

TIM Lecture Series

An Introduction to Intellectual Property for Entrepreneurs

Elizabeth Collinson

“Knowledge about intellectual property helps companies develop strategies and make informed decisions to achieve their business objectives.”

Elizabeth Collinson
Project Officer
Canadian Intellectual Property Office

Overview

The TIM Lecture Series is offered by the Technology Innovation Management (TIM; timprogram.ca) program at Carleton University in Ottawa, Canada. The lectures provide a forum to promote the transfer of knowledge between university research to technology company executives and entrepreneurs as well as research and development personnel. Readers are encouraged to share related insights or provide feedback on the presentation or the TIM Lecture Series, including recommendations of future speakers.

The fourth TIM lecture of 2016 was held at Carleton University on April 21st and was presented by Elizabeth Collinson, Project Officer in the Outreach Program of the Canadian Intellectual Property Office (CIPO; cipo.gc.ca). The lecture provided an introduction to intellectual property with a particular emphasis on its relevance to entrepreneurs in Canada.

Summary

Intellectual property refers to “creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce” (WIPO, 2016). With this lecture, Collinson sought to raise awareness of intellectual property among entrepreneurs and highlight the resources available to help use intellectual property strategically to achieve business aims.

She emphasized that intellectual property does not refer to an “idea”, but is rather about protecting the tan-

gible outcomes of an idea, which can be protected just as an organization can protect physical forms of property. Although patents frequently receive the most attention, Collinson emphasized that protecting other forms of intellectual property (Table 1) may also be important, depending on a company's situation and objectives:

1. *Trade secret*: refers to any confidential information used in a business that provides a competitive edge and that is kept secret. Protection of a trade secret lasts until it is disclosed, at which point it loses its value. It is also vulnerable to novel rediscovery by others (which does not constitute infringement) and reverse engineering. Keeping a trade secret confidential is the responsibility of the intellectual property owner who should restrict access to key information about a trade secret, consider splitting aspects of the information among trusted staff members, and keep detailed records of who has been told what and when.
2. *Patent*: in Canada, a patent provides the owner exclusive rights to make, use, or sell their invention (i.e., a product, composition, machine, or process) for 20 years from the date of filing provided that the invention is novel, useful, and non-obvious. The owner must provide a full public disclosure of the invention, therefore entrepreneurs should carefully consider the timing of this intellectual property mechanism in light of their business objectives so that they can maximize their returns during the period of exclusivity.

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Table 1. Protection of intellectual property (IP) in Canada

Form of IP	Protects	Application Required?	Term
Trade secret	Confidential information	n/a	Indefinite
Patent	Invention	Yes	Up to 20 years from filing date
Trademark	Words, logos, slogans, sounds	Recommended	15 years (renewable)
Copyright	Writing, music, art, plays, etc.	Recommended	Typically life plus 50 years, but varies
Industrial design	Visual feature	Yes	Up to 10 years

3. *Trademark*: refers to words, a word and a design, a design, or a shape, slogan, sound, or certification mark that is tied to the goods or service in the context in which the mark is being used. Registration of a trademark is not required in Canada, but it can be used as evidence of its use and context for legal purposes and provides national coverage because it applies beyond the region where the mark is known.
4. *Copyright*: protects the author of original works, including literary, dramatic, visual, artistic works, and certain other intellectual works (including computer code). The protection is automatic, but registration may provide additional benefits.
5. *Industrial design*: refers to a product's visual features of shape, configuration, pattern, or ornament. To be registered, a design must be new and original; it must be sufficiently distinct to the extent that it does not resemble an existing registered design; and it must not affect the functionality of the manufactured article.

Collinson encourages entrepreneurs to learn more about intellectual property early in their business adventure in order to understand how they may use intellectual property strategically to help meet their business objectives.

In Canada, the Canadian Intellectual Property Office (CIPO; Box 1) provides services and resources to entrepreneurs, including access to client service centres, business development officers, databases, and case studies. Collinson concluded the lecture by demonstrating the importance of early consideration of intellectual property through one of the CIPO's video case studies, which are available at: tinyurl.com/jkp25sw

Box 1. The Canadian Intellectual Property Office (CIPO; cipo.gc.ca)

In Canada, the administration and processing of intellectual property is primarily the responsibility of the Canadian Intellectual Property Office (CIPO), an agency within the governmental department Innovation, Science and Economic Development Canada (formerly Industry Canada) (ic.gc.ca). CIPO's mission is "to contribute to Canada's innovation and economic success by:

- providing greater certainty in the marketplace through high-quality and timely intellectual property rights
- fostering and supporting invention and creativity through knowledge sharing
- raising awareness to encourage innovators to better exploit intellectual property
- helping business compete globally through international cooperation and the promotion of Canada's intellectual property interests
- administering Canada's intellectual property system and office efficiently and effectively"

In 2014–2015, received applications for more than 37,000 patents, 52,000 trademarks, 7,000 copyrights, and 5,000 industrial designs and handled nearly 30,000 requests for patent examinations (CIPO, 2016).

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About the Speaker

Elizabeth Collinson is a Project Officer in the Outreach Program of the Canadian Intellectual Property Office (CIPO), where she has worked for more than 20 years in the Trademarks Branch, the Copyright and Industrial Design Branch, and the Information Branch. She has held various roles including Examiner, Policy and Training Officer, Supervisor, Business Development Officer, Project Officer and she was successful in acquiring Trademark Agent status. Currently, Elizabeth works in an Outreach team promoting the awareness and further education of intellectual property.

This report was written by Chris McPhee.

References

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