

Introduction IPR



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Introduction to Intellectual Property Law

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What is IP?

- Intellectual property (IP) includes certain creations of the human intellect:
 - Creations and expressions
 - Marks and signs
 - Ideas and inventions
 - Shapes and forms
 -etc.



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What is IPR?

- Copyright
- Industrial property rights
 - Trademarks
 - Patents
 - Plant Variety Protection
 - Design Rights
 - Semiconductor Chip Protection



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Examples of protected IP?



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IPRs in the digital society

- Increasingly attracting political, economic and academic interests
- Businesses are paying closer attention to the substantial value of IPR
- Attention of the legislature
- IPRs are of great importance for market economies



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The character of IPR

- Cumulative protection or overlapping protection
- Other rules
 - Market Law
 - Competition Law
 - Trade Secret Protection



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How does the system work?

- IPRs are national (regional)
- International treaties
 - Agreements between states
 - Harmonisation



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The international framework (1)

- World Intellectual Property Organization (WIPO)
 - The Paris Convention for the Protection of Industrial Property (1883)
 - The Berne Convention for the Protection of Literary and Artistic Works (1886)
 - Other treaties...
- Important principles
 - National treatment
 - Minimum standards/obligations: The level of protection, what should be protected and exemptions



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The international framework (2)

- World Trade Organization (WTO)
 - Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1994)
 - A minimum protection level, incorporating principles from Paris and Berne Conventions
 - Possibility of trade sanctions



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The regional framework

- European Union Law
 - Directives
 - Regulations



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The IPR structure

- WHAT is protected?
- HOW to get protection?
- WHO is protected?
- EXEMPTIONS?



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What is protected?

- Copyright
 - Literary and Artistic Works
 - Related Rights
 - Performing artists, producers of phonograms and films and radio corporations
- Industrial property
 - Patent/Models
 - Design
 - Trade marks



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How to get protection?

- Copyright
 - Automatic protection
- Unregistered design protection
 - Publication of the design on the market
- Non-registered trademarks
 - Recognition by the relevant consumers
- Patents, registered trademarks and design
 - Application



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Exemptions?

- Limited (legal) exemptions exist
 - Private use
 - Public interests (non-commercial)
 - Free movement (exhaustion)



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Who is initially protected?

- Author (copyright)
- Inventor (patent)
- Designer or company (design)
- Company (trademark)

- The rights can be transferred, licensed, etc. to other persons or companies.

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Thank you!

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