

Intellectual Property Issues

Presented to the
Carbon Sequestration Leadership Forum

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International Intellectual Property Issues

- ◆ Differences among countries
- ◆ Challenges and opportunities for international cooperation
- ◆ U.S. perspective – but seeking input from all CSLF participants



Goal

- Provide introduction to intellectual property issues
- Facilitate discussion on issues, problems and solutions



Intellectual Property Rights

- ✦ **Granted by governments**
- ✦ **Earned by virtue of the nature of the property**



Intellectual Property

- ◆ **Tangible or intangible**
- ◆ **Results from created thought and intellectual human efforts**
- ◆ **Idea, expression, invention, design, unique name, business method, technology transfer, industrial process**



Patent Rights

- ✦ **Granted for a limited time to creators by the government**
- ✦ **Purpose – to promote innovation**
- ✦ **Geographically limited to the country granting patent protection**
- ✦ **Compliance with international treaty regulations**



Patentable Subjects

- ✦ **Vary from country to country**
 - a patent granted in one country may not be eligible for patent protection in another country
- ✦ **Duration of patent protection**
- ✦ **Separate applications in each country required**
- ✦ **First-to-file priority system**



Copyright

- ✦ Limited right of protection to authors for original works
- ✦ Protects authors' method of expressing an idea, but not the idea itself
- ✦ Encourages creation and dissemination of creative works to the public



International Copyright

- ✦ Does not yet exist
- ✦ International treaties protect foreign works
- ✦ Owner has exclusive right to reproduce the work



Trademark Rights

- ◆ **Protect goodwill built up by a business**
- ◆ **Protected as a trade or service mark if distinctive**
- ◆ **Based on a system of territoriality**
- ◆ **Different rules and requirements regarding registration in each country**



Trademark Rights

- ✦ **Most countries permit registration of a mark prior to actual use**
- ✦ **Allow owner to preserve the right to use the mark before actual expansion of business**
- ✦ **Other countries:**
 - Require the business to use the mark in commerce
 - Establish the mark as a source indicator within the territory prior to gaining protection
 - Rights preserved as long as the mark is not abandoned



Trade Secret Protection

- ◆ Oldest method for protecting creative works
- ◆ Common law protection
- ◆ Not uniformly protected around the world
- ◆ Once disclosed to the public, protection ceases



Challenges and Opportunities for International Cooperation to Solve Problems

- ✦ Customization of intellectual property protection to meet specific needs
- ✦ Protection of intellectual property rights
- ✦ Prevent design around
- ✦ Best suited property rights for protection
- ✦ International cooperation to share and protect technology
- ✦ Solving problems with intellectual property barriers



Solutions to International Intellectual Property Issues

- ◆ Special problems related to carbon sequestration
- ◆ Possible formal treaty agreements



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