



Arcya S. de R.L.

-EXECUTIVE SUMMARY-

**INTELLECTUAL PROPERTY FOR YOUR
COMPANY
EVALUATION ONLINE**

JANUARY, 2015





Arcya S. de R.L.

INDEX

INTRODUCTION..... 3

INTELLECTUAL PROPERTY FIGURES 4

INTELLECTUAL PROPERTY FOR YOUR COMPANY 7

LEGAL COMPONENTS OF INTELLECTUAL PROPERTY 9

SELF-EVALUATION ONLINE 11



INTRODUCTION

Today, knowledge economy has granted special value to the generation of innovative products and processes derived from creative acts and intellectual contribution of human capital. Therefore, the correct use of intellectual property tools translates into innovation protection and the support to get into the markets, due to legal certainty over the ownership of the new assets generated, as well as the ability to preserve the dominant position in the market. For this reason, the project called "Intellectual Property for Your Company" promotes the culture of intellectual property among companies, encouraging the exploitation of results of innovation projects.

This platform is a tool that will help to train the industry on intellectual property aspects; promote the culture of intellectual property and raise awareness about the benefits of making a self- evaluation before launching products or services, in order to protect them solidly. Moreover, the platform provides recommendations to increase knowledge on IP, based on the results of the evaluation online. The contents are directed primarily to companies and inventors who work in the ICT sector in Mexico.

The training is presented as a storyboard or an interactive animated sequence. On the platform there are fictional characters and stories that illustrate different day to day situations associated with the benefits of intellectual property, and the disadvantages involving the lack of its use. These are everyday situations in the field of innovation and are primarily oriented to business environment, and to entrepreneurs who own inventions but do not know what to do with them.

INTELLECTUAL PROPERTY FIGURES

The first component of the platform is called "Intellectual Property for your Company. Self-Evaluation Online." It is intended for the user to be acquainted with some terminology and definitions such as copyright, inventions and patents, elements of a patent, protection strategy via utility model, industrial design or trade secrets, trademarks and slogans.

The topics are organized in five modules; each one depicts everyday situations that explain clearly and with the least technical language what is intellectual property. The platform offers additional guidance to entrepreneurs and independent inventors on how to develop a protection strategy for their developments.

It is important to emphasize that the purpose of the platform is to provide access to highly relevant and accurate information on the benefits of intellectual property. It is intended that examples of everyday situations help to depict the "before and after" that intellectual property provides in a new development, so that entrepreneurs and independent inventors bet for the use of this platform to explore the benefits of protecting their innovations via the figures of intellectual property.

In module 0, "Introduction to the themes of exploration," the first character of the storyboard, Arturo, is in charge of welcoming the audience and presenting some reflections on the importance of intellectual property. Arturo will guide the user through all the modules of the platform.

In module 1, "Copyright", an entrepreneur named Efrén is the owner of the company *Quality Seal* which develops security seals. When trying to increase the brand's awareness in the mind of the consumers, Arturo asks Andrea, a designer, for attractive images of their products. After some time, Efrén discovers that there already are pictures of his company's product all over the internet, which were used by the competition.

Therefore, he arranges a meeting with Martha, the lawyer and with Luis, an intellectual property consultant. Luis explains to the board members the key elements related to moral and patrimonial rights, and proposes a solution to the problem identified, thus completing the module.

In the second module, "Inventions and Patents" the company *Quality Seal*



appears again, but this time presenting the situation of Daniel, a young inventor who develops a device for the company's security seals. Such a device would be a major success for the company, so Efrén, aware of the importance of intellectual property, asks Luis for advice on intellectual property before releasing the new product.

The user will learn what is a patent, the patentability requirements, prior disclosure, recognition of the priority of the patent application and patent protection of computer programs.

In module 3, "Components of the patent application," we have the case of Ramón, an independent inventor who approaches a Knowledge Transfer Office. He needs orientation to protect his new ocular device through a patent application.

Karla and Francisco, IP consultants of the Transfer Office, explain him in detail the elements of a patent application, such as the name or title of the invention, background, description, claims, drawings and summary. With the information provided, Ramon decides to conduct a patent application, supported by the transfer office.

In module 4, "Protection Strategy Via Utility Model, Industrial Design or Trade Secret", new characters appear in the "International Exhibition of Independent Inventors". Luisa and Marcelo, both independent inventors meet in the Fair and share their experiences. Luisa creates chairs with some new application, while Marcelo designs attractive and unique outdoors. On hearing about these innovative products, Leonardo, specialist in intellectual property, questions the inventors about the protection of their products. Of the two, Marcelo does not have any knowledge on intellectual property.

With the help of Leonardo, the inventors explore topics such as protection and temporary utility model, industrial design protection and temporality. During the same event, Joaquín, an inventor of organic beverages, shares his extensive knowledge in the field of trade secret protection.

In module 5, the last of the first part of the content, "Distinctive Signs and Advertising Slogan", a businesswoman, Nicole, listens to the conversation of two young women discussing the acquisition of a lipstick. The focus of the discussion is that the cosmetic does not have a name or brand image. This situation concerns



Arcya S. de R.L.

Nicole, since her business *Villettei* is dedicated to the development of cosmetic products and, given the season, they will release a range of new products, of which she wants to protect their names and slogan. Therefore, she requests support from Alejandra, an intellectual property specialist who explains Nicole key issues related to trade marks, principle of specialty, temporality and related advertisements.



INTELLECTUAL PROPERTY FOR YOUR COMPANY

The second part of the platform is divided into five modules as well; in each particular situation the key element is the depiction of an invention. From this starting point, a character like an entrepreneur or an independent inventor, needs to manage their intellectual property. These modules follow the numbering of the previous ones.

Thus, in module 6, "Intellectual Property and Company Strategy (innovation, cooperation, financing and commercialization)," Diego, owner of the company *Mattspace*, has a novel solution in biotechnology for astronauts. He attracts the attention of the US government, so he meets Minister Jackie, US special envoy in charge of acquiring *Mattspace*'s technology.

In this situation, Diego relies on Jonathan, intellectual property specialist, to manage technology transfer, while showing him his latest invention. Jonathan persuades him to protect the invention and market it internationally through the Patent Cooperation Treaty (PCT), which allows device protection in various countries. In general, the module provides a quick guide on the PCT application process.

In module 7, "Identification and Protection of Company Assets", the story focuses on auto parts company *AutoMap*, where the entrepreneurs Mariana and Sergio hire Carla to audit the company, since they discover that their resources are not being exploited at maximum. During the visit, Carla identifies that innovation is a common practice in the company, but the staff has not learned to identify and manage intangible assets. Therefore, Carla was given the task of teaching them to develop an inventory of intellectual property and show the advantages it confers. In general, the module illustrates one type of useful format for inventorying intangible assets, so that their holder is aware of their presence and management in the short and medium term.

Now, in module 8, "Elements to Consider when Creating a Website", the "Technology Fair" opens its doors to young businessman Leonardo, owner of *SiCamp* who offers its product to a potential customer and realizes how important it is that the company has a website. As his first choice, he hires Fabian, a website programmer who after a pernicious contract and lousy job, infringes intellectual property damaging the corporate image of the company. Leonardo sought the advice of Pablo, licensed specialist in intellectual property in the digital

environment, who explains the elements to consider when creating a website: avoid infringing on the copyrights of others, protection of the elements of the website by some figure of intellectual property, as well as the most common offenses in this type of environment.

Module 9, "Management of Intellectual Property through Licensing Practices" is conducted again by Arturo, our first character, who discusses the importance of licensing to add value to the protected assets, since this title allows to expand a company's horizons of influence. He emphasizes that each situation in the granting of a license technology is unique and deserves particular attention.

Efrén reappears as well, and has expanded the sphere of international clients of *Quality Seals* and is contacted by Luisão, a Brazilian businessman who wants not only to acquire the latest security seal, but also requires to manufacture and sell it in the Brazilian market. For this reason, Efrén convenes an emergency meeting with the intellectual property specialist Martha, who advises him not to grant the rights of the seal to Luisão, but to consider the granting of a license as the most appropriate strategy. Martha explains to the board members the key elements to obtain the license, restrictions and benefits..

In module 10, "Advantages of a Patent and Specialized Searches" two companies, *Medick Clear* and *Vita Med* participate in the international exhibition of medical devices to be held in Germany. Both seek an opportunity to sell their products and services to new customers and position in the market. The technological trend is the development of novel cardiovascular devices.

For this reason, the businessman Julio, owner of *Vita Med* asks his team to identify the needs that have not been covered yet by existing cardiovascular devices and the major disadvantages detected in these. Edgar, a team member, tells his colleagues the importance and advantages of search of patent documents in specialized databases where inventions in any technological area that exist worldwide are described.

From that moment on, *Vita Med* has a competitive advantage to the company *Medick Clear* due to the solution provided by the patent search. Moreover, Julio can invest safely in R & D for the new device, an act that reflects the success of the international exhibition. In general, the module is a basic guide on the search of patent documents in specialized public databases, and provides recommendations and strategies for analysis of results.

LEGAL COMPONENTS OF INTELLECTUAL PROPERTY

This is the last part of the platform's content. The topics studied encompass the constitutional basis for intellectual property figures and rights. The lessons include laws and intellectual property treaties in Mexico, the relevant units in the field, the licensing of free and commercial software, as well as classic agreements for the development of an R & D relevant to intellectual property.

In a manner similar to the previous parts, this section is divided in five modules; each illustrating a particular situation in which an entrepreneur or independent inventor recognizes a need in their environment and to solve it requires the assistance of a specialist in intellectual property.

In module 11, "National Regulatory Framework on Intellectual Property", Mateo, a lawyer and academic in the field of intellectual property briefly explains the historical facts and events in terms of legislation concerning intellectual property.

Mateo focuses in the following documents:

1. Constitution of Cádiz
2. The Federal Constitution of the Mexican United States, 1824
3. Politic Constitution of the Mexican Republic, 1857
4. Current Legal Dispositions
5. National legislation on intellectual property

To conclude, Arturo explores the competent agencies on intellectual property in Mexico.

In module 12, "Confidentiality Agreement", Lucas, owner of *RebCard* has to negotiate the sale of its new highly specialized device for financial management to Chinese competitors, so he talks to her friend Miranda who advises him to seek a specialist consultancy.

Lucas hires Débora, intellectual property specialist, who advises him to write a confidentiality agreement before disclosing key information about his device, after which he will be able to negotiate the invention with higher confidence, and then write a patent application in China. The module focuses on the common elements of a confidentiality agreement: discloser, unauthorized use, duration of the obligation, among other clauses of interest.

In module 13, "Collaboration Agreements in R + D Projects", experts from the Knowledge Transfer Office visit Adolfo's company *Bioset*, since the company has a research line focused on medical devices and found a novel solution for patients with hyperglycemia. However, *Bioset* lacks the financial resources to invest in the development of the prototype.

Therefore, the staff of the Transfer Office explains to Adolfo the financial supports provided by the government through some institutions. These include the CONACYT and the Ministry of Economy, who provide funding for research and development projects aimed at promoting the link between research groups and the productive and social sectors, and that seek to obtain innovative results with higher social impact.

The module analyzes the offer of a Technology Transfer Office, and it also explains two national funding calls: "Estímulos a la Innovación (PEI)", its requirements to compete, modalities, financing, bonding, among other key elements, and the call "Bonos para la innovación a través de las Oficinas de Transferencia de Conocimiento."

In module 14, "Licensing in the Digital Environment (FOSS)", Jaime develops the software "Nabrek" for the enterprise *Tecnoweb*, who determines that the best strategy is to launch it to the public as free software. The decision must also be approved by colleagues Víctor and Raquel, who meet to discuss the appropriate type of license. Once "Nabrek" is released to the public with the agreed license, they discover that the software has been marketed under another name. Therefore they turn to Iván, intellectual property specialist in the digital environment, who explains them clearly and in legal terms what happened to Nabrek and together determine a solution.

Finally, in module 15, "Licensing in the Digital Environment (Commercial software)" after six months and after "Nabrek's" case, Jaime and his colleagues focus on the improvement of the software "Alchemist". Once ready, he invites Iván to guide them regarding commercial software, licenses restricting its use, modification and program transfer, licensing restrictions and susceptible elements.

SELF-EVALUATION ONLINE

The self-evaluation online section is a useful tool for the entrepreneur or independent inventor who wishes to evaluate their degree of knowledge on intellectual property.

The self-evaluation includes five basic sections:

- INNOVATION
- INTANGIBLE ASSETS
- INTELLECTUAL PROPERTY
- TECHNOLOGY SEARCHES
- SUPPORTS and CONTRACTS

Each section consists of two or three questions, for a total of 20. The questions were formulated from the contents that are presented in the platform. At the end of the questionnaire, the tool outputs the score accompanied by a recommendation.

Also, there is a rating that allows the user to verify the answers and select from the list those that must be strengthened, thanks to the "Get trained Online" option, where the section and module appear to check them again.

It is important to emphasize that the purpose of the tool online is to train entrepreneurs and inventors in the field of intellectual property through content that will enable to develop protection and commercialization strategies for the assets generated as the result of inventive activity. Likewise, it seeks to promote the competitive advantage and market position of enterprises, based on the knowledge gained through the platform.