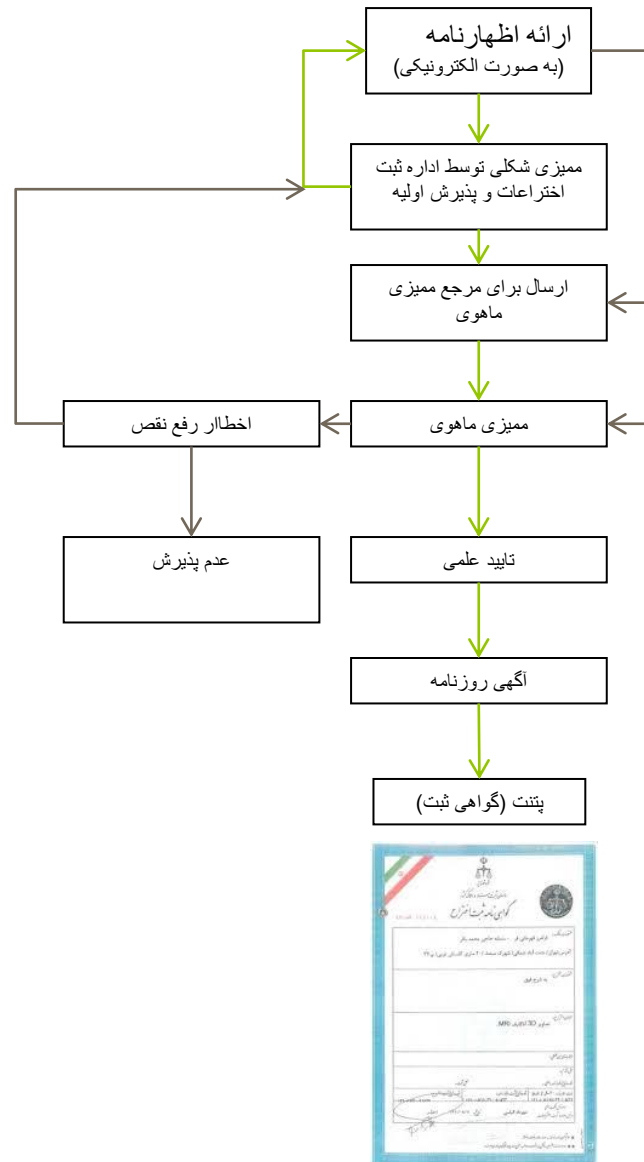
expiry





Filing A

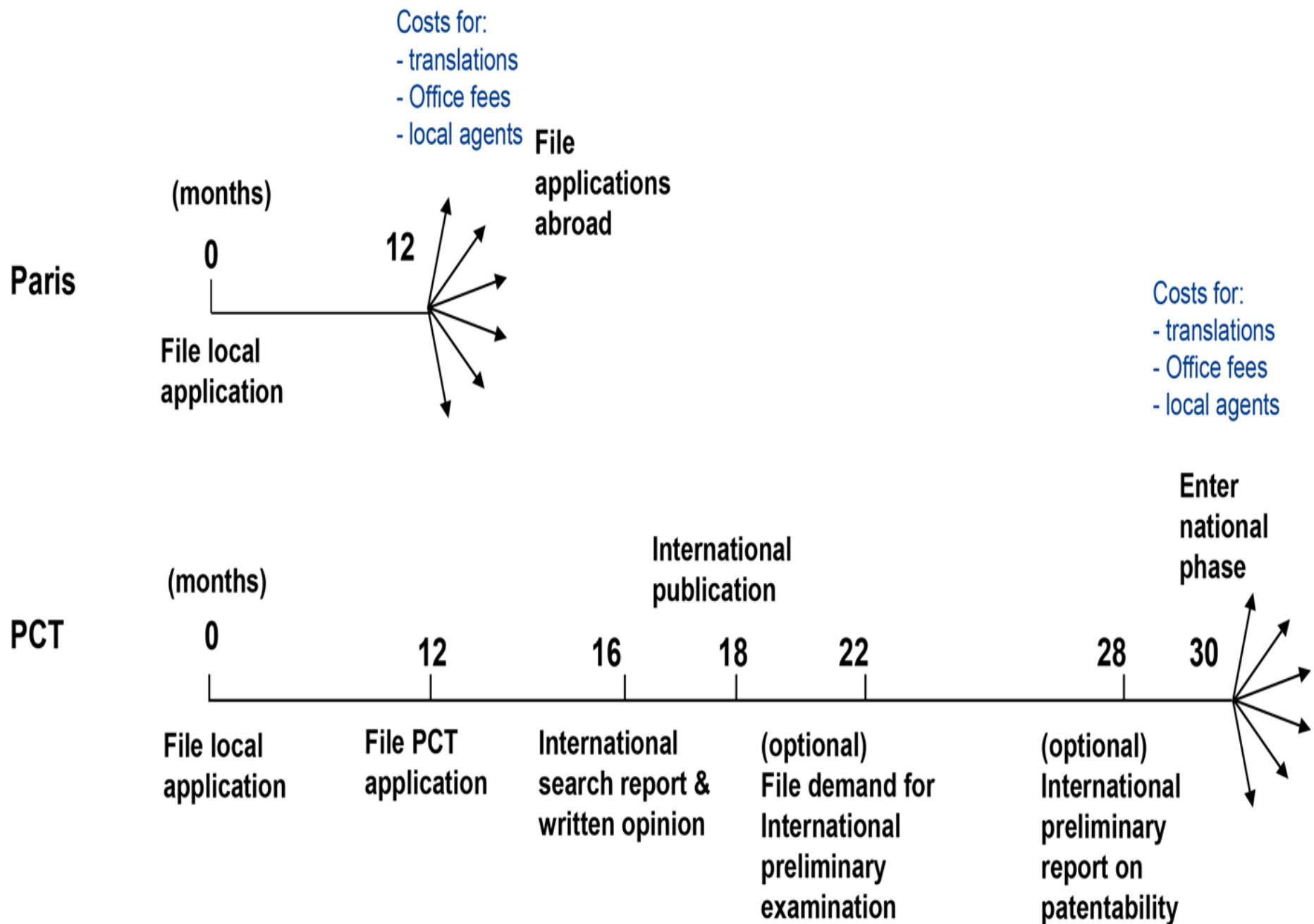
PATENT APPLICATION



ماده ی ۱۶ آیین نامه ی اجرایی قانون ثبت اختراعات

شخص حقیقی	شخص حقوقی	اقلام هزینه	
10.000	100.000	حق ثبت اظهارنامه و اظهارنامه تقسیمی	1
سال ۱ تا ۵، ۱۰۰۰۰۰۰ ریال سال ۶ تا ۱۰، ۲۰۰۰۰۰۰ ریال سال ۱۱ تا ۱۵، ۳۰۰۰۰۰۰ ریال سال ۱۶ تا ۲۰، ۴۰۰۰۰۰۰ ریال	۱۰ برابر مبلغ تعیین شده برای شخص حقیقی	هزینه ثبت سالانه	2
معادل نصف قسط سالانه در دوره های پنج ساله مربوط		جریمه تاخیر در پرداخت هزینه سالانه	3
50.000	500.000	هزینه استعلام برای انتقال، اجازه بهره برداری یا اعراض	4
300.000	3000.000	حق ثبت انتقال قراردادی و قهری	5
نصف هزینه انتقال قراردادی و قهری		حق ثبت مجوز بهره برداری یا فسخ و خاتمه آن	6
معادل حق ثبت اظهارنامه		هزینه هر بار اصلاح اظهارنامه و ضمائم آن	7
50.000	500.000	حق ثبت انتقال اظهارنامه یا اجازه بهره برداری از آن	8
50.000	500.000	حق ثبت تغییرات (غیر از انتقال مالکیت و اجازه بهره برداری)	9
100.000	1000.000	هزینه صدور گواهی المثنی	10
5000	50.000	هزینه رونوشت مصدق	11
15.000	150.000	هزینه اخذ تاییدیه تسلیم اظهارنامه یا صدور گواهی نامه اختراع	12
500.000	750.000	هزینه رسیدگی به اعتراض به رد ثبت	13
1.500.000	3.000.000	هزینه رسیدگی به اعتراض به تقاضای ثبت	14
3.000.000	4.500.000	ودیه تسلیم دادخواست ابطال به دادگاه	15
50.000	500.000	هزینه بررسی اظهارنامه ثبت بین المللی به عنوان اداره مبدأ	16

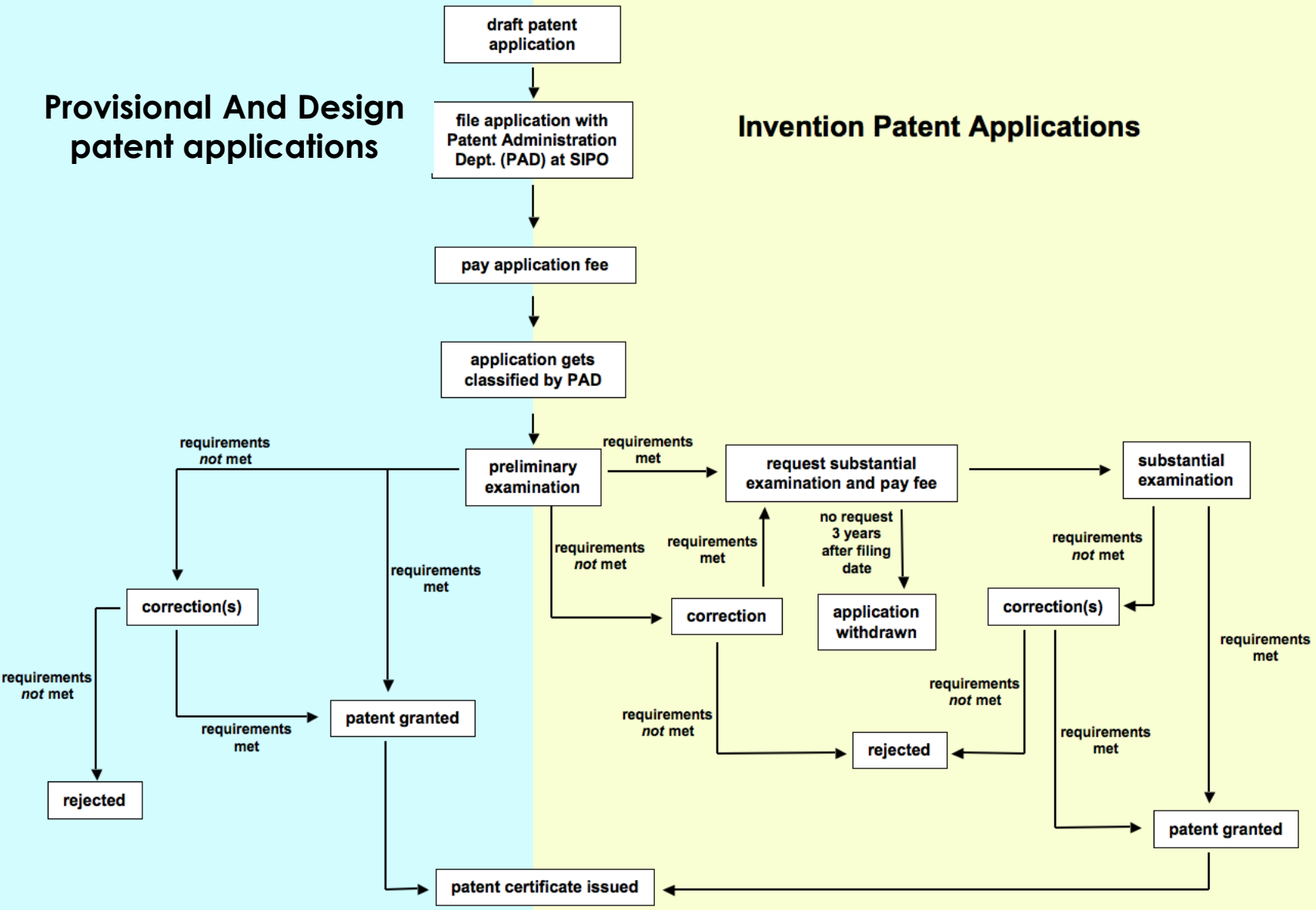
Paris Convention vs. Patent Cooperation Treaty



US Patents

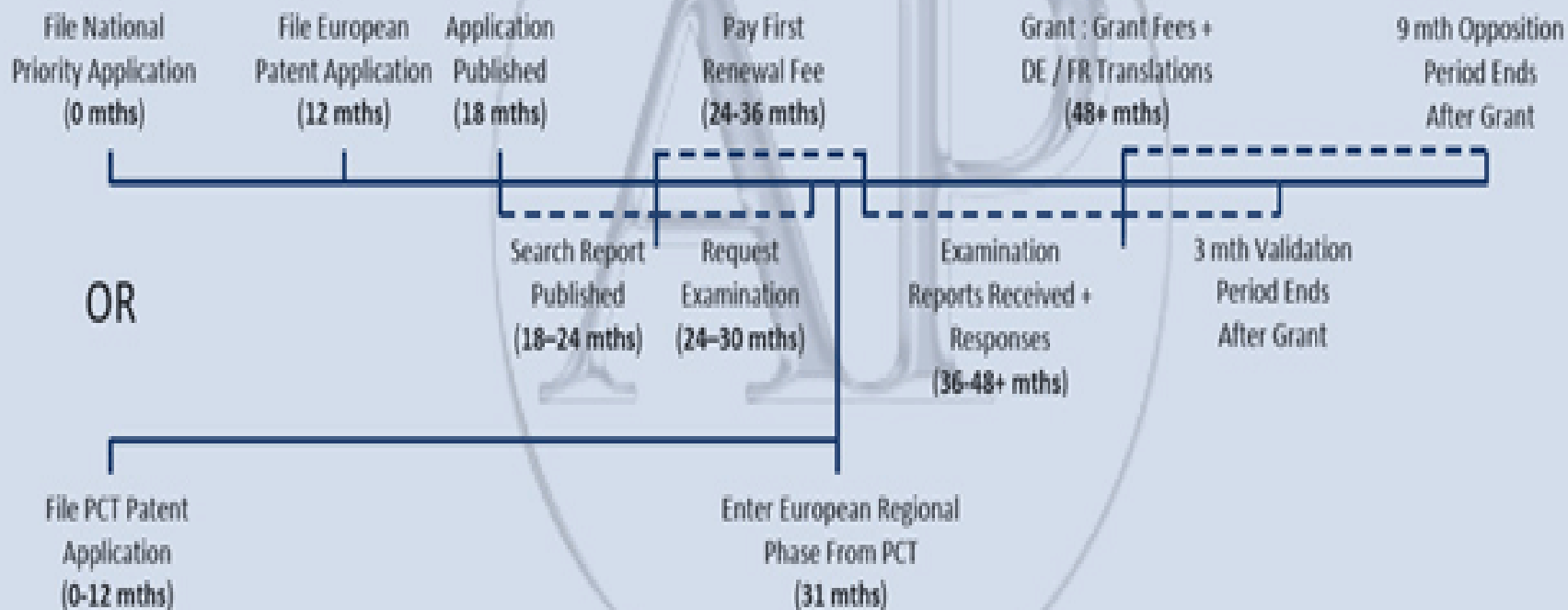
Provisional And Design patent applications

Invention Patent Applications

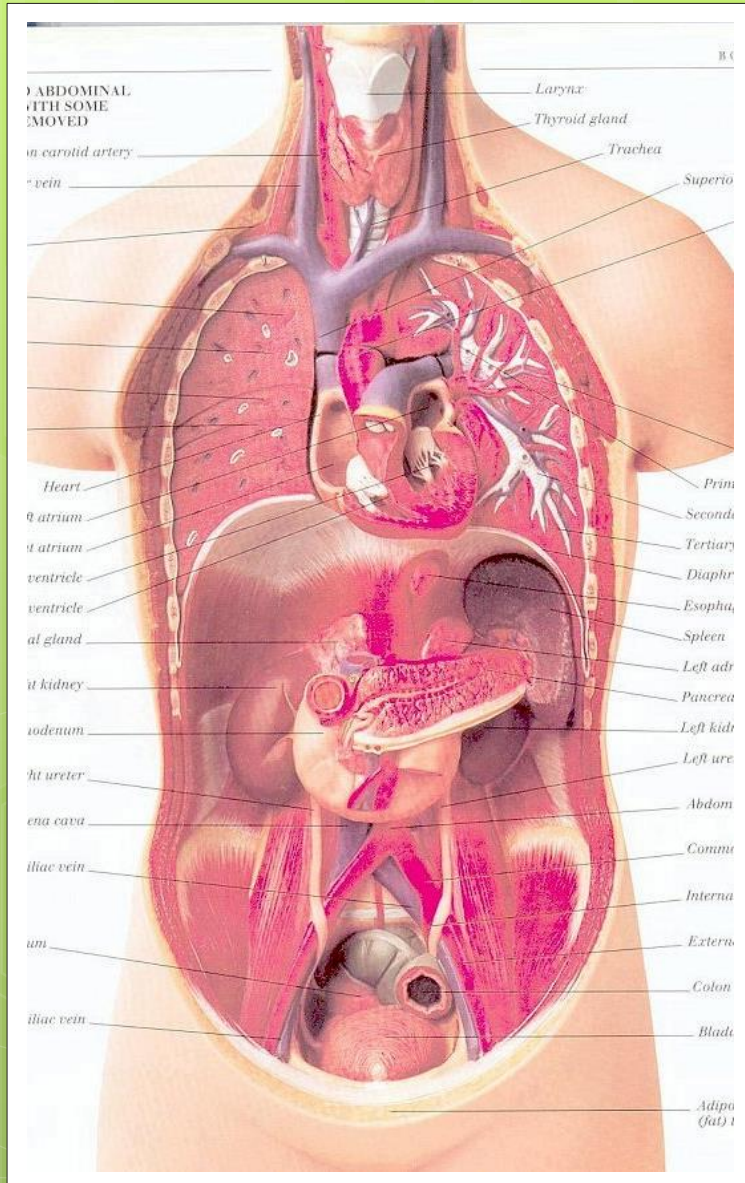


European Patent Application Time Line

(Typical and for guidance only)



Anatomy of a patent



Cover page - bibliographic information

Specification – description of the invention and

Claims – definition of the borders

United States Patent [19]

Oliver et al.

[11] **Patent Number:** **5,723,765**

[45] **Date of Patent:** **Mar. 3, 1998**

[54] **CONTROL OF PLANT GENE EXPRESSION**

[75] **Inventors:** **Melvin John Oliver**, Lubbock; **Jerry Edwin Quisenberry**, Idalou; **Norma Lee Glover Trolinder**, Quanah, all of Tex.; **Don Lee Keim**, Leland, Miss.

[73] **Assignees:** **Delta and Pine Land Co.**, Scott, Miss.; **The United States of America as represented by the Secretary of Agriculture**, Washington, D.C.

[21] **Appl. No.:** **477,559**

[22] **Filed:** **Jun. 7, 1995**

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 283,604, Aug. 1, 1994, abandoned.

[51] **Int. Cl.⁶** **C12N 15/29; C12N 15/82; A01H 4/00; A01H 5/00**

[52] **U.S. Cl.** **800/205; 800/250; 536/24.1; 536/23.6; 536/24.5; 435/320.1; 435/240.4; 435/172.3**

[58] **Field of Search** **536/24.1, 23.6, 536/24.5; 435/320.1, 240.4, 172.3; 800/205, 250**

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(List continued on next page.)

Primary Examiner—Douglas W. Robinson

Assistant Examiner—Thomas Haas

Attorney, Agent, or Firm—Rothwell, Figg, Ernst & Kurz

[57] **ABSTRACT**

A method for making a genetically modified plant comprising regenerating a whole plant from a plant cell that has been transfected with DNA sequences comprising a first gene

55 Claims, No Drawings

[19] Type of the publication (e.g., U.S. Patent) and first inventor's name.

[11] Patent number.

Auth. Code	Kind Code & Explanation
EP	A1 - Patent Application (With search report) A2 - Patent Application (Without search report) A3 - European Patent Application Search Report A4 - Publ. of suppl. search report A8 - Modified first page A9 - Modified complete specification B1 - Patent B2 - Patent after modification B3 - After limitation procedure B8 - Modified first page granted patent B9 - Corrected complete granted patent
WO	A1 - International application published with international search report A2 - International application published without international search report A3 - Later publication of ISR with revised front page A4 - Later publication of amended claims and/or statement B1 - Amended claims A8 - Modified first page A9 - International application republished with corrections, alterations or supplements
US	A1 - First published patent application A2 - Republished patent application A9 - Corrected patent application P1 - First published plant patent application



[45] Date the patent is issued

[54] Title of the patent.

[75] Inventors names and place of residence

[73] Assignees (patent owners) and their place of business

[21] Application number, which is assigned by the patent office.

[22] Filing date of the patent application.

[63] Related applications that the patent is claiming priority from.

[51] "International Classification" code, which is also known as the " International Patent Classification (IPC)".

[52] U.S. classification codes

[58] Field of Search

[56] References made of record in the application process for the patent. Following the references, the names of the Primary Examiner at the Patent Office, the Assistant Examiner (if any), and the Attorney, Agent or Firm of record are listed.

[57] Abstract, finally, at the bottom of the cover page, the number of claims and drawings in the patent are displayed.



Specification : description of the invention

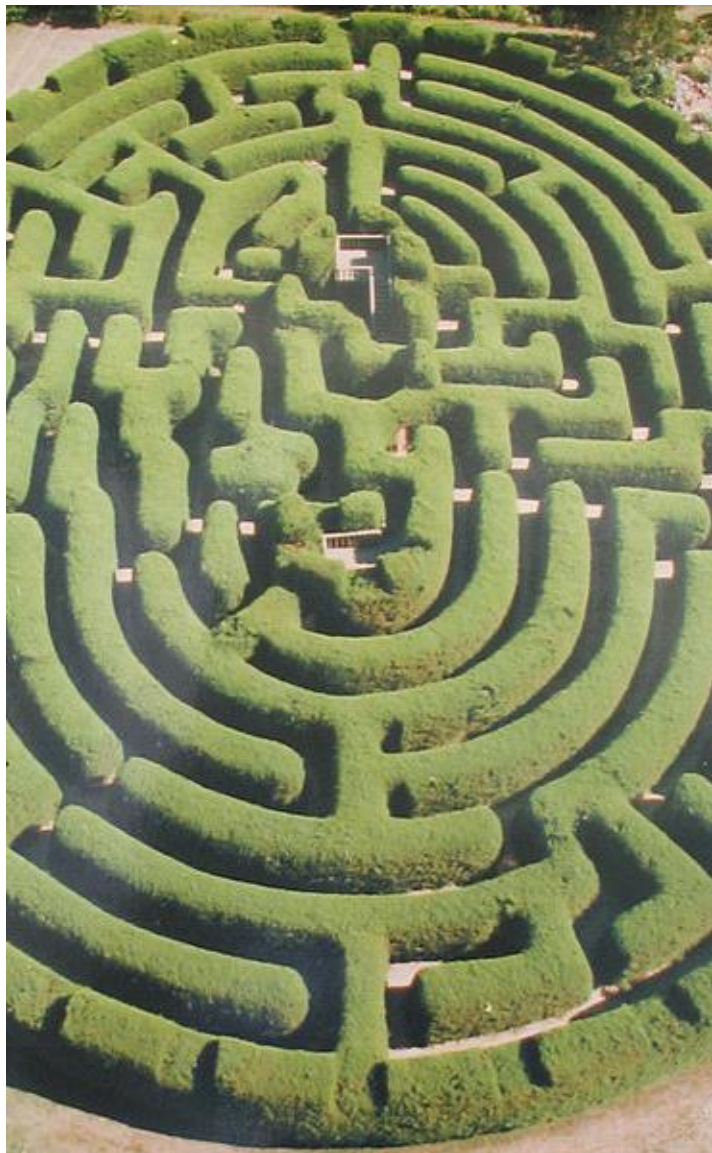
- (a) title of the invention;
- (b) cross-reference to related applications;
- (c) statement regarding federally sponsored research, if applicable;
- (d) background of the invention;
- (e) summary of the invention;
- (f) description of the drawings;
- (g) detailed description of the invention;
- (h) sequence listing; and
- (i) claims.

THE GREATEST INVENTION



OF ALL TIME

Patent Principles



Patents offer **no guarantees**

Many (maybe even most) **patents** do **not provide any real value**

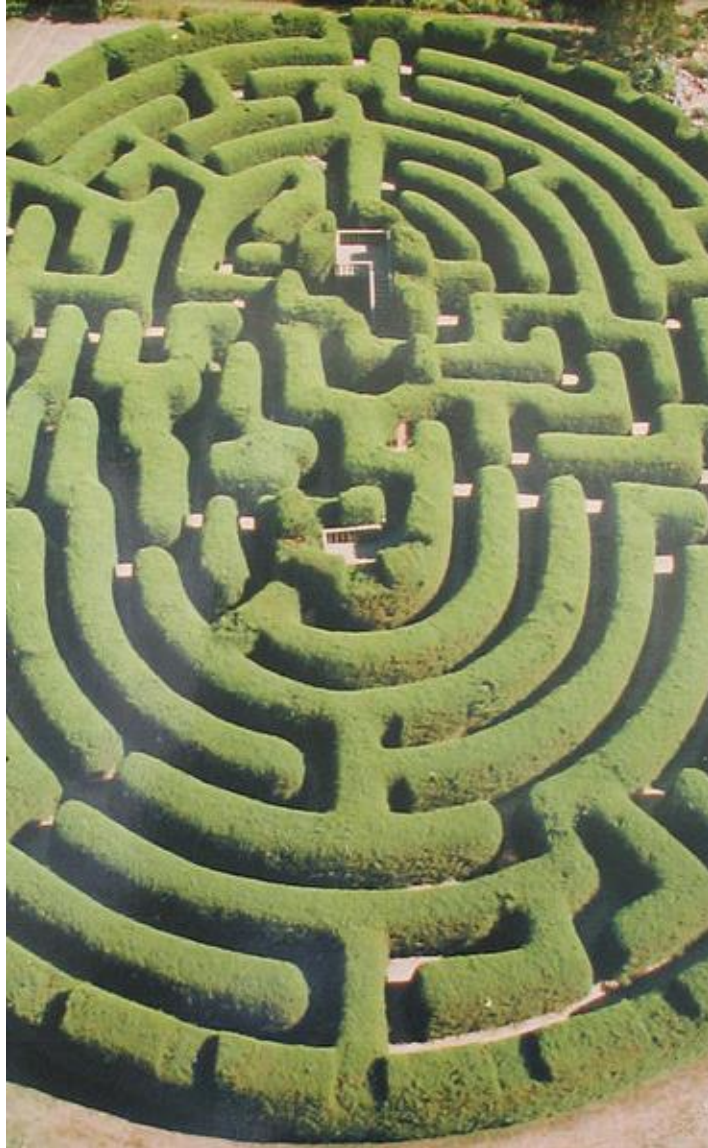
Some patents have **unintended consequences**

The Patent Office, like any organization, **makes mistakes**

There is **no room for knee-jerk reactions** in patent-related decisions.

A patent alone does not make you money

Patent Principles



Some products sell just fine without being patented

There are **no shortcuts** to patent protection.

All things **patent are costly**.

All things **patent must be managed** or else the first nine principles have no real import.

Patent Myths



- You **must conduct a patent search** before filing a patent application.
- You can **file a worldwide patent**.
- There is **a patent application form you can fill out**.
- Patents can be **reliably searched on the Internet**.
- You can still get a patent so long as a prior patent doesn't disclose your idea in the patent claims.
- You can't patent **software, financial tools, or business methods**.
- **A competitor cannot copy your product because you have patents pending.**

Patent Myths



- The most important thing is to file the patent early; you can always add things to it later.
- You can predict with confidence exactly what a patent will cost.
- The marketing department has no business in the management of patents.
- A patent application need be understood only by those skilled in the art.
- Patents are primarily for revolutionary ideas.
- Your patent will sail through the Patent Office.
- Having a patent will stop poachers.

Patent Myths



- The **company with the most patents wins.**
- If you can't get a patent, you **can always use trade secret (or copyright or trademark law to protect this product.**
- **Everything you need to know about a patent is on the title page.**
- **Having a patent means you are free to sell your product.**
- A competitor **can't patent an improvement** or a new use for your patented product.
- **Engineers don't need to deal with patent claims;** that's the patent attorney's job.

Patent Myths



- **If you didn't know** about another patent when you created an innovation, **you're not infringing.**
- **Most patents have commercial value.**
- **You have to wait until you get the patent** before you can sell a product.
- A patent is good **for forever.**
- **Most infringers will stop copying when notified by an attorney.**
- **You can extend the term of a patent.**
- You can file **provisional patent applications** in **foreign countries.**

Patent Myths



- **A provisional patent application allows you to stop** a competitor from making the product.
- **Patents are boring.**

- Your patent shall be treated equally all over the world
- I can do it myself
- This guy just told us everything we need

.....



Some Interesting Cases



Gillette v. Schick: Does Four Include Three?

BOTTOM LINE: A patent should be broad enough to block competitors from marketing even less-than-optimal versions of your invention.



RULE: Adding something to a patented invention is typically still considered an infringement even though it creates something different



Thanks for
your time

