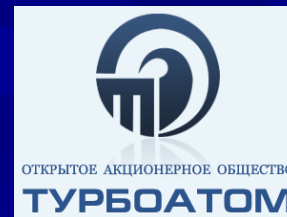


# National Aerospace University “Kharkov Aviation Institute”



## Innovation & IP Processes



Ukrainian University Presentation  
Uni4Inno - 2011

# Patenting Service

Getting documents on Intellectual property in Ukraine (UKRPATENT)

Patents on Inventions, Utility Models, Production prototypes

Certificates on trademark, topography of integrated circuits, geography of product origin

Getting patents abroad

Invention

Trademark

Production prototype

Geographical indication of product origin

Assistance in Transfer of rights on intellectual Property

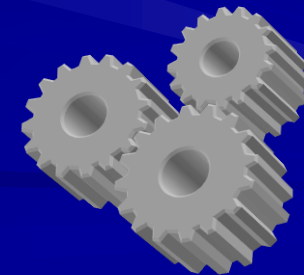
Agreement about rights concession

License agreement

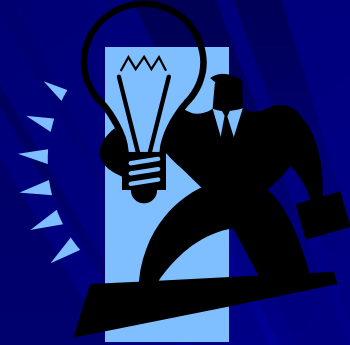
Rights protection

Prejudicial (UKRPATENT)

Court



# Transfer of rights on intellectual property



Patent-licensing agreements on disposition of intellectual property rights:

1) Agreement about patent concession

2) License to use the object of intellectual property

3) Agreement on the transfer of exclusive intellectual property rights (license agreement )

4) Another agreements (agreement on commercial concession)



## License on the use of an object of intellectual property

1. In terms of volume rights granted, licenses may be of such species:

**exceptional** - is given only to one licensee and precludes the possibility of using intellectual property objects by licensor in sphere, which is limited by the license, and giving licenses by him to others for the use of this facility in this area

**singular** - is given only to one licensee and precludes the possibility granting licenses to others by the licensor to use the object of intellectual property rights in an area bounded by this license, but does not preclude the use of the licensor of the object in this area

**nonexclusive license** - does not preclude the use of licensor of intellectual property objects in the field, limited to the license and the issuance of licenses to other persons the use of this facility in this area.

**compulsory license** - issued if the patent holder can not use the object in consequence of usage the invention protected by a patent of another person. In this case, patent holder may demand that the latter provided license to use the invention on a contractual basis

**coercive license** - permission to use the invention from the competent state authorities without the consent of the patentee

## License on the use of an object of intellectual property



2. Under the terms of provision the following distinction is made between types of licenses:

**sublicense (dependent license)** - it's written authorization to use of intellectual property by another person (if both parties agree)

**crosslicense** - provides mutual exchange of rights to use intellectual property, which often complement each other

**reciprocal license** - gives the licensor the right to use the result of creative activity, developed by the licensee on the basis of knowledge from the licensor or as a result of improvements or enhancement of basic facility license

**open license** (license on the right) holds if patent holder agrees to grant the right to use the object of intellectual property to any person or entity under condition of payment compensation

## License on the use of an object of intellectual property

3. In terms of the patent and legal protection:

Licenses for intellectual property  
in which patents are used

License, which use the intellectual property  
applications for which a patent has not yet been  
issued, but there is a decision to issue it



# License agreement

Types of licensing agreements in terms of the rights transferred:



The contract of an exclusive license to use intellectual property protected by the patent:

Licensor passes Licensee the exclusive right to use the industrial property within the limits specified by the contract, and reserves the right to use it in the part not transferred to the licensee

Contract non-exclusive license to use the object intellectual property protected by the patent:

licensor, while granting the licensee the right to use the industrial property retains all rights, confirmed by a patent, including not granting licenses to third parties

## The licensing agreement should contain

1. Full requisites of the parties entering into contract

2. Subject of the contract - license

3. Type of license

4. Patent number and title of invention, production prototype, utility model

5. Sphere of use the object of intellectual property law: specific law (measure of rights) provided under the contract

6. Expiration date of the license agreement

7. The territory of the license agreement

8. The size, the order and time-frame of period of repayment for the use of the object of intellectual property law

# Patenting in Ukraine



## Subjects of industrial property

Invention  
(utility model)

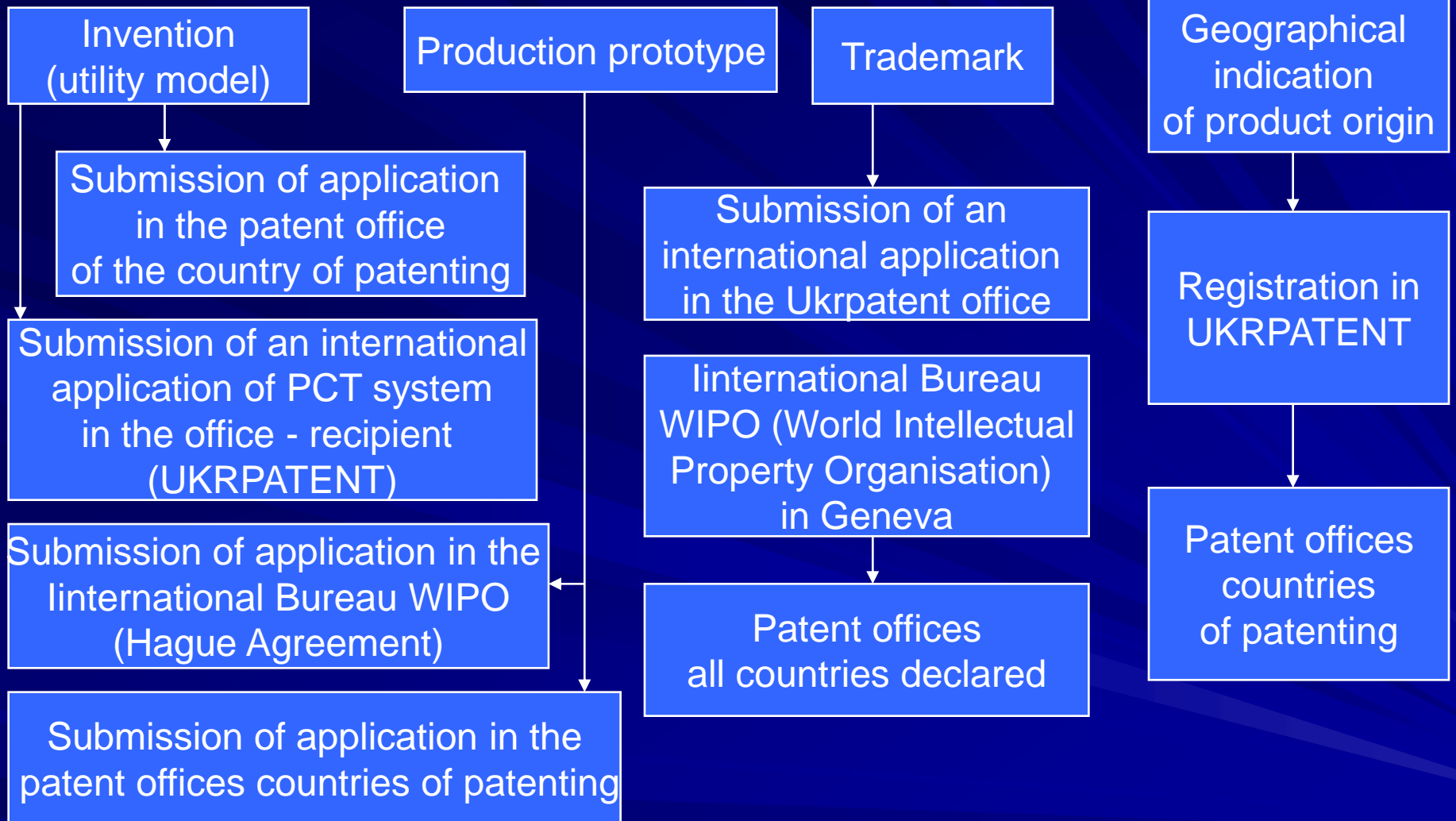
Trademark

Geographical  
indication  
of product origin

Production prototype

Topography  
of integrated  
circuits

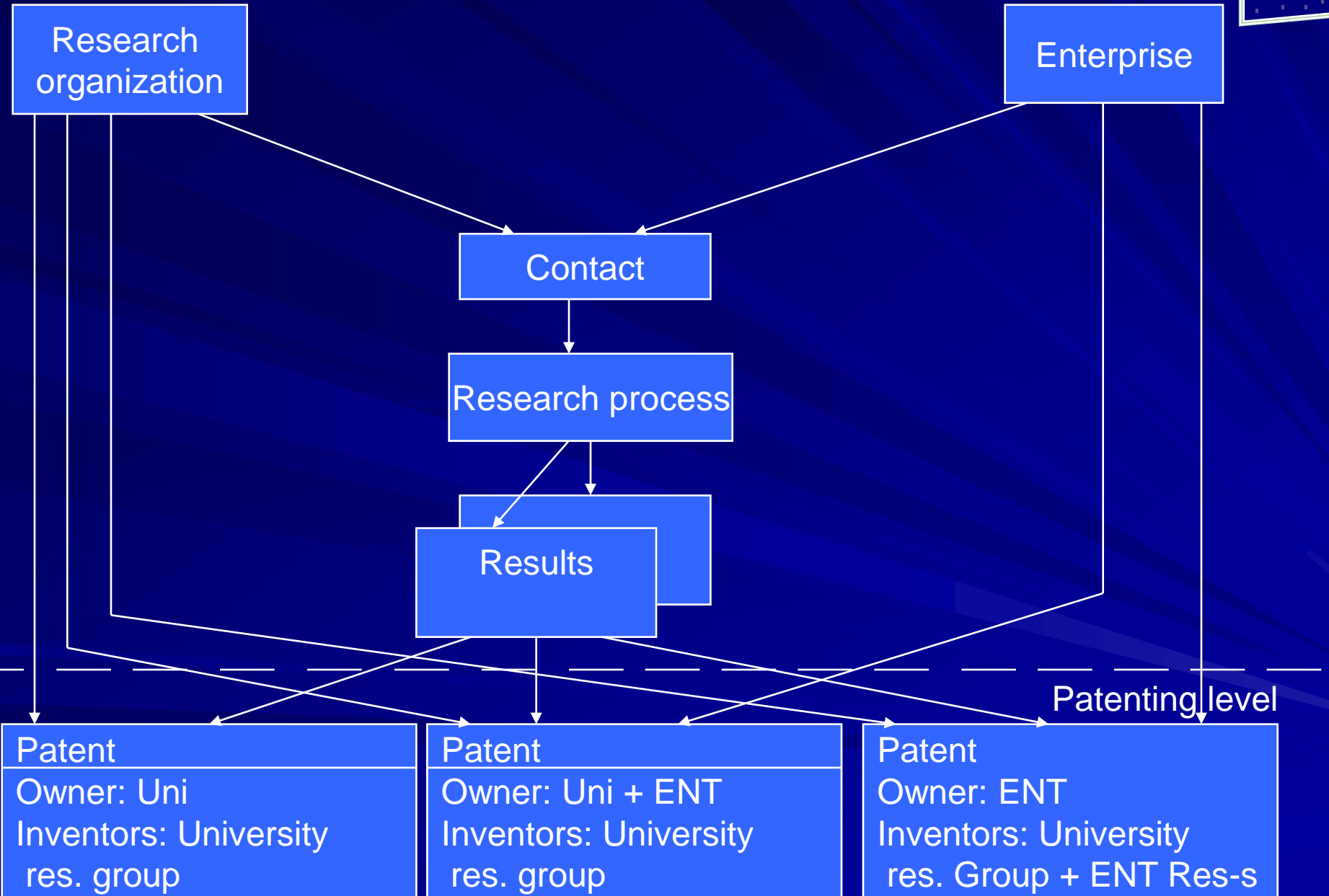
# Patenting Abroad



The advantages of patenting under the contracts the PCT, Hague and Madrid agreements: reduce labor and resources in conducting foreign patenting, make it more responsive



# Design options for intellectual property rights



## Relationships between the co-author, authors and employers, authors and the patent owner, and between the patent owners

Agreement on the distribution of remuneration (income) between the co-invention

Agreement on the amount and terms of remuneration to the authors of the company's invention

Agreement on the procedure for payment of remuneration to the inventor, who is not the holder of patent

Agreement on the assignation on getting patent

Agreement on the transfer of ownership of invention

Agreement to assign patent rights from the author to the enterprise

Agreement to assign patent rights by the author (coauthors) to an individual person / company

Agreement to assign patent



Спасибо за внимание !

Thank you for your attention!

Gracias por su atención!

Grazie dell'attenzione!