

# IP EXPERIENCE



Intellectual Property Experiential Program

## HOW TO PROTECT YOUR SOFTWARE-BASED PROJECT? Sharing experiences on IP exploitation between Italy and Spain

**2<sup>nd</sup> July, online seminar**

**Filippo Silipigni**

Project Manager, Fondazione Politecnico di Milano

# ... let's start with few questions!

- 4 Questions on your profile,**
- 7 Questions** on your knowledge and perception on IP rights and the IP protection for software-based projects,
- Go to the Googleform, use your smart-phone, tablet or laptop;
- Answer 'True', 'False' or 'Not Known';

Googleform

**<https://tinyurl.com/yc5e8pez>**

It takes only 3 minutes. Thank you for your collaboration!!



# IP EXPERIENCE – Intellectual Property Experiential Program



- **Object:** to sensitize and empower University and High School students on the strategic value that Intellectual Property Rights brings into their future business activities, through a program of workshops and live events in Milan and Barcelona

The project will execute an *interactive workshops program* to promote the fundamentals of IP Rights through an experiential educational and simulation approach.

- **(Main) Target Groups:** university students and high school students (15-24 years)
- **Project starting date/end date:** middle November 2019- middle November 2020; 12 months.

- **Project Partners:**



Supported By:



GR/001/19- Lot 2: Reaching consumers/citizens and especially young people; Application reference N° 0185

Supported by:



2<sup>nd</sup> July 2020, online seminar

[www.ip-experience.eu](http://www.ip-experience.eu)

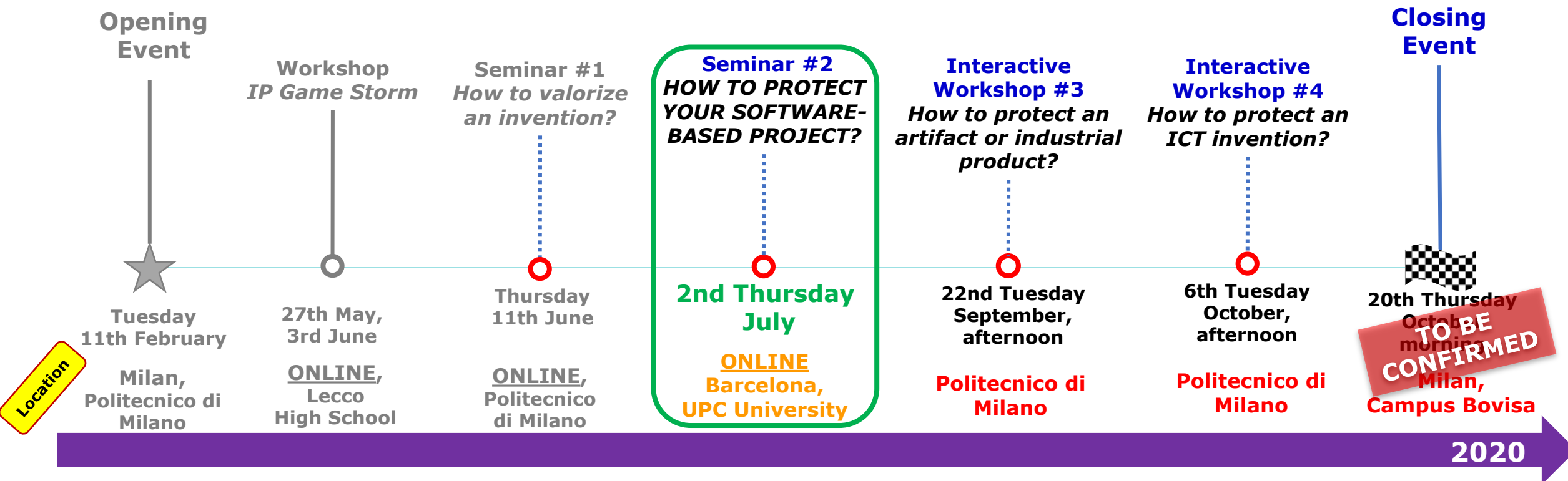
Please, fill the Googleform:  
<https://tinyurl.com/yc5e8pez>



# IP EXPERIENCE – Program of events



A program of events for University and High School students on the strategic value that Intellectual Property Rights brings into their future business activities



## Key features:

- Duration: 1,30 hours for online seminars, about 4h for live meetings;
- Free-of-charge, registration required;
- Estimation of IP perception in the involved participants *Before* and *After* the Program;
- Location (for Italian live meetings): Politecnico di Milano, Campus Bovisa, Building B1, Room Castiglioni;

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# IP EXPERIENCE – Project Website



**IP EXPERIENCE** HOME THE PROJECT OUTPUTS NEWS EVENTS CONTACTS NEWSLETTER

**Gianluca Dettori**  
President of Primomiglio SGR  
A video message by Gianluca Dettori, expert on high-tech and digital innovation

**Stimulating education that promotes creativity, innovation and entrepreneurship must not leave out protecting one's own work and respecting the work of others!**

The IP EXPERIENCE Project aims to **sensitize and empower University and High School students on the strategic value that Intellectual Property Rights brings into their future business activities, through a program of workshops and live events in Milan and Barcelona.**

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# IP EXPERIENCE – Intellectual Property Experiential Program



## Project Partners



Fondazione  
Politecnico  
di Milano

Project Website: [www.ip-experience.eu](http://www.ip-experience.eu)

Event Registration: [www.eventbrite.it](http://www.eventbrite.it)

Supported by:



**POLITECNICO**  
MILANO 1863

TECHNOLOGY  
TRANSFER OFFICE

## Project Managers:

- Cristina Areste – Universitat Politècnica de Catalunya
- Annalisa Balloi – Politecnico di Milano, Ufficio di Trasferimento Tecnologico;
- Giacinto Schiavulli – PoliHub, Innovation District & Startup Accelerator
- Filippo Silipigni – Fondazione Politecnico di Milano

GR/001/19- Lot 2: Reaching  
consumers/citizens and  
especially young people;  
Application reference N° 0185



**POLIHUB**  
INNOVATION DISTRICT  
& STARTUP ACCELERATOR

BY FONDAZIONE POLITECNICO DI MILANO

## Contacts:

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Fondazione  
Politecnico  
di Milano

**We wait for you for the next event:**  
**[How to protect an artifact or industrial product?](#)**  
***22nd Tuesday September, Milan***

Piazza Leonardo da Vinci, 32  
20133 Milano - Italy  
Tel. +39 02 2399 9107  
[www.fondazionepolitecnico.it](http://www.fondazionepolitecnico.it)

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Intellectual Property Experiential Program

## FEW COMMENTS FOR THE ANSWERS RECEIVED IN THE QUESTIONNAIRE ON THE PERCEIVED AWARENESS ON INTELLECTUAL PROPERTY

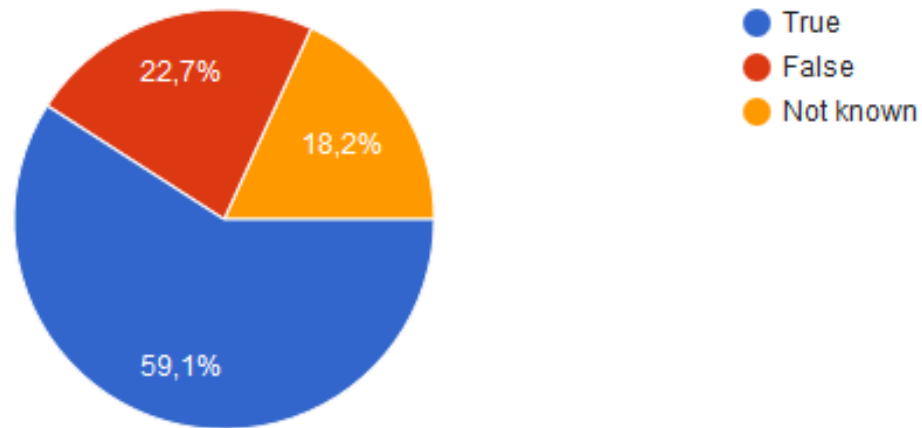
## Preliminary comments:

- Proposed questions have been designed to address the essence of the Intellectual Property Rights system, basic *not-to-do* actions and some naïve activities to avoid;
- In the following, few comments are provided to the answers that some participants gave to the IP perception survey before the seminar. Such comments are a very overview of more articulate topics and are not exhaustive. So they do not bind the authors, the IP Experience project and the persons involved in the IP Experience project. **In case you need any support in IP issues, refer always to Patent Attorneys and IP professionals!**



## 1. The software as such in Europe is not patentable

22 risposte

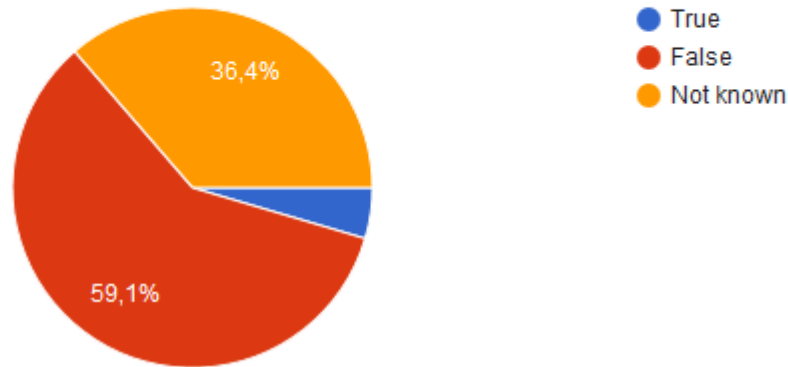


### 1. TRUE!

When we talk about the software as such, it is meant the software code or program listing. In general, in Europe programs for computers are not a patentable invention and the software code can be protected through copyright.

2. Intellectual Property systems of United States of America and European Patent Office have the same approach to protect software based inventions

22 risposte



## 2. FALSE!

Concerning inventions related to software, the European Patent Office, and the United States Patent Office **have a different approach**. According to the EPO, computer programs are not excluded from patentability if they have a technical character.

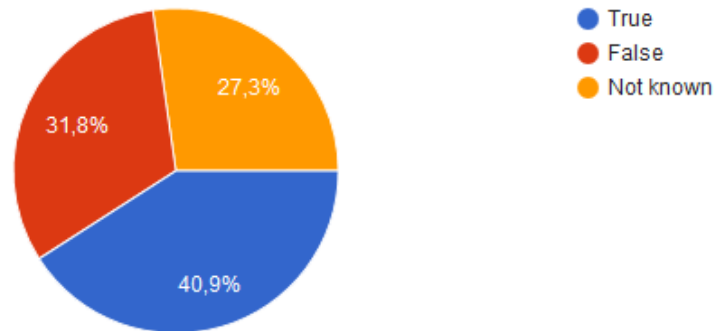
According to the USPTO, software patent applications are patent-eligible if they meet one of the following requirements:

- the invention is more than an “abstract idea,” or
- the invention is directed to an “abstract idea,” but it includes/claims additional elements that “transform” the abstract idea into a patent-eligible application.

In general, in the USPTO, programs for software are patentable.

3. A computer implemented invention has the same requirements to be patented as 'traditional' inventions

22 risposte



### 3. FALSE!

**According to the EPO, discoveries, scientific theories, presentations of information etc and **the programs for computers (as such) can not be regarded as inventions.****

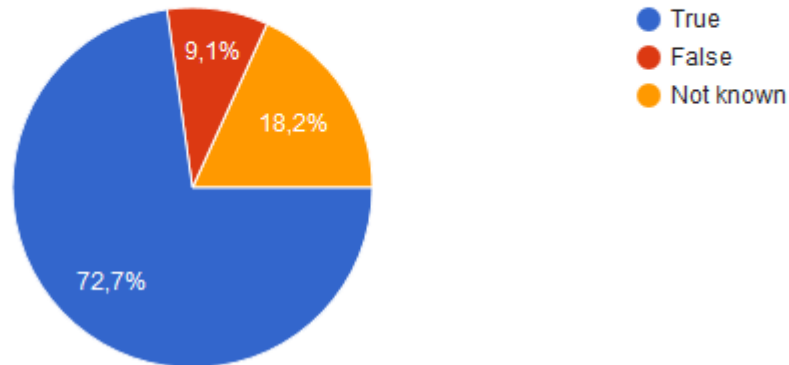
Main requirements for inventions to be patentable are **novelty** (that invention must not be known to the public before the filing date) and **inventive step** or non-obviousness.

According to the EPO, if the program has a technical character, that is **the program is able to produce a further technical effect**, that goes beyond the "normal" physical interactions between the program (software) and the computer (hardware) on which it is running, then the software invention is patentable.

The **computer-implemented invention is the term used by the EPO**, in opposition to 'software' term considered too ambiguous, and it refers to the invention which involves the use of the computer, computer network or other programmable apparatus, where one or more features are realized wholly or partly by means of a computer program.

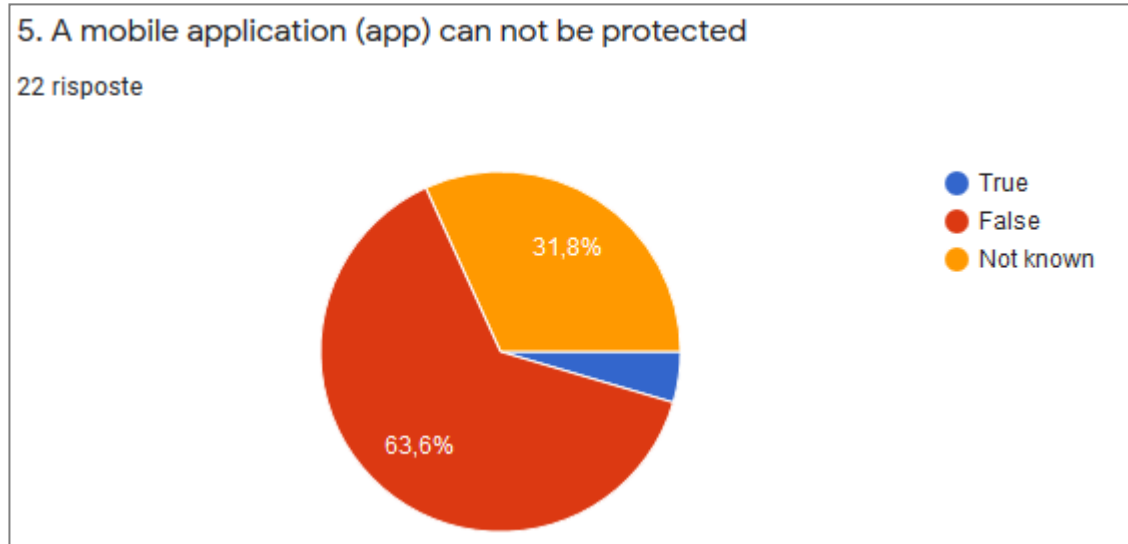
4. Patent for invention right, Copyright and Design right can both contribute to protect different features of the selected software based invention

22 risposte



## 4. TRUE!

In general, a software-based project can be protected using different Intellectual Property Rights. **The patent for an invention can be used to protect the technical effect**, external or internal to the computer in which the software is running (according to the EPO). **Copyright can be used to protect the program listing** as such. In other words, copyright can be used to protect how instructions are conceived by his author, the form of expression in which instructions are conceived and organized, while the technical effect (functionality) can be protected only by the patent. Finally, **designs can be used to protect the expression of the form of a graphical interface**, icons, display templates, etc.

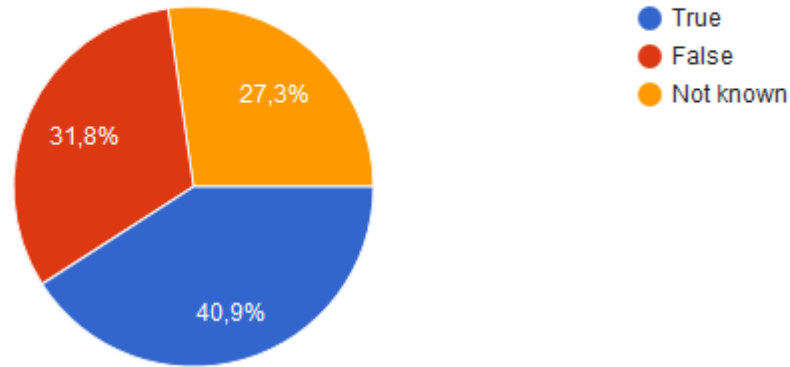


## 5. FALSE!

**A mobile application is regarded as a software-based invention.** So similarly, different features of the mobile application could be protected. If the APP generates a technical effect external or internal to the computer, it is patentable. The program listing of the APP could be protected through copyright and graphical interface with designs.

6. In general, copyright can give a free-of-charge and automatic protection

22 risposte



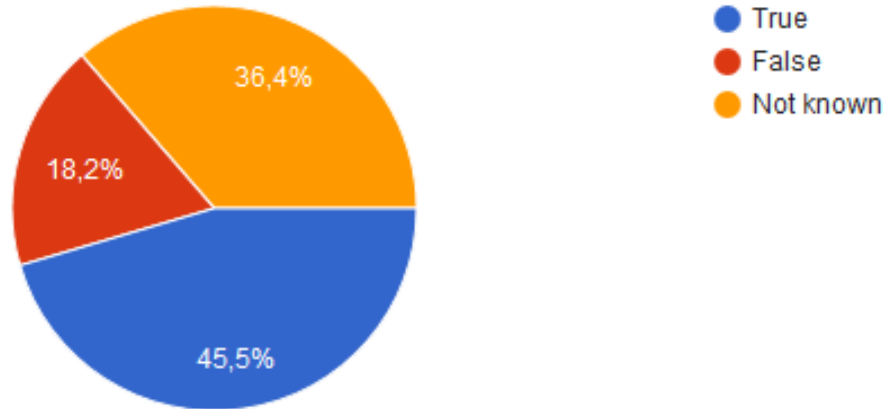
## 6. TRUE!

In general, **copyright is automatic and needs not to be obtained through official registration**. Once an idea has been reduced to tangible form (such as a drawing, sheet music, photograph, a videotape, or a computer file), the copyright holder is entitled to enforce his or her exclusive rights. **In such a scenario, copyright is free-of-charge.**

While registration isn't needed to exercise the copyright, in jurisdictions where the laws provide for registration, **registration is highly recommended** to give a proof of evidence of a valid copyright and the date in which the Intellectual property right has been established (fundamental in litigations). In case of registration, taxes need to be paid at the moment of filing, according to the selected jurisdiction.

## 7. Copyright can protect the source code

22 risposte



## 7. TRUE!

Copyright can be used to protect the program listing as such. In other words, copyright can be used to protect how instructions are conceived by his author, the form of expression in which instructions are conceived and organized.

The copyright can no protect the technical effect (functionality) linked to the software (such feature if available can be protected by a patent for invention).