IPR

Intellectual Property Rights

ENTRENORD

Entrepreneurship in Arts Education in the Nordic countries

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Nordic Council of Ministers

KREANORD

NORDIC CREATIVE ECONOMY

IPR

Intellectual Property Rights

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This is an interactive publication.

You can click the coloured text and the videos to move around in the content and to go to external links.

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I am an artist

Why bother with IPR?

As an artist, or a person who invents or creates original objects, artefacts, pieces, ideas, concepts, designs or anything else you can invent or create, you should be interested in learning more about your IPR (Intellectual Property Rights) if you:

A. Want to earn money on your ideas, concepts or artefacts

B. Want to protect your right to use your own work

C. Want to collaborate with others

D. Wish to prevent dishonest persons from stealing your original idea

It is sad, but true, that most artists have a difficult time making money on their work. This is largely because many artists find it very hard to be an artist and a salesman at the same time – especially if you are trying to sell your own work. Of course you can be so lucky that others offer to sell your work for you, or the idea, concept or design you have thought of is simply so original and brilliant that someone will offer to buy it from you.

However, whether you are in one or the other situation, you should bother with IPR, because the IPR is about your legal right to your own work or original idea. And it is a way to earn an income from your work.

We have created this publication to make information about your IPR accessible and understandable for you.

We have divided the publication into five central IPR themes:

Copyright
Design
Trademarks
Patent & Utility Models
Licensing, Royalty & Credits

We also provide case examples, links and information about where you can find out more, who you can contact and where you can find legal counselling if you need it.

This publication is made for the Nordic countries, so you will find both general information as well as information and contacts relevant for each Nordic country.

If you feel that anything is missing or any sections should be improved, or you know of a case you feel should be included, we would be happy to hear from you.

On behalf of the editorial team and Kreanord, Nordic Council of Ministers:
We hope you enjoy learning about your IPR!

Pernille Skov
Editor
CAKI

1. The Basics

What is IPR?

IPR is short for
Intellectual Property Right

Intellectual Property is the term used for an original creative work. It can be a manuscript, a piece of music, a technical invention or a design, or a concept or brand, which has been developed and captured in a permanent way (for instance on paper), to a point that it can then be owned in the same way as a physical property.

When you own the Intellectual Property, you have the right to decide what happens with it. It can be sold, bought, traded, licensed or hired like any other property.

To own the IP, you need to understand IPR.

Intellectual Property Right is how you can protect your idea, design or invention via

Copyright – of artistic or literary works
Design – a new appearance of a product
Trademarks – logos and names
Patent – technical inventions
Utility models – also technical inventions (the "small" patent)

If you do not protect your IP, your work is up for grabs.

What can you protect with IPR ?

As a rule of thumb, all creations and inventions can be protected via IPR. Here are some general descriptions of what could and should be protected:

Artistic or literary works – such as films, music and books
Design – such as design for a piece of furniture or a specific product design
Inventions – typically within electronics, mechanics or medicines
Trademarks – as a product name, a logo or even a pay-off (slogan)

You should always be aware of any special legislation for the specific industry you are operating in. For instance, there are special international agreements on clothing design, which makes it hard to copyright a clothing design.

When you create an artistic or literary work, it is automatically protected by copyright.

You do not have to register or apply for copyright. It is just there - as long as you have not violated someone else's copyright in your work.

If you think you might have used or invented something, which already belongs to someone else, you should look in IPR databases and search online to make sure you have not infringed someone else's rights. This could be if your design needs a technical solution protected by IPR or if you are using a brand or logo belonging to someone else. Of course, you can also search in the **databases** for inspiration or to identify potential competitors.

IPR Themes

Copyright
Design
Trademarks
Patent & Utility Models

Watch video
Why IPR?

How can you earn money from taking care of your IPR?

When you register your work under IPR protection, as Copyright, Design, Trademark, Patent or Utility Model, you enhance your chances of making money on your work, you protect your work from being copied, and you make your value visible to others.

Make a stand

When you have taken care of protecting the rights to your own work, you also show your business potential to others.
Particularly if you are the happy inventor of a new technical invention or a unique design or idea! Also, if you happen to be looking for investors or business partners, protecting your IPR is a must.

Avoid being copied

If you do not want to be copied, protecting your work as IP is always a good idea. Even in situations where you want to be copied, you can still take care of your rights, but you do not have to enforce them. If you want others to copy your work for free, you can also use a **Creative Commons** license.

Money, money, money

When you protect your IPR, you have the possibility to license or sell your work to others. Also, if you are thinking about teaming up with investors or business partners to bring your concept, design or work to the market, you need to protect the IPR to prevent others from snatching it from under your nose.

Anders Valentin, IPR Consultant

What is IPR?

What is all this anyway?

Watch video

Is it a good idea?

2. Copyright

What is copyright?

When you create an artistic or literary work, it is automatically protected by copyright.

You do not have to register or apply for copyright. It is just there - as long as you have not violated someone else's copyright in your work.

There are two circumstances which must apply before the work is eligible for copyright protection:

The work must be created by an independent creative effort.

The work must be regarded as an artistic work, meaning that it must be unique, i.e. express a degree of originality and be a personal outlet.

Copyright as an unregistered right comprises original

- © **Art and music**
- © **Dance and drama**
- © **Architecture**
- © **Film, video and sound recordings**
- © **Literary works and typography of published books and music**
- © **Broadcasts (incl. cable programmes) and Internet files**
- © **Performer's rights and recording rights**

There is no official registration process or fee to obtain the copyright to your work – you have the right and thereby the protection of your IP without needing to take any action.

If you are a student, this also applies to the work you create during your education.

The only exception is if you have signed your IP over to somebody else before you started creating.

NOTE: It is the expression of the idea and not the idea itself that is protected, so a particular and precise description of the IP in question is necessary.

The copyright gives you the exclusive right to

> **Use** the work, as you please
> **Change** the work, as you like
> **Publish** the work or part of it
> **Be referenced** if anyone else uses the work

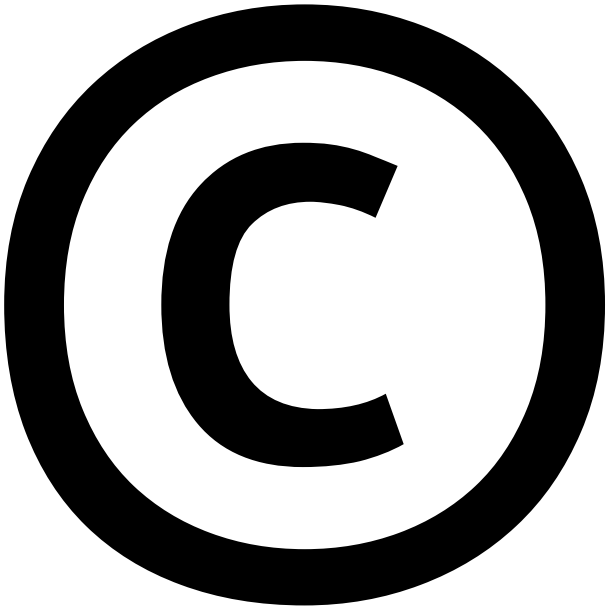
As a general rule, the period of copyright in the Nordic countries starts from the creation of the work and ends 70 years after the death of the creator.

When you have created something with copyright, you can use the copyright symbol.

Notes about copyright

If someone happens to violate your copyright and you take the legal path, you must be able to prove within reason that it really was your work being copied – and that it is not just a coincidence that the two are alike.

This also applies the other way around:
If you use copyrighted materials, it will most often require permission from the copyright holder.



3. Design

What is a design?

A design can be many things…

Design products could be furniture, fonts, sewing patterns, packaging, architectural blueprints, circuit diagrams, service designs, 3D and 2D shapes, computer icons, engineering drawings, jewellery, the shape of a television and a hat for a cat…

As a rule of thumb, you can say that design is the appearance of a product.

Appearance can be broadly defined as the visible side of a product such as a certain shape, form or model.

The design, i.e. the appearance, can be protected by IPR when:

The design is original (meaning that no other identical designs are publicly known).
The design is unique (meaning that it has a distinct character).
The appearance (look) of the design is not exclusively determined by the function.

When you claim the IPR to your design, you protect the appearance of your work, such as the shape, outlines, contours, colours, texture and patterns.

Why should I register my design?

If your invention or idea has a distinct design, you probably want to protect it, so it will not be copied and commercialized by someone else.

You should protect your design because

You keep the legal right to use the design before the product is put on the market.

Your right to the design becomes visible to costumers, competitors and business partners.

You prevent others from using your design for commercial purposes.

You get the chance to apply for design protection in other countries within 6 months after local publication.

You also want to make sure that you are not violating someone else's right, if it turns out that your design might not be as unique as you first thought.

Consequently, before you submit an application to protect your design, getting an overview of already registered designs is a good idea.

You can do your research by using the databases listed in this publication. And then, if you still find that your design is an original, you should approach your local patent office to have a proper search done.

And yes, a proper search will cost you some money.

Watch design case video

Watch video

How to register a design?

Go to Design Databases or links to register your design

However! There is something called 'a period of grace'

In Denmark, the Danish Design Act includes what is called a period of grace. This allows you to publish your design (i.e. use your design in public) for a year without having to register it. But you must still be able to document that the design is novel and entirely your own work – otherwise it does not belong to you.

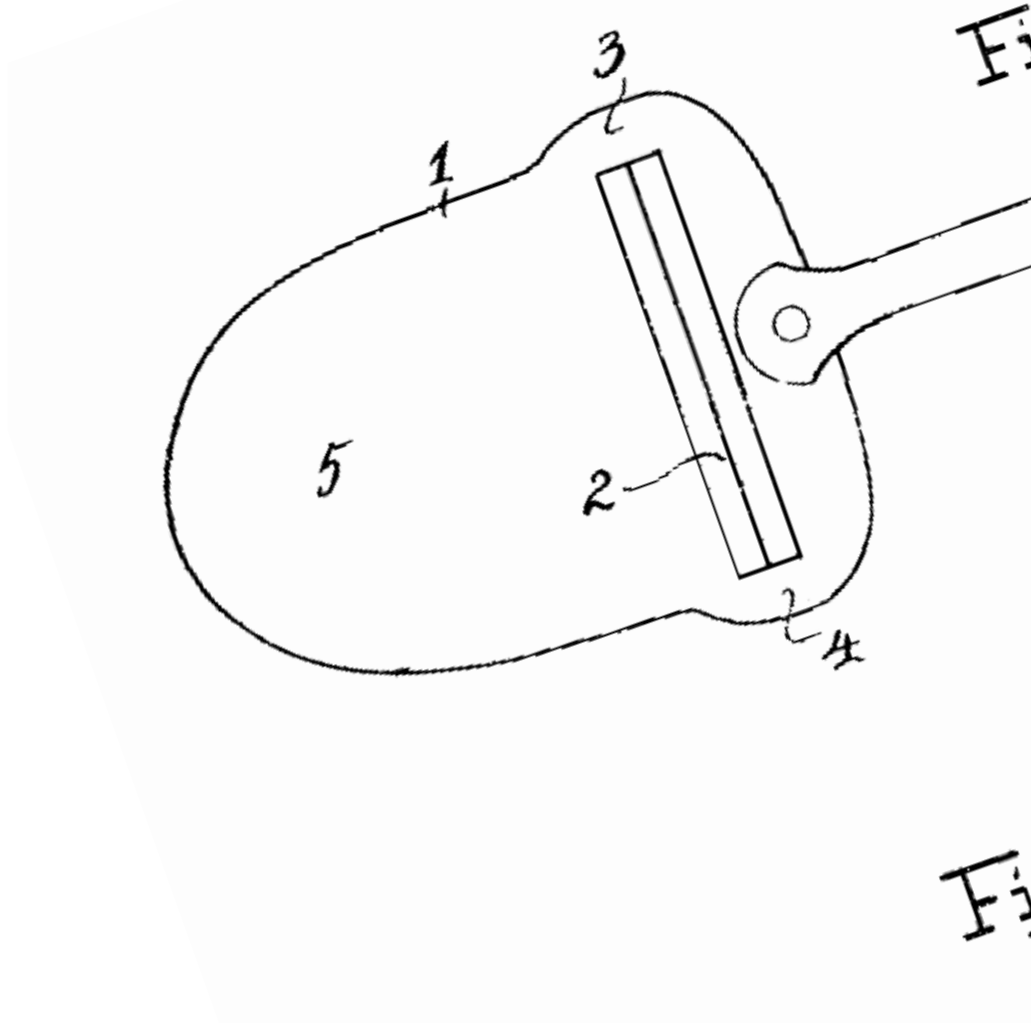
Not all countries have a Design Act with a period of grace provision. In these countries you cannot protect your design if it has already been published somewhere else (in Denmark for instance).

This means that before you publish your design, you should take a look in your crystal ball and decide on a strategy in the countries where you would like to take your design to the market – now and in the future.

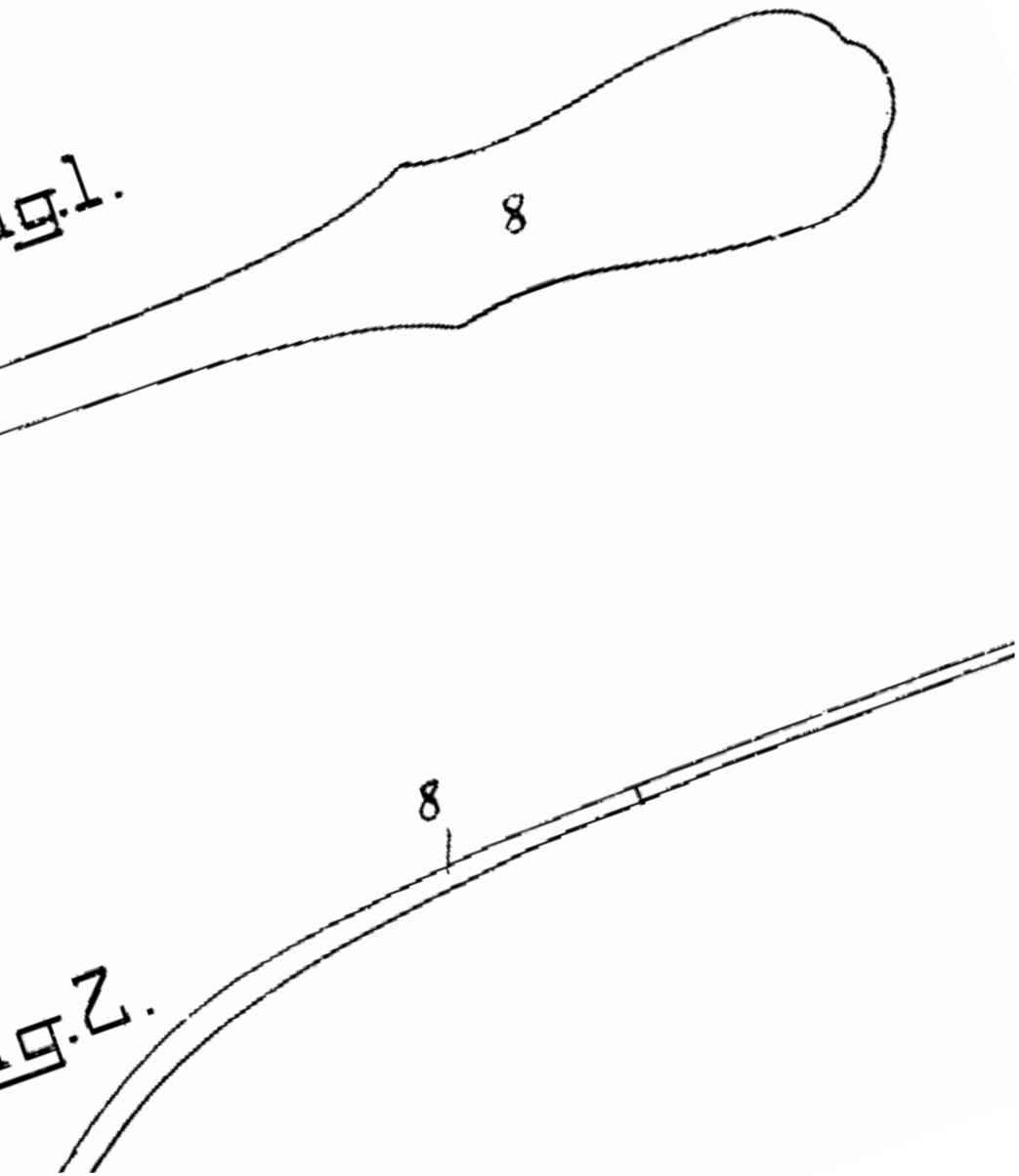
And then, based on that strategy, research in the specific registration terms and conditions in each country.

As a rule, the registration of a design only applies in the country where you have filed the application.

If you wish to protect your design, you must - as a general rule - apply for a registration no later than 12 months after you have first started to publicly use the design.



Thor Bjørklund (NO), 1925
– Cheese slicer



International Design Protection

In the EU, you have a three-year period of grace, during which you can use your design without registering it.

> HOWEVER! You should pay attention to the following:

The first publications must be made within the EU, and the period of protection runs from the first day you publish your design.

In the EU, using your three-year period of grace, you cannot extend the protection period after the three years have ended.

This means that if you want to protect your design in the EU for more than three years, you must register it within the first 12 months of publication.

4. Trademark

What is a trademark?

A trademark is a logo or a name.

A trademark can be a singular sign or a combination of signs, composed of elements such as shapes, colours, numbers, letters, words and images.

It is a characteristic sign, used to distinguish brands, products or services from others.

The reason why you should register a trademark is exactly for this reason – to keep your name, brand or product differentiated, so you keep a clearly recognizable profile on a market.

Registering your trademark allows you to prevent others from using it. Registration of a trademark only protects the appearance (the visible part) of the mark – it does not protect the company, brand, product or service, which it is marking.

You should consider registering your trademark if:

- ® you want to protect it from being used by others
- ® you are taking it to the market
- ® you are thinking about putting money into marketing
- ® you want to prepare your ground before ending up in conflicts or negotiations.

Trademarks

When you have invented something – a company, a brand or a product – you usually want to give it a name and maybe even a logo.

Before you choose a name or a logo, it is a good idea to make sure that somebody else is not already using it.

You can use the trademark databases to find out if the name or logo you are considering using is already being used by someone else.

Go to Trademark Databases or links to register your trademark

007 Gun logo
© 1962 – 2013 Danjaq

Watch video

How to register a trademark?

Types of trademarks

Trademarks can be divided into the following groups:

Word trademarks ®

Letters spelling a word that can be pronounced, such as Nike, Carlsberg or Nintendo.

Shape trademarks ®

Logos - a symbol or emblem of a company, an organization, an association or a public institution.

Colour trademarks ®

A colour trademark is when at least one colour is applied in a trademarking function – that is, to uniquely identify the commercial origin of a product or a service. For instance, Heinz has made a trademark application for the colour turquoise used on their tins of baked beans.

Trade dress marks ®

A trade dress mark generally refers to the characteristics of the visual appearance of a product. The visual appearance is the actual shape of the product or its packaging (even the design of a building), constituting the distinguishing character of the product or brand. For instance, it could be the three stripes from Adidas or the Guggenheim Museum in Bilbao.

Sound trademarks ®

A sound trademark is the recognizable sound or melody associated with a product or brand. The most famous sound trade mark might be McDonald's *'I'm Lovin' It'* jingle.

Trademarks through use ™

As a principle, you can claim a trademark merely by taking it into use. This happens if the trademarked goods are put on the market, using a commercial approach, such as placing it in shops and advertising in a newspaper as part of your marketing strategy.

However, in order for the trademark to be claimed by use, it must be used in such a manner that the recognition of the trademark is broader than local awareness. The trademark claimed by use must also live up to the same criterias as a registered trademark.

You must also be able to document the use of your trademark so, really, the best way to protect your trademark is still to register it.

Be aware that not all countries recognize the right to trademarks claimed by use. In such cases, you need to register the trademark in the countries in question.

Consequently, it is important that you always research local practice in the countries in question, if you want to make sure that you have the right to use the trademark as well as preventing others from using it.

TM is a symbol you can use to show that the product or service is a trademark.

® is a symbol you can use when you have registered your trademark.

Why register a trademark?

The reason why you should register a trademark is to keep your name, brand or product differentiated, so you retain a clearly recognizable profile on a market.

What we are saying is that the brand is central to how consumers know and recognize your business. Therefore, the value of the trademark is dependent on protecting your business so that others, especially competitors, do not use an identical or similar trademark for the same goods and services.

Note that registration of a trademark only protects the appearance (the visible part) of the mark. It does not protect the company, brand, product or service, which it is marking.

Sometimes, you can choose to register (and thereby protect) the same product as both a trademark and a design. The main difference between choosing to register a product as a design or as a trademark is in what is being protected.

The registration of a design protects the appearance (visible aspect) of a product, regardless of the fact that it can be characteristic of a particular business.

A trademark, however, is a distinctive sign used to differentiate products and services of one business from those of another.

To sum up - the registration of a trademark can be used to:

Protect the right to the name of your product or service (which is something you want to do before taking it to the market and investing in marketing).

Make your product or service visible and distinguishable for customers, competitors and potential businesspartners.

Registering your trademark strengthens your position if you need to defend your right to use the trademark or if you have to enforce your right to prevent someone else from using it.

Registering your trademark gives you the basis to make an informed decision on whether you want to apply for a trademark in another country.

Watch trademark case video

5. Patent & Utility Models

What is a patent?

A patent is what you use when you wish to protect an invention that has a technical solution.

The invention can, for example, be electronic, mechanical or medical. It is then the technical solution you protect with a patent, but not necessarily the invention itself.

There are two main conditions that an invention must fulfil before it can be patented:

> The technical solution must be new in relation to already existing knowledge.
> This also applies to the invention itself – it must be something new.

'New' means inventive/innovative compared to the existing 'state of the art'.
'Existing' means what is already known on the date you apply for the patent.

> The technical solution of the invention must have a commercial potential, meaning that it must be possible to produce and sell the solution as an industrial application.

When you have been granted the patent, you have acquired the exclusive right to use your invention. This also includes selling or licensing it to others, as well as being able to enter into cooperation agreements with others.

In order for you to obtain a patent, you must go through a patent office, where they will look into it for you. This will, of course, cost you money. Find out how much at your **local patent office.**

> A patent can protect an invention for up to 20 years.

When can you take out a patent?

If you have invented something that is based on a technical solution, it is possible to use the patent databases to do your own research, before you approach your local patent office. The databases give you an overview of what has already been invented. This means that you can find out whether you are developing something that has already been developed (thereby risking infringing the rights of the inventor

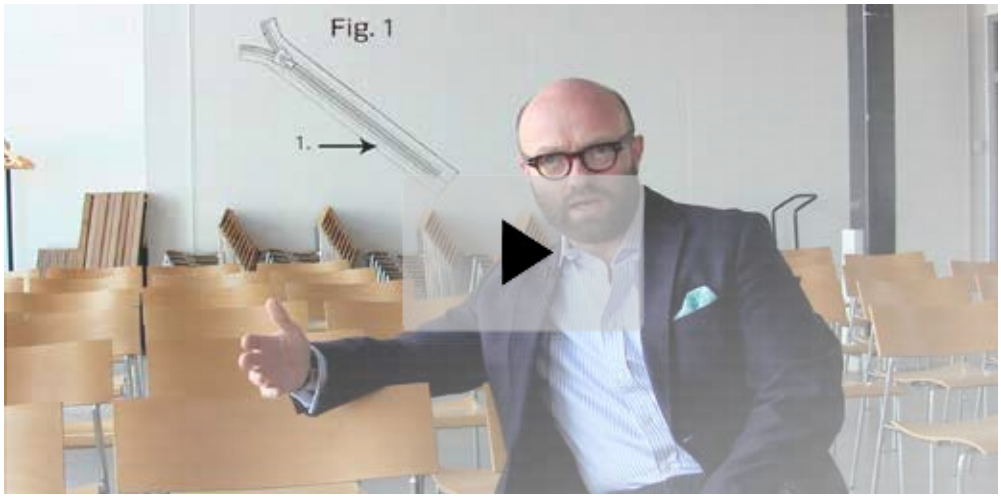
and patent owner).

You can also use the databases to get an idea about how unique your idea is, or to get inspiration to further develop your invention.

Note that it does not necessarily have to be an invention which is a completely new product or process – it can also be an invention which improves something already existing.

When you are relatively sure that your invention is unique, the next step is to take it to the patent office, where they will verify that your invention is

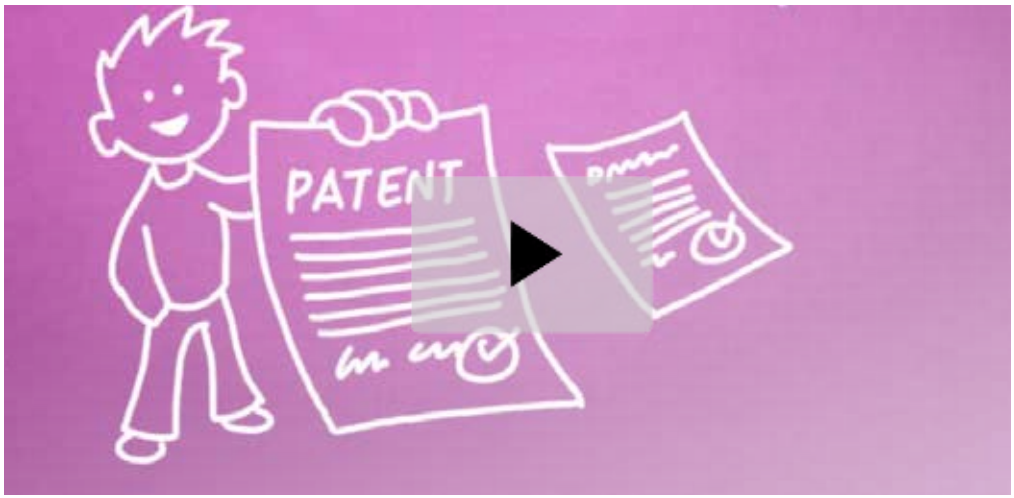
New
Inventive
and can be used commercially (i.e. industrially)



Watch patent case video

Watch video

How to get a patent?



Why should I register a patent?

When you have the patent to something, you own the exclusive rights to its use.

This means that you have the right to use it, sell it and license it.

You also have the right to prevent others from using it, producing it or selling it without your approval.

The moment that you have filed your application at the patent office, you can enter into cooperative partnerships without having to compromise the novelty value of your invention, or your right to exercise exclusive user's rights.

What all of this means, of course, is that you can make money on your invention.

As with most things in life, applying for a patent is not free. Consult your local patent office to find out how much you need to pay for a patent in your country. And then put some costs on top of that, since you will probably need to hire a private consultant (patent lawyer) to help you fill out the application.

Also, be prepared that you probably want to take out the patent in more countries than just one, and that you will have to pay for the patent in each individual country.

International Patent Protection

If you want to acquire the right to the patent internationally, you have to submit a patent application for every country where you wish to use the patent or prevent someone else from using it.

For instance, if you are producing or selling your products abroad, you will need to get the patent in those countries as well.

If you don't, someone else might take out the patent from under your nose, which means they can then charge you for using your own invention or prevent you from using and selling it altogether in that particular country.

Go to Patent Databases or links to register your patent

Mia Seipel (SE), 2004
– Patent application,
Breastfeeding Shirt

SVERIGE

(19) SE

(12) **PATENTSKRIFT** (13) **C2** (11) **524 562**

(51) Internationell klass [7]
A41D 1/20

PATENT- OCH REGISTRERINGSVERKET

(45) Patent meddelat **2004-08-24**
(41) Ansökan allmänt tillgänglig **2001-08-24**
(22) Patentansökan inkom **2000-02-23**
(24) Löpdag **2000-02-23**
(62) Stamansökans nummer
(86) Internationell ingivningsdag
(86) Ingivningsdag för ansökan om europeisk patent
(83) Deposition av mikroorganism

(30) Prioritetsuppgifter
- -

(21) Patentansöknings-nummer **0000589-2**

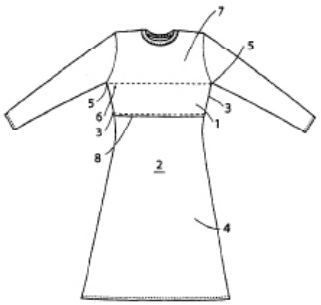
Ansökan inkommen som:
[X] svensk patentansökan
[ ] fulltöljd internationell patentansökan med nummer
[ ] omvandlad europeisk patentansökan med nummer

(73) **PATENTHAVARE** Boob AB, Bastugatan 6 118 20 Stockholm SE
(72) **UPPFINNARE** Mia Seipel, Stockholm SE
(74) **OMBUD** Norrtelje Patentbyrå AB
(54) **BENÄMNING** Klädesplagg för underlättande av amning
(56) **ANFÖRDA PUBLIKATIONER:**
US A 4 528 699 (2/104)

(57) **SAMMANDRAG:**

Föreliggande uppfinning hänför sig till ett klädesplagg, såsom en tröja eller en klänning, för underlättande av amning, innefattande en omlottöppning (1) som är anordnad i bysthöjd på klädesplaggets framsida (2), vilken omlottöppning (1) är avgränsad i sidorna (3) medelst vertikala sömmar, varvid ett i omlottöppningen (1) ingående underliggande parti är tillverkat av ett elastiskt material.

Utmärkande för klädesplagget enligt föreliggande uppfinning är att ett i omlottöppningen (1) ingående ovanpåliggande parti är tillverkat av ett elastiskt material för att medge genomförande av amning under det att aktuellt bröst döljs, och av att det dubbla tyget i omlottöppningen (1) hjälper till att hålla värmen i bysten.



Siffrorna inom parentes anger internationell identifieringskod, INID-kod. Bokstav inom klammer anger internationell dokumentkod.

Utility Model

Utility model protection is a monopoly patent-like protection, also known as the small patent.

Unlike patents, utility models cannot be registered for technical procedures but only for technical achievements, which means small inventions that do not meet the requirements for patentability.

Not all countries offer the possibility of registering utility models. So if you want to register a utility model, you first need to check whether you can do so in the country in question.

> Also, notice that
>
> There is no common protection for utility models
>
> A utility model can only protect an idea for up to ten years.

In order for you to obtain the utility right, you also have to go through a patent office. This again will cost you money, but not as much as if you were looking to register a patent.

Registrering a utility model

Obtaining the exclusive right to a utility model is faster, since it is registered without testing (patentability), i.e. without a patent office running it through their novelty programme.

You might want to choose registering for a utility model instead of a patent if:

> You want a quick registration of your exclusive right.
>
> You predict that the commercial lifetime of your invention will be short.
>
> You suspect that your invention cannot be given the patent rights, because it does not live up to the the requirement for novelty.

In order for you to obtain the utility right, you also have to go through a patent office.

And you will still need to get professional assistance to both decide whether you should go for

applying for a utility model or a patent, as well as for writing the actual application. This again will cost you money, though not as much as if you were looking to register a patent.

You can also use your utility model application as a patent application abroad. You must do this no later than a year after you applied for the utility model in your own country.

Your apply for a utility model the same way you apply for a patent – only your application for a utility model will be put through less of a novelty scrutiny than the application for a patent. This also makes it less expensive than a patent application.

You can read more about utility models and short-term patents in the EU countries here:

http://www.innovaccess.eu/

Go to Utility Model Databases or links to register your utility model

The 'Small Patent'

6. Sharing & Caring

When you have some sort of IPR situation in your work, you also need to concern yourself with the sharing and caring issues, such as:

> How much do you want to share your idea, work, product or process?
>
> With whom do you want to share?
>
> How do you want to share?

Why should I share my idea or work?

First of all, if no one was sharing, the world would probably be a dull place.

Secondly, you might need a partner for your project or input from someone in order to develop your work or idea.

Thirdly, someone sharing his or her idea, concept, invention or work of art is most likely what inspired you to be a creator yourself, and giving something back into this matrix is just plain courtesy.

And last but not least, it is by sharing your work that you can earn money. If making money on your work is something you want to do, you should get yourself acquainted with the whole sharing and caring business.

Be smart before you start

You should always take care of the IPR in any given project BEFORE you start developing or inventing something.

This also applies for the small projects you might do for fun with people you know or projects you carry out in school. You never know what it is going to happen, and you might invent the formula for making gold.

You are smart before you start by agreeing on a contract between you and the persons you are working or playing with. Maybe you will never need to use the contract, because in most cases, you are just playing around.

But in the situations when you do invent or develop something of value in collaboration with others, having the contract to help you

steer safely through IPR interests and distribution of profits will be worthwhile.

How can you write an agreement before you begin?

It is rather simple:
You write down how you want the agreement to be, and then everyone involved signs the document.

For instance, you might agree that you will share the IPR equally between all contributors, no matter how the process goes.

Or maybe you will get 75% of the IPR, because you bring something special to the table and it was your idea to sit down together to begin with. Or maybe you offer someone else 75% because you know that without them, it would not happen at all.

The agreement can be as detailed or as simple as you need. The level of detail will usually depend on what it is you are working on. Some of the issues you can consider including in an agreement could be:

Writing down the purpose of the agreement (i.e. to prevent confusion about the IPR later on).

Which part of IPR you are agreeing on (for example copyright, a design or a trademark).

How the IPR is divided between the contributors (who has the right to what).

Getting this down in writing is also a way to sort out your level of expectations, which is often a clever thing to do before you start working on something.

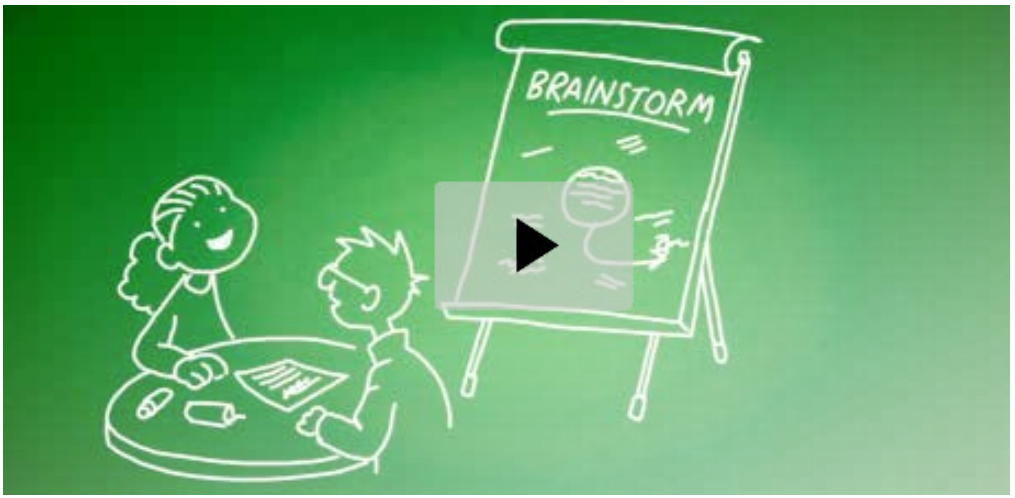
How can I protect my idea or invention from being copied when I share?

If you have made an invention and are thinking about applying for a patent, keeping the technical details to yourself is the smart thing to do.

The same goes if you have made a design which you are considering registering internationally – then you do not want to reveal the design to others, since they may copy you.

However there are several ways in which you can protect your idea or concept, before going all in on applying for a patent, utility model, design or a trademark.

Watch video
Share your idea



When you decide which model you should use to protect your work, it is important that you consider what distinguishes your particular idea or invention – what makes it unique. Because it is the uniqueness you can and want to protect.

When you choose to share your idea or invention, there are four different ways in which you can protect it:

Publication
Copyright
Registration
Non-disclosure

Publication

When you publish your idea, others can no longer register it in their name as a patent, utility model, design or trademark.

Copyright

When you create an artistic or literary work, it is automatically protected by copyright. You do not have to register the piece of work or apply for copyright.

Registration

You can protect your idea by registering it as a **design,** a **trademark**, a **patent**, a **utility model** or as a combination of these.

A non-disclosure agreement

A non-disclosure agreement is used when you want to share your idea with others without losing the possibility of obtaining protection at a later stage.

When the non-disclosure agreement is signed, the other party is not allowed to share or take your idea and use it for their own purpose.

Some of your potential partners may not agree to enter into a non-disclosure agreement with you. If this happens, the most common reason is that the company has a policy of not signing these kinds of agreements, because they are afraid of signing against something which they are already selling or have already invented themselves.

If you find yourself in such a position, you need to consider if you really want or need to reveal all the details of your idea or invention to this potential business partner.

If you decide to tell them all about your idea, or maybe even just part of it, in principle you can no longer take out a patent on the idea or invention at a later point.

Writing a non-disclosure agreement

It is essential that the agreement is signed and sealed before you start to share your idea or invention.

The agreement will also serve as a contract stipulating the terms of the collaboration.

As a minimum, the agreement should include descriptions of

The purpose of the (potential) partnership.

The terms of the agreement and the partners' options to terminate the agreement.

Rights - who has the right to what?

The partners' obligations towards each other.

Infringements – what happens if one of the partners breaches the agreement?

Which country's law should any disputes be settled under, in case something goes wrong?

Depending on the volume of the agreement, you might want to ask advice from a professional legal consultant before you share or sign anything.

Trade fairs & competitions

You should consider very carefully what you can talk about and present in public with regards to your idea or invention.

If you choose to reveal all technical details at a trade fair, the idea will have been published and, because of that, you cannot obtain a patent.

The same applies for a design. Before going to trade fairs, you should think about how you can protect the design of your product.

NOTE: the standard contract has been made interactive, which means that you can adapt it to your needs. Guidelines are linked to the agreement, which clarify and explain the individual provisions in the agreement to make them easy to understand.

Download standard contracts

Watch video

Protect your idea

7. Licensing, Royalty & Credits

Licensing

Licensing is a way to make money from your work or invention without selling it.

When you have protected your IPR, you can allow someone to use your right in return for a payment.

The payment often comes as a lump sum or in the form of royalty depending on use.

What you should charge someone for using your rights, and on which terms, is an agreement you make with the person or company, who wants to buy the license from you.

Licensing can also be used in situations where you have invented something but do not wish or cannot afford to put it into production yourself.

Then you can sell the license to someone else, maybe with a royalty attached to the agreement.

This arrangement is particularly used when dealing with patents.

Royalty

Royalty is a fee agreement where the holder of an intellectual property is paid for each copy of the product sold, where the right is exerted.

You normally use royalty on artistic works, which can be copied and sold, such as for example film, books and music.

Royalties are also used in licensing agreements, where the licensor (IP owner) gives someone else license to exploit, for example, music rights, film rights, a trademark or a patent.

Royalties can be used as a form of payment, making licensor's earnings dependent on sales. When royalties are used as a payment, it is often combined with a fixed minimum payment.

Credits

Credit is something you should always get, when you are involved in any kind of production.

A credit as such has nothing to do with money, but it is about being recognised for your work.

Creative Commons

Creative Commons is a non-profit organization that enables the sharing and use of creativity and knowledge through free legal tools. The free, easy-to-use copyright licenses provide a simple, standardised way to give the public permission to share and use your creative work — on conditions of your choice.

CC licenses let you easily change your copyright terms from the default of "all rights reserved" to "some rights reserved."

Creative Commons licenses are not an alternative to copyright. They work alongside copyright and enable you to modify your copyright terms to best suit your needs.

Martin von Haller Grønbæk

A case about sharing

Watch video

Creative Commons

Creative Commons Licenses

Attribution

Licensees may copy, distribute, display and perform the work and make derivative works based on it only if they give the author or licensor the credits in the manner specified by these.

Noncommercial

Licensees may copy, distribute, display, and perform the work and make derivative works based on it only for non-commercial purposes.

Share-alike

Licensees may distribute derivative works only under a license identical to the license that governs the original work.

No Derivative Works

Licensees may copy, distribute, display and perform only verbatim copies of the work, not derivative works based on it.

Read more about Creative Commons Licenses

8. Databases

Design Registration & Databases

You complete a design application – either for your own country, the EU, the countries under the Geneva Agreement, or locally in the country or countries where you want to register.

The authorities will then look into your application to make sure that you have provided the necessary information before the application can be processed.

The design is approved and will be registered by the authorities.

> **NOTE:** a design registration must usually be renewed every five years.

How do I register my design?

Use the local Nordic office to register your design:

Finland

The National Board of Patents and Registration of Finland

/ www.prh.fi

Norway

Norwegian Industrial Property Office

/ www.patentstyret.no

Denmark

The Danish Patent and Trademark Office

/ www.dkpto.dk

Sweden

Swedish Patent and Registration Office

/ www.prv.se

Iceland

The Icelandic Patent Office

/ www.els.is

Registering in Europe and the rest of the world

You can also apply for registration of your design in the rest of the world.

WIPO (The World Intellectual Property Organization) is the United Nations agency dedicated to the use of IPR. WIPO is a platform for data from around the world.
The Hague System for the International Registration of Industrial Designs provides a mechanism for registering a design in countries and/ or intergovernmental organizations. It is administered by the International Bureau of WIPO.

/ Visit WIPO's digital library (eng)

You can apply for protection iin the entire EU using just one online **application**.

International databases

RCD is a platform provided by OHIM (the European Union agency responsible for registering trademarks and design). The platform is a design consultancy service, covering the 28 countries in the EU.

/ Visit the RDC Database (eng)

WIPO (The World Intellectual Property Organization) is the United Nations agency dedicated to the use of IPR. WIPO is a platform for data from around the world.

/ Visit the WIPO Database

Links to Databases

Denmark
Finland
Iceland
Norway
Sweden

8. Databases

Trademark Registration & Databases

When you register a trademark, it initially only applies in the country of registration. If you want to ensure that the trademark is protected in other countries, you must apply for a trademark registration in the countries in which you want to get protection. You will want to do this if you are planning on producing and/or selling in other countries.

> **Note:** a trademark registration is usually valid for 10 years and can be renewed for 10-years periods ad infinitum.

How do I register my trademark?

Use the local Nordic office to register your trademark:

Finland

The National Board of Patents and Registration of Finland

/ www.prh.fi

Norway

The Norwegian Industrial Property Office

/ www.patentstyret.no

Denmark

The Danish Patent and Trademark Office

/ www.dkpto.dk

Sweden

The Swedish Patent and Registration Office

/ www.prv.se

Iceland

The Icelandic Patent Office

/ www.els.is

Registering in Europe and the rest of the world

OHIM is the European Union agency responsible for registering trademarks and design that are valid in the 28 countries in the EU. You can protect your trademark in all EU countries using just one application.

Use the database to find information on EU trademarks covering all EU countries.

/ Visit the OHIM Database (eng)

WIPO (The World Intellectual Property Organization) is the United Nations agency dedicated to the use of IPR. WIPO is a platform for data from around the world.

If you want to register a trademark in countries worldwide, you can use the Madrid Protocol System.

/ Visit the WIPO Database (eng)

TMView is a platform for data from the EU countries in addition to the information available from the OHIM and WIPO databases – in total some 8.5 million trademarks.

/ Visit the TMView database (eng)

How to register

To register in your home country, you need to fill out the application in your local country.

Your local office will assess whether the trademark is original. If it is, the trademark will be approved and registered.

When the trademark is registered, you can use the symbol ® on your trademark in the countries where it has been approved.

How much money do you have to spend on registering a trademark?

You will have to check the fees in your specific country at the particular time.

> In Denmark in 2013, the application fee is 2350 DKK

Notice that you may have to increase your budget to accommodate fees to consultants and for modifications of your application.

If your registration is to be granted, you will usually receive it within three months.

Links to Databases

Denmark
Finland
Iceland
Norway
Sweden

8. Databases

Patent Registration & Databases

In the info box on the right you will find links to the patent databases and registration offices in the Nordic countries.

If you wish to obtain a patent in more EU countries at once, you can use the EPO (European Patent Office) application form, which allows you to use the same form in more countries.

It is still the individual EPO countries that will make the decision about your application, and yes, it still costs money for each application.

If you want to register your patent outside the EU, you might want to go via PCT – a cooperation convention named Patent Cooperation Treaty.

> The PCT scheme lets you apply for patents in several countries at the same time, though you initially only fill out an application in one country, such as filing your application to the Nordic Patent Institute (NPI).

How do I register my patent?

Use the local Nordic office to register your patent:

Finland

The National Board of Patents and Registration of Finland

/ www.prh.fi

Norway

The Norwegian Industrial Property Office

/ www.patentstyret.no

Denmark

The Danish Patent and Trademark Office

/ www.dkpto.dk

Sweden

The Swedish Patent and Registration Office

/ www.prv.se

Iceland

The Icelandic Patent Office

/ www.els.is

Europe and International

European Patent Office (EPO) is a website offering information on European patent and utility model applications, case documents and rights.

/ Visit the EPO Database (eng/fr/de)

Espacenet is a website run by EPO offering information on worldwide patent and utility model applications, case documents and rights.

/ Visit the Escapenet Database (eng/fr/de)

Google Patents
Search function in Google provides information on American (U.S.) patent applications and issues patents.

/ Visit the Google Database (eng)

Links to Databases

Denmark
Finland
Iceland
Norway
Sweden
Nordic Patent Institute

9. Consultancy & Legal Advice

As you might have noticed, registering your IPR can sometimes be a little complicated. Since you will want to do it right first time – to save both time and money – you might need to get professional help in deciding what to apply for and in developing your application.

Private consultants

The easiest way to get help is to go to a professional IPR consultant, usually a lawyer. However, this is also the most expensive way. So you should make up your mind if you have the money and/or you are so clear about what you need that the process with the consultant will go relatively quickly and smoothly.

Free or less expensive consultants

An alternative to the private consultant is the consultants you find in public organisations such as incubators and start-up advisory services. In the last ten years, due to a political focus on entrepreneurship, these organisations have sprung up everywhere. In most of them, you will be able to get some free legal counselling.

You can also use the local Nordic office to get further advice on what kind of consultation they might think you will need.

Finland

The Norwegian Industrial Property Office of Finland

/ www.prh.fi

Norway

The Norwegian Industrial Property Office

/ www.patentstyret.no

Denmark

The Danish Patent and Trademark Office

/ www.dkpto.dk

Sweden

The Swedish Patent and Registration Office

/ www.prv.se

Iceland

The Icelandic Patent Office

/ www.els.is

Getting legal advice

There are a number of places you can turn to for legal advice in the Nordic countries, if you do not have the money to engage with a private consultant.

We recommend that you seek advice either through your local patent office, the free public business advisors that you find in most of the larger cities, or via the trade unions and organization. The trade unions and organizations offer legal counselling in their particular trade – music, design, film, visual arts etc.

If you are a musician from Norway, for instance, **BRAK** can help you, and in Sweden you can get help from **SMART.SE** if you are working in the cultural sector.

You can find a comprehensive list of references on the EntreNord website on **KreaNord.org**.

Choose the category NETWORK and match it with your country, and you will be guided to your local network.

Find inspiration, cases and references

KreaNord.org/EntreNord

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Pernille Skov, CAKI
September 2013

IPR

Intellectual Property Rights