



GUIDELINES ON INTELLECTUAL PROPERTY FOR STUDENTS

This educational material has been developed by RTU Innovation and Technology Transfer Centre in cooperation with Patent Attorney Artis Kromanis, Ltd "Pētersona Patents – AAA Law"

This manual lays down the guidelines for protection of the outcomes of the creative process.



Innovation results in new inventions, articles, designs and trademarks known as intellectual property. It is essential to understand the types and fundamentals of intellectual property, the aspects of its ownership and protection when putting ideas into practice and planning their commercialisation.

Stages of putting ideas into practice



Idea



Technical description
of the idea



Intellectual
property in
a tangible form



Protection
of intellectual
property



Commercialisation



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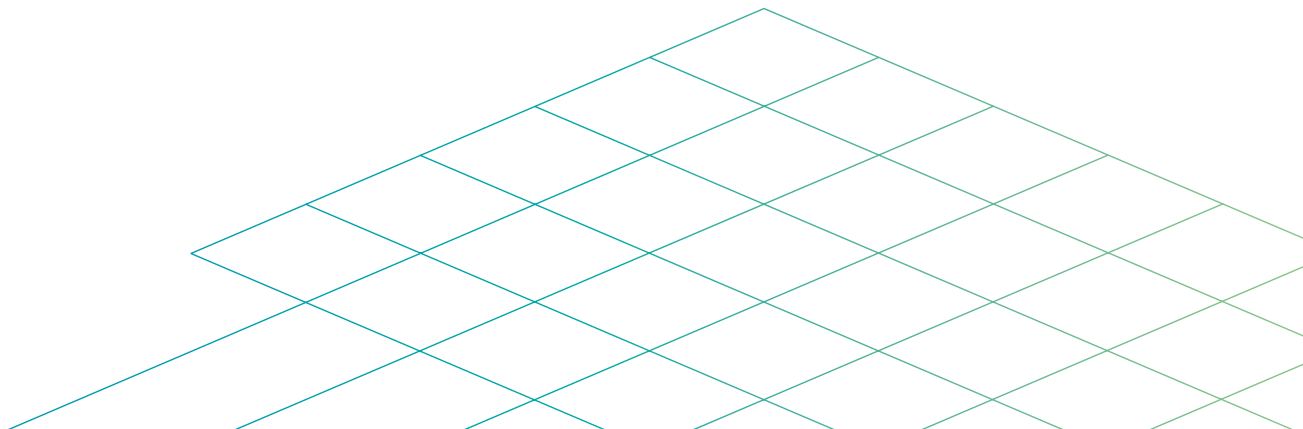
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Types and Fundamentals of Intellectual Property

Everything starts with a plan or idea. To protect the idea, it should be put into practice. The implemented plan or idea can take a form of a written paper (for example, a report, a term paper), an invention (for example, a device, technology), a design or a trademark. All of them represent intellectual property in the tangible form and are covered by copyright. **Certain types of intellectual property can be patented or registered to protect the practical implementation of the idea.** Inventions can be protected by patents, but designs and trademarks – by registration of rights.

This chapter briefly outlines specifics and conditions of each type of intellectual property to make implementation of your idea (intellectual property in the tangible form) effective.

1.1. Copyright

Student's (author's) creative activity results in producing a work. The created work may be literary (for example, a report, publication, video, term paper), scientific (for example, a methodology, device, system), or artistic (for example, choreography, sculpture).



Any work originally created by a student during the study process is considered an object of copyright and is protected by copyright.

The author has the inalienable moral right to the work, i.e., to be mentioned as the author of the work. In turn, in compliance with RTU IP Policy and the Student's Agreement, property rights to the works created during studies and the works created using RTU resources belong to RTU.

A diagram explaining the author's moral rights and economic rights



The work created by a student (author)



Author's moral rights	Author's economic rights
To the authorship – the right to be acknowledged as the author	To make public, publish, distribute, use and sell
Inalienable copyright	Transferrable copyright
The author has the right to be mentioned as the author.	In compliance with RTU Student's Agreement, economic rights belong to RTU, unless stipulated otherwise in the effective legal enactments or in the student's or partner agreements.

Copyright belongs to the author as soon as the work (literary, scientific, or artistic) is created, regardless of whether the work has been finalized.





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Types and Fundamentals of Intellectual Property

1.2. Patent

A patent is a type of intellectual property that protects the technical solution and prevents another party to use it without permission of the owner.

Patentable inventions, for which a patent may be granted, and non-patentable inventions

Patentable inventions	Non-patentable inventions
	
<ul style="list-style-type: none">• Device (equipment, system)• Method (process, technology)• Substance• Composition of substance• Biological material	<ul style="list-style-type: none">• Discovery• Scientific theory• Mathematical method• Aesthetic solution (as it is protected by design registration)• Plans• Intellectual activities (for example, a learning technique)• Rules and techniques of commercial activities or games• Computer programs as such (as they are protected by copyright)• Presentation of information• Invention the use of which would be contrary to public order or morality• Therapeutic or surgical methods of treatment used in manipulations with human or animal body

As mentioned in the table above, certain non-patentable inventions can also be protected with other types of intellectual property rights, as in the case of aesthetical solutions (designs) and computer programs (copyright).



A patent can be granted if the invention is:

- **patentable (patentable and non-patentable inventions are listed in the table);**
- **industrially applicable (applied in any industrial sector, agriculture or other sectors of economy);**
- **new (has not been published earlier);**
- **is not an evident solution for an expert in the field (an invention involves an inventive step).**

RESPECT CONFIDENTIALITY!

Protection of an invention begins as soon as it is created, and any kind of action being inappropriate to the protection of the invention can lead to loss of such protection. Unfortunately, one of the most common reasons for the loss of protection is an inventor oneself who discloses the invention (makes it public) before filing a patent application.

To avoid missing an opportunity to protect an invention, before filing a patent application you MUST NOT:

- **make the invention public (presentation, publication, advertising, etc.);**
- **test the invention in public places with open access;**
- **sell products or services that include the invention.**

Any information disclosed publicly before the date of the patent application, even by the inventor oneself, undermines the novelty status of the invention.



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Types and Fundamentals of Intellectual Property

1.3. Design

Design is the outer appearance of a product or its part with unique characteristics of lines, shapes, colours, forms, surface structure or used materials.

A new product design makes this product unique (different from other products existing on the market) and recognisable (influencing consumer choices in favour of this product).



Registration of design can protect the outer appearance or image of the product:

- **that is new (has not been published earlier);**
- **demonstrates an individual character (the general impression it leaves on an informed user differs from the general impression left on such user by any other design).**

In the European Union, unregistered designs are also protected. Protection of unregistered designs is in force for three years from the day when the respective design pattern becomes publicly available (published). Such form of protection can be chosen if it is not planned to protect the design for more than three years.

1.4. Trademark

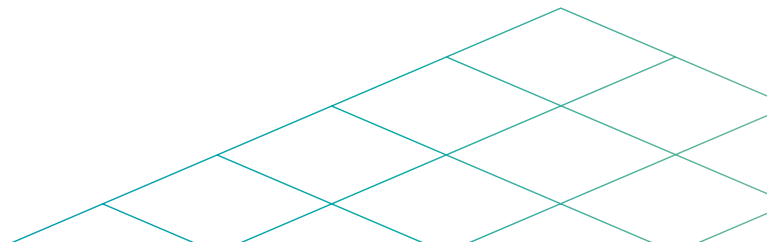
A trademark is an expression used to distinguish goods and/or services of an enterprise from goods and/or services of other enterprises. Having gained popularity, a trademark serves as a symbol/designation of the reputation and quality of goods and/or services. It should not be permitted that competitors use the same or confusingly similar trademark, thus adversely affecting fair competition. To avoid this, the trademark should be registered.



A trademark can be:

- **a word mark (consisting of letters, words, numerals);**
- **a graphic mark (image, drawing);**
- **a shape mark (shape of the product or package);**
- **combined (combination of the elements mentioned above);**
- **a specific or unconventional mark (sound, light, flavour, etc.).**

Only new (not registered earlier) and distinctive trademarks can be registered.





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Ownership of Intellectual Property Rights

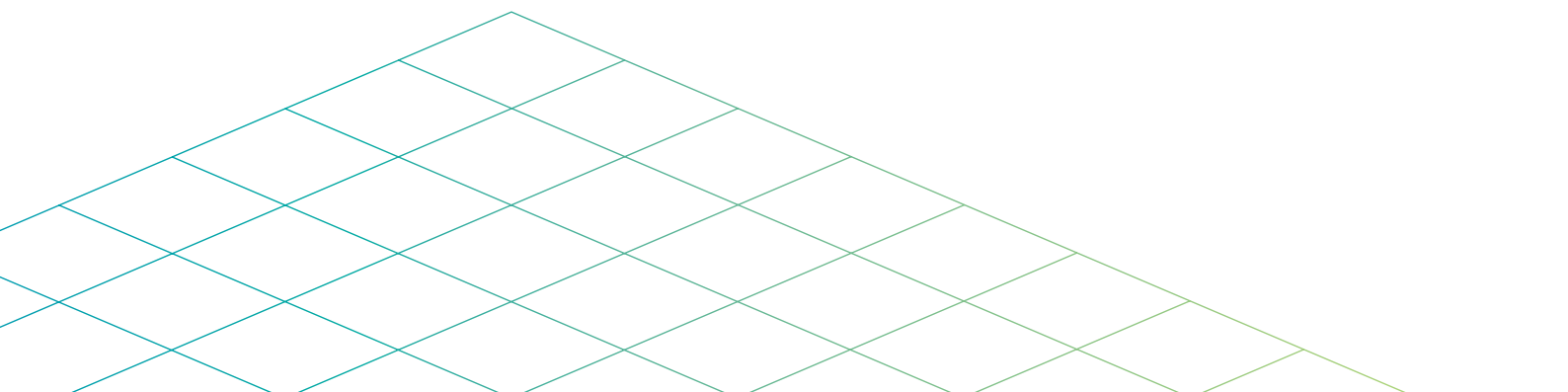
RTU IP Policy and especially RTU Student's Agreement provide that all property rights (also the right to distribute, dispose, modify, supplement, etc.) to a copyrighted work and/or invention developed during studies using RTU materials, technologies and other RTU resources belong to RTU unless stipulated otherwise in a written agreement.

If the student started the development of a copyrighted work and/or invention during studies at RTU using RTU materials, technologies, and other RTU resources, and completed it after graduation (having obtained a diploma), all economic rights are shared proportionally between RTU and the graduate, concluding a written agreement.



RTU resources include but are not limited to:

- laboratories;
- libraries;
- data bases;
- hardware and equipment (including prototyping and testing equipment);
- materials;
- software;
- funds (including scholarships);
- invested efforts of a member of RTU staff or a person working within another type of civil agreement.





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Identification of Intellectual Property Ownership

If the intellectual property has been developed outside the study process and/or not using RTU resources, both personal and propriety rights to the intellectual property belong to the student. If a student participates in the collaboration project with his owned intellectual property, this fact should be documented. Such documentation is necessary at the further stages of the project and upon its completion to clearly delineate the share of the intellectual property that had already belonged to a certain cooperation partner or a project team member and the share created within the framework of the cooperation project.

Intellectual property can be fixed in various ways.

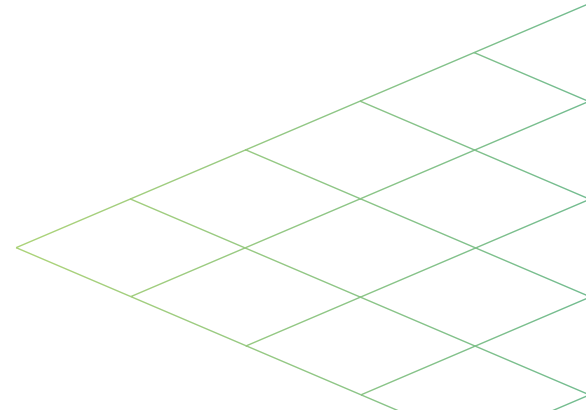
- **The invention object** is described, specifying the set of its technical characteristics, in particular, specifying which of those technical characteristics are new, i.e., are different from the prior art. The description may be supplemented with a sketch or drawing. Further, the historical background of the invention is described, as well as the people involved (inventors) and commitments of the parties (contracts, agreements) effective during the period of creating an invention.
- **Design** is fixed with images, drawings, or sketches. The historical background, people involved (designers) and commitments of the parties (contracts, agreements) effective during the period of design development are also specified.

- **Trademark** is fixed specifying its registration name, graphic elements, or any other form appropriate for the registration of the filed trademark. The description also includes its historical background, people involved (authors) and commitments of the parties (contracts, agreements) effective during the period of trademark creation, and, possibly, even during the period of trademark usage.

It is recommended to sign all documents mentioned above specifying the date of signing. The documents also can be signed with an electronic signature.



The information about the intellectual property invested by the student shall be included in the project cooperation agreement or communicated in writing to the project cooperation partners before the start of the project.





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Formalization of Intellectual Property

In order to protect intellectual property, prevent others from using it without the owner's consent and gain real evidence about the owner of intellectual property rights, intellectual property rights must be fixed or registered.



The rights to an invention are secured by a patent, in turn, the rights to a design and/or trademark – by a registration certificate.

4.1. Patenting

Patenting of an invention is aimed at the protection of intellectual property, if it has the commercialization potential, and targeted activities are planned to commercialize it.

Patenting of an invention is provided in cooperation between the author and the Innovation and Technology Transfer Centre.

Patent application procedure

1 The student completes a home task – preliminary assessment of patentability of an invention

The preliminary assessment consists of the following steps:

1. The student investigates the information concerning the novelty of an invention concept, i.e., that it has never been published before, and therefore is not familiar to the public.
2. The student consults about the potential patentability of the idea for an invention with the person coordinating the student's activities related to the creation of a certain intellectual property, for instance, with the head of a study course or a lab supervisor. Prior to the meeting, it is recommended to notify these people about confidentiality provisions.
3. The student develops a description of the patentable invention specifying which parts of the invention in the author's opinion are new and represent the inventive step (is not an evident solution for an expert in the field) and what technical issue the invention is supposed to solve. To help others clearly perceive the essence of the invention, the description can include drawings, diagrams, flow charts, or sketches. The description of the invention is a working document which provides the basis for the patent search, and at a later stage – for the drafting of the patent application.

2 The student addresses the Innovation and Technology Transfer Centre and drafts intellectual property disclosure form.

3 RTU Intellectual Property Management Committee considers the student's intellectual property disclosure and makes a decision on filing the invention for patenting.

If the decision is

TO FILE a patent,



the student is informed about it and together with the Innovation and Technology Transfer Centre starts drafting a patent application.

If the decision is

NOT TO FILE a patent,



the student can use the invention at his/her own discretion after the decision is received, also patent it on his/her own.

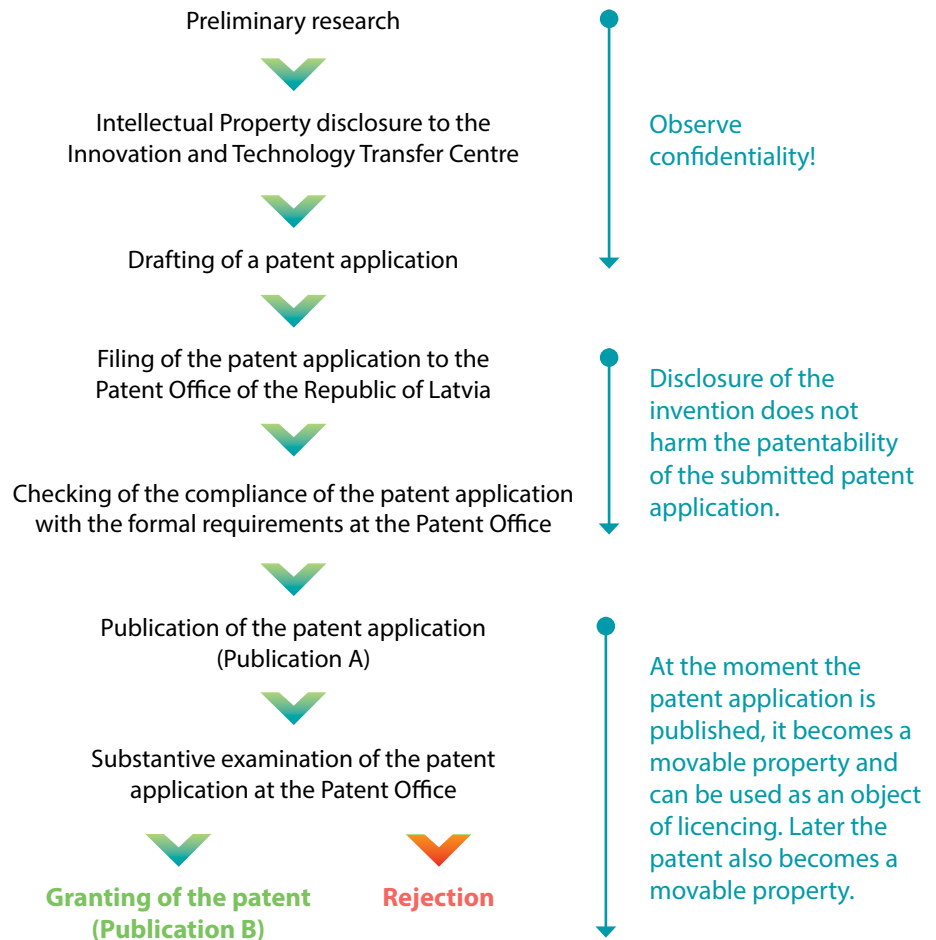
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Formalization of Intellectual Property

Involvement of the author of the invention, i.e., a student, into drafting of a patent application is paramount because he/she has all the information about the nature, application and possible alternative implementation options, etc. of the invention.

Only the joint work of the student and the Innovation and Technology Transfer Centre can result in an effective and legally appropriate patent.

Patent application procedure at RTU



Intellectual property disclosure form and other documents are available on webpage www.inovacijas.rtu.lv in section "Intellectual Property".



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Formalization of Intellectual Property

4.2. Registration of design

Registration of design is similar to patenting of an invention. Registration of a design also is provided through cooperation between the author and the Innovation and Technology Transfer Centre.

Design registration procedure

1

The student completes the home task – prepares images/drawings/photos that reproduce the design and perform a preliminary assessment of design novelty.

The preliminary assessment includes the following steps:

- 1) the student checks similar designs to verify that such a design has never been created earlier (the EUIPO design database is a helpful tool for the search for already filed/registered designs);
- 2) if necessary, the student consults with the person, coordinating the student's activities related to the creation of a certain intellectual property, for instance, the head of a study course, an advisor of the graduate paper, or a lab supervisor.

2

The student addresses the Innovation and Technology Transfer Centre and drafts an intellectual property disclosure form.

3

RTU Intellectual Property Management Committee considers the student's intellectual property disclosure and makes a decision on filing the design.

If the decision is

TO FILE the design,



the student is informed about it and together with the Innovation and Technology Transfer Centre starts drafting a design application.

If the decision is

NOT TO FILE the design,



the student can use the design at his/her own discretion after the decision is received, also register it on his/her own.



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Formalization of Intellectual Property

4.3. Registration of the trademark

Registration of a trademark is similar to both procedures mentioned above, here as well, cooperation between the author and the Innovation and Technology Transfer Centre is very important.

Trademark registration procedure

1

The student completes the home task – defines the trademark (name, illustration, sound) and makes a list of goods and/or services which the trademark would be attributed. Afterwards, the student performs a preliminary assessment for trademark registration.

The preliminary assessment comprises the following steps:

- 1) the student checks similar trademarks to verify that such a trademark has never been created earlier (the EUIPO trademark database is a helpful tool in the search for already filed/registered trademarks);
- 2) if necessary, the student consults with the person, coordinating the student's activities related to the creation of a certain intellectual property, for instance, the head of a study course, an advisor of the graduate paper, or a lab supervisor.

2

The student addresses the Innovation and Technology Transfer Centre and drafts an intellectual property disclosure form.

3

RTU Intellectual Property Management Committee considers the student's intellectual property disclosure and makes a decision on filing the trademark.

If the decision is

TO FILE the trademark,



the student is informed about it and together with the Innovation and Technology Transfer Centre starts drafting a trademark application.

If the decision is

NO TO FILE the trademark,



the student can use the trademark at his/her own discretion after the decision is received, also filing a trademark application on his/her own.



Documents regulating and explaining protection of RTU intellectual property:

- Policy for Management and Usage of Intellectual Property Rights of Riga Technical University
- Procedure for Processing of an Employee's or Student's Application and Decision-Making Regarding RTU Ownership for Intellectual Property
- Methodology "RTU Patent Application Procedure"
- Guidelines on Protection, Licensing or Selling of Intellectual Property Owned by a Research Institution
- Examples and answers to students' FAQs about intellectual property ownership

All documents are available on home page www.inovacijas.rtu.lv in section "Intellectual Property".

Protection and management of RTU intellectual property is ensured by **Innovation and Technology Transfer Centre.**

When using information available herein, a reference to Riga Technical University and the authors is compulsory.

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This informative material is intended for RTU students and other stakeholders who need information about protection of intellectual property.

Translator Tatjana Smirnova

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