

Intellectual Property: Its Purpose & Things To Keep In Mind

Video transcript

What is Intellectual Property?

The University of Glasgow Research and Innovation team support academic staff, Early Career Researchers and graduate students providing guidance and advice on research regulation, translation, funding, Intellectual Property and commercialisation. The IP & Commercialisation team is a division of the Innovation, Enterprise and Economic Development Group in the University's Research & Innovation Services Directorate. The team are responsible for working with researchers to identify, evaluate, protect and develop new innovations and to transfer them outside of the university in order to generate positive societal and economic impact.

Intellectual Property (or IP for short) is a creation of the mind, for example, an invention, a story, an artistic work or a symbol. Patents, trademarks, designs and copyright are all types of intellectual property protection. You get some types of protection automatically, others you have to apply for. Patents protect inventions that solve a technical problem. A formal application is required, assessed by patent examiners, and once accepted can stop others from using the technology for around 20 years.

- Trademarks protect a sign or symbol that distinguishes the goods or services of one company from those of others. They protect the reputation and brand of your products or services. These can be registered and last indefinitely so long as they are renewed.
- Design rights protect the aesthetic qualities of an item when they are determined new and of distinct character. Registered design rights last for 25 years so long as renewal fees are paid.
- Copyright provides protection for artistic and literary works. This includes software code as well as written texts, illustrations, films and audio recordings. In the UK, copyright is granted automatically, and lasts for 70 years beyond the originator's death.
- Other forms of IP are know-how and trade secrets, but these are only valuable so long as they remain secret.

The University of Glasgow owns the intellectual property of its employees, but it shares revenues with those employees who contribute to the generation of this IP.

Why are IP rights useful?

IP rights can provide monopoly rights. They can also be licensed or sold to others, including companies, non-profit organisations or social enterprise, to create economic, social and environmental benefits, new products or services, public policy, and jobs. The development of new technologies is costly, and a strong patent will incentivise the investment required to

develop such products by stopping others from copying and selling them. When IP rights expire, the products can be manufactured and sold for a much lower price. Strong IP protection will, therefore, incentivise the development of new innovations. Furthermore, grant funders often want to understand who will invest in and commercialise each invention, following the completion of each project. Defining what IP protection exists (or is possible) is a critical factor in explaining this.

Patent protecting innovations.

To patent protect an invention, certain criteria need to be fulfilled.

1. First, your invention needs to be Novel, meaning not already publicly described to others; In the rush to publish and present new findings at conferences, researchers frequently hinder their chances of protecting their inventions with a patent. If you are considering disclosing or publishing your patentable research or commercially valuable findings outside of the University, come and chat with the Innovation & Enterprise Team first.
2. Second, your Invention must be Inventive. This means that it cannot be obvious to people with average skill in that subject. For example, if you combine two known pharmaceutical compounds for the first time, and the compounds work as expected, there is no inventive step. If together they achieve an effect that is surprisingly better than anticipated, then your product may be sufficiently inventive.
3. Thirdly, your invention needs to be industrially applicable so it must be possible to actually manufacture the new invention.

There are also a number of exclusions from patentability, that vary between countries. Methods of diagnosis or surgery cannot be patented, but new tools enabling these processes can be.

Finally, the invention must be described in sufficient detail to enable others to copy or manufacture the invention. So, while patent protection temporarily prevents others exploiting your invention, in return, others can access the information they need to copy and sell it once your patent rights have expired.

Patent applications are published around 18 months after filing, so they are a good way of finding out what innovative products are in the pipeline and what competing companies are up to!

Filing a patent involves writing a patent specification which includes a broad description of the invention, the background context and a set of claims that define it. This is a skilled piece of work that should be carried out by a trained patent attorney and is reviewed by a patent examiner. The University helps draft these applications and pay the costs. It can take several years to prosecute a patent application until it is granted or rejected. The length of this process depends on the patented invention and how novel and inventive it is.

Working with Innovation & Enterprise to develop your Innovation.

The University of Glasgow's Innovation & Enterprise Team helps assess the patentability of your innovation, and check who invented and who owns the IP, as, frequently, inventions are developed and owned by more than one party. All inventors and IP owners must be listed on the patent application, or this can invalidate the patent. The team also ensures the equitable distribution of any revenues. Our Team can also help explore the commercial potential of your innovation. We will consider:

- What problem your innovation solves.
- The market size and competing technologies.
- What products could be developed.
- The current stage of development and what further work is required to ready this technology for licensing or commercialisation.
- And, if your technology is infringing any patents held by others.

The University cannot support all innovations due to the time and costs involved. If we decline support for an invention, we may be able to assign the rights to the inventors to allow them to develop the technology independently.

Closing.

Deciding whether to support onward development of an innovation and whether to file a patent is really only the beginning of the innovation journey. To find out more visit the [Research and Innovation Team Commercialisation Guide](#). And remember the Innovation & Enterprise Team are always happy to chat to you about innovations emerging from your research, even if they are early stage, so please get in touch.