



Intellectual Property – Computer Sciences

Dirk van Dyk

www.vonseidels.com

Africa's only ISO 9001
Certified IP Firm



Von Seidels
Intellectual Property
Attorneys



What is Intellectual Property?

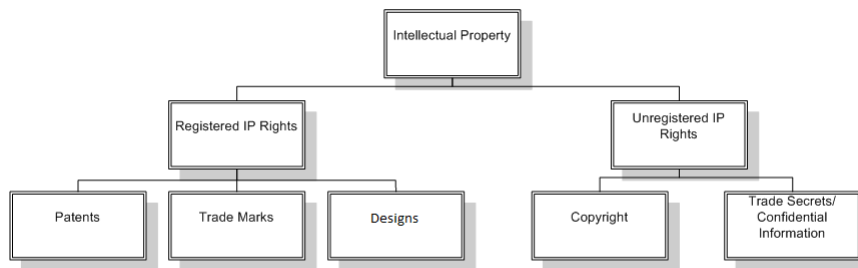
- Any creation (artistic or scientific) that originates from the intellect of a person
 - e.g. book, drug, logo, software code, jewelry design, machine, new process, diagnostic method, phrase, symbol
- Intellectual property rights are legal rights granted over IP
- Help originators reap the fruit of their creation / invention commercially
- Provides monopoly to the originator

2

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

Intellectual Property



www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

3

Holistic Approach to IP - A single product can involve:

Patents

- New Active Ingredient
- Formulation

Registered Designs

- Aesthetic
- Functional



Trade Mark

- “DUCK”

Copyright

- Layout
- Artwork

Trade Secret

- Formulation

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

4



Best way to make something
is protected/not stolen?

5

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



Best way to make something
is protected/not stolen?

- Keep it a secret

6

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

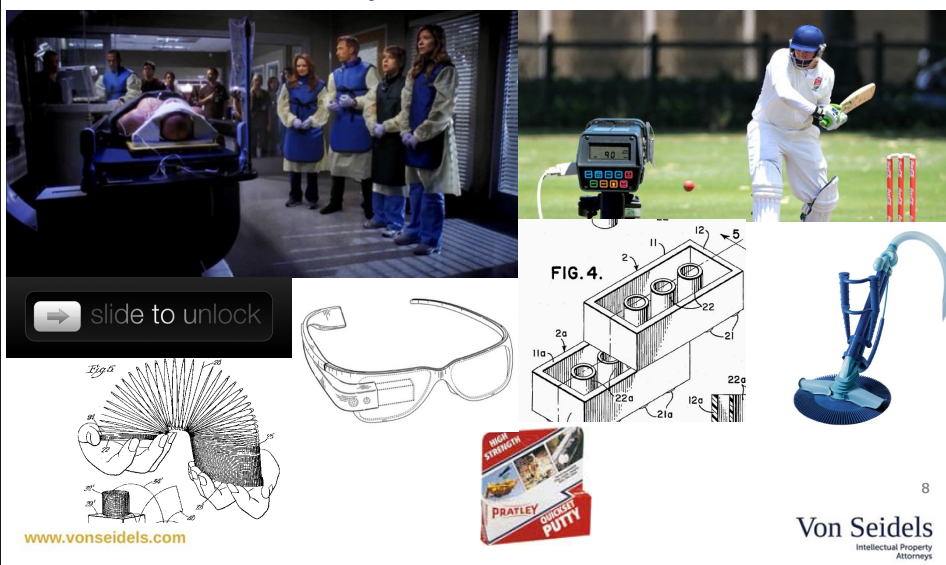
Patents

- Limited monopoly granted by State
- Generally valid for 20 years
- What can be patented:
 - New devices
 - New methods of doing things
 - New processes
 - New compounds
 - Software*

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

Patents - Examples



www.vonseidels.com

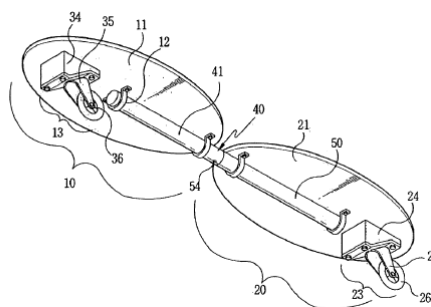
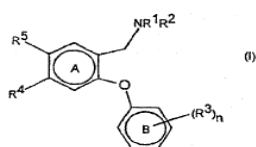
Von Seidels
Intellectual Property
Attorneys

Patents - Examples

FIG. 1

21: 2002/7738, 22: 26 September 2002, 43: 26-9-03.
 51: A 61 K, A 61 P, C 07 C, C 07 D.
 71: Pfizer Inc.
 72: Andrews, Mark, David; Hepworth, David; Middleton, Donald, Stuart; Stobie, Alan.
 33: GB, 31: 0007884.0, 32: 31 March 2000.
 54: Diphenyl ether compounds useful in therapy.
 00: 172.

57: A compound of general formula (I), or pharmaceutically acceptable salts, solvates or polymorphs thereof; wherein R^1 is independently CF_3 , OCF_3 , C_1-C_4 alkylthio or C_1-C_4 alkoxy; n is 1, 2 or 3; and the other variables are as defined in the claims. These compounds inhibit monoamine re-uptake and in particular exhibit activity as selective serotonin re-uptake inhibitors. They are useful in disorders such as depression, attention deficit hyperactivity disorder, obsessive-compulsive disorder, post-traumatic stress disorder, substance abuse disorders and sexual dysfunction including premature ejaculation.



www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

9

Patents

- Requirements:
 - Novelty
 - Inventive step
 - Capable of use in trade or industry or agriculture

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

10

Patents

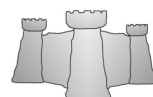
- There is no “worldwide patent”
- Need an application in every country that you want to obtain protection in

www.vonseidels.com

11
Von Seidels
Intellectual Property
Attorneys

Patents – Value

- The Castle Wall
 - Patents can prevent your competition from implementing new technologies which you have developed / acquired
- The Toll Booth
 - You can license new technologies to others and collect royalties
- The Stamp of Approval
 - Patents demonstrate that your technology is novel
 - Increases business value to potential acquirers / partners
- The Bargaining Chip
 - Patents gives you the power to negotiate cross-licenses on favourable terms (M.A.D)



www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



Patents – Value

- **February 2011: Bankrupt Nortel sells 6,000 patents to the Rockstar Consortium for \$4.5 bn**
 - \$750,000 per patent
 - Rockstar: Apple, Microsoft, RIM, Ericsson and Sony
- **August 2011: Google buys Motorola Mobility for \$12.5 bn**
 - Paid over 60% more than the stock price
 - 17,000 patents (\$735,000 per patent)
 - Protects Android handset makers against Apple lawsuits
- **July 2011 - January 2012: Google buys 2,200 patents from IBM (undisclosed amount)**
- **July 2011: HTC buys S3 Graphics for \$300m**
 - 235 patents (2 ruled infringed by Apple)
 - \$1.3m per patent
- **April 2012: Microsoft pays \$1bn for 800 patents held by AOL**
 - \$1.3m per patent
 - Microsoft collects patent royalties from 70% of Android devices and makes more money than on phones that run Windows Phone. Microsoft earned \$450m from Android patent royalties in 2012

13

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



Patents – important to note

- Keep it confidential
- Define invention
- See a patent attorney
- Discuss the invention
- Patent attorney drafts specification
- Proofread, change, finalize
- File application!

14

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



Registered Designs

- Can you recognise these websites without the main brand names thereon?

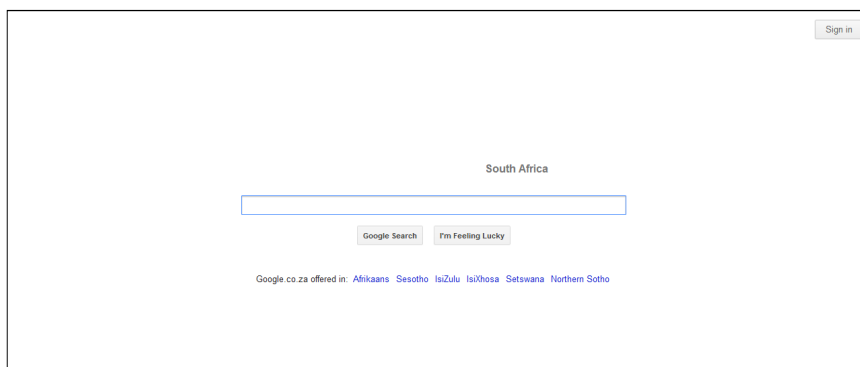
15

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



Registered Designs

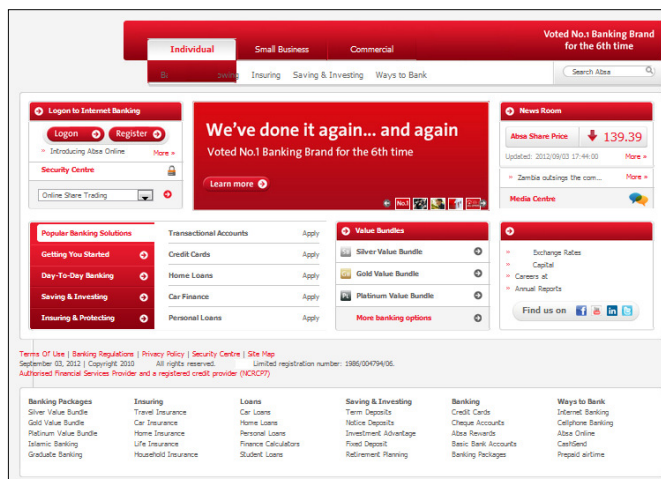


16

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

Registered Designs

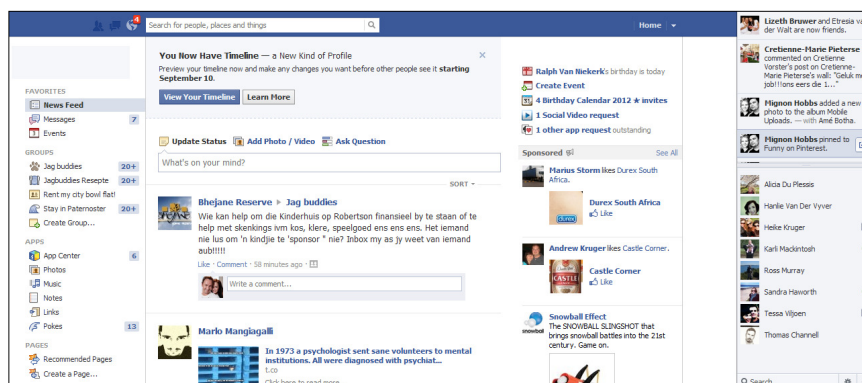


www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

17

Registered Designs



www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

18

Registered Designs

- Protects against visual similarity
- Protects
 - Form / layout of display / GUI
 - Distinctive objects / elements
- eBay has 11 registrations for interface

www.vonseidels.com

19

Von Seidels
Intellectual Property
Attorneys

Registered Designs

(12) United States Design Patent Folowski et al.	(16) Patent No.: US D9,937.8 S Date of Patent:
(51) GRAPHICAL USER INTERFACE FOR A DISPLAY SCREEN OF A COMMUNICATIONS	
(72) Inventor: Kevin Carl Folowski , Mountain View, CA, US; Abhi Raju , Mountain View, CA, US; Abhi Raju , Mountain View, CA, US	[56] References Cited US 2009/0129611 A1 2009-05-21 US 2009/0129612 A1 2009-05-21 US 2009/0129613 A1 2009-05-21 US 2009/0129614 A1 2009-05-21 US 2009/0129615 A1 2009-05-21 US 2009/0129616 A1 2009-05-21 US 2009/0129617 A1 2009-05-21 US 2009/0129618 A1 2009-05-21 US 2009/0129619 A1 2009-05-21 US 2009/0129620 A1 2009-05-21 US 2009/0129621 A1 2009-05-21 US 2009/0129622 A1 2009-05-21 US 2009/0129623 A1 2009-05-21 US 2009/0129624 A1 2009-05-21 US 2009/0129625 A1 2009-05-21 US 2009/0129626 A1 2009-05-21 US 2009/0129627 A1 2009-05-21 US 2009/0129628 A1 2009-05-21 US 2009/0129629 A1 2009-05-21 US 2009/0129630 A1 2009-05-21 US 2009/0129631 A1 2009-05-21 US 2009/0129632 A1 2009-05-21 US 2009/0129633 A1 2009-05-21 US 2009/0129634 A1 2009-05-21 US 2009/0129635 A1 2009-05-21 US 2009/0129636 A1 2009-05-21 US 2009/0129637 A1 2009-05-21 US 2009/0129638 A1 2009-05-21 US 2009/0129639 A1 2009-05-21 US 2009/0129640 A1 2009-05-21 US 2009/0129641 A1 2009-05-21 US 2009/0129642 A1 2009-05-21 US 2009/0129643 A1 2009-05-21 US 2009/0129644 A1 2009-05-21 US 2009/0129645 A1 2009-05-21 US 2009/0129646 A1 2009-05-21 US 2009/0129647 A1 2009-05-21 US 2009/0129648 A1 2009-05-21 US 2009/0129649 A1 2009-05-21 US 2009/0129650 A1 2009-05-21 US 2009/0129651 A1 2009-05-21 US 2009/0129652 A1 2009-05-21 US 2009/0129653 A1 2009-05-21 US 2009/0129654 A1 2009-05-21 US 2009/0129655 A1 2009-05-21 US 2009/0129656 A1 2009-05-21 US 2009/0129657 A1 2009-05-21 US 2009/0129658 A1 2009-05-21 US 2009/0129659 A1 2009-05-21 US 2009/0129660 A1 2009-05-21 US 2009/0129661 A1 2009-05-21 US 2009/0129662 A1 2009-05-21 US 2009/0129663 A1 2009-05-21 US 2009/0129664 A1 2009-05-21 US 2009/0129665 A1 2009-05-21 US 2009/0129666 A1 2009-05-21 US 2009/0129667 A1 2009-05-21 US 2009/0129668 A1 2009-05-21 US 2009/0129669 A1 2009-05-21 US 2009/0129670 A1 2009-05-21 US 2009/0129671 A1 2009-05-21 US 2009/0129672 A1 2009-05-21 US 2009/0129673 A1 2009-05-21 US 2009/0129674 A1 2009-05-21 US 2009/0129675 A1 2009-05-21 US 2009/0129676 A1 2009-05-21 US 2009/0129677 A1 2009-05-21 US 2009/0129678 A1 2009-05-21 US 2009/0129679 A1 2009-05-21 US 2009/0129680 A1 2009-05-21 US 2009/0129681 A1 2009-05-21 US 2009/0129682 A1 2009-05-21 US 2009/0129683 A1 2009-05-21 US 2009/0129684 A1 2009-05-21 US 2009/0129685 A1 2009-05-21 US 2009/0129686 A1 2009-05-21 US 2009/0129687 A1 2009-05-21 US 2009/0129688 A1 2009-05-21 US 2009/0129689 A1 2009-05-21 US 2009/0129690 A1 2009-05-21 US 2009/0129691 A1 2009-05-21 US 2009/0129692 A1 2009-05-21 US 2009/0129693 A1 2009-05-21 US 2009/0129694 A1 2009-05-21 US 2009/0129695 A1 2009-05-21 US 2009/0129696 A1 2009-05-21 US 2009/0129697 A1 2009-05-21 US 2009/0129698 A1 2009-05-21 US 2009/0129699 A1 2009-05-21 US 2009/0129700 A1 2009-05-21 US 2009/0129701 A1 2009-05-21 US 2009/0129702 A1 2009-05-21 US 2009/0129703 A1 2009-05-21 US 2009/0129704 A1 2009-05-21 US 2009/0129705 A1 2009-05-21 US 2009/0129706 A1 2009-05-21 US 2009/0129707 A1 2009-05-21 US 2009/0129708 A1 2009-05-21 US 2009/0129709 A1 2009-05-21 US 2009/0129710 A1 2009-05-21 US 2009/0129711 A1 2009-05-21 US 2009/0129712 A1 2009-05-21 US 2009/0129713 A1 2009-05-21 US 2009/0129714 A1 2009-05-21 US 2009/0129715 A1 2009-05-21 US 2009/0129716 A1 2009-05-21 US 2009/0129717 A1 2009-05-21 US 2009/0129718 A1 2009-05-21 US 2009/0129719 A1 2009-05-21 US 2009/0129720 A1 2009-05-21 US 2009/0129721 A1 2009-05-21 US 2009/0129722 A1 2009-05-21 US 2009/0129723 A1 2009-05-21 US 2009/0129724 A1 2009-05-21 US 2009/0129725 A1 2009-05-21 US 2009/0129726 A1 2009-05-21 US 2009/0129727 A1 2009-05-21 US 2009/0129728 A1 2009-05-21 US 2009/0129729 A1 2009-05-21 US 2009/0129730 A1 2009-05-21 US 2009/0129731 A1 2009-05-21 US 2009/0129732 A1 2009-05-21 US 2009/0129733 A1 2009-05-21 US 2009/0129734 A1 2009-05-21 US 2009/0129735 A1 2009-05-21 US 2009/0129736 A1 2009-05-21 US 2009/0129737 A1 2009-05-21 US 2009/0129738 A1 2009-05-21 US 2009/0129739 A1 2009-05-21 US 2009/0129740 A1

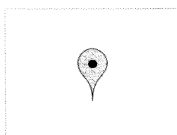


20

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

Registered Designs

[illegible]

www.vonseidels.com

21
Von Seidels
Intellectual Property
Attorneys

Copyright

- The right to prevent others from copying, adapting, distributing, performing etc. any copyrighted work

www.vonseidels.com

22

Von Seidels
Intellectual Property
Attorneys

Copyright

- “Works”

- Literary works



- Musical works



- Artistic works



- Cinema films



- Sound recordings



- Broadcasts



- Signals



- Published editions

©2009

- Computer programs



www.vonseidels.com

23

Von Seidels
Intellectual Property
Attorneys

Copyright

- For “original” works:

- Art work – logos
- Software
- Articles
- Pictures
- Drawings

- Work is original for copyright purposes if it is the product of someone’s own labour, skill and effort (i.e. not a slavish copy)

- Multiple works possible in a single creation (music video)

www.vonseidels.com

24

Von Seidels
Intellectual Property
Attorneys



Copyright

- Beware: Ownership!
- Author:
 - Computer program: Person who exercised control
- Author generally the owner
- Where a person **commissions** taking of a photograph, painting or drawing of portrait, making of gravure, making of cinematograph film or making of sound recording and pays for it, the person who commissions the work is the owner
- When work is made in course of employment under contract of service or apprenticeship, employer the owner
- Assignment of copyright must be in writing

25

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



Copyright

- Where code is used from a free source, adhere to terms of sharing

26

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

Trade Marks



www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

27

Trade Marks

- Protect brands and product identity
- Able to **distinguish**, not likely to cause deception/confusion
- Indefinite term of protection (provided renewed every 10 years)
- No relationship with company and domain names
- Use of TM or [®] symbol
- Value accumulates in brand
- Can lose brand if you don't protect it

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

28

Trade Marks

- Any sign capable of being represented graphically
- Able to distinguish

- Inherently

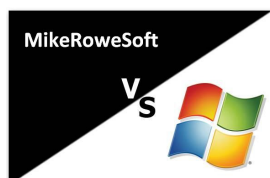


- Through use

EXCLUS1VE BOOKS

- Marks compared on

- Appearance
- Sound
- Meaning



www.vonseidels.com

29

Von Seidels
Intellectual Property
Attorneys

Trade Marks

- Distinctive, not descriptive
- Kodak
- Apple
- "Mobile Telephone Network" – A good trade mark?

www.vonseidels.com

30

Von Seidels
Intellectual Property
Attorneys

Trade Marks

- World's most valuable brands, Forbes 2015

- \$145.3 bn



- \$69.3 bn



- \$65.6 bn



- \$56 bn



- \$49.8 bn



- \$39.5 bn



www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

31

IPR Act – Brief overview

- Intellectual Property Rights from Publically Financed Research and Development
- Objective:** IP rights emanating from public funds should be *identified, protected, utilised and commercialised for the benefit of the people of the Republic*
- Applicable to:
 - Any institution which acquires IP from publicly funded R&D
 - Including collaborations (co-ownership), partially publicly funded inclusive
- "Full cost" funding by a private entity is not considered to be protected by the IPR Act

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys

32



IPR Act – Brief overview

- Technology Transfer Offices set up to ensure the University complies with this Act
- IP policy of University to be adhered to – TTO acts in terms of this policy
- TTO's used in the commercialisation process
- IPR Act recognises the rights of researchers and institutions

33

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



IPR Act – Brief overview

- How does a TTO help the students?
 - TTO looks after the IP you created.
 - Benefit to researcher/inventor/creator
 - Assists, supports or takes care of commercialising process: Due diligence, market analysis, start-up costs, protection of IP, research and development, license agreements, Royalty payments and agreements.

34

www.vonseidels.com

Von Seidels
Intellectual Property
Attorneys



IPR Act – Brief overview

- The TTO can only assist you if they know about the IP that you created
- Speak to your TTO!