



**Patent just one way to protect invention  
There's also copyright, trademark and more**

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On the cutting edge - Brian T. D. Bowman

AS the *Winnipeg Free Press* has reported, the Manning Innovation Awards were held in Winnipeg last Friday. The awards celebrated inventors who have developed and successfully marketed new concepts, processes or procedures including the inventors of technologies that generate better X-rays, deal with sewage backup in homes, treat hepatitis B and reduce damage in processed foods.

The awards serve as an outstanding forum to celebrate those who push the boundaries of developments that often benefit us all.

However, the inventions continue long after the awards are given out. In fact, it seems that nearly every day we hear about another exciting invention, often capable of commercialization.

That's great news for our economy. But, do you ever wonder who owns these inventions?

In my last column, I discussed how inventors can obtain certain intellectual property rights. To illustrate the point, I discussed how employees and consultants can obtain copyright and moral rights for certain works related to "inventions," a term used in a broad, non-legal sense.

The response from readers indicated an appetite for more information about the types of rights that can arise from inventions. Inventions, or aspects of inventions, can trigger intellectual property rights including copyright, patents, trade marks and industrial design.

Copyright provides protection for original literary, dramatic, musical and artistic works.

Works often associated with inventions such as writings, photographs or even computer programs can be protected by copyright.

In Canada, a person can obtain copyright simply by creating an original work.

However, it's still a good idea to register copyright with the federal Copyright Office. It's also a good idea to write on the work the date when it was originally created and use the symbol ©.

Patent rights can also arise from inventions. When a patent is obtained, such rights can help recoup investments in research and development. Essentially, patents are time-limited government grants that provide inventors exclusive rights to their inventions for processes or products that are novel, useful and inventive. The inventor can then license the production of the invention to others, and even obtain royalties.

Unlike copyright, patents don't arise simply by creating something. If an inventor wants to get patent rights, he or she must apply for and successfully receive a patent from the federal Patent Office.

If the inventor is an employee and the invention was created as part of an employment agreement, then the employer may have the right to seek the patent. This is one of many reasons why employers and employees should ensure that employment agreements deal with intellectual property rights.

Trademarks are another form of protection.

A trademark is a word, symbol and/or design that is used to distinguish the goods or services of one person or organization from another.

While you can obtain some rights by simply using a trademark, these rights are limited, as well as difficult to prove and enforce.

That's why it is a good idea to register with the federal Trademarks Office. Once a trademark has been registered, it can help if a competitor tries to infringe the owner's rights.

Another form of intellectual property right is industrial design, which protects the shape or ornamentation of a finished product. For example, it may apply to the shape of a piece of furniture.

Once a design is used or intended to be used as a model to produce more than 50 articles, it will generally be considered an industrial design if registered with the federal Industrial Design Office. Fortunately, the Manitoba marketplace includes entrepreneurs who are constantly creating inventions as diverse as the industries they represent.

And these inventors are increasingly relying on intellectual property rights to grow their businesses and continue their important work.

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