

# A guide to Intellectual Property & NIA Projects

EIC

Together we innovate



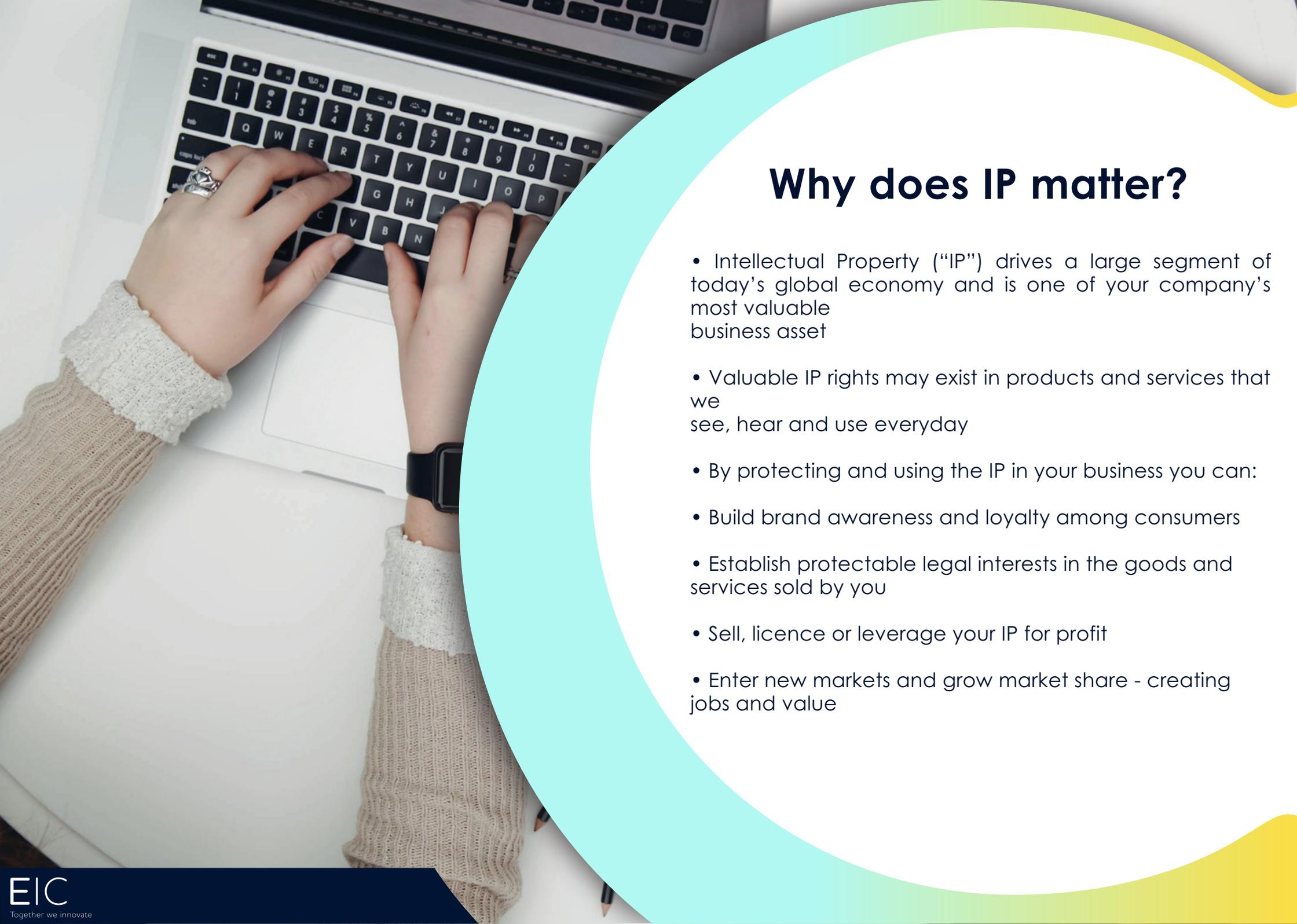
# Introduction

- The EIC is a not for profit organisation that acts as a single gateway for all innovators to access the industry, helping them to develop ideas from concept through to market ready solutions and providing support every step of the way.
- This guide has been prepared by the EIC to provide innovators with a better understanding of “IP” and its treatment under projects funded by EIC’s energy industry partners using the Network Innovation Allowance (NIA)



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## Why does IP matter?

- Intellectual Property (“IP”) drives a large segment of today’s global economy and is one of your company’s most valuable business asset
- Valuable IP rights may exist in products and services that we see, hear and use everyday
- By protecting and using the IP in your business you can:
  - Build brand awareness and loyalty among consumers
  - Establish protectable legal interests in the goods and services sold by you
  - Sell, licence or leverage your IP for profit
  - Enter new markets and grow market share - creating jobs and value

# What types of IP are there?

There are four main types of Intellectual Property:



COPYRIGHT

Protects expressive works like art, music, dance and literature; but also software coding and databases.



TRADEMARKS

Protects brand names and logos used to identify companies, goods or services.



DESIGN RIGHT

Protects the aesthetic appearance of a physical product .



PATENTS

Protects rights in useful inventions and discoveries, like machines and processes.



# Copyright

- Copyright protects original works of authorship that are set out in any tangible form or medium of expression - examples include:
- Literary works (e.g., books, periodicals, manuscripts, film, tapes and computer programs).
- Musical works (including accompanying words) and sound recordings.
- Dramatic works (e.g. pantomimes and choreographic works).
- Pictorial, graphic and sculptural works (e.g., artworks, photographs, prints, maps, models and technical drawings).
- Motion pictures, video games and other audio/visual works.
- Copyright does not protect ideas, systems, methods or processes.
- Copyright protection in the UK is automatic it does not need to be applied for or registered and comes into existence as soon as the work has been created by the author.

# Trademarks

- A trademark is any identifier that is capable of distinguishing the goods and services of one person or company from those of another.
- Trademarks may take the form of:
  - Names (e.g., CALVIN KLEIN® apparel and GEORGE FOREMAN® grills)
  - Brands (e.g., PEPSI® soft drinks and APPLE® computers)
  - Logos and symbols (e.g., McDonald's "Golden Arches" design on its outlets)
  - Slogans (e.g., Nike's slogan JUST DO IT® and De Beers' slogan A DIAMOND IS FOREVER®)
  - Sounds (e.g. Microsoft's 'Windows' media chimes)
  - Colours (e.g. Cadbury's purple colour recorded as "Pantone 2685C")
- Trademarks can be registered in the UK with the Intellectual Property Office if they meet the relevant qualifying criteria (e.g. are distinctive and not descriptive of the product).





# Design Right

- Used to protect the aesthetic appearance of an item - not the underlying idea or function.
- Can be registered (with the Intellectual Property Office in the same way as trademarks can be) or unregistered (like with copyright):
  - Registered Design: Protects the shape or appearance of an item including surface decoration (e.g. for an item of clothing a registered design could protect the shape of the clothing design and also the pattern printed on the material).
  - Unregistered Design: Can only protect the shape and appearance of 3D articles so does not protect the surface decoration (e.g. for the item of clothing example used above, an unregistered design would only protect the shape of the clothing).



# Patents

- Used patent protection is intended to reward and encourage research and innovation by inventors and companies.
- If granted, a patent prevents another inventor or company from making, using, offering for sale, or selling the same invention or process.
- Patent protection has to be applied for with the Patent Office part of the Intellectual Property Office.
- The Patent Office will examine the patent application to assess whether the invention is novel, has not been publicly disclosed and is not an obvious solution to the problem that the invention overcomes.

# How to protect and manage your Intellectual Property:

(\*and avoid infringing the Intellectual Property of others\*)

Record the creation dates of any copyright material.

Register any applicable trademarks or design right.

Apply for patents on inventions and discoveries that may be patentable.

Keep trade secrets and know how confidential and limit their disclosure (particularly anything that may be patentable).

Obtain signed non-disclosure agreements from vendors and other business partners that you share your IP with.

Include confidentiality clauses in your employment contracts and provide training to employees on IP.

Never assume that what you see in the marketplace, media or on the internet is in the public domain and free for you to copy, download or use.

Watch the marketplace for any new IP marketed by other companies and continually monitor any new IP application filings.

Seek legal advice if you believe that someone is infringing your IP - or you are unsure if something you wish to use may contain the IP of another party.

# An example of how the EIC can help you

## 'Network Innovation Allowance' (NIA) funding:

The EIC works with its electricity and gas network partners to provide opportunities for innovators to put forward proposals to develop new innovative solutions to the energy industry through **NIA funded projects**

The provision of **NIA funding** is governed by Ofgem, which requires contractual arrangements be entered into that:

Ensure the ability for networks **to share the knowledge / IP Protect customers** against paying excessively for products or generated by each NIA Project approaches.

The EIC has developed contractual arrangements with its electricity and gas network partners that meet Ofgem's requirements but that also provide protection for innovators relating to their IP.

The EIC can provide you with guidance on the treatment of any new IP that your business creates as a result of any **NIA funding** and your rights would be in relation to any such new IP that is created (***such as your ownership of the IP and how you may be able to exploit that IP in other markets / industries including those industries that the EIC also has partners in like the water and industries***).

In addition, because the EIC is supported by funding provided by its partners, this means that **the support provided to you by the EIC is free of charge with no cost to your business**

# Thank you

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