European Intellectual Property Teacher's Network

Fourth annual workshop. Theme: "Teaching across boundaries"

24-25 June 2010. University of Alcalá, Spain

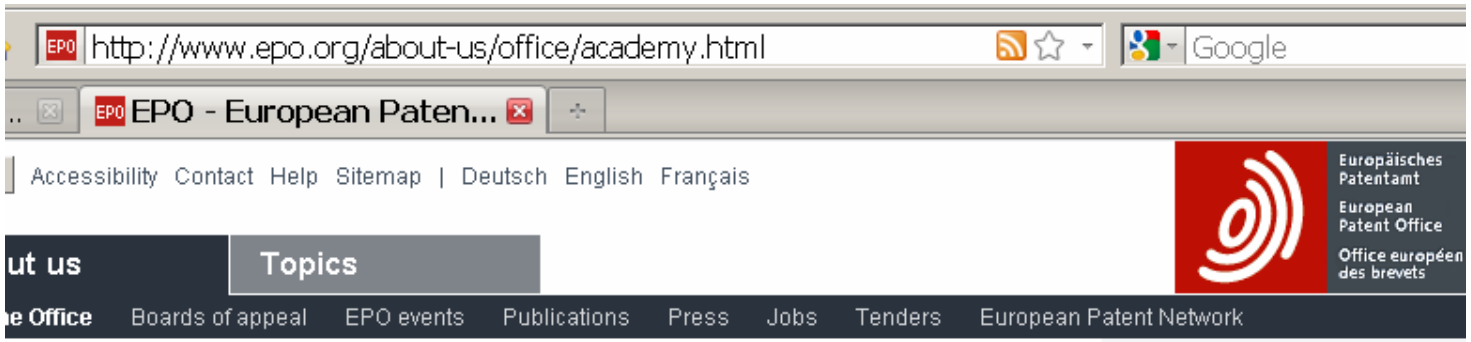
Session 1: "Creating an IP teaching culture in universities"

PATENTS - What every scientist and engineer should know: A five-year successful IP teaching experience at Spanish universities and other research centres

Prof. Pascual Segura
Director of the Patent Centre of the University of Barcelona, UB
(pascualsegura@pcb.ub.es)

Dr. Carmen Toledo
Head of the Documentation and Searching Area, Spanish Patent & Trademark Office (*Oficina Española de Patentes y Marcas, OEPM*)

These slides are downloadable from:
http://www.pcb.ub.es/centredepatents/doc_cursos.htm



European Patent Academy

Programme areas

The Academy's activities are divided into five programme areas, aimed at different target audiences.

Institutional strengthening
Professional representatives
Innovation support
Judicial training
Academia

Our limited target audience: professors/researchers/students in Science and Engineering (not Law, Business, Economics, etc.)

Academia

Target audience

Today's academic world helps to shape the minds of the future. Universities and colleges nurture tomorrow's engineers, lawyers, researchers, designers, managers and entrepreneurs. Europe's educational institutions are the best place to raise awareness of intellectual property (IP), and this is precisely what the Academia unit of the European Patent Academy is doing.

Every student needs to know what IP is and how to use the patent system to support innovation.

Some Previous Teaching Experience (and opinions)

For three years (1998-2000) an official optional subject entitled "PATENTS in Chemistry, Pharmacy and Biotech" was offered to UB undergraduates, along 10 consecutive full days of July, involving 60 hours and granting 6 credits.

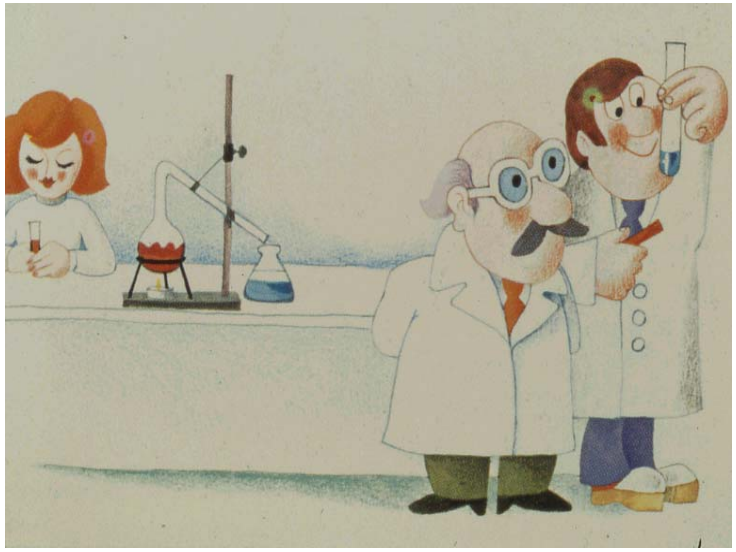
It was very successful (ca. 80 enrolled students per year), but for undergraduates patents was just another topic to get credits from.

As students were too far away from applying patent concepts in research or at work, we quitted from offering the subject.

cont.

We, the authors, became aware of the importance of patents for every researcher during our own PhD research. We realized that **university professors, researchers and graduate students did not know that patent documents represent a source of information** that can be critical to the success of their (pure or applied) research.

On the other side, they should know that patents could represent:
- a source of **prestige** (and the concomitant promotion)
- a potential source of **extra income** (in case they are exploited)



However, research staff is very busy and they would not attend a very long session.

Thus **we thought that 4 hours (usually from 10 to 14 h) was the maximum they would attend**.

TTOs cooperation in organization and logistics

All sessions were organized in cooperation with the respective Technology Transfer Offices (TTOs) of the university or the research centre, because their personnel: knows the people who may be interested; makes efficient advertising, and could take care of logistics (documentation, room, coffee-break, etc.)

Besides, someone in charge of patents at the TTO was involved as speaker to deliver a short speech at the end of the session, entitled **"Who should be addressed at [the University] for patent-related issues".** Here local rules and practices were explained.

Attendance was 50-300 persons, with an average of ca. 100.

There was full subsidy from

paying for travel, accommodation and maintenance of the speakers.

The program

[including some 'hot' topics for academics]

1. What is the role of Intellectual Property Rights (IPR) -particularly patents- in today's World.
2. How a discovery gives rise to a patentable invention.
3. First things to do when you think you have a patentable invention.
4. What can be patented.
5. Which are the requirements that an invention must fulfill to get a valid and enforceable patent.
6. How to facilitate the work to patent application drafters.
7. How to make money from inventions by private inventors or academic researchers [ownership, inventorship and reward issues]
8. How to get and enforce patent rights.
9. How to use patent documents as a source of technological information **[by the OEPM speaker]**
10. How to find patent information **[by the OEPM speaker]**
11. Who should be addressed at [Univ.] for patent related issues **[by the TTO speaker]**
12. Colloquium

Main IP Rights	Protection of:
copyright and allied rights	creative works, including computer programs and databases
trademarks	distinctiveness
geographical indications	distinctiveness by origin or process
----	protect. against **unfair competition**
industrial design	non-functional shape or apearance
trade secrets (know-how)	confidential technical information
patents and utility models	technology (inventions)

Some non-patent IPRs were briefly mentioned

Real examples were widely used as illustration (here on the concept of 'famous trademarks')

Design patents bolstered by the Federal Circuit

Press cuttings were widely used (here on the importance of designs)

The Federal Circuit has overturned a ruling by the International Trade Commission that said that shoe designs mimicking the popular Crocs footwear did not infringe the company's design patent

Lawyers say that the decision could encourage more IP owners to protect their innovations with design patents.

Design Patent US D517,789 "Footwear"

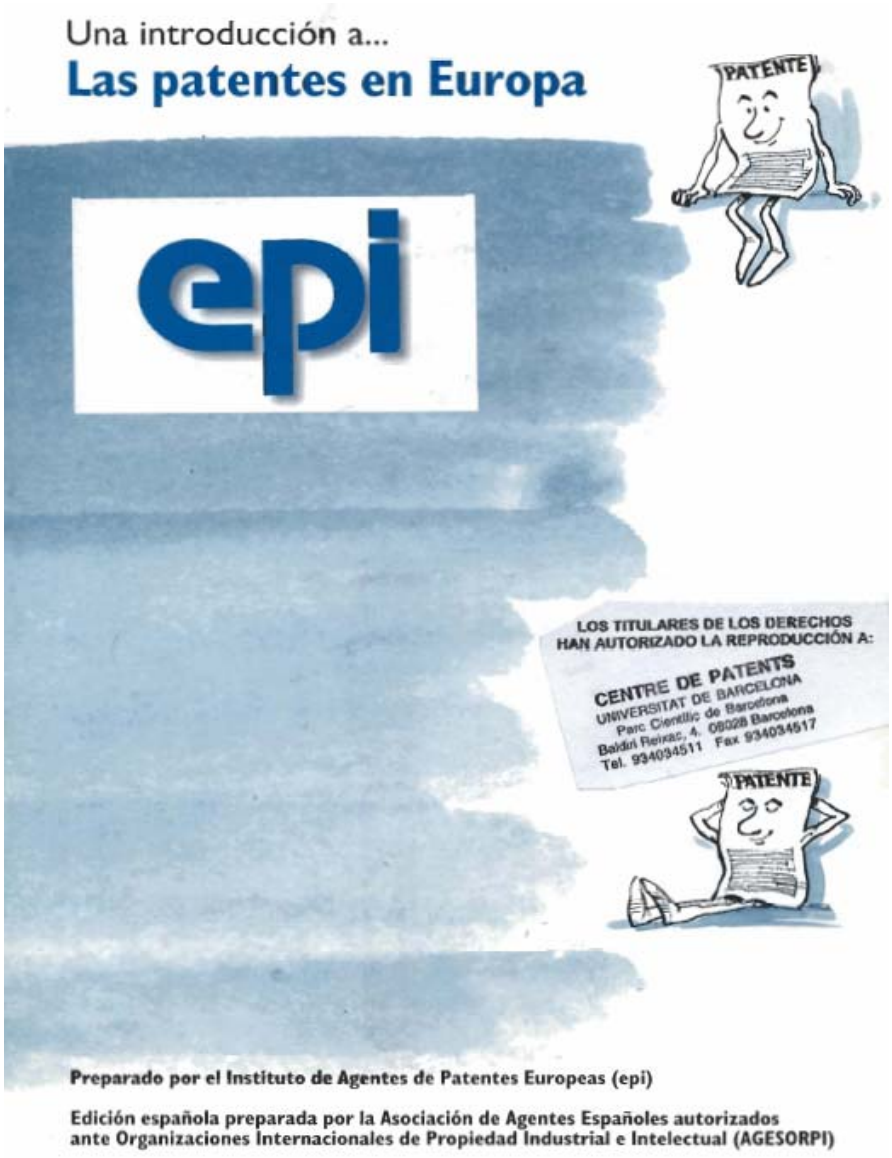
The case involved Crocs' appeal from an ITC decision that shoes manufactured by Double Diamond Distribution, Effervescent Inc and Holey Soles Holdings did not infringe Crocs's US design patent number **D517,789** and that its US patent number **6,993,858** would have been obvious to a person of ordinary skill in the art.
In his **opinion** , Judge Randall Rader of the Court of Appeals for the Federal Circuit applied the ***Egyptian Goddess*** standard for determining design patent infringement. He criticised the ITC for its "excessive reliance on a detailed verbal description in design infringement cases", saying that the written claim description in this case "distorts the infringement analysis by the ordinary observer viewing the design as a whole".

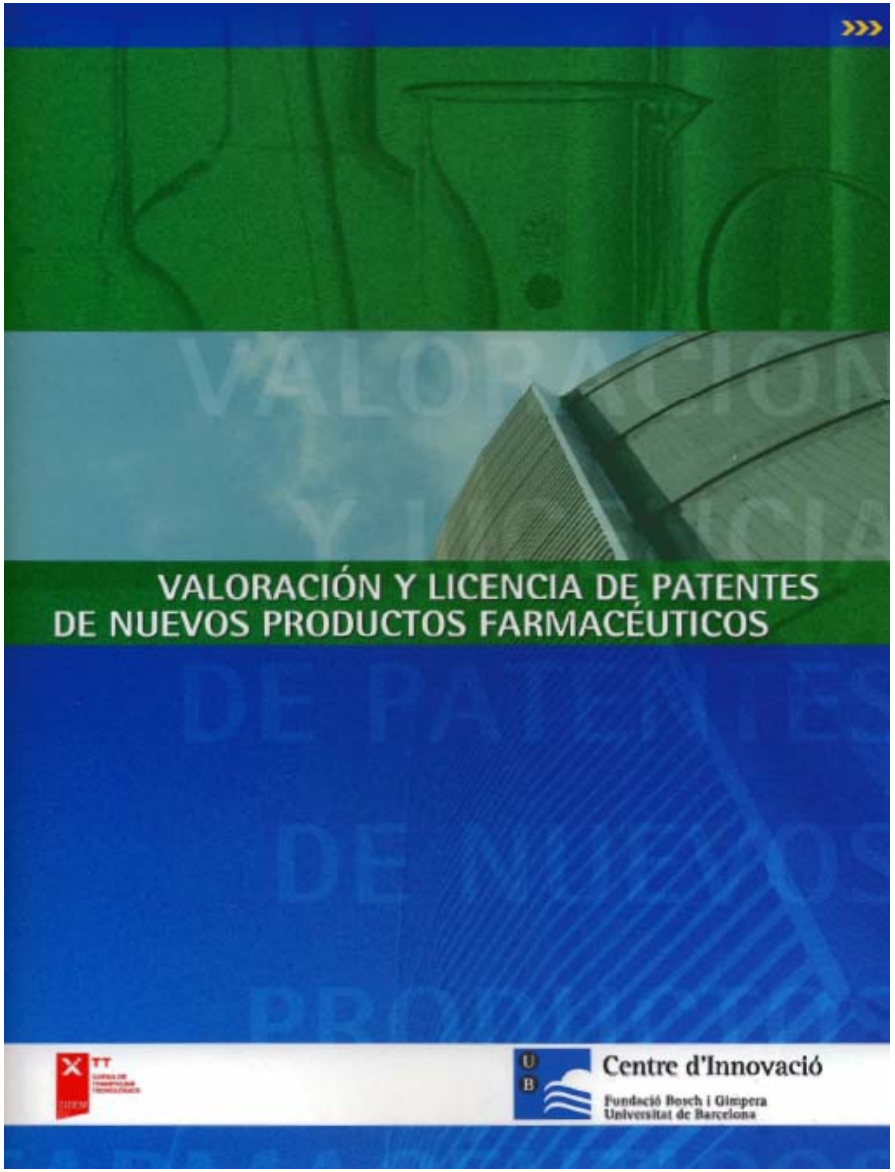
Holey's design

MIP Weekly News, 26 February 2010

Documentation included two OEPM booklets on designs and trademarks..

... plus an EPI booklet on EP patents, and a UB one on valuation-licensing





IP DUE DILIGENCE

23 October 2009, Conf. No. H10-5409

W MANAGEMENT FORUM

- **Assessing Freedom to Operate**
  Timothy J. May, Finnegan
  - Conducting a freedom to operate search
  - What is the appropriate scope of the search?
  - Methods of analyzing the results
  - Handling freedom to operate questions and prob
- **Coffee**
- **Evaluating the Patent Portfolio: Claim Construction, Term, Validity, and Enforceability**
  Patrick Duxbury, Wragge & Co.
  - What patent claims actually cover the product?
  - Do the patents have sufficient term for an adequate financial return?
  - What are the risks of invalidity or unenforceability in different jurisdictions?
  - What confidential information is necessary to evaluate?
- **Ownership and Joint-Ownership of Patents, Trademarks and Copyrights**
  Lori-Ann Johnson, Finnegan
  - The risks of joint ownership
  - Rights of joint owners vary with country and type of IP
  - Investigating inventorship of patents to assess ownership risks

Other course programs were used (here to illustrate how a patent value would be assessed)

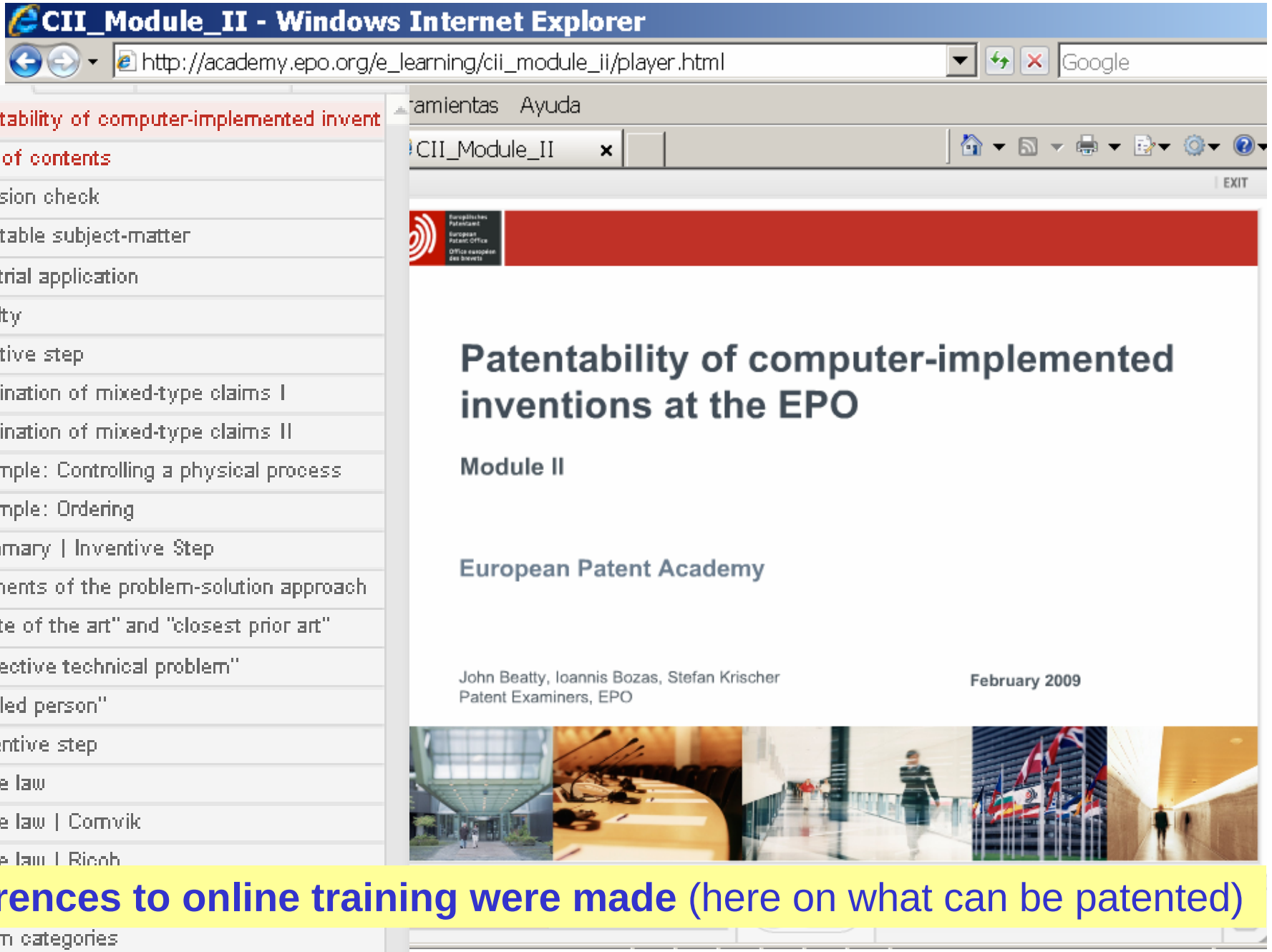
3. First things to do when you think you have a patentable invention

- Search prior art in databases of scientific publications (Medline, Excerpta Medica, Biosis Previews, Science Citation Index...) **and of patents** (SciFinder-CAS, Derwent-WoK, Esp@cenet, OEPMnet, USPTO or Google-Patents, etc.).

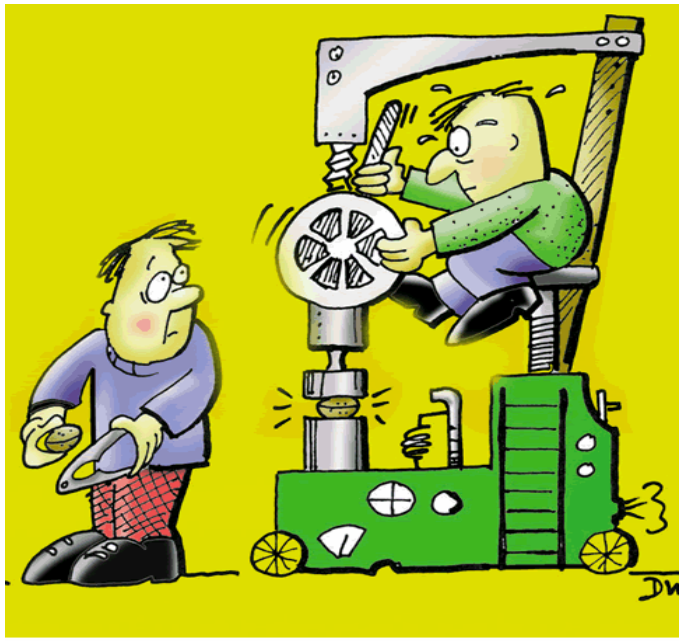
- Avoid self-destruction of novelty or inventive step through publication of **abstracts** or posters in conferences, lectures of PhD **thesis**, **public access** to papers on the Internet or on paper, use, sale, etc., **before** an priority patent application has been filed.

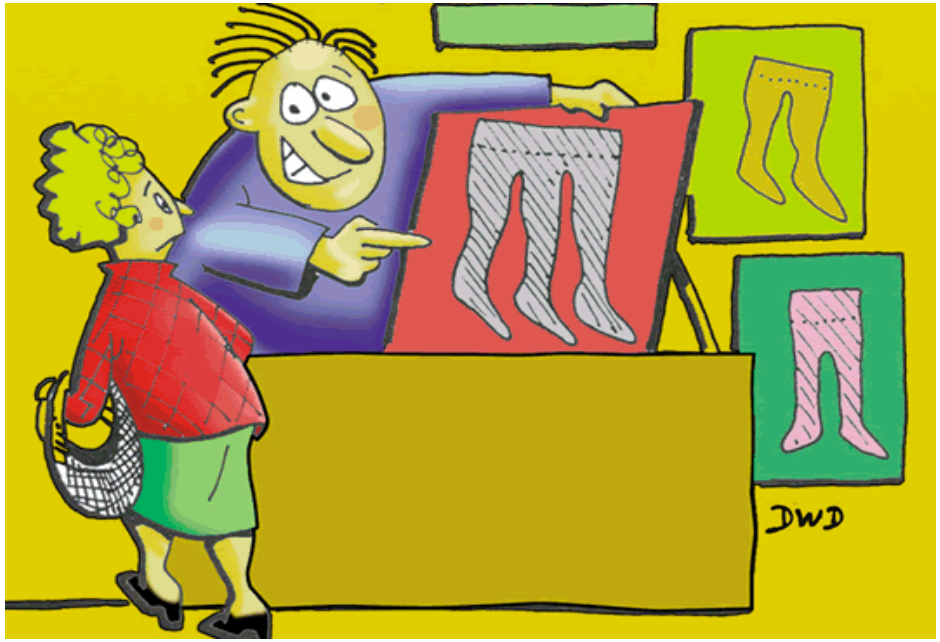
- Talk with an expert (TTO personnel, patent attorney, knowledgeable person, etc.).

Slides with text were self-explanatory, to be useful as reference



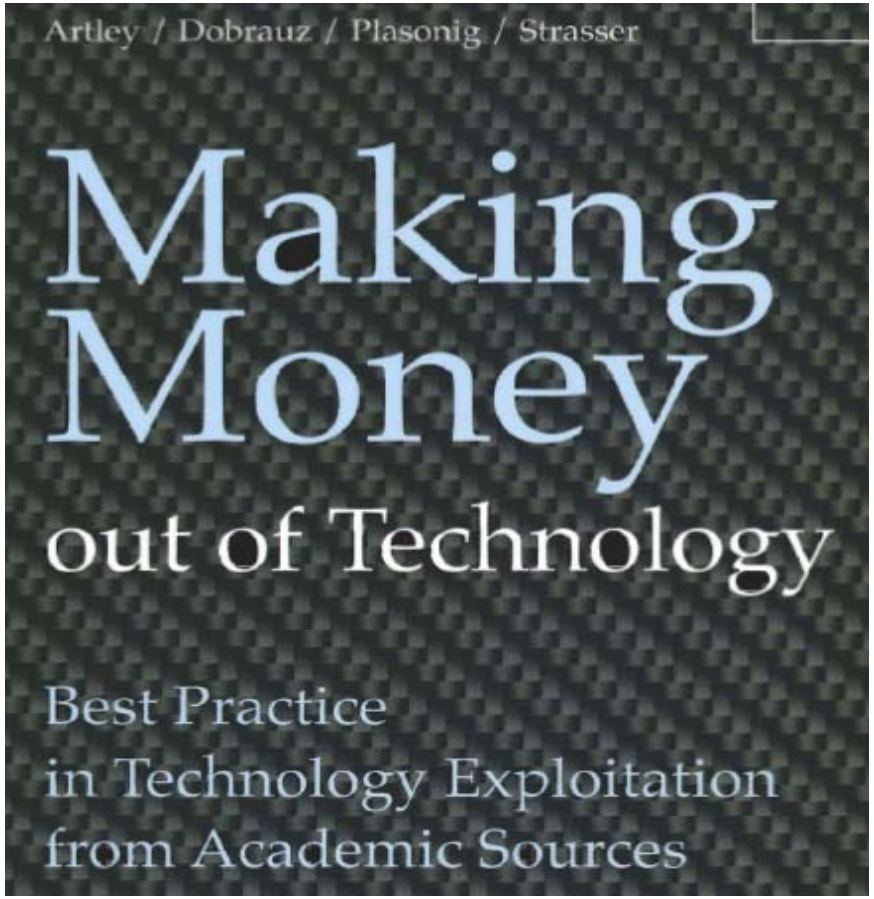
References to online training were made (here on what can be patented)



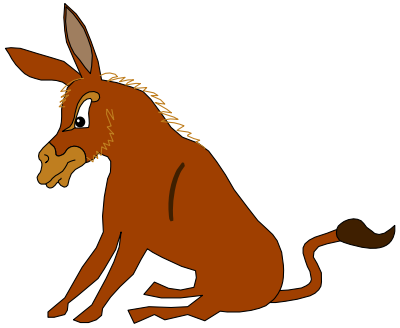


Cartoons were widely used
(here on typical inventor mistakes, borrowed from EPO)

7. How to make money from inventions by private inventors or academic researchers

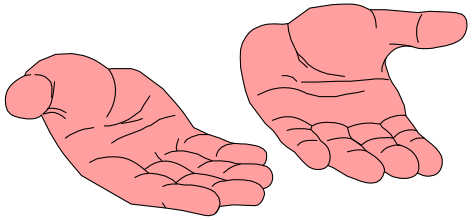


Book covers were used (here on the exploitation of academic technology) **to give a sense of reality and provide bibliography**



The boss of the lab or the company

Technicians merely doing rutinary supervised work



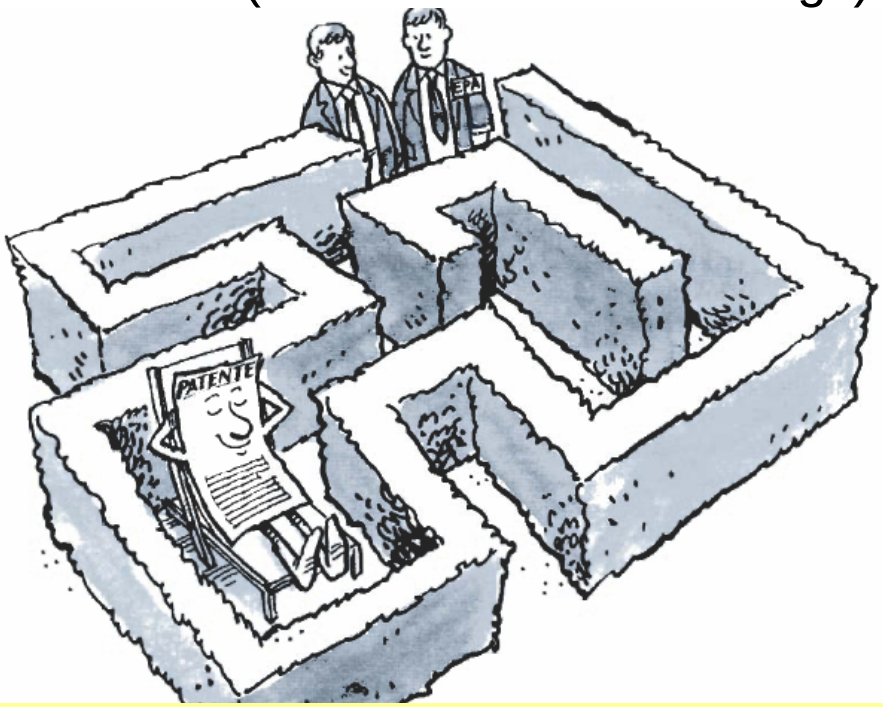
Those merely using their hands, without contribution to conception

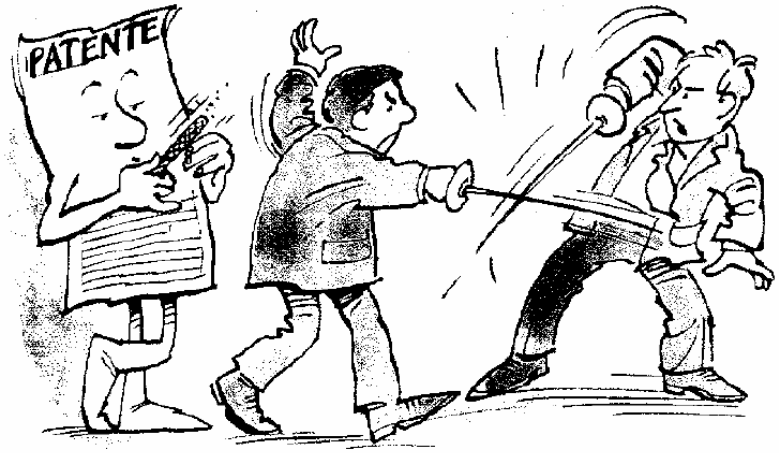
Sorry, but they are not inventors

'Hot' issues on inventorship, ownership and participation in benefits were dealt with in detail

8. How to get and enforce patent rights:

Explained in detail in the booklet **"Una introducción a las patentes en Europa"** (Spanish translation of "*An introduction to Patents in Europe"* from EPI), enclosed as supplementary material, with permission of copyright owners (source of these drawings)





As complex procedures are involved, we advised to look for professional support (e.g. at drafting) when exploitation is expected. Patent applications for mere CVs were not recommended.

MINISTERIO
DE INDUSTRIA, TURISMO
Y COMERCIO

Oficina Española
de Patentes y Marcas

OEPM
Paseo. Castellana, 75
28071 Madrid

9. How to use patent documents as a source of technological information

10. How to find patent information

These parts were delivered by the speaker from Oficina Española de Patentes y Marcas (OEPM)

Many schemes were used

Patent information ... What is it for?

TECHNOLOGICAL GOALS

- **Avoid research duplication**
- Solve specific problems
- Detect new technologies
- Find new uses of known technol.
- **Know the prior art**

LEGAL GOALS

- Assessing **patentability** of R&D results
- **Drafting** of own patent appln.
- Deciding to extend patent protection (e.g. via PCT)
- Filing **oppositions**
- **Nullity counter-attacking** in an infringement action
- Assessing **freedom to operate**

INDUSTRIAL-TECHNOLOGICAL PROSPECTIVE

- **Competitive intelligence**
- Most active companies
- Technological watch
- Market analysis

TECHNOLOGY TRASNSFER

- **Technology valuation**
- License negotiations
- Public-domain technol.
- Partner finding

FRONT PAGE INFO

Local examples were always used

(19) Europäisches Patentam
European Patent Office
Office européen des brevets

(11) EP 1 541 192 A1

(12) **EUROPEAN PATENT APPLICATION**
published in accordance with Art. 158(3) EPC

(43) Date of publication:
15.06.2005 Bulletin 2005/24

(21) Application number: 03784214.3

(22) Date of filing: 01.08.2003

(51) Int Cl.[7]: **A61N 1/36**, A61N 1/362

(86) International application number:
PCT/ES2003/000402

(87) International publication number:
WO 2004/014480 (19.02.2004 Gazette 2004/08)

(84) Designated Contracting States:
AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LU MC NL PT SE SI SK TR

(30) Priority: 07.08.2002 ES 200201876

(71) Applicant: UNIVERSIDADE DE SANTIAGO DE COMPOSTELA
15782 Santiago de Compostela (ES)

(72) Inventor: GARCIA-BENGOCHEA GONZALEZ-MORO, José, Benito
15782 Santiago de Compostela (ES)

(74) Representative: Carvajal y Urquijo, Isabel et al
Clarke, Modet & Co.,
C/ Goya No. 11
28001 Madrid (ES)

(54) TWO-PHASE CURRENT VENTRICULAR ELECTRICAL STIMULATOR FOR HEART FAILURE AND STIMULATION METHOD

(57) This invention refers to a biphasic current electrical ventricular stimulator and to a pacing method due to heart failure caused by a loss of ventricular synchrator and each one of which will close the circuit with the generator casing. A bifurcated output can also be provided in said pulse generator with connections to the

Searches were focused on the use of free-of-charge patent databases on the Internet

European Patent Office

World Intellectual Property Organization (WIPO)

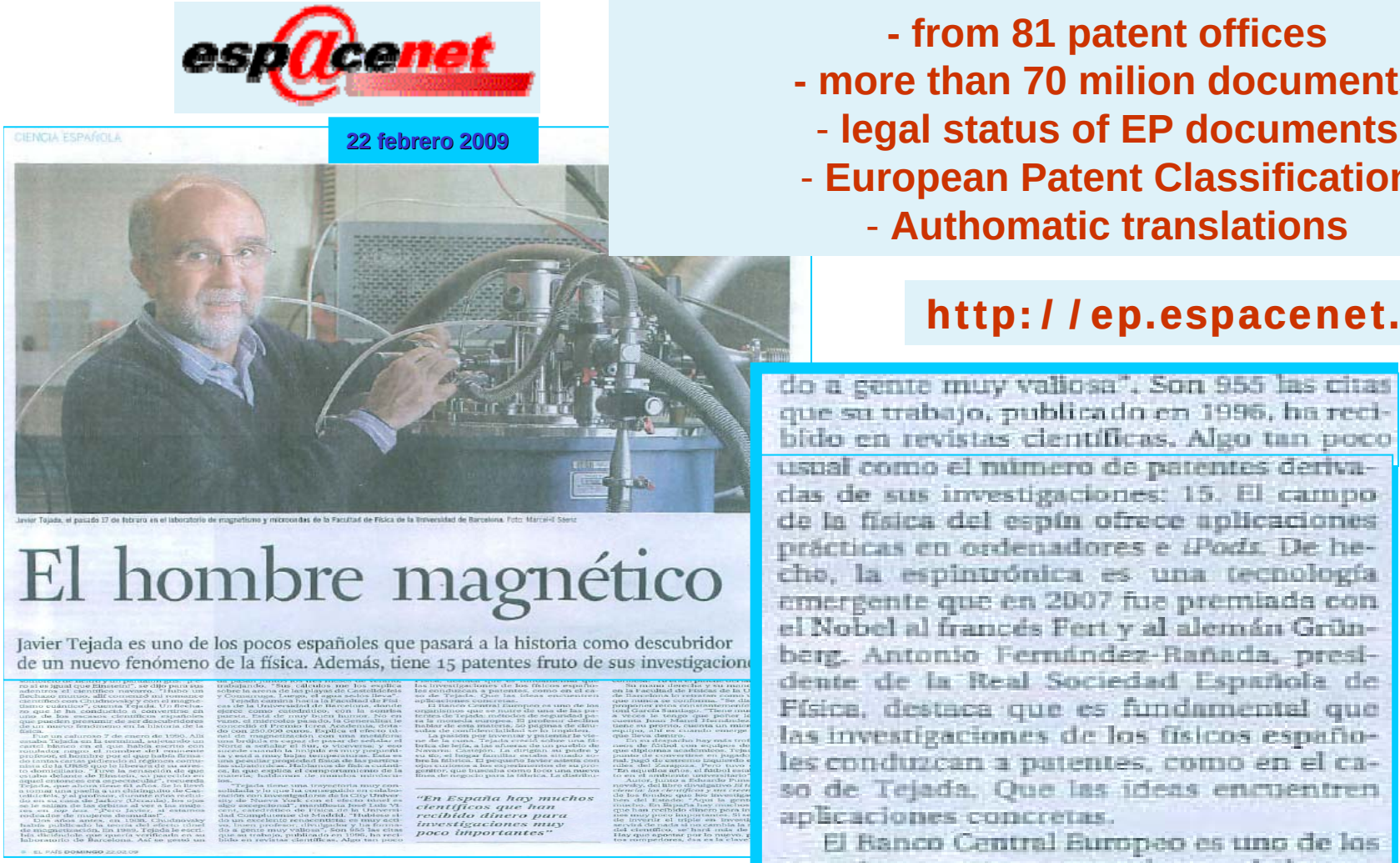
Patent offices from USA, Japna, China, Spain ...

Others...

Search examples on real R&D were often used

Documents from the EPO:
- from 81 patent offices
- more than 70 milion documents
- legal status of EP documents
- European Patent Classification
- Authomatic translations

http://ep.espacenet.com/



CIENCIA ESPAÑOLA

22 febrero 2009

Javier Tejada, el pasado 17 de febrero en el laboratorio de magnetismo y microondas de la Facultad de Física de la Universidad de Barcelona. Foto: Marcel·lí Sàenz

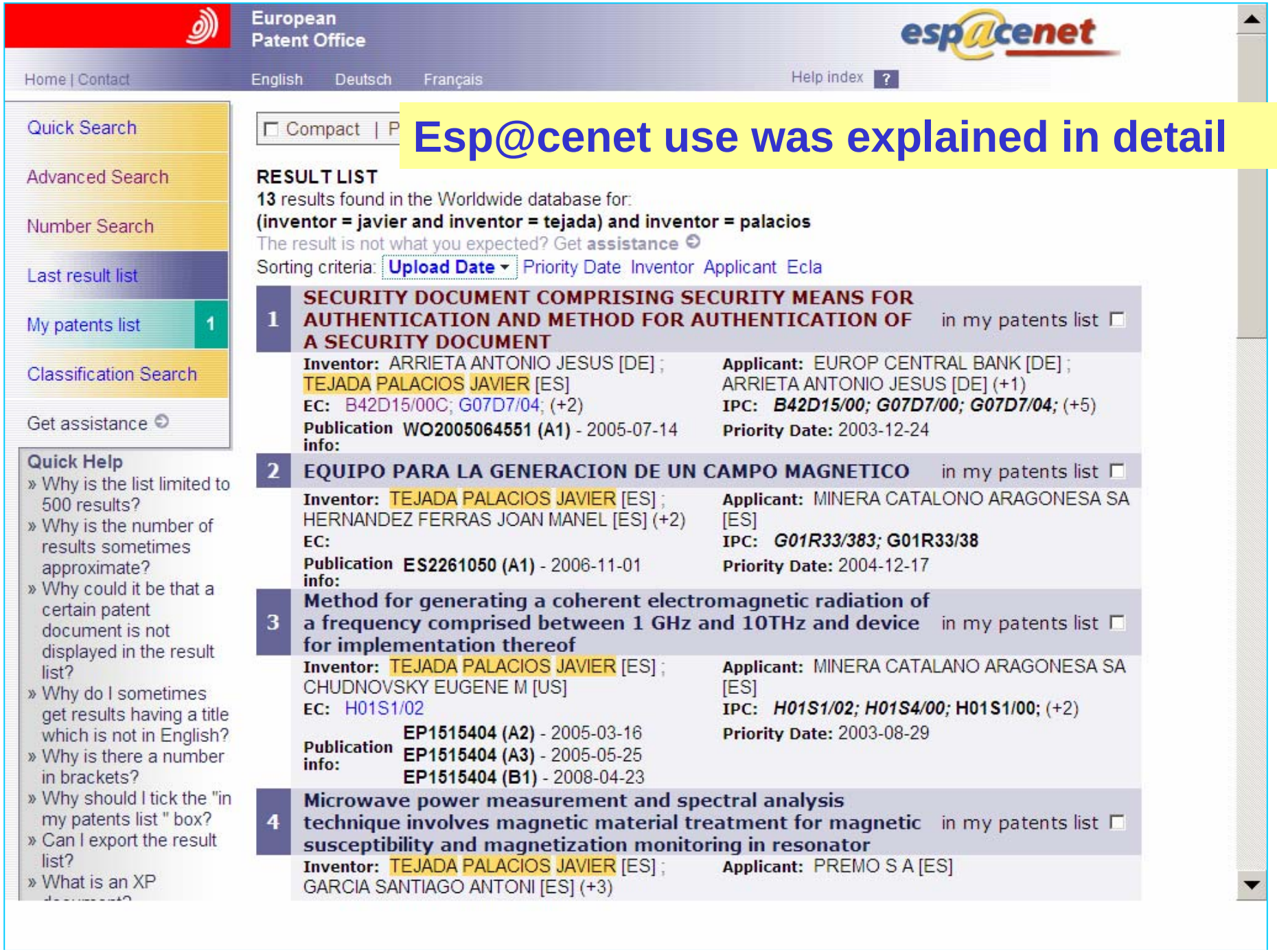
El hombre magnético

Javier Tejada es uno de los pocos españoles que pasará a la historia como descubridor de un nuevo fenómeno de la física. Además, tiene 15 patentes fruto de sus investigacione

"En España hay muchos científicos que han recibido dinero para investigaciones muy poco importantes"

do a gente muy valiosa". Son 955 las citas que su trabajo, publicado en 1996, ha recibido en revistas científicas. Algo tan poco usual como el número de patentes derivadas de sus investigaciones: 15. El campo de la física del espín ofrece aplicaciones prácticas en ordenadores e iPods. De hecho, la espintrónica es una tecnología emergente que en 2007 fue premiada con el Nobel al francés Fert y al alemán Grünberg. Antonio Fernández-Rañada, presidente de la Real Sociedad Española de Física, destaca que es fundamental que las investigaciones de los físicos españoles conduzcan a patentes, como en el caso de Tejada. Que las ideas encuentren aplicaciones concretas.

El Banco Central Europeo es uno de los organismos que se nutre de una de las patentes de Tejada: métodos de seguridad para la moneda europea. El profesor declina hablar de esta materia, 50 páginas de cláusulas de confidencialidad se lo impiden.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» Why could it be that a certain patent document is not displayed in the result list?
» Why do I sometimes get results having a title which is not in English?
» Why is there a number in brackets?
» Why should I tick the "in my patents list " box?
» Can I export the result list?
» What is an XP
Compact | P
Esp@cenet use was explained in detail
RESULT LIST
13 results found in the Worldwide database for:
(inventor = javier and inventor = tejada) and inventor = palacios
The result is not what you expected? Get assistance
Sorting criteria: Upload Date Priority Date Inventor Applicant Ecla
1 SECURITY DOCUMENT COMPRISING SECURITY MEANS FOR AUTHENTICATION AND METHOD FOR AUTHENTICATION OF A SECURITY DOCUMENT in my patents list
Inventor: ARRIETA ANTONIO JESUS [DE] ; TEJADA PALACIOS JAVIER [ES]
EC: B42D15/00C; G07D7/04; (+2)
Publication info: WO2005064551 (A1) - 2005-07-14
Applicant: EUROP CENTRAL BANK [DE] ; ARRIETA ANTONIO JESUS [DE] (+1)
IPC: B42D15/00; G07D7/00; G07D7/04; (+5)
Priority Date: 2003-12-24
2 EQUIPO PARA LA GENERACION DE UN CAMPO MAGNETICO in my patents list
Inventor: TEJADA PALACIOS JAVIER [ES] ; HERNANDEZ FERRAS JOAN MANEL [ES] (+2)
EC:
Publication info: ES2261050 (A1) - 2006-11-01
Applicant: MINERA CATALONO ARAGONESA SA [ES]
IPC: G01R33/383; G01R33/38
Priority Date: 2004-12-17
3 Method for generating a coherent electromagnetic radiation of a frequency comprised between 1 GHz and 10THz and device for implementation thereof in my patents list
Inventor: TEJADA PALACIOS JAVIER [ES] ; CHUDNOVSKY EUGENE M [US]
EC: H01S1/02
Publication info: EP1515404 (A2) - 2005-03-16
EP1515404 (A3) - 2005-05-25
EP1515404 (B1) - 2008-04-23
Applicant: MINERA CATALANO ARAGONESA SA [ES]
IPC: H01S1/02; H01S4/00; H01S1/00; (+2)
Priority Date: 2003-08-29
4 Microwave power measurement and spectral analysis technique involves magnetic material treatment for magnetic susceptibility and magnetization monitoring in resonator in my patents list
Inventor: TEJADA PALACIOS JAVIER [ES] ; GARCIA SANTIAGO ANTONI [ES] (+3)
Applicant: PREMO S A [ES]

Quick Help

» Why are some tabs deactivated for certain documents?
» Why does a list of documents with the heading "Also published as" sometimes appear, and what are these documents?
» What does A1, A2, A3 and B stand for after an EP publication number in the "Also published as" list?
» What is a cited document?
» What are citing documents?
» What information will I find if I click on the link "View all"?
» What information will I find if I click on the link "View document in the European Register"?

SECURITY DOCUMENT COMPRISING SECURITY MEANS FOR AUTHENTICATION AND METHOD FOR AUTHENTICATION OF A SECURITY DOCUMENT

Other members of the patent family

Publication number: WO2005064551 (A1)
Publication date: 2005-07-14
Inventor(s): ARRIETA ANTONIO JESUS [DE]; TEJADA PALACIOS JAVIER [ES] +
Applicant(s): EUROP CENTRAL BANK [DE]; ARRIETA ANTONIO JESUS [DE]; TEJADA PALACIOS JAVIER [ES] +
Classification:
- **international:** ***B42D15/00; G07D7/00; G07D7/04; G07D7/12;*** **B42D15/00; G07D7/00;** (IPC1-7): B42D15/00; G07D7/00
- **European:** B42D15/00C; G07D7/04; G07D7/12; G07D7/12V

Application number: WO2004EP14667 20041223
Priority number(s): EP20030029829 20031224

Also published as:
EP1548657 (A1)
EP1548657 (B1)
ES2287405 (T3)
DE60315049 (T2)
AT367626 (T)

Cited documents:
DE2909731 (A1)
WO0225600 (A2)
WO03057499 (A1)
DE19932240 (A1)
XP001142419 (A)

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Abstract of **WO 2005064551** (A1)

Translate this text

A security document according to the invention comprises substrate means 2 and security means 5 for authentication provided on a predetermined area 4 of said substrate means. The security means comprises means selectively reflecting visible light depending on the temperature and means changing the temperature depending on the application of a magnetic field. The means selectively reflecting light and the means changing the temperature are arranged as to form said security means exhibiting different colors depending on a magnetic field applied to the substrate means. In a

Searches using classification were strongly recommended

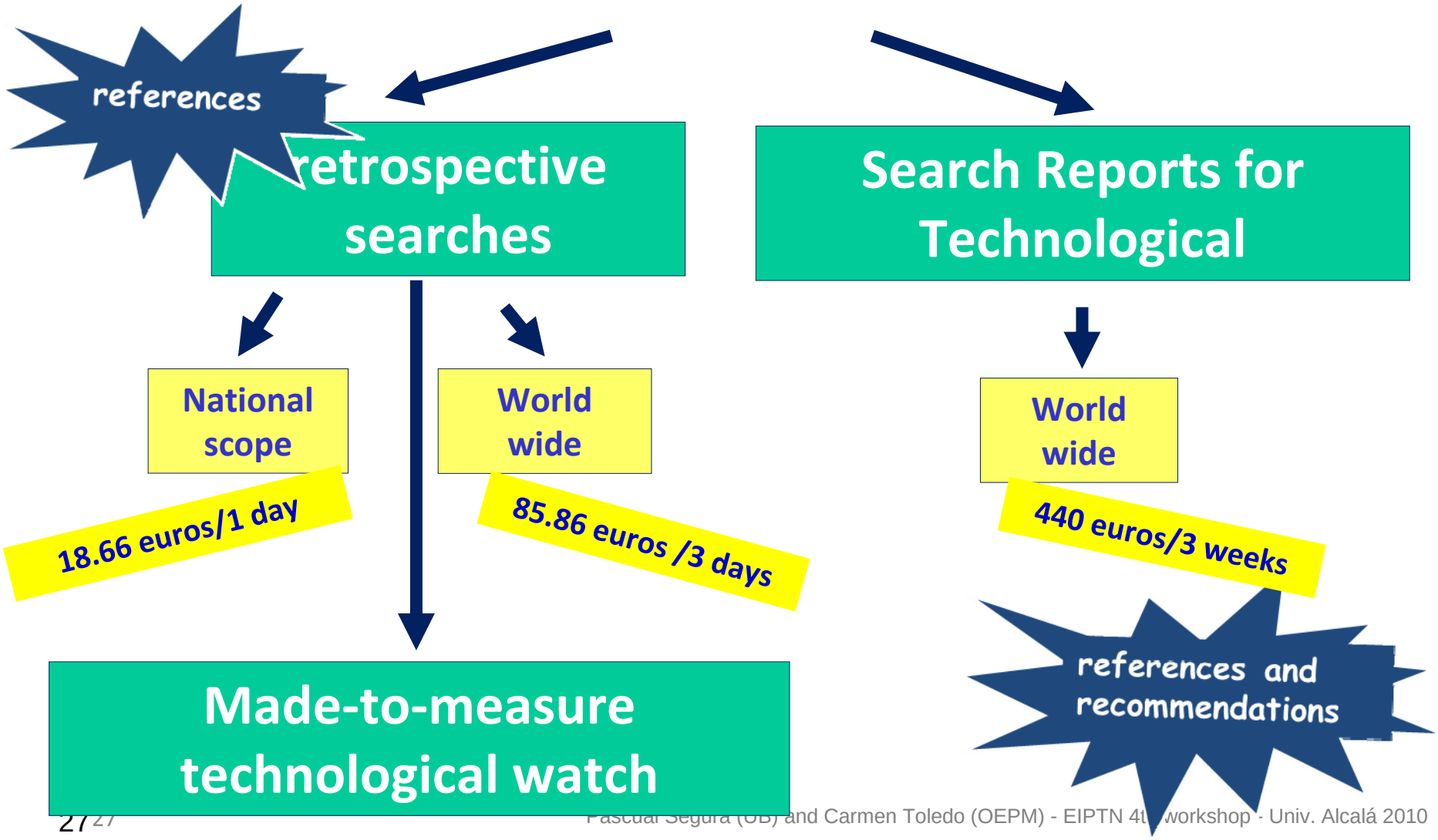
Classification:

- **international:** ***B42D15/00; G07D7/00; G07D7/04; G07D7/12;*** **B42D15/00; G07D7/00;** (IPC1-7): B42D15/00; G07D7/00
- **European:** B42D15/00C; G07D7/04; G07D7/12; G07D7/12V

"Documental" added-value services of OEPM

MINISTERIO DE INDUSTRIA, TURISMO Y COMERCIO

Oficina Española de Patentes y Marcas



Summary

Since 2006 the Spanish Patent & Trademark Office (*Oficina Española de Patentes y Marcas,* OEPM) and the Patent Centre of the University of Barcelona (PC-UB) carried out a series of workshops on IP -mainly on patents- at ca. 50 academic institutions, in cooperation with the corresponding technology transfer offices (TTO), that took care of publicity and logistics. A very focused program was developed along four hours (10-14h), comprising 'hot' topics for academics (by a speaker from PC-UB), patent information (by a speaker from OEPM), a brief presentation of TTO patent activities, and a colloquium. Attendants were staff, postdocs, graduates and (few) undergraduates.

Results were so satisfactory that it is planned to continue this IP training with virtually the same features.

Conclusion

IP in general, and particularly patents, should be taught better at universities and research centres.

All on-going projects, including the [difficult] modification of university curricula, would be very welcome.

E-learning projects are surely very useful, but not for a first contact with the subject, due to the lack of motivation of researchers.

For this reason we think that we should continue offering our limited-in-scope 4-hour workshops because they are useful and much appreciated ("Patent issues will never be the same at our university, after you have been here", they keep telling us).

Waiting for 'doing something better' should not be detrimental to 'doing something well enough'.

AVAILABLE TIME WAS VERY SHORT

STILL WE HAVE A FEW MINUTES FOR QUESTIONS OR COMMENTS

THANK YOU FOR YOUR ATTENTION !

Please remember that these slides are downloadable from:
http://www.pcb.ub.es/centredepatents/doc_cursos.htm

ANNEX: Universities and research centres visited so far

(2006) Universidad Complutense de Madrid (Facultad de Matemáticas)
- Universidad de la Rioja
- Universitat Autònoma de Barcelona, Facultads de Ciències
- Universitat de Barcelona, Facultat de Química
- Universitat Politècnica de Catalunya, Escola de Telecomunicacions
- Universitat de Barcelona, Facultat de Biología
- Universidad Autònoma de Barcelona, Escola d'Engyneria
- Universitat de Barcelona, Facultat de Física
- Universitat Politècnica de Catalunya, Escola d'Engyners Industrials
- Centro Nacional de Investigaciones Cardiovasculares (CNIC)

(2007) Universidad de Navarra (Pamplona)
- Instituto de Investigación del Hospital Universitario Vall d'Hebron (Barcelona)
- Universidad de Valladolid
- Universidad Carlos III de Madrid (Parque Científico Leganés Tecnológico)
- Agencia de Innovación y Desarrollo de Andalucía IDEA (Sevilla)
- Universidad de La Laguna (Tenerife)
- Universidad de Córdoba
- Universidad Ramon Llull (Barcelona)
- Universidad Rovira i Virgili (Tarragona)
- Universitat de Lleida

(2008) Universidad de Las Palmas de Gran Canaria
- Universidad de Zaragoza
- Universidad Complutense de Madrid (Facultad de Medicina)
- Universidad de Alcalá de Henares
- Universidad de Alicante

- Universidad Politécnica de Valencia
- Parc Científic de la Universitat de Barcelona
- Institut de Investigació Biomédica de Bellvitge (IDIBELL), de Barcelona
- Corporación Sanitaria Clínic (Fundació Clínic, IDIBAPS) de Barcelona
- Universidad de Jaén

(2009) Universidade da Coruña
- Universidade de Santiago de Compostela
- Universidad Politécnica de Madrid
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