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2022

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Introducing Intellectual Property Education for Lifelong Learning and the Knowledge Economy (IPEDU) – Introducción a la educación en propiedad intelectual para el aprendizaje permanente y la economía del conocimiento

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UPV – Team/Equipo
14 de octubre del 2022

UPV



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2022



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Año Europeo de la Juventud

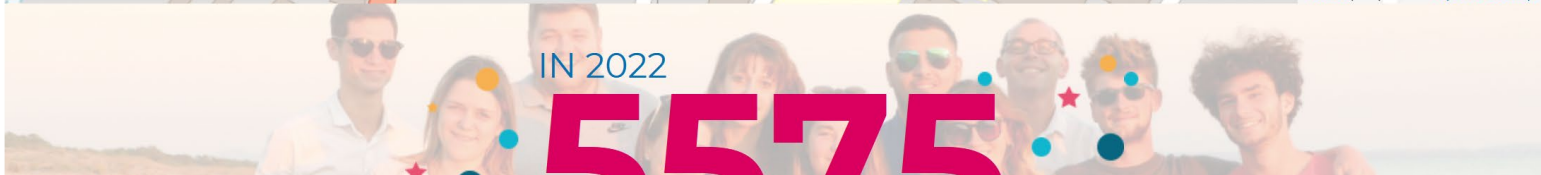


INDICE - SYLLABUS

- Descripción del proyecto/ Project description
- Material de formación/ Teaching materials



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Introducing Intellectual Property Education for Lifelong Learning and the Knowledge Economy (IPEDU) project

IPEDU es un proyecto destinado a introducir la educación en el campo de la Propiedad Intelectual, en el currículo de las Universidades técnicas, a través de la formación del personal docente, de apoyo y bibliotecarios en PI. Es mucho lo que Europa puede hacer para promover la educación en PI entre las generaciones más jóvenes.

La educación en PI no debería significar solamente conciencia de los derechos de PI en sí mismos, sino también mejor conocimiento de su gestión en contratos y convenios.

Una mejor educación sobre los activos basados en el conocimiento y un mejor conocimiento del sistema de apoyo a la innovación son vitales para la vida.

IPEDU is a project aimed at introducing education in the field of Intellectual Property, in the curriculum of technical Universities, through the training of teaching staff, support staff and librarians in IP. There is much that Europe can do to promote IP education among the younger generations. IP education should not only mean awareness of IP rights per se, but also better knowledge of their management in contracts and agreements. Better education about knowledge-based assets and a better understanding of the innovation support system are vital for life.



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Introducing Intellectual Property Education for Lifelong Learning and the Knowledge Economy (IPEDU) project

Los principales OBJETIVOS del Proyecto IPEDU son:

1. Mejorar el estado actual de la educación en el campo de la Propiedad Intelectual;
2. Fortalecer la cooperación entre las universidades y el entorno empresarial, para facilitar el intercambio, flujo y co-creación de conocimiento en el campo de la protección de la Propiedad Industrial
3. Correlacionar los planes de estudios en materia de Derecho de la Propiedad Industrial con las necesidades concretas del mercado laboral;
4. Reducir las diferencias significativas en los planes de estudio de los cursos de Propiedad Industrial, tanto a nivel nacional como europeo;
5. Introducir la enseñanza en materia de Derecho de la Propiedad Industrial a las facultades técnicas;
6. Contribuir al desarrollo profesional del personal docente y de apoyo (bibliotecarios), en materia de Derecho de la Propiedad Industrial, a través de jornadas de formación conjunta de personal de corta duración.

The main OBJECTIVES of the IPEDU Project are:

1. To improve the current state of education in the field of Intellectual Property;
2. To strengthen the cooperation between universities and the business environment, to facilitate the exchange, flow and co-creation of knowledge in the field of Industrial Property protection;
3. To correlate the curricula in the field of Industrial Property Law with the concrete needs of the labour market;
4. To reduce the significant differences in the curricula of the Industrial Property courses, both at national and European level;
5. To introduce education in the field of Industrial Property Law to technical faculties;
6. To contribute to the professional development of teaching staff and support staff (librarians), in the field of Industrial Property Law, through Short-term joint staff training events



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IPEDU Project Partners/Participantes:

SVEUCILISTE U ZAGREBU Croatia

TECHNISCHE UNIVERSITAET DRESDEN Germany

UNIVERSITAT POLITECNICA DE VALENCIA Spain

UNIVERSITATEA TRANSILVANIA DIN BRASOV Romania

PANEPISTIMIO KRITIS Greece

MBTHINKTANK SRL Romania

INSTITUTO POLITECNICO DO PORTO Portugal

UNIVERZA V LJUBLJANI Slovenia



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IPEDU Project Budget and duration:

Project Duration:

The duration is three years (36 months)

Grant Awarded

447.206,00 EUR



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Intellectual Outputs in IPEDU

Intellectual Output (IO)	Leader
O1 REPORT ON THE STATE OF EDUCATION IN THE FIELD OF INTELLECTUAL PROPERTY O8 RESEARCH STUDY ON THE IMPACT OF THE INDUSTRIAL	TUS Limerick Institute of Technology- Ireland
O2 SKILLS AND COMPETENCES NEEDED IN THE LABOUR MARKET, IN THE FIELD OF INDUSTRIAL PROPERTY.	University of Ljubljana, Slovenia
O3 TOOLKIT FOR THE TRAIN – THE – TRAINERS THEORETICAL PROGRAMME.	University of Zagreb, Croatia
O4 BLENDED CURRICULUM	Transilvania University of Brasov, Romania
O5 ONLINE PLATFORM WITH INNOVATIVE CONTENT ON INDUSTRIAL PROPERTY EDUCATION.	MB THINK TANK, Romania
O6 ONLINE MODULES: INTELLECTUAL PROPERTY FOR NONLAW STUDENTS AND PRACTITIONERS.	Polytechnic Institute of Porto, Portugal
O7 GUIDE FOR BEST PRACTICES AND POLICY FOR INDUSTRIAL PROPERTY EDUCATION.	University of Crete, Greece
O8 RESEARCH STUDY ON THE IMPACT OF THE INDUSTRIAL PROPERTY CURRICULUM AND TRAINING MATERIALS	Universitat Politecnica de Valencia



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Project Progress to Date Intellectual Outputs in IPEDU

Intellectual Output (IO)	Progress
O1 REPORT ON THE STATE OF EDUCATION IN THE FIELD OF INTELLECTUAL PROPERTY O8 RESEARCH STUDY ON THE IMPACT OF THE INDUSTRIAL	National Reports on the current state of education in the field of Intellectual Property – 8 reports
O2 SKILLS AND COMPETENCES NEEDED IN THE LABOUR MARKET, IN THE FIELD OF INDUSTRIAL PROPERTY.	Questionnaire applied to employers and stakeholders – 1 questionnaire translated into 8 languages
O3 TOOLKIT FOR THE TRAIN – THE – TRAINERS THEORETICAL PROGRAMME.	Toolkit for the train-the-trainers theoretical programme – 1 Guide for best practices, 3 Course supports with 2 modules each
O4 BLENDED CURRICULUM O8 RESEARCH STUDY ON THE IMPACT OF THE INDUSTRIAL	Blended Curriculum for the Postgraduate Training Programme – 1 curriculum
O5 ONLINE PLATFORM WITH INNOVATIVE CONTENT ON INDUSTRIAL PROPERTY EDUCATION.	https://www.ipeduproject.eu/
O6 ONLINE MODULES: INTELLECTUAL PROPERTY FOR NONLAW STUDENTS AND PRACTITIONERS.	On time
O7 GUIDE FOR BEST PRACTICES AND POLICY FOR INDUSTRIAL PROPERTY EDUCATION.	On time
O8 RESEARCH STUDY ON THE IMPACT OF THE INDUSTRIAL PROPERTY CURRICULUM AND TRAINING MATERIALS	On time



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Curriculum Module list

Lista de Módulos Curriculares



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IPEDU Curriculum Module list

Module 1: Introduction to
Intellectual Property

Module 2: Understanding Industrial
Property

Module 3: Trademarks and other
distinctive signs

Module 4: Geographical Indications

Module 5: Patents

Module 6: Industrial Models

Module 7: Designs

Module 8: International bodies in
the field of Intellectual Property

Lista de Módulos Curriculares de IPEDU

Módulo 1: Introducción a la Propiedad
Intelectual

Módulo 2: Comprensión de la propiedad
industrial

Módulo 3: Marcas y otros signos distintivos

Módulo 4: Indicaciones Geográficas

Módulo 5: Patentes

Módulo 6: Modelos Industriales

Módulo 7: Diseños

Módulo 8: Organismos internacionales en
materia de Propiedad Intelectual



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Project Syllabus description

Descripción del plan de estudios del proyecto



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Syllabus

1. Information about the **Module 3**

1.1 University	Transilvania University of Brasov
1.2 Team	UTBV Team
1.3 Trainer Name	Prof.dr.eng. Dan SĂVESCU Prof.dr.eng., dr. marketing Angela REPANOVICI
1.3 Degree level	Postuniversity degree

2. Information about the course

Module title	TRADEMARK
--------------	------------------

3. Time budget

3.1 Number of hours	3 h	divided in:	Lecture	100 mins	Seminary	80 mins
3.2 Time budget distribution (hours) for individual activity:						
(a) Individual study (course, obligatory bibliography, etc.)						2
(b) Additional documentation (recommended bibliography, etc.)						0.5
(c) Preparation for seminary/laboratory/project activities						0.5
(d) Peer learning						0
(e) Exam preparation						0
(f) Other activities						0
3.3 Total individual study (sum (3.7(a)...3.7(f)))				3 h		
3.4 ECTS credits				0.6		

4. Preconditions

4.1 curriculum	Bachelor degree
4.2 competences	Engineering competences

5. Course requirement

5.1. for lecture	Lecture room with video projector, laptop
5.2. for seminary/ laboratory/	video projector, laptop

6. Gained competences

Professional competences	<p>C1. Adequate identification of concepts, principles, methods and terminology specific to Intellectual Property objects, their definition, legislative framework.</p> <p>C.2. Identification of possibilities of economic capitalization of Intellectual Property objects.</p> <p>C.3. Identification of the potential for the management of Intellectual Property objects, as patrimony elements of the commercial companies, as intangible assets.</p> <p>C.4. Development of professional skills related to the identification of novelty elements, development of an expertise in the field of Intellectual Property / Industrial Property through certification / attestation.</p> <p>C.5. Adequate use of standard evaluation criteria and methods, for the comparative, qualitative and quantitative assessment of the technical-economic performances and limits and of the quality of intellectual property objects, specific products and processes with innovative character.</p>
Transversal competences	<p>T.C.1. Applying the values and ethics of the engineering profession and responsible execution of professional tasks in conditions of limited autonomy and qualified assistance, but always having an innovative character.</p> <p>T.C. 2. Promotion of logical, convergent and divergent reasoning, of the novelty elements practically applicable, of the evaluation and self-evaluation in decision-making.</p>

7. Course objective

7.1 General objective	<ul style="list-style-type: none"> The discipline is addressed to those who are interested in Intellectual Property objects, having a technical. Definition of Intellectual Property objects, (Industrial Property objects and copyright) are the basic elements of engineering training with innovative aspects. Starting from the idea that each learner must realize, within the bachelor's project, a product with an innovative character, the novelty elements must be protected against counterfeiting.
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Syllabus

1. Information about the **Module 4**

1.1 University	Transilvania University of Braşov
1.2 Team	UTBV_Team
1.3 Trainer_Name	Prof.dr.eng. Dan SĂVESCU Prof.dr.eng., dr. marketing Angela REPANOVICI
1.3 Degree level	Postuniversity degree

2. Information about the course

Module title	GEOGRAPHICAL INDICATIONS AND APPELLATION OF ORIGIN
--------------	---

3. Time budget

3.1 Number of hours	3 h	divided in:	Lecture	100 mins	Seminary	80 mins
3.2 Time budget distribution (hours) for individual activity:						
(a) Individual study (course, obligatory bibliography, etc.)						2
(b) Additional documentation (recommended bibliography, etc.)						0.5
(c) Preparation for seminary/laboratory/project activities						0.5
(d) Peer learning						0
(e) Exam preparation						0
(f) Other activities						0
3.3 Total individual study (sum (3.7(a)...3.7(f)))						3 h
3.4 ECTS credits						0.6

4. Preconditions

4.1 curriculum	Bachelor degree
4.2 competences	Engineering competences

5. Course requirement

5.1. for lecture	Lecture room with video projector, laptop
5.2. for seminary/ laboratory/ project	video projector, laptop

6. Gained competences

Professional competences	C1. Adequate identification of concepts, principles, methods and terminology specific to Intellectual Property objects, their definition, legislative framework.
	C2. Identification of possibilities of economic capitalization of Intellectual Property objects.
	C3. Identification of the potential for the management of Intellectual Property objects, as patrimony elements of the commercial companies, as intangible assets.
	C4. Development of professional skills related to the identification of novelty elements, development of an expertise in the field of Intellectual Property / Industrial Property through certification / attestation.
	C5. Adequate use of standard evaluation criteria and methods, for the comparative, qualitative and quantitative assessment of the technical-economic performances and limits and of the quality of intellectual property objects, specific products and processes with innovative character.
Transversal competences	T.C.1. Applying the values and ethics of the engineering profession and responsible execution of professional tasks in conditions of limited autonomy and qualified assistance, but always having an innovative character.
	T.C. 2. Promotion of logical, convergent and divergent reasoning, of the novelty elements practically applicable, of the evaluation and self-evaluation in decision-making.

7. Course objective

7.1 General objective	<ul style="list-style-type: none"> The discipline is addressed to those who are interests on Intellectual Property objects, having a technical. Definition of Intellectual Property objects, (Industrial Property objects and copyright) are the basic elements of engineering training with innovative aspects. Starting from the idea that each learner must realize, within the bachelor's project, a product with an innovative character, the novelty elements must be protected against counterfeiting.
7.2 Specific objectives	<p>Learners should be able to:</p> <ul style="list-style-type: none"> Acquire theoretical and practical knowledge on the legal ways regarding the protection of innovation, based on the knowledge of Intellectual Property objects and the rights arising from their exploitation.

	<ul style="list-style-type: none"> Separate the innovation activities of a particular type from those of service. Assignment of Intellectual Property rights. Copyright
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8. Contents

8.1 Lecture	Hours	Teaching methods	Observation
What is geographical indication (GI)? What rights does a geographical indication provide?	10 mins	Video projector exposure methods, whiteboard explanations, and discussions	
For what kind of goods is useful? Examples	10 mins		
What is the difference between a geographical indication (GI) and a trademark (TM)?	30 mins		
What is the difference between Geographical indication (GI), Appellation of origin (AO), Protected design of origin (PDO), and Protected geographical indication (PGI)?	30 mins		
How to protect a geographical indication? Registering and searching appellations of origin How to file an application? Forms for international registration of an Appellation of Origin or a Geographical Indications	30 mins		
International registration with the Lisbon System	20 mins		
8.2 Seminary	Hours	Teaching methods	Observation
Definitions: - What is geographical indication (GI)? - What rights does a geographical indication provide?	10 mins	Video projector exposure methods, whiteboard explanations and discussions	
Examples of goods protected as Geographical Indications	20 mins		
What is the difference between a geographical indication (GI) and a trademark (TM)?	10 mins		



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Syllabus

1. Information about the Module 5

1.1 University	Transilvania University of Braşov
1.2 Team	UTBV_Team
1.3 Trainer_Name	Prof.dr.eng. Dan SĂVESCU Prof.dr.eng., dr. marketing Angela REPANOVICI
1.3 Degree level	Postuniversity degree

2. Information about the course

Module title	PATENT
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3. Time budget

3.1 Number of hours	3 h	divided in:	Lecture	100 mins	Seminary	80 mins	
3.2 Time budget distribution (hours) for individual activity:							
(a) Individual study (course, obligatory bibliography, etc.)							2
(b) Additional documentation (recommended bibliography, etc.)							0.5
(c) Preparation for seminary/laboratory/project activities							0.5
(d) Peer learning							0
(e) Exam preparation							0
(f) Other activities							0
3.3 Total individual study (sum (3.7(a)...3.7(f)))	3 h						
3.4 ECTS credits	0.6						

4. Preconditions

4.1 curriculum	Bachelor degree
4.2 competences	Engineering competences

5. Course requirement

5.1. for lecture	Lecture room with video projector, laptop
5.2. for seminary/ laboratory/ project	video projector, laptop

6. Gained competences

Professional competences	C1. Adequate identification of concepts, principles, methods and terminology specific to Intellectual Property objects, their definition, legislative framework.
	C2. Identification of possibilities of economic capitalization of Intellectual Property objects.
	C3. Identification of the potential for the management of Intellectual Property objects, as patrimony elements of the commercial companies, as intangible assets.
	C4. Development of professional skills related to the identification of novelty elements, development of an expertise in the field of Intellectual Property / Industrial Property through certification / attestation.
	C5. Adequate use of standard evaluation criteria and methods, for the comparative, qualitative and quantitative assessment of the technical-economic performances and limits and of the quality of intellectual property objects, specific products and processes with innovative character.
Transversal competences	T.C.1. Applying the values and ethics of the engineering profession and responsible execution of professional tasks in conditions of limited autonomy and qualified assistance, but always having an innovative character.
	T.C. 2. Promotion of logical, convergent and divergent reasoning, of the novelty elements practically applicable, of the evaluation and self-evaluation in decision-making.

7. Course objective

7.1 General objective	<ul style="list-style-type: none"> The discipline is addressed to those who are interests on Intellectual Property objects, having a technical. Definition of Intellectual Property objects, (Industrial Property objects and copyright) are the basic elements of engineering training with innovative aspects. Starting from the idea that each learner must realize, within the bachelor's project, a product with an innovative character, the novelty elements must be protected against counterfeiting.
7.2 Specific objectives	<p>Learners should be able to:</p> <ul style="list-style-type: none"> Acquire theoretical and practical knowledge on the legal ways regarding the protection of innovation, based on the knowledge of Intellectual Property objects and the rights arising from their exploitation.

<ul style="list-style-type: none"> Separate the innovation activities of a particular type from those of service. Assignment of Intellectual Property rights. Copyright

8. Contents

8.1 Lecture	Hours	Teaching methods	Observation
Invention, innovation - as process, innovation - as product. Definitions	10 mins	Video projector exposure methods, whiteboard explanations, and discussions	
Patented invention	10 mins		
Invention as a technical solution	40 mins		
Inventive activity Industrial applicability			
Non-patentable inventions	20 mins		
Patent functions Patenting procedures – the national, regional, international way			
How to protect an idea? The utility model	20 mins		
8.2 Seminary	Hours	Teaching methods	Observation
Definitions. Invention, innovation - as process, innovation - as product	10 mins	Video projector exposure methods, whiteboard explanations and discussions	
Patented invention	20 mins		
Invention as a technical solution			
Inventive activity Industrial applicability	10 mins		
Non-patentable inventions			
Patent functions Patenting procedures – the national, regional, international way	30 mins		
How to protect an idea? The utility model	10 mins		
8.3 Bibliography:			
<ol style="list-style-type: none"> Alistar, V., Banciu, C. Competition law. Practical guide, Hamangia Publishing, 2018 Beebe, B. Trademark Law - An Open-Source Casebook - Version 9: Volume I, 2022 Bolos, M., D. Trademarks and geographical indications in the system of international relations, Ed. Universul Juridic, 2013 Charmason, J., A., Buchaca, J. Patents, Copyrights & Trademarks For Dummies, Wiley, 2008 			



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INTELLECTUALS OUTPUTS

PRODUCCIÓN INTELECTUAL



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IPEDU (team Ljubljana, Slovenia)

**INTELLECTUAL OUTPUT 2
INDUSTRIAL PROPERTY SKILLS AND COMPETENCES
REPORT**

IO 1.- Current state of education in the field of Intellectual Property in Spain

GA number: 2020-A203-AA4AD9C5

January 2021

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IO3 - DESCRIPTIONS AND LINKS ABOUT IP FROM PORTUGAL

ISCAP – IPEDU Team

October 2022



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MODULES OF THEORETICAL
PROGRAMME

MÓDULOS DE
ENTRENAMIENTO TEÓRICOS



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Module 4 - UTBV

Trademark

Module 3 -UTBV

1. Definition

Trademarks are signs used in trade to identify products.

Your trademark is the symbol your customers use to pick you out. It distinguishes you from your competitors. You can protect and build upon your trademark if you register it.

In some countries, you can also get protection even if your trademark is not registered. However, you are well advised to register it in order to obtain the best protection. The only condition imposed on a registered trademark is that it must be clearly defined. The only condition imposed on a registered trademark is that it must be clearly defined. Neither you nor your competitors will be certain of what it covers [10].

Any sign, such as words, including the names of persons or designs, letters, figures, figurative elements, the shape of the product or the packaging of the product or constitute a trade mark, provided that such signs are capable of distinguishing the goods of one undertaking from those of other undertakings and are represented in the Trademarks in such a way as to enable the competent authorities and the public to determine and precisely the subject-matter of the protection afforded to their holder. The registration of a trademark may be applied for individually or jointly by any person, directly or through a representative, under the conditions laid down by law and by the regulation implementing it. If the applicant has neither his domicile nor his registered office nor an industrial or commercial establishment, effective and functional on the territory of the European Union or in the European Economic Area, representation by authorized representative is compulsory, except in the case of a natural person. The procedure for filing the application for registration of a trademark [10, 14].

2. TRADEMARK FUNCTIONS

The functions of trademarks can be summarized as follows:

1. Proof of the high level of product quality.
2. The confidence of buyers in the product because of the good reputation of the manufacturer.
3. Promotion and publicity necessary to stimulate sales [3].

3. TYPES OF TRADEMARKS [4, 21]

3.1. According to the graphic representation mode

The mark may be:

Geographical indication

1.What is geographical indication (GI)?

A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.

Geographical indication = serves to identify a product originating in a country, region or locality of a state, in cases where a quality, reputation or other specified characteristics can be essentially attributed to that geographical origin.

In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production.

Only persons producing or marketing the products for which these indications have been registered may use geographical indications [8, 14].

2.What rights does a geographical indication provide?

A geographical indication right enables those who have the right to use the indication to prevent its use by a third party whose product does not conform to the applicable standards. For example, in the jurisdictions in which the Darjeeling geographical indication is protected, producers of Darjeeling tea can exclude use of the term "Darjeeling" for tea not grown in their tea gardens or not produced according to the standards set out in the code of practice for the geographical indication.

However, a protected geographical indication does not enable the holder to prevent someone from making a product using the same techniques as those set out in the standards for that indication. Protection for a geographical indication is usually obtained by acquiring a right over the sign that constitutes the indication.

3.For what kind of goods is useful?

Geographical indications are typically used for agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products [8].

4.What is the difference between a geographical indication (GI) and a trademark (TM)?

Geographical indications and trademarks are distinctive signs used to distinguish goods or services in the marketplace. Both convey information about the origin of a good or service, and enable consumers to associate a particular quality with a good or service. Trademarks

inform consumers about the source of a good or service. They identify a good or service as originating from a particular company. Trademarks help consumers associate a good or service with a specific quality or reputation, based on information about the company responsible for producing or offering it. Geographical indications identify a good as originating from a particular place. Based on its place of origin, consumers may associate a good with a particular quality, characteristic or reputation. A trademark often consists of a fanciful or arbitrary sign that may be used by its owner or another person authorized to do so. A trademark can be assigned or licensed to anyone, anywhere in the world, because it is linked to a specific company and not to a particular place. In contrast, the sign used to denote a geographical indication usually corresponds to the name of the place of origin of the good, or to the name by which the good is known in that place. All persons who, in the area of origin, produce the good according to specified standards may use a geographical indication. However, because of its link with the place of origin, a geographical indication cannot be assigned or licensed to someone outside that place or not belonging to the group of authorized producers.

5.What is the difference between Geographical indication (GI), Appellation of origin (AO), Protected design of origin (PDO), and Protected geographical indication (PGI)?

The term geographical indications, in its broad sense, includes a variety of concepts used in international treaties and national/regional jurisdictions, such as: appellation of origin (AO), protected designation of origin (PDO) and protected geographical indication (PGI). For instance,

- "Geographical indication" is defined in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and in the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.
- "Appellation of origin" is defined in the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and in the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.
- "Protected Designation of Origin (PDO)" and "Protected Geographical Indication (PGI)" are terms used within the European Union [15].

6.How to protect a geographical indication?

- There are four main ways to protect a geographical indication:
- so-called sui generis systems (i.e. special regimes of protection);
 - using collective or certification marks;



Module 5 - UTBV

PATENT

1. DEFINITIONS

1.1. Invention, innovation - as process, innovation - as product.

Innovation, invention and innovation are distinct categories. The use of these terms in an inappropriate way is often confusing. Innovation is a process that may or may not include inventions and innovations and it can manifest itself in technical, organizational, managerial, financial terms. Innovation as a technical solution for improvement and is not a category of industrial property. At best it could be associated with the utility model [5, 9].

LEVELS OF CREATIVITY

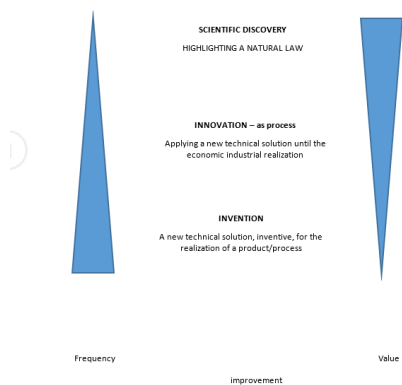


Fig. 1 [7]

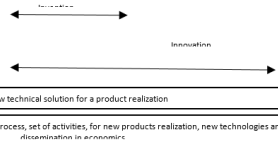


Fig. 2 [7]

1.2. Patented invention

Invention as a new, inventive and applicable technical solution is important for society through its ability to determine technical progress and supports innovation as a process with finality on the market. The invention as a result of the inventor's creative thinking can be freely exploited, but in most cases due to the technical-economic valences it confers it is protected by patenting.

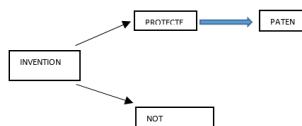


Fig. 3 [7]

The patented invention is the object of industrial property of the utmost importance. In principle, the patented invention represents a convention between the inventor and the society by which the inventor offers (discloses) to the company the result of his creative work, and the company undertakes to the inventor to respect his rights that would arise, namely the copyright and the exclusivity of exploitation of the advantages of the invention. The initiative and the right to protect their invention through patenting belongs entirely to the inventor or the employer for the service inventions. For many reasons, they have an interest in ensuring its protection, and society is willing through appropriate legislation to accept this approach.

An invention is patentable if it is new, results from an inventive activity and is a susceptible of industrial application. The patentable invention may concern a product, a process or a method. Thus, in order for a scientific creation to be recognized as an invention and patented, the following requirements must be met cumulatively:

- be the result of a scientific and technical creation activity (inventive activity);
- be a novelty;
- have industrial applicability (industrial application, repeatability of parameters, utility);
- constitute a technical solution (product, process or method) [5, 9, 14, 16].

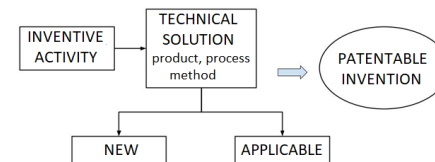


Fig. 4

1.1.1. Invention as a technical solution

By technical solution, we mean all the technical information that allows the complete and effective resolution of a technical problem by a specialist in the field, using the current technical means. Depending on the field, the nature of this information can be analytical and graphic or only analytical, but it is essential that they allow the clear and precise outline of the technical solution for determining the extent of the required protection. Moreover, technical solutions must be the result of a technical reasoning or of a technical operation and cannot be considered technical solutions those in which the creative element is of a scientific, economic, financial, organizational, didactic or artistic nature [11].

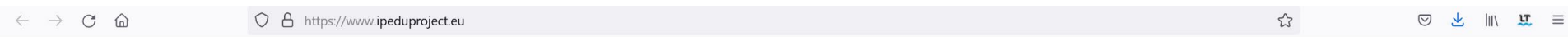
1.1.2. The invention as a novelty

The novelty element is essential in the characterization of an invention. The novelty of the invention must have an absolute character and is not limited in time and space. The research of the novelty is done in relation to the documentary materials known and made public (books, articles, standards, patents, etc.) all over the world.

The documentary materials opposable to a proposal for inventions are called "precedents", and the publication of one's own solution before patenting is called "disclosure". As for the character of the novelty, it is not only abstract; it must also have a concrete aspect. In the comparative process, the distinction with other technical solutions must be of a constructive, functional or sequence nature of the phases of a process and generating new technical effects. These technical effects may be known, but superior, or unforeseeable, all producing useful effects. The elements of novelty and inventive activity of a patentable invention are intertwined and conditioned each other in the process of practical application by the fact that the new patentable elements generate new or superior technical effects, determining a higher quality stage. New or superior technical effects are thus 'determining effects', and a consequence of these would be 'derived effects' consisting of economic, social, aesthetic advantages. The technical effects are related to the physical, chemical or mechanical properties and technological properties of the patentable cases [11].



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