



PROTECTING CREATIVITY AND INNOVATION

Understanding Intellectual Property
A Handbook for Journalists

**PROTECTING CREATIVITY AND INNOVATION
UNDERSTANDING INTELLECTUAL PROPERTY
A HANDBOOK FOR JOURNALISTS**

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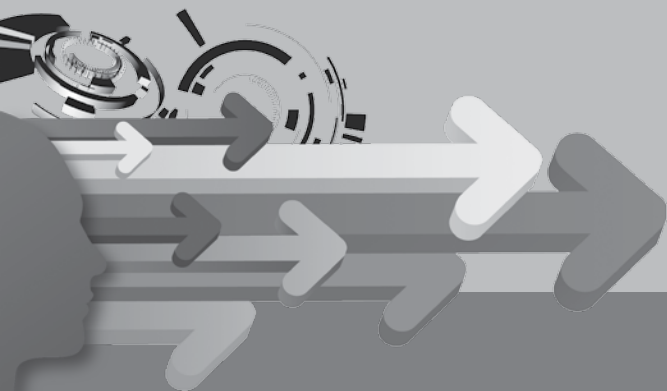
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PROTECTING CREATIVITY AND INNOVATION

Understanding Intellectual Property

A Handbook for Journalists

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Any part of this publication may be reproduced, provided that the source is mentioned. Much diligent work, technical discussions and review of the most current literature were involved in preparing this publication.

We welcome contributions for improving and building knowledge on the topic of “intellectual property.”

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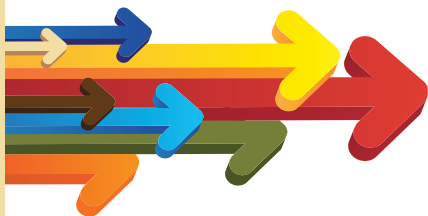
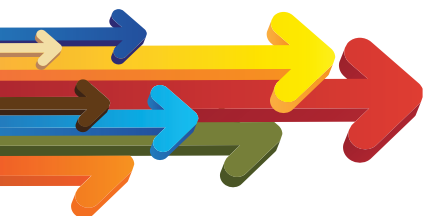


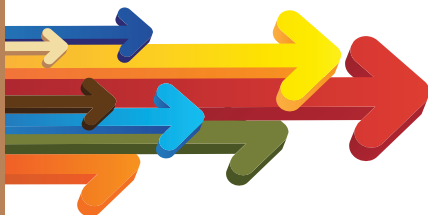
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PRESENTATION

Brazilian companies should see innovation as an ongoing and strategic topic. The ability to transform ideas into value, to incorporate technologies and to offer quality products is what will enhance the competitiveness of industry and enable it to win markets and create jobs.

For this reason, CNI has been leading the Corporate Movement for Innovation, the objective of which is to put the private sector at the center of discussions and initiatives designed to promote technological development. Among other major topics, I would like to make special mention of intellectual property. Innovators must be given due credit for their work and be remunerated for their creativity.

The total number of patents held by a country is a key indicator of its degree of technological innovation. This shows the importance of intellectual property for creating value and competitive advantages for business in a modern and flexible economy. However, I would like to highlight that intellectual property is not limited to the granting of patents and trademark registrations. It is a broader concept that involves the copyright and software industry and represents one of the most dynamic sectors of the global economy today. The intellectual property system makes it possible for inventors and authors to be given due credit for their work. Protecting these rights is a must for establishing a virtuous cycle, favoring human creativity and generating wealth for society.

With the aim of disseminating information on intellectual property, the Euvaldo Lodi Institute (IEL), the National Industrial Apprenticeship Service (SENAI), and the National Institute for Industrial Property (INPI) joined forces and launched the Intellectual Property for Innovation in Industry Program.

One of the actions contemplated in the program is the publication of this handbook, which was designed to provide journalists with key information on the main aspects of intellectual property.

This publication is seen as an essential tool to provide professionals in the field of information dissemination with access to this knowledge, both for clearing their doubts and for assisting them in checking information carefully with the aim of improving the quality of their stories and finding new and creative ways to address this subject.

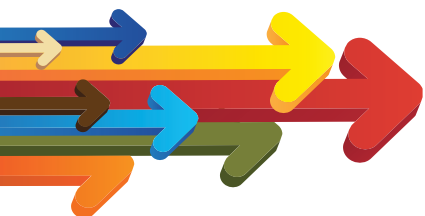
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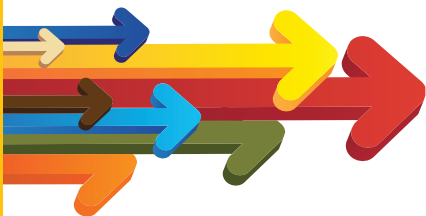
President of CNI

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Chair of SENAI'S National Council

Chair of IEL's Superior Council





FOREWORD

In today's society of knowledge and creativity, intellectual property is a topic of increasing importance for the economy of all countries and a means of inclusion in the international community. In this scenario, an agreement was signed between the National Institute for Industrial Property (INPI), the Euvaldo Lodi Institute (IEL/NC) and the National Industrial Apprenticeship Service (SENAI/DN) for implementing the "Intellectual Property for Industry Program," whose goal is to promote the strategic use of the system for protecting knowledge-based assets with the aim of enhancing the competitiveness of Brazilian industry.

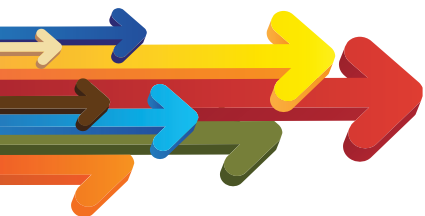
Appropriate management of intellectual property involves a set of activities that require specific and sometimes complex expertise on the part of enterprises. These activities include those of identifying patentable technologies and of negotiating and contracting licenses and the use of trademarks, industrial designs and patents to increase value added, promote competitive differentiation and step up exports.

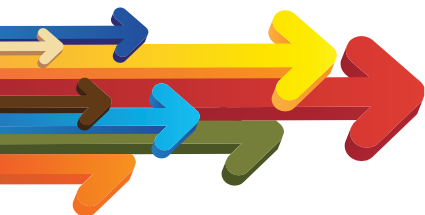
The INPI is the federal government institution in charge of industrial property and of other areas related to Intellectual Property of interest to industry. Offering expertise in these fields to Brazilian industry is the main purpose of this initiative and the learning and managerial and technological support systems coordinated by SENAI and IEL, which are particularly important for micro, small and medium enterprises, are the main channels for disseminating it.

The program was also designed to reach the community of media professionals, given their ability to clarify Intellectual Property management concepts and their importance to an even broader audience.

Considering the scope of the program being presented here, we can say that it is the most comprehensive dissemination and training initiative to promote strategic use of intellectual property in Latin America.

Jorge de Paula Costa Ávila
President of INPI



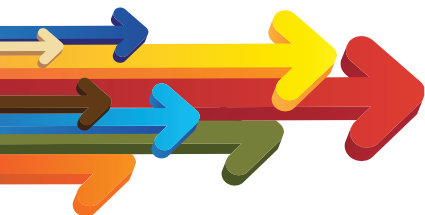


JOURNALISTS AND INTELLECTUAL PRODUCTION

1

Journalists always strive to strike an ethical balance between the results of their intellectual production and respect for individual rights and organizations. These professionals also face the challenge of understanding and keeping themselves up to date on technical concepts and terms that enable them to report and convey clear and correct information to their target audience.

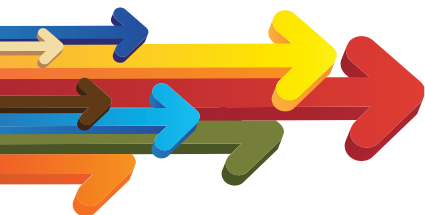
The wide range of media options available, the speed at which information is produced and disseminated and their comprehensiveness are constantly increasing. In the context of innovation, intellectual property continues to grow as a relevant topic in the business world and has been arousing more and more interest from society. For this reason, it is important that journalists understand the terms associated with intellectual property to make sure that the contents of their stories are accurate.



**CREATIVITY, INNOVATION
AND INVENTION**

2

Creativity is the mental process of generating new ideas. Invention consists in something new that is created or conceived in the fields of science, technology or the arts. It is the materialization of a new idea. Innovation is turning ideas into value. Its engine is the market: it is an imperative of competition. It consists in the ability of a company to meet the needs of its clients or to create new markets and customers.



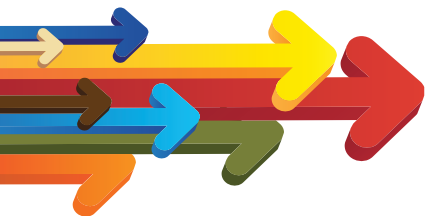
**IMPORTANCE OF
INNOVATION**

3

Promoting innovation to improve competitiveness has always been a major concern for businesses and nations. In this dynamic environment, business innovation, which results from ongoing acquisition of knowledge, generates and increases the value of businesses and investments more and more.

Innovation doesn't have to be necessarily associated with scientific research. In fact, most new products brought to market are developed based on collaboration arrangements between partner companies, on competition monitoring and on feedback from clients. However, it should be noted that the high-ranking directors of companies are the ones who can make the decision to implement - or not - new strategies and innovative projects that have an actual impact on their competitiveness.

For a company to be innovative, there must be synergy between its high-ranking directors and technical staff, so as to ensure the necessary complementarity and convergence of efforts to provide the financial, human and material resources and knowledge required for new products, processes and services to be actually developed.

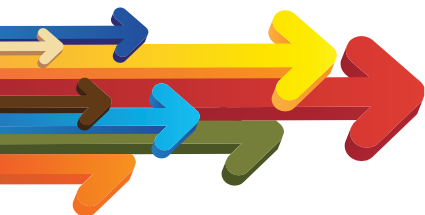


INTELLECTUAL PROPERTY RIGHTS

Property rights are extremely important to promote innovation, as they afford several competitive advantages for enterprises that hold them. Property of material goods is a permanent right. Intellectual property, in turn, is temporary, so as to ensure that after a certain time society at large may enjoy creations of the human spirit freely and free of charge.

In the business world, literary and artistic works, knowledge, inventions, innovations, marks and other expressions of human creativity are converted into private property and protected by law under the intellectual property system. As private property, they are marketed in the form of immaterial property, known as intangible assets.

In the knowledge era, these goods have become one of the most valuable assets for companies, institutions and nations.



ECONOMIC IMPORTANCE OF INTELLECTUAL PROPERTY

The intellectual property system protects not only the fruits of creative activity, but also investments made to bring them to market. Holders of intellectual property are protected by specific laws against unauthorized use of their works, products, processes, marks and services. The temporary right to exclusive commercial exploitation of intellectual property contributes to business competitiveness and to generate a competitive environment that benefits commerce. This dynamic drives innovation by stimulating human creativity, entrepreneurship and the ongoing technological, cultural and scientific development of a nation.

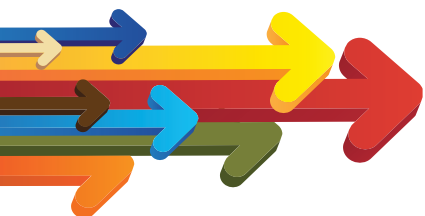
Because it has become a good indicator of how businesses are actually facing the challenges of building competitive advantages, intellectual property has been playing an increasingly decisive role in trade and international relations in the knowledge-based economy era.

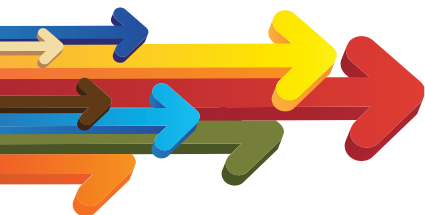
More and more companies are placing intellectual property at the center of their planning and management. They are migrating from the traditional legal view of protection to a multidisciplinary dimension and they are expanding by incorporating other competencies such as those of strategic planning, assessment and valuation of their portfolios of intangible assets, economic-financial analyses for mergers, acquisitions, investments, divestitures, business partnerships, negotiations and contracts involving technology transfer.

Current approaches to intellectual property are not only responding to the demands of a globalized economy. In many cases, intellectual property has become a new way of making it possible for innovative business and job opportunities to be created.

Disseminating the concepts and correct use of the instruments available for protecting intellectual property is crucial for companies, institutions and individuals to ensure that their creations, inventions and literary and artistic works will have a financial return when marketed.

For Brazil to become an innovative country, it is urgently necessary to promote a correct understanding of the subject and of how its intellectual property system can be appropriately used.



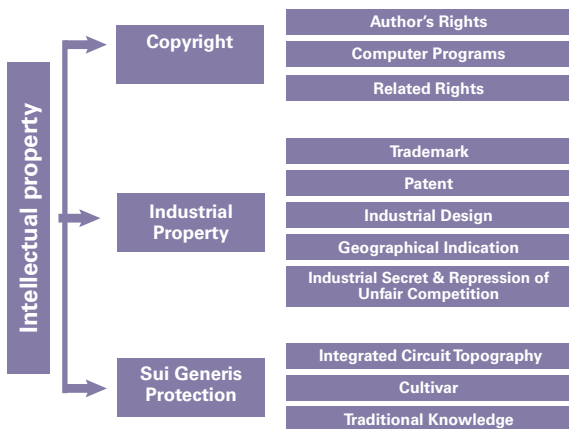


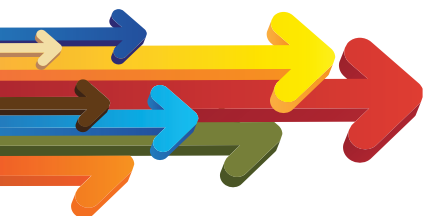
The convention of the World Intellectual Property Organization (WIPO) defines intellectual property as

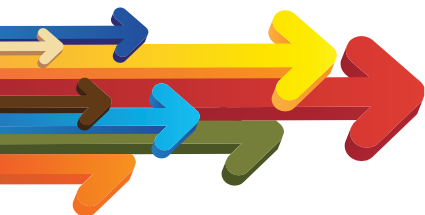
all rights relating to literary, artistic and scientific works, performances of performing artists, phonograms, and broadcasts, inventions in all fields of human endeavor, scientific discoveries, industrial designs, trademarks, service marks, and commercial names and designations, protection against unfair competition and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

The World Trade Organization (WTO) created the Agreement on Trade Related Aspects of Intellectual Property Rights (known as the TRIPS Agreement), of which Brazil became a signatory in 1994. The TRIPS Agreement sets a minimum standard of intellectual property protection and the countries that signed it took on the commitment to review their national laws with a view to adapting them to that standard.

In Brazil, intellectual property is divided into three branches of specific rights, as shown in the figure below.







**COMMON MISTAKES
IN NEWS STORIES
ABOUT INTELLECTUAL
PROPERTY**

Terminology can be a source of confusion when journalists write about intellectual property. These professionals must be aware of the correct terms to use when writing or publishing stories about something that was patented or registered as a trademark or industrial design or that is protected by copyright. If a wrong term is used, the meaning of a story could be completely compromised.

Some common mistakes in stories related to intellectual property will be mentioned below.

“The patent of company M was registered”

*Patents are not registered. Patents are granted by the state. When a patent is under analysis, it should be referred to as a “filed patent application.” When it is granted, it is referred to as a “granted patent.” Therefore, the right way to put it would be “**the patent of company M was granted.**”*

“Company Y patented the mark Z”

Marks are not protected by patents. Marks are registered. Patents protect inventions. The correct way to put it would thus be “**company Y registered the mark Z.**”

“Copyrighted inventions”

*Inventions are protected by patents. An invention can be patented, but not protected by copyright. Therefore, the right way to put it would be “**patented inventions.**”*

“The idea of Mr. X is protected by copyright...”

Copyrights don't protect ideas. They protect works that express an idea, which needs to be recorded in a physical medium. The right way to put it would then be: “**The book/software/painting/movie/song that translates the ideas of Mr. X is protected by copyright.**”

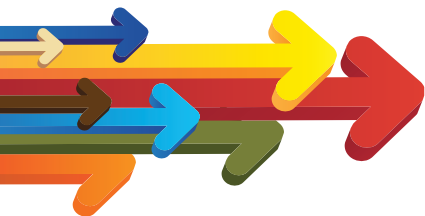
“The businessman wants to patent the design of his new collection...”

Designs are not patentable. Designs that can be used in industrial processes can be protected by industrial design registration.

*Artistic designs are protected by copyright. The correct way to say it would therefore be: “**the businessman wants to register the design of his new collection.**”*

"The work of author **A** will go into public domain 200 years after his death."

*In Brazil, copyrights protect a work from the moment it is created until 70 years after the year following that of the death of its author. After that, his work falls into public domain. The correct way to put it would therefore be **"the author's work will enter the public domain 70 years after his death."***



Copyrights are focused on interests of a subjective character, as they are basically derived from the authorship of intellectual works in the literary, scientific and artistic fields, such as drawings, paintings, sculptures, books, conferences, journal articles, newspaper articles, songs, movies, photos, software, among others. The right to protection is related to the creation of a work and it does not depend on any formal registration, which is optional. In addition, copyrights also protect the work in the territories of the member countries of the Berne Convention, to which Brazil is a party, available at: <www.wipo.int>.

Copyrights cover the following:

Author's Rights	This is a type of protection granted to an author and his creations, which are referred to as works, as expressed through any means or fixed in any medium, whether tangible or intangible, that is already known or that might be invented in the future.
Related Rights	Protection granted to performers, phonogram producers and broadcasters as a result of interpretation, execution, recording or broadcasting of their interpretations and executions.
Computer Programs	This is a type of protection available for organized sets of necessary instructions for the operation of automatic data-processing machines, devices, instruments or peripherals.

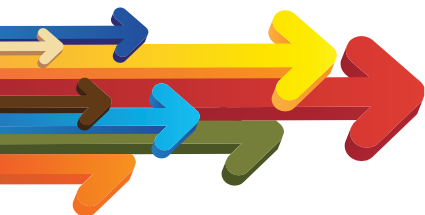
It should be noted that copyrights don't protect ideas in isolation, but only the form of expression of an intellectual work. That is to say: the form of a literary or scientific work is a written text; words are the form of an oral work; sound is the form of a musical work; drawings, colors, volume, etc. are the form of a figurative work of art. Therefore, copyrighted works must necessarily have a tangible medium.

Copyrights cover two types of rights: moral and patrimonial rights.

- Moral rights refer to rights of a personal nature of the author (as an individual); as such, they are unassignable and inalienable rights. The author has the right of having his name or pseudonym always linked to a work he created.
- Patrimonial rights refer to the part of the copyright that gives authors of literary, artistic or scientific works the exclusive right to use, enjoy and dispose of their creations and to copy, edit, translate, adapt and distribute their works as they please. Patrimonial rights also allow authors to use their works for economic purposes. Patrimonial rights can be transferred to a legal entity or another individual.

From a business standpoint, this is the most important part of a copyright, as it is linked to business activity and thus allows for wealth to be generated and value to be

created, ensuring a financial return for the author and the entire production chain of the arts, science and literature industries through the marketing of works of this nature.



Industrial property is more focused on business activity. It is applied to patents for inventions and industrial designs, trademarks and repression of unfair competition, among other things (see the table). The right to protection depends on grant or registration with the competent agency. In Brazil, this agency is the National Institute for Industrial Property (INPI). The maximum term of protection varies according to the type of industrial property in question.

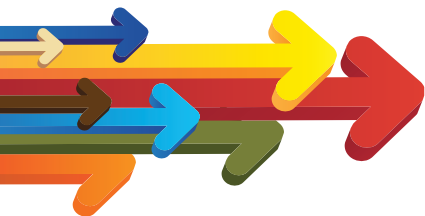
Within the scope of industrial property, trademarks, patents and trade secrets are the forms of protection most used by companies.

Patents are the instrument most commonly used to protect technological innovation processes. The granting of this temporary exclusive right ensures its holder a return on the investment made in creating, developing and marketing new products and industrial processes.

Trademarks, in turn, allow consumers to associate attributes of reputation, quality and price with products and services identified by them, which lead them to buy or use these products or services repeatedly when they are satisfied. Thus, the key role of a trademark in the commercial and advertising strategies of companies is that of making it easier for consumers to identify and differentiate desired products or services. Because the term of protection of a trademark can be renewed indefinitely, it can be the greatest asset of a company.

Trade secrets are often used in industries marked by intense technological research and development, such as in the information and communication technology, petrochemical, automotive, beverage, food and cosmetics industries. However, companies that manufacture and trade in traditional products also use business secrets to remain competitive in their markets. The commercial strategy of protecting intangible assets involving trade secrets ensures exclusive rights to companies, but not the right to own this intellectual property.

Trademark	A distinctive, visually perceptible sign that identifies and distinguishes products and services from other similar products and services from other sources.
Patent	Temporary property title granted by the state to those who invent new products, processes or make improvements in them for industrial application.
Industrial Design	Ornamental plastic form of an object or the ornamental set of lines and colors that may be applied to a product, which can be reproduced by industrial means.
Geographical Indication	This term refers to products originating in a particular geographic area (country, city, region or locality in its territory) that have become known for possessing qualities or a reputation as a result of how they are extracted, produced or manufactured. It also refers to the provision of certain services.
Industrial Secret	Confidential information legally under the control of people and organizations that is not to be disclosed, used or acquired by unauthorized third parties without the consent of the holder of such information.
Unfair Competition	This is a crime provided for in the Industrial Property Law that includes the act of disclosing, exploiting or using industrial, commercial or service-related information or confidential data (trade secrets) without authorization or by unlawful means.



SUI GENERIS
PROTECTION

10

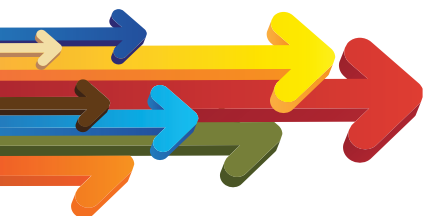
Sui generis protection is a mechanism designed to protect integrated circuit topographies, plant varieties referred to as cultivars, traditional knowledge and access to genetic heritage, with each type of protection duly regulated by a specific law. In this case, the right to protection also depends on registration of the object of protection with the competent agency and the maximum term of this protection varies according to the specific type of object.

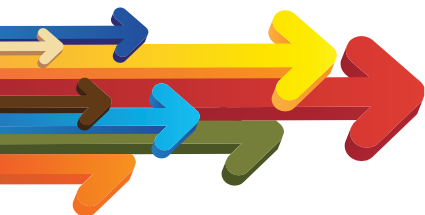
Integrated Circuit Topography	Organized set of interconnections, transistors and resistors layered in a three-dimensional configuration on a piece of semiconductor material. They are also known as chips.
Cultivar	A new variety of plant not found in nature that has specific characteristics resulting from research in agronomy and life sciences (genetics, biotechnology, botany and ecology).
Traditional Knowledge	This term comprises empirical knowledge, practices, beliefs and customs passed from parents to children of indigenous or local communities (such as riverine communities) on how to use plants, microorganisms or animals, whose samples contain genetic information. Therefore, access to it is controlled within the national territory to prevent its misuse in research and development of new products or bioprospecting for industrial application and commercial exploitation.

With the aim of reassuring semiconductor companies wishing to establish themselves in Brazil and of creating mechanisms to stimulate technological development, the Brazilian government created, in 2007, legal condi-

tions for protecting intellectual property specifically related to topographies of integrated circuits.

Defining mechanisms of protection and exclusive rights on new plant varieties (cultivars) encourages companies operating in the agricultural, horticultural and forestry industries to invest more and more in these developments, generating financial return, wealth and benefits for society.





**ADDITIONAL
INFORMATION**

11

11.1 Regulatory framework for intellectual property in Brazil

The current regulatory framework for intellectual property in Brazil will be described in the table below.

Legislation	Object
Law 9,279/96	Industrial property
Law 9,610/98	Copyright
Law 9,609/98	Software Act
Law 9,456/97	Cultivars
Law 11,484/07	Integrated circuit topography
Decree 4,946/03	Traditional knowledge

11.2 Intellectual property and Internet sources

A lot of information on the subject of intellectual property can be found on the web pages of the following institutions.

In Brazil

ABAPI - Brazilian Association of Industrial Property Agents

Available at: <www.abapi.org.br>

ABDA - Brazilian Copyright Association

Available at: <www.abdabrasil.org.br>

ABPI - Brazilian Intellectual Property Association

Available at: <www.abpi.org.br>

CG - Brazilian Internet Steering Committee

Available at: <www.cg.org.br>

CNCP - National Council against Piracy

Available at: <www.mj.gov.br/combatepirataria>

IBPI - Brazilian Intellectual Property Institute

Available at: <www.ibpi.org.br>

INPI - National Institute for Industrial Property

Available at: <www.inpi.gov.br>

MEC - Ministry of Education and Culture

Available at: <www.mec.gov.br>

Registro.br – Registration of Domains for the Internet in Brazil

Available at: <www.registro.br>

Abroad

ASIPI – Asociación Interamericana de la Propriedade Industrial

Available at: <www.asipi.org.br>

EPO - European Patent Office

Available at: <www.european-patent-office.org>

INTA – International Trademark Association

Available at: <www.inta.org>

LES – Licensing Executives Society

Available at: <www.lesi.org>

UK Patent office

Available at: <www.patent.gov.uk>

UNCITRAL – United Nations Commission on International Trade

Available at: <www.uncitral.org>

UNCTAD – United Nations Conference on Trade and Development

Available at: <www.unctad.org>

USCO – United States Copyright Office

Available at: <www.copyright.gov>

USPTO – United States Patent and Trademark Office

Available at: <www.uspto.gov>

WIPO – World Intellectual Property Organization

Available at: <www.wipo.org>

WTO – World Trade Organization

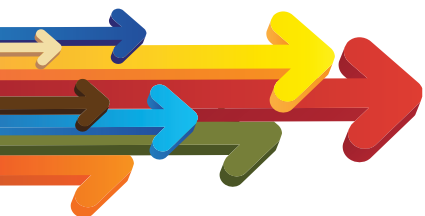
Available at: <www.wto.org>

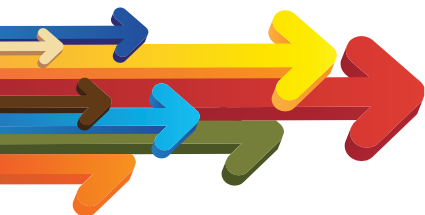
11.3 Common terms used in the field of intellectual property

Biopiracy	Misappropriation of fauna and flora resources, leading to the monopolization of knowledge of traditional populations in relation to the use of these resources.
Branding	Branding is the work of building and managing a trademark in the market. It is carried out through actions that position and disseminate this asset in the market beyond its economic nature. As a result, a trademark becomes part of the culture and begins to influence people's lives.
Property right	Type of right available to legal or natural persons, within the limits of the law, to own, use, enjoy and dispose of a tangible or intangible good, as well as to claim it when someone holds it unfairly.
Public domain	Set of cultural, technological or information goods whose economic rights expired, meaning that they are no longer exclusive to any individual or entity. Such goods can be freely used by everyone. Public domain goods can, however, be protected by moral rights (which are eternal), it being up to those who use them to cite the author and source.
State of the art	The state of the art is made up by everything made available to the public before the date of filing of a patent application by written or oral description, by use or by any other means, in Brazil or abroad.
Know-how	Know-how is a manufacturing art. It consists in the combination of experience, knowledge and skills to produce a good.
Notorious trademark	A notorious or well-known trademark is one that, because of its prestige, exceeds the bounds of its sectoral or geographical market [Article no. 126 of Law no. 9,279/96]. It thus enjoys special protection, regardless of whether an application for registration was previously filed or of whether it was registered in the country before; however, its protection is restricted to its field of activity. Example: SENAI®.

Highly renowned trademark	A highly renowned or famous trademark is one protected in all branches of activity [article 125 of Law no. 9,279/96], as it is widely known by consumers in different segments and markets. Examples: CocaCola®; Petrobrás®; Banco do Brasil®.
Generic drug	A generic drug is one similar to a benchmark or innovative product that can be used for the same purpose, which is usually produced after the expiration or waiver of a patent or of other proprietary rights, once its effectiveness, safety and quality are proven [Law no. 9,787/99].
Piracy	Popular way of referring to a violation of intellectual property rights.
Plagiarism	Plagiarism is the act of signing or presenting an intellectual work of whatever nature (text, music, photography, pictorial work, audiovisual work, etc.) containing parts of a work that belongs to someone else without giving credit to its original author (moral right). In an act of plagiarism, a plagiarist misappropriates the intellectual work of another person, assuming the authorship thereof.
Breaking of Patent	This is the popular way of referring to the compulsory license provided for in the IPL [article 68, Law 9,279/96] for exceptional situations, including of abuse of patent rights or abuse of economic power, as confirmed according to the law by administrative or judicial decision or based on public interest or on a national emergency declared by the federal executive branch. Compulsory licensing is used temporarily and on a nonexclusive basis, and on arbitrating on the compensation due, the circumstances of each case are considered, taking into account the economic value of the granted license, and the holder of the patent does not lose his property right.
Reproduction and counterfeiting	Reproduction consists in making one or more copies of a literary, artistic or scientific work. Counterfeiting is the unauthorized copying of a work. Thus, every reproduction is a copy and copying a work without permission from the copyright owner and/or from the holder of reproduction rights or not in accordance with the law constitutes counterfeiting, which is an offence under civil and criminal law.

Royalties	Payment for commercially exploiting intellectual property or natural resources.
Technology	Knowledge applied to a particular field of activity.
Holder	Natural or legal person holding property rights on a created object. This person can be the author or inventor himself or the person to whom his intellectual property rights were transferred.





SUMMARY TABLE

12

12.1 Patent

Title granted
<ul style="list-style-type: none">• Letters Patent
Object of protection
<ul style="list-style-type: none">• Invention or utility involving new products and/or processes with industrial applicability.
Applicable law
<ul style="list-style-type: none">• Industrial Property Law (IPL), n°. 9,279/1996
Requirements
<ul style="list-style-type: none">• Novelty• Inventive step*• Industrial application*
Right granted to the holder
<ul style="list-style-type: none">• Exclusive right to produce, use, sell and export in the country where protection was granted.
Term
<ul style="list-style-type: none">• Invention patent: 20-year term from the date of filing of the application• Utility model: 15-year term from the date of filing of the application
Where to apply in Brazil
<ul style="list-style-type: none">• INPI - National Institute for Industrial Property• Available at: < www.inpi.gov.br >
Examples
<ul style="list-style-type: none">• Machinery, equipment, chemicals, pharmaceuticals, food compounds, genetic improvement processes.

***Requirements applied to utility models**

12.2 Trademark

Title granted
<ul style="list-style-type: none">• Certificate of Trademark Registration
Object of protection
<ul style="list-style-type: none">• Distinctive signs of a product, company or service
Applicable law
<ul style="list-style-type: none">• Industrial Property Law (IPL), nº. 9,279/1996
Requirements
<ul style="list-style-type: none">• Compatibility between a trademark of products and services with their respective areas of production or marketing of a company or organization.
Right granted to the holder
<ul style="list-style-type: none">• Exclusive use of a trademark in a specific field of activity defined nationwide in the country where protection was granted.
Term
<ul style="list-style-type: none">• 10-year term from the date of issue of the certificate of registration, which can be extended for equal periods indefinitely.
Where to apply in Brazil
<ul style="list-style-type: none">• INPI - National Institute for Industrial Property, available at: <www.inpi.gov.br>
Examples
<ul style="list-style-type: none">• Names of products, services, companies, logos.

12.3 Industrial design

Title granted
<ul style="list-style-type: none">• Certificate of Registration of Industrial Design
Object of protection
<ul style="list-style-type: none">• Title intended to protect the aesthetic features of a product.
Applicable law
<ul style="list-style-type: none">• Industrial Property Law (IPL), n°. 9,279/1996
Requirements
<ul style="list-style-type: none">• Being a new creation, presented in a clear and detailed way, with industrial application.
Right granted to the holder
<ul style="list-style-type: none">• Exclusive right on the design throughout the national territory and third parties prohibited from producing, offering, importing, exporting or selling it in the country in which protection was granted.
Term
<ul style="list-style-type: none">• 10 years from the date of filing, renewable for three successive periods of 5 years (for 25 years at most).
Where to apply in Brazil
<ul style="list-style-type: none">• INPI - National Institute for Industrial Property, available at: <www.inpi.gov.br>
Examples
<ul style="list-style-type: none">• Furniture items, packaging, vehicles, shoes, stamping.

12.4 Geographical indication

Title granted
<ul style="list-style-type: none">• Certificate of Registration of Geographical Indication
Object of protection
<ul style="list-style-type: none">• Identifying, by use, a product from a particular region or country.
Applicable law
<ul style="list-style-type: none">• Industrial Property Law (IPL), nº. 9,279/1996
Requirements
<ul style="list-style-type: none">• Guarantee of origin
Right granted to the holder
<ul style="list-style-type: none">• Garantia de procedência
Term
<ul style="list-style-type: none">• Indefinite. Doesn't expire by use.
Where to apply in Brazil
<ul style="list-style-type: none">• INPI - National Institute for Industrial Property, available at: <www.inpi.gov.br>
Examples
<ul style="list-style-type: none">• Wine, cheese, crystals, coffee, fruits, services.

12.5 Author's rights

Title
<ul style="list-style-type: none">• Registration of an Author's Right
Object of protection
<ul style="list-style-type: none">• Literary, artistic, scientific creations.
Requirements
<ul style="list-style-type: none">• Creations of the human spirit in the context of literary, artistic and scientific works.
Applicable law
<ul style="list-style-type: none">• Copyright Act, nº. 9,610/1998.
Protected right
<ul style="list-style-type: none">• Moral right: inviolability of the work;• Patrimonial right: economic exploitation through publication, reproduction, execution, translation and any other dissemination method;• Protection in all member countries of the Berne Convention.
Term
<ul style="list-style-type: none">• From the date of creation of the work until 70 years after the year following the death of its author
Where to apply in Brazil
<ul style="list-style-type: none">• Literary, musical and artistic works: National Library Foundation,• available at: <www.fbn.br>;• Plans/projects: Confea - Federal Council of Engineering and Architecture,• available at: <www.confea.org.br>
Note
<ul style="list-style-type: none">• Registration is not mandatory
Examples
<ul style="list-style-type: none">• Books, articles, lyrics, paintings, sculptures, architectural projects.

12.6 Related rights

Title
<ul style="list-style-type: none">• Registration of Related Rights
Object of protection
<ul style="list-style-type: none">• The rights of performers, phonogram producers and broadcasters.
Applicable law
<ul style="list-style-type: none">• Copyright Act, nº. 9,610/1998
Protected right
<ul style="list-style-type: none">• Moral right: inviolability of the work and name or pseudonym linked to a work;• Patrimonial right: authorizing or prohibiting the fixation, reproduction, broadcasting and publication of performances or executions of a work;• Protection in all member countries of the Berne Convention.
Term
<ul style="list-style-type: none">• Up to 70 years after fixation, broadcasting or public execution of a work.
Where to apply in Brazil
<ul style="list-style-type: none">• Literary, musical and artistic works: National Library Foundation, available at: <www.fbn.br>• Artistic works: School of Fine Arts, available at: <www.eba.ufrj.br>• Movies: National Cinema Agency, available at: <www.ancine.gov.br>• Sheet music: School of Music, available at: <www.musica.ufrj.br>• National Library Foundation, available at: <www.fbn.br>
Note
<ul style="list-style-type: none">• It doesn't affect rights ensured to authors of literary, artistic or scientific works.• Registration is not mandatory
Examples
<ul style="list-style-type: none">• Plays, movies, shows, concerts, soap operas, radio and TV programs.

12.7 Computer programs

Title
<ul style="list-style-type: none">• Registration of a Computer Program
Object of protection
<ul style="list-style-type: none">• Computer programs (software)
Requirements
<ul style="list-style-type: none">• Proof of authorship by submitting the documents of a program.
Applicable law
<ul style="list-style-type: none">• Copyright Act, n°. 9,610/1998• Software Act, n°. 9,609/1998
Protected right
<ul style="list-style-type: none">• Exclusive right to produce, use and market a program;• Protection in all member countries of the Berne Convention.
Term
<ul style="list-style-type: none">• 50 years from the year following the date of creation or publication of software.
Where to apply in Brazil
<ul style="list-style-type: none">• INPI - National Institute for Industrial Property, available at: <www.inpi.gov.br>
Note
<ul style="list-style-type: none">• Registration is not mandatory
Examples
<ul style="list-style-type: none">• Drawing softwares, word processors, operating systems.

12.8 Integrated circuit topography

Title granted
<ul style="list-style-type: none">• Certificate of Registration of Protection for an Integrated Circuit
Object of protection
<ul style="list-style-type: none">• Three-dimensional configuration of layers on a piece of semiconductor material designed to perform electronic functions on a piece of equipment.
Applicable law
<ul style="list-style-type: none">• Law n°. 11,484/2007
Requirements
<ul style="list-style-type: none">• Original topography, which is not common or usual for technicians, specialists and manufacturers of integrated circuits at the time of its creation.
Right granted to the holder
<ul style="list-style-type: none">• Exclusive right to exploit the topography in the country in which it was registered.
Term
<ul style="list-style-type: none">• 10 years from the date of filing or from that of the first exploitation, whichever occurs first.
Where to apply in Brazil
<ul style="list-style-type: none">• INPI - National Institute for Industrial Property, available at: <www.inpi.gov.br>
Examples
<ul style="list-style-type: none">• Microprocessors, memories.

12.9 Cultivars

Ownership title
<ul style="list-style-type: none"> • Cultivar Protection Certificate
Object of protection
<ul style="list-style-type: none"> • Material for the vegetative reproduction or propagation of the whole plant; • The component line of hybrids.
Applicable law
<ul style="list-style-type: none"> • Law n°. 9,456/1997
Requirements
<ul style="list-style-type: none"> • It must be a variety of any genus or species that is different from other known cultivars.
Right ensured
<ul style="list-style-type: none"> • The right to produce, sell and market a cultivar in the country in which it was registered.
Term
<ul style="list-style-type: none"> • 18 years from the date of granting of the registration certificate for vines and fruit, forest and ornamental trees. • 15 years from the date of granting of the registration certificate for other plants.
Where to apply in Brazil
<ul style="list-style-type: none"> • SNPC - National Service for Plant Variety Protection <www.agricultura.gov.br>
Examples
<ul style="list-style-type: none"> • Corn, soybeans, cotton, sunflower.

IEL/NC

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