

DDiMiT

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A non-traditional and open analysis of
Intellectual Property law

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Who am I? Who are we?

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Why IP?

What is the policy goal?

Balance?

Registration gives a presumption of rights!

What does a maker/hacker want?

Open SAFE creative space to invent, play,
make and hack...

SAFE == not getting sued?

Our Goals?

Contribute to the commons

Educate ourselves

Presentation: HIGH LEVEL OVERVIEW

Patents

Goal: Prevent patent from issuing

How: ANTICIPATION – attack novelty

Practically: PUBLICLY DOCUMENT
EVERYTHING

Trolls/NPE

Are you making a lot of \$\$\$?

If not, don't worry too much. This applies to most makers and hackers.

Open Source Hardware

Interesting issues... copyright + industrial design + trade dress + patents !!!

Copyright applies to practically all the plans to make the hardware. But not the hardware itself.

What about patents? New or existing? Patent pools...

Industrial Design

I believe will become more important because of 3D printing.

“design” or “industrial design” means features of shape, configuration, pattern or ornament and any combination of those features that, in a finished article, appeal to and are judged solely by the eye;

Trade-marks

“Genericide” == death by a thousand cuts

Not really an issue, even trade dress, unless out of balance or commercial USE

Overzealous demands? Channels of trade is limiting.

Copyright

Shrinking public domain... term is VERY LONG!

Created and applies automatically to all “works”

License

License == Contract

Contract to use copyright protected material

Contract == an agreement, a tool

GPL vs. BSD vs. Creative Commons

Demand Letter

Is a threatening letter BUT...

Be careful. Don't say anything, especially in writing.

“without prejudice”

What can I do?

Always negotiate!

Are you infringing? Why? Be honest with yourself.

Be prepared to have your bluff called, if you try to call their bluff. Litigation == EXPENSIVE

General Strategy

Marketing and advertising == tell a story that the public understands and relates to

Help create a “Streisand effect”

Don't be intimidated! Don't be naive!

Smart Consumer of Legal Services

Big Law == Big clients && Depth && Breadth ==
premium pricing

Finder (Partner) and Grinder (Associate)

Grinder is paid ~1 unit to bill ~3 units.

Small firm == Specialized && Lean

TRUST RELATIONSHIP ALWAYS

What can I ask?

Understanding of your business.

Who is doing the work? Estimate? Range?

Breakout bill -> work done, hours, who.

Challenge bill -> Court Assessment Office

Entrepreneurship

Social Entrepreneurship

Make money to pay bills and live != volunteer

if (money < expenses) then {bankrupt}

Thank You

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