

Open Science and Intellectual Property: How to conciliate?

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- 2. What are the different types of intellectual property?**
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INTELLECTUAL PROPERTY: CONCEPT

- "Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce."(WIPO)



CONSTITUTIONAL PROTECTION



- **Art. 5º** Todos são iguais perante a lei, sem distinção de qualquer natureza, garantindo-se aos brasileiros e aos estrangeiros residentes no País a inviolabilidade do direito à vida, à liberdade, à igualdade, à segurança e à propriedade, nos termos seguintes:
- **XXIX** - a lei assegurará aos autores de inventos industriais privilégio temporário para sua utilização, bem como proteção às criações industriais, à propriedade das marcas, aos nomes de empresas e a outros signos distintivos, **tendo em vista o interesse social e o desenvolvimento tecnológico e econômico do País;**

DIFFERENT TYPES OF IPR's

- **Patents and Utility Models**, which protect inventions offering new technical solutions to a problem, are particularly relevant in research related sectors, such as biotechnology, nanotechnology, chemical and pharmaceutical industries

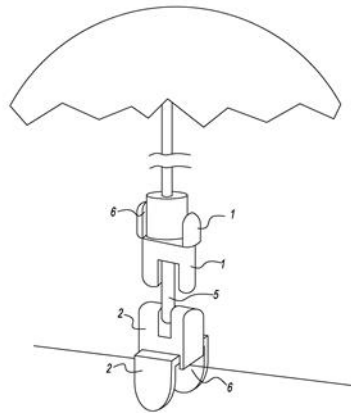
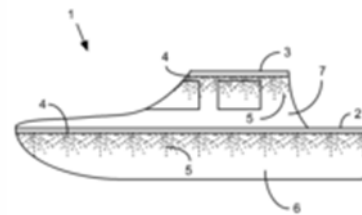


FIG. 1

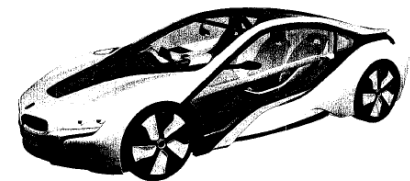
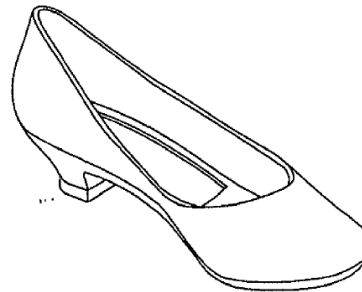
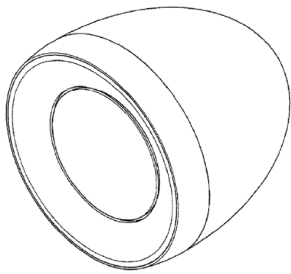
Umbrella attachment for cars



Automated boat washing system

DIFFERENT TYPES OF IPR's

- **Industrial Designs** protect the aesthetic aspect of an article or its packaging, which can be a crucial factor in the purchase decision of furnishing, fashion, digital communication or food products.



DIFFERENT TYPES OF IPR's

- **Trademarks** can be used in any industry to protect business identity. Trademarks cover trade names, logos, symbols, slogans or even the shape and packaging of products.

POWERPOINT



DIFFERENT TYPES OF IPR's

- **Copyright** protects artistic, literary and scientific works. Software and other visual works, such as videos or photographs are also protected by Copyright.



DIFFERENT TYPES OF IPR's

- **A Trade Secret** is any valuable business information that provides a competitive advantage - e.g. clients' list, processes, formulas.

- Sign non-disclosure agreements before discussing a concept or developing a new project.

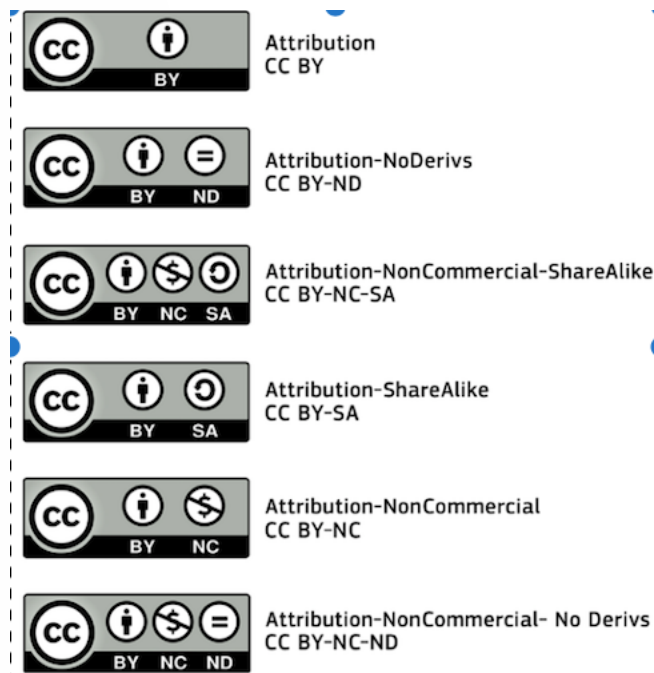


Copyleft?

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Is there an incompatibility between open science and intellectual property?

Key conclusions

The three main conclusions are:

1. There are no incompatibilities between IPR and Open Science. On the contrary the IPR framework, if correctly defined from the onset, becomes an essential tool to regulate open science and ensure that the efforts from different contributors are correctly rewarded. Their definition is depending on the objective of the research,
 2. The European Commission has a role in promoting open science and its balance with IPR. This is especially important at the time when policy on copyright and definition are being redefined and the Open Science Cloud is being established. These new policies will build the framework for the leadership of Europe in Open Science.
 3. Draw inspiration from existing best practices. For instance, by understanding how public research institutes with societal commitments and strong industrial partnerships are striking the right balance between IPR and open knowledge. And by using the licences offering balance right between creators and users for Open Science content.
- <https://publications.europa.eu/en/publication-detail/-/publication/8294fcb4-8df7-11e7-b92d-01aa75ed71a1/language-en/format-PDF>

Thank You for Your Attention



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