CAMBRIDGE UNIVERSITY ENTREPRENEURS SPONSORSHIP

As Sponsors of Cambridge University Entrepreneurs (CUE), HLBBshaw is delighted to provide the following prizes:

WINNERS

Each winner of the CUE Business Plan competition will receive IP services from HLBBshaw Ltd to the value of £2,500. These prizes will be valid for a period of eighteen months from the date when the winners are announced. They can be used for any type of IP services from HLBBshaw Ltd, whether patent, trademark, design filings or infringement or any other type of IP advice service that HLBBshaw provides. Further information on HLBBshaw can be found at www.hlbbshaw.com.

FINALISTS

In addition, every finalist receives the opportunity to utilise IP services (provided by PatentStart Limited) to the value of £525 (+ £250 voucher). Each prize provides start-up patent protection and may be used at any time within twelve months of the finalists being announced. In essence, for each finalist, the Patent495 product will be provided (but free of charge):

a) A UK patent application prepared jointly by the finalist together with patent professionals;

b) A “non-disclosure agreement” for use in approaching manufacturers and licensees also prepared by patent professionals;

c) A detailed licensing guidance note prepared by patent professionals;

d) A £250.00 Voucher redeemable against the cost of any future conventional patent attorney services you seek from HLBBshaw Limited.

Further information about these prizes can be found at www.patent495.com, through which the prizes will be provided and all the terms and conditions stated there will apply.

More general information on Intellectual Property can be found overleaf.

The **HLBBshaw Group** is a national Practice of patent attorneys which employs over 100 people and practises as Chartered Patent Attorneys from offices from Leeds to Cambridge. The group is regulated by the Chartered Institute of Patent Attorneys, and is well-known for its success in high profile patent cases.

Intellectual Property for Beginners

HLBBshaw
European Patent & Trade Mark Attorneys

Patents • Trade Marks • Designs • Copyright

Sovereignty always applies to Intellectual Property, which is a purely national right. It can only be enforced against an infringer in the country where it is granted/registered. Thus, "global" rights do not exist (there is no "global" government) so a strategy for determining in which countries IP is to be obtained is vital. Only the EU provides for Design and Trade Mark registrations that cover the whole of the EU, but not for Patents. Even for Designs and Trade Marks, however, the equivalent national rights still exist in parallel.

Trade Marks are words, logos, get-up, even sounds and smells that provide brand or product recognition. They are always associated with particular goods or services, so that different people can own the same trade mark for different goods or services, e.g. "Penguin" for books and for chocolate biscuits. They can be registered ® or unregistered ™. Although some protection will apply in some countries purely through use, enforcing unregistered trade marks (through Passing Off or Unfair Competition) can be difficult and time (money) consuming. Therefore, registration is always recommended. However, non-use for several years can lead to the trade mark being "de-registered". ALWAYS get a clearance search done BEFORE starting to market a new product since changing a trade mark after or even just before a major launch can be extremely costly.

Designs can be registered or unregistered and cover the outward appearance of an article. For registered designs, there must be some aesthetic appeal, which means that the appearance is considered when choosing to purchase (not that any particular standard of "beauty" is a consideration for registration). For non-registered designs, although the appearance is protected, it is not necessary that it be a criterion for purchase. Features that are required for matching or fitting the article to another are excluded from protection.

Copyright is automatically obtained when a "work" is created and set down in tangible form. The "work" may be anything that is literary, dramatic, musical or artistic and that originates from its author or an audio or visual recording. To infringe, an infringer has to copy the original work, even if the copying is subconscious or second-hand. Thus, if the "infringer" produced an identical work completely independently, then no infringement arises. Various works fall within the scope of "literary work" including brochures, data sheets, web pages, presentations, software, databases and other collections of data. There is no percentage difference that either is or is not an infringement. If an infringer makes substantial use of the time and effort required by the author to create the original work, then infringement is likely to be found.

Patents are monopoly rights granted for technical inventions that permit the patent owner to prevent (or allow for money or other reasons) someone else to commercially use (including importing and exporting) the invention in the country concerned. It does NOT give the patent owner the right to utilise the invention themselves – only to stop others from doing so. Therefore, a patent is NOT required to make (and sell) your own invention; the only requirement is not to infringe anyone else's patent. The fact that an invention has a patent granted for it does not mean that a *product* incorporating the patented invention does not infringe anyone else's patent since patents often cover improvements in products and later patents can "nest" within earlier ones. Patents are only granted for inventions that are "new" and "not obvious". "New" means that the same invention must not have been made known to the public in any way anywhere in the world at any time prior to the date of filing the patent application. Since it is impossible for the Patent Office (or anyone) to search everything ever printed, said or shown in public everywhere in the world, a patent, even if granted, is never guaranteed to be valid, and can be invalidated later (for example, when litigation is started to enforce the patent if the alleged infringer can find such a prior publication). Even the inventor's own actions, if public, can invalidate a later filed patent. Therefore an invention MUST be kept CONFIDENTIAL prior to filing the patent application. An invention is "not obvious" if a person who, at the date of filing of the patent application, knew everything that had been published in that field, but who had no inventive faculty of their own, would not have considered the invention to be obvious. Since a patent only gives the owner the right to stop others from utilising the invention (and not to do so themselves), a patent need only be applied for if it is expected that someone will want to utilise the invention commercially in competition. Otherwise, if no-one will ever want to use the invention, there is no need for a patent, no matter how great the invention.

Any Questions on Intellectual Property can be easily answered at our FREE weekly Clinics held at our offices in BIRMINGHAM, CAMBRIDGE, EPPING, LEEDS and READING. Full details can be found via our dedicated beginners' website: *www.ipforbusiness.com*. Contact us by email to *mail@hlbbshaw.com* or by telephone to 01992 561756. More information can also be found on our main website: *www.hlbbshaw.com*.