



DELTA PATENTS

High-Tech Patents and High-Caliber Training

PROTECTING YOUR IP

Value of IP

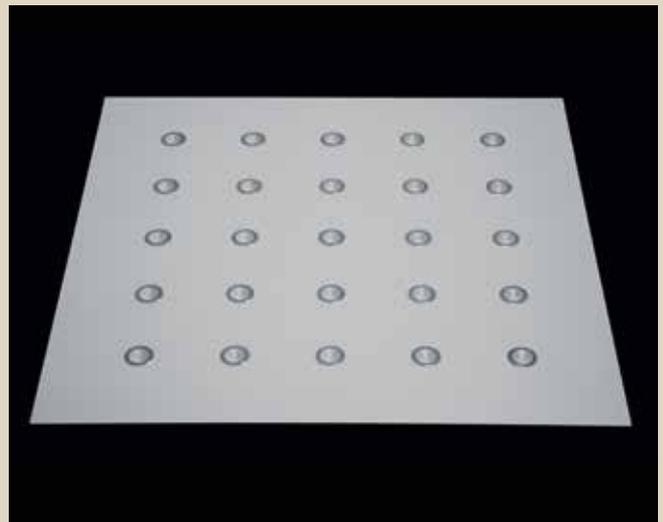
Because it is physical and transferable, an IP right represents value to the owner. It increases the value of your company by ensuring that the rights to the creation do not leave with the creator. It may be used as security for a loan or investment, to promote the innovative nature of your creations, or as a bargaining chip in any conflict with another IP owner. By asserting the right, you can protect your position in the value chain.



EasyLine: combines the light source and fitting into one product. Its unique optics provide light over more than 1800, allowing it to be using in low-clearance areas, such as parking garages. It is also fully dimmable.

Case Study

LedNed is a technology-driven company researching and developing light solutions involving LED's. This highly-innovative company spends a large share of its budget (in time, people and money) on new light solutions. To protect its business' interests, LedNed has a clear focus on protecting its technological lead.



FlexiLightPanel: designed to replace all sorts of traditional fluorescent lighting. They produce low heat radiation compared to traditional fluorescent lighting, reducing cooling costs by 15% – 25%. The light distribution is optimized to minimize shadows and maximize uniformity.

IP

Intellectual creativity often results in new artistic works, distinctive forms, and surprising ways to solve a problem. To encourage the disclosure and exchange of these creations, most countries provide the owner with protection for a limited period of time so they can benefit from the creation. Different laws protect key aspects of each type of creation, and define rules for registration, validity, ownership, and licensing.

By gaining a physical representation, creations of the mind become intellectual property or IP.

IP rights are generally subject to the rules and conditions imposed by each country. There are also international IP conventions to ensure that rights can be obtained in other countries or regions for reasonable cost and effort. Rights that must be registered are published, making them available to other parties.

Use of IP

IP laws define the boundaries of protection for the owner – this may be the creator, but more often it is determined by employment or commission contracts. As the owner, an IP right is yours to sell, trade, licence or assert. Assertion requires informing others that they are infringing your right, and is often resolved by negotiation. In some cases, stronger forms of enforcement may be necessary, such as requesting an injunction from a judge to stop infringement or to be compensated for damages. Having a right does not always give you the right to exploit – owners of IP may themselves be accused of infringing the rights of others.

Overview IP rights

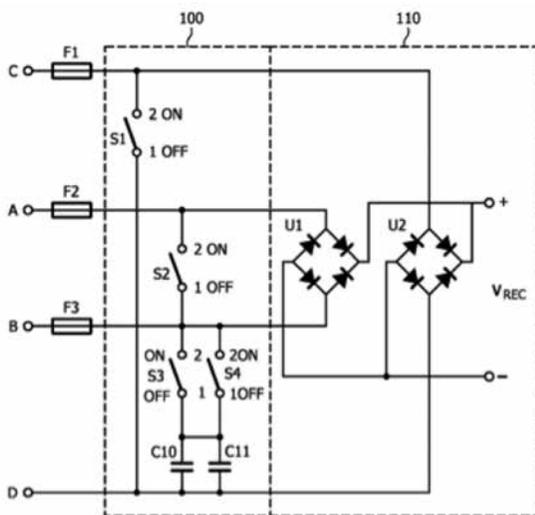
IP right	Creation protected	Obtained by	Scope of protection	Duration
Patent	Inventions	Filing application	Broad	20 years
Copyright	Literary and artistic works	Automatically	Narrow	50-70 years
Trademark	Product or company identification	Filing application	Depends on frequency and area of use	Indefinitely
Industrial design	Product appearance	Filing application	Depends on similarity with other models	15-25 years
Domain name	WWW address	Registration	Moderate	Indefinitely
Trade secret	Business secret	Automatically	Very narrow	None

Patent

A patent protects an invention which solves a technical problem. It fully describes how to implement and use the invention, and is published 18 months after filing. The patent grants the owner the exclusive right to prevent others from commercially exploiting the invention. It does not automatically give the right to use the invention as some aspects may be protected by other patents. The patent right may be maintained by paying renewal fees. After payment is stopped or the right has expired, the invention may be freely used by anyone.

To get a patent, the invention must be technical and it must be both novel and inventive. The invention may be made in any type of technology such as software, mechanics, electronics, chemistry or bio-technology.

Novel means that it was never disclosed in the art before filing. Inventive means that it would not be obvious from the art to make or use it. Most countries recognise disclosures anywhere in the world in any language as state of the art – this can complicate (and even prevent) the grant. Granting can take a few years as patent offices need to search for relevant documents and analyse them before finally approving the application. Due to its detailed description and thorough granting procedure, a patent is considered a strong IP right and can broadly protect an invention however it is implemented.



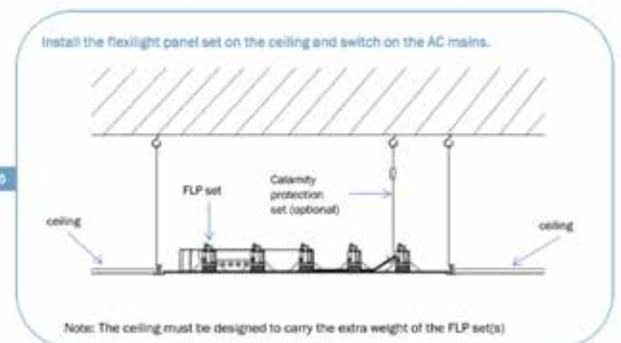
PCT application WO2010069983 describes LedNed's innovative electrical adaptation circuit for retrofitting a LED tube in a fluorescent tube armature

Copyright

Copyright protects a literary or artistic work which is anything that originates in the mind and is expressed in some way. The way of expression may be tangible, such as an art painting or a book with a romantic story, or non-tangible, such as a theatre performance or a presentation. Copyright also protects business publications, such as technical and installation. For copyright, the work should have its own original character and have the personal stamp of the author. Protection is automatically obtained from the moment the work is made. As no formal registration is required, subsequent enforcement may be complicated by insufficient evidence of ownership of the work. Informal registration is possible by filing a copy with a notary, with a copyright office, or as an i-DEPOT.

The scope of protection is narrow, so preventing others from producing variations made on your work may be difficult. For example, a software program is protected by copyright. Making exact copies of the software by an unauthorized person is considered infringement. But taking the basic idea from the software, and making a personal implementation of this idea, is not considered infringement. So copyright does not protect any idea, teaching or learning of your work, but only an exact copy or a copy with small variations.

In contrast, a broader scope of protection for technical software may often be possible with a patent.



LedNed makes its installation instructions available via their website. It is common practice to indicate use the ©-symbol, but it is nowadays not required for protection in most countries.



Trademark

A trademark identifies the brand owner of a particular product or service. It may be in the form of a sign, design, shape or expression, which is recognizable. The essential function of a trademark is to prevent confusion of the buyer about the source of origin. In case of a product, a trademark is normally placed on the product itself.

The trademark is maintained by paying renewal fees and using the trademark in the market.

A product may be protected by both a trademark and an industrial design. The same product may also have copyright protection.

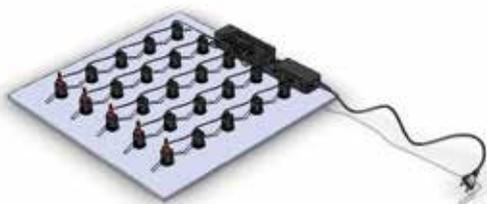


LedNed registered its trademark, CTM: 007338502, for goods and services related to lighting apparatus. The combination of blue and green was unique, and projected a young, fresh and environmentally-conscious company

Industrial design

An industrial design protects the visual design and appearance of objects, such as patterns, lines, colour or shape. The design must be aesthetic – if it provides a technical function, it cannot be protected by an industrial design. Note that protecting a feature with a technical function may often be possible with a patent.

A product may often be protected by both an industrial design and a trademark. The same product may also have copyright protection.



LedNed's Community Design RCD 001119689-0001 depicts the arrangement of the components in a light panel.

Domain names

Domain names are used on the Internet to find a certain webpage. They are registered with registrars, who are accredited by ICANN, a non-profit corporation formed specifically to control Internet domain name management.

The legal status of domain names may be uncertain as different countries handle them differently – has the registrant only received a license to use the domain name, or has the ownership of the name been transferred? Most disputes about the ownership are resolved by arbitration according to the Uniform Domain Name Dispute Resolution Policy.

It is very common for trademarks to also be registered as a domain name. Owning a trademark can strengthen the case when trying to obtain a corresponding domain name from another party.

LedNed has registered the domain names www.ledned.nl and www.ledned.com

Trade secret

A trade secret is information available inside a company, but not outside, such as the formula for Coca-Cola™. It has value because it provides an advantage over competitors.

The confidentiality of trade secrets is usually ensured by both parties concluding a non-disclosure agreement or NDA.

If a trade secret becomes public, either by accident or by a deliberate leak, it may be difficult to get compensation. Typically, you must prove that the publication is your trade secret and that the party who disclosed it actually had your secret. As a precaution, informal registration is possible by filing a copy with a notary, with a copyright office, or as an i-DEPOT.

The interpretation of trade secrets is very narrow, being limited to the piece of information only. Also, you can only act against the party who unlawfully disclosed - everyone else is free to use the information that was made public.

When discussing a creation with a potential collaborator, buyer or investor, consider drawing up an NDA beforehand.



DeltaPatents

We are a patent attorney firm based in the Netherlands, provide the highest quality advice and service to public and private companies at various stages of growths from start-up to Fortune 500. We offer a full range of IP services, with a focus on patents, from filing and registration to licensing and litigation. We also provide a wide range of IP and patent courses, ensuring that we stay ahead in terms of legal and procedural knowledge.

Disclaimer

This brochure only provides a brief overview of different aspects of IP rights. DeltaPatents bears no responsibility for the completeness or correctness of any information in this brochure. DeltaPatents also bears no responsibility for decisions taken on the basis of information from this brochure. We strongly recommend that you consult a professional qualified to advise on the applicable IP right.

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