

Special IP quiz 2021 correct answers

Here are the correct answers (highlighted in yellow):

1) At what stage should measures be taken in order to secure IP Protection?

- At the earliest stage of the research,
- From the moment results are achieved
- Both answers are correct,

Some measures can still be taken downstream but it is key to think about Protection measures at the earliest stages.

2) What protection measures can be taken at the beginin of a research project?)

- Laboratory register,
- Prior art search
- NDA
- Invention disclosure

The Laboratory register is used to keep track of the research work. It serves not only as the memory of the research conducted but also as the proof of the intellectual creation.

Prior art research will make it possible to identify the state of the art and guide research.

Finally, the NDA prevent confidential information to be shared during preliminary discussions of research projects.

3) What intellectual property rights can protect project results?

- Patent
- Copy rights
- Design & models
- Plant variety rights
- topography of semi-conductor
- Data bases
- Trademarks

Depending on the kind of research only one of these apply but combining multiple is not excluded when relevant.

4) What is patentable ?

- Discoveries
- A technical solution to a concrete technical problem.
- A methodology
- An algorithm

Patents protect inventions which are defined as technical solutions to concrete technical problems.

5) What are the 3 patentability requirements?

- Novelty, discovery, useful
- Novelty, Non-obvious, useful
- Useful, commercially successful, novelty

Novelty:

In order for an invention to be patentable, the invention must be considered to be new or novel. This novelty requirement states that an invention cannot be patented if certain public disclosures of the invention have been made.

Non-Obvious,

in order for an invention to be patentable, the patent statute also requires that the invention be a non-obvious "to a person having ordinary skill in the art to which the claimed invention pertains."

Useful or industrial applicability

The patent law specifies that the subject matter must be "useful." This means that the invention must have a useful purpose.

6) Copyrights protect

- Scientific publications (articles, chapters, sections, acts seminars, thesis, manuals, books including images)
- Scientific publications, only if they're published on an institutional repository
- Scientific publications, only if they're published by a publisher

Scientific publications (articles, chapters, sections, acts seminars, thesis, manuals, books including images) whatever the publication media are, including graphic works like photo's, paints, motion pictures, music and software's.

7) Software's are protected by patents

- True
- False

Software are not protected "as such" by a patent. However, some inventions can be implemented by computers

8) Several products (luxury cars, spéculoos, et paper towel) are sold with the trademark « Lotus » because these products are owned by the same company

- True
- False

These products are sold by 3 different companies. Trademark Law does not prevent the coexistence of verbally similar trademarks, as long as they are not registered for the same products of services.

9) What action is undertaken on the 12th month after the filing of a patent and what happens as from the 30th month?

- Application for international protection on 12th month et publication on 30th month
- Application for international protection on 12th month, national entry phase as from 30th month
- Application for international protection on 30th month, national entry phase as from 12th month

10) Let's assume you invent a patentable device while working at UNamur and your TTO files for a patent and licenses your invention to a company for exploitation. Which of the followings is/are correct ?

- As a researcher at UNamur, you are inventor and applicant of the patent,
- You have to assign your rights on the invention to UNamur
- You are the only beneficiary of all revenue from the exploitation patent
- 1/3 of the revenue derived from the exploitation is paid to the laboratory involved in the invention.

According to UNamur's IP Regulations, UNAMUR retains the ownership of the Research Results obtained by the Researcher, so no need for an assignment contract. Unless otherwise agreed, revenue is equally divided between (a) researcher (b) laboratory involved and the (c) UNamur's patent fund in order to cover patent costs. (Cf. sections 4.1, 5.1, 7.1)