

A stylized, three-dimensional logo consisting of the letters 'H' and 'P' in a dark, metallic-looking font. The letters are thick and have a slight shadow beneath them, giving them a 3D appearance. The 'H' is on the left and the 'P' is on the right, both rendered in a classic, slightly calligraphic style.

HARRISON PENSA

*In any case.*

# INTELLECTUAL PROPERTY

- Confidentiality
- Copyright
- Moral Rights
- Trade-Marks
- Trade Secrets
- Patents

# CONFIDENTIALITY

- Fiduciary
- Contractual
- Describe or mark
- Restrict disclosure, perhaps use

# COPYRIGHT

- Protects expression, not idea
- Code, brochures, manuals
- Automatic – registration not needed
- Marking with © not required, but suggested
- Registration has some advantages
- U.S. registration required to sue for infringement

# MORAL RIGHTS

- Identity of author
- Reputation of author
- Applies to code in Canada, not in U.S.
- Can be waived, not assigned
- Include waivers in all agreements with programmers and content creators

# TRADE-MARKS

- Common law – passing off
- Registered trade-mark
- TM vs. ®
- Word mark vs. Design Mark
- Registration by country
- Registration by use
- Domain name issue
- Strong vs. weak trade-mark
- Can lose if use improperly or don't use

# WHEN TO REGISTER A TRADE-MARK

- Use more than 2 years
- Invest effort & money in marketing or advertising
- Credibility or market image

# TRADE SECRETS

- Keep an innovation secret
- Works well if can't be reverse engineered
  - e.g. formulas for Coke and KFC

# PATENTS

- Exclusive right to make or sell an invention
- 20 years from filing
- New (or improvement to) and useful art, process, machine, manufacture or composition of matter

# PATENTS

- Novel
- Non-Obvious (to person of ordinary skill in the art in view of prior art)
- Useful (some utility or 'real world' value)
- Cannot disclose before filed (1 year grace period in Canada and U.S.)
  - e.g. demo, trade show, published thesis, marketing material

# WHEN TO PATENT

- To protect ability to make or sell a core product or service
- Inhibit competition
- Create license revenue
- Insurance against infringement claims
- Attract financing

# PRACTICAL TIPS

- Silence is Golden
- Use confidentiality language
- Use “©” liberally
- Document ownership / licensing of creative works
- Obtain moral rights waivers

# PRACTICAL TIPS

- Use “TM” on logos, marks
- Adopt strong marks – avoid obvious, but weak marks
- Protect trade-marks in agreements – control use
- Register trade-marks to protect branding
- Registrability search before adopting significant marks

# PRACTICAL TIPS

- Consider patent potential before disclosure
- Consider whether expense of patent provides a worthwhile business advantage
- Consider all forms of possible intellectual property protection
- Provisional patents can provide 12 months to refine or consider it worthwhile patenting

**David R. Canton**

**Barrister, Solicitor & Trade-mark Agent**

450 Talbot Street, P.O. Box 3237

London, Ontario

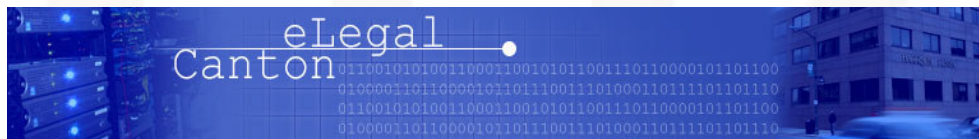
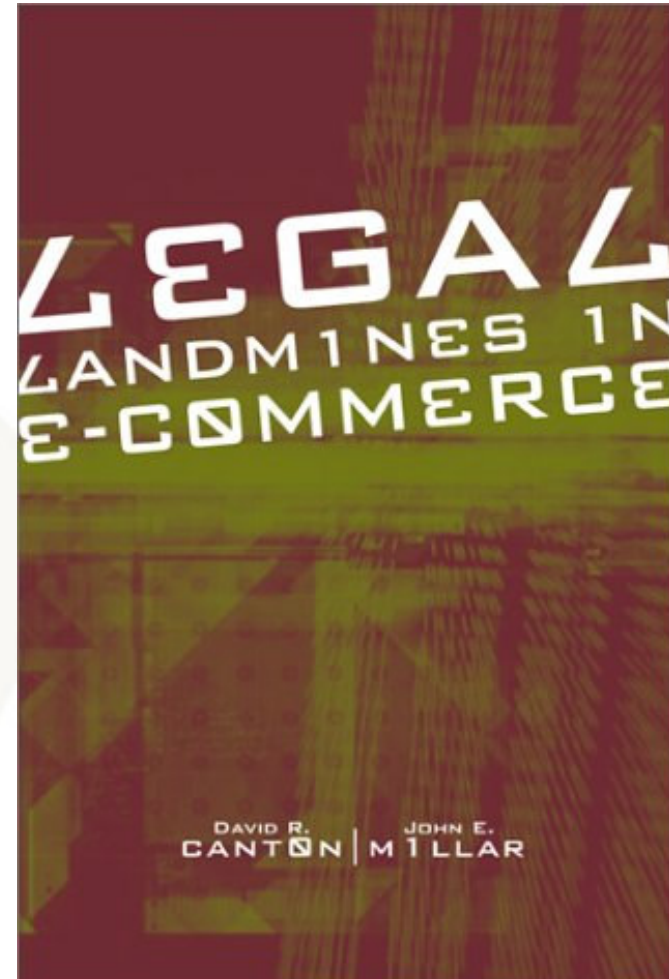
N6A 4K3

Tel: (519) 661-6776

[dcanton@harrisonpensa.com](mailto:dcanton@harrisonpensa.com)

[www.harrisonpensa.com](http://www.harrisonpensa.com)

[www.legallandmines.net](http://www.legallandmines.net)



Blawg: [www.canton.elegal.ca](http://www.canton.elegal.ca)

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