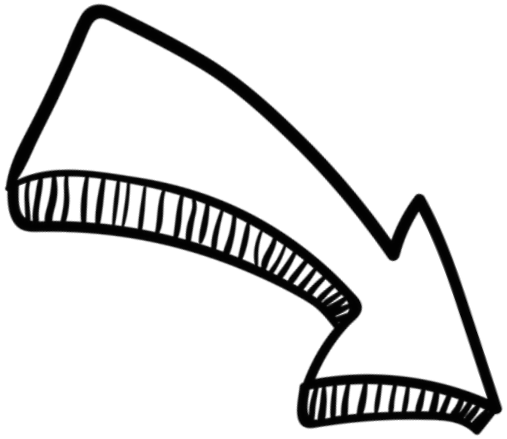
ENVIRONMENTAL AND INTELLECTUAL PROPERTY RIGHTS

University of Ferrara
ACADEMIC YEAR 2019/2020

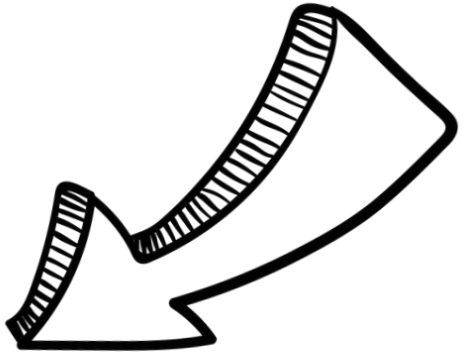
Mr. Alessandro Bura

PATENTS AROUND US

During the last ten years, more patents have been applied for in the field of bicycle technology than in superconductor technology. More than **130 million bicycles are sold every year.** There are a large number of companies in fierce competition in this market

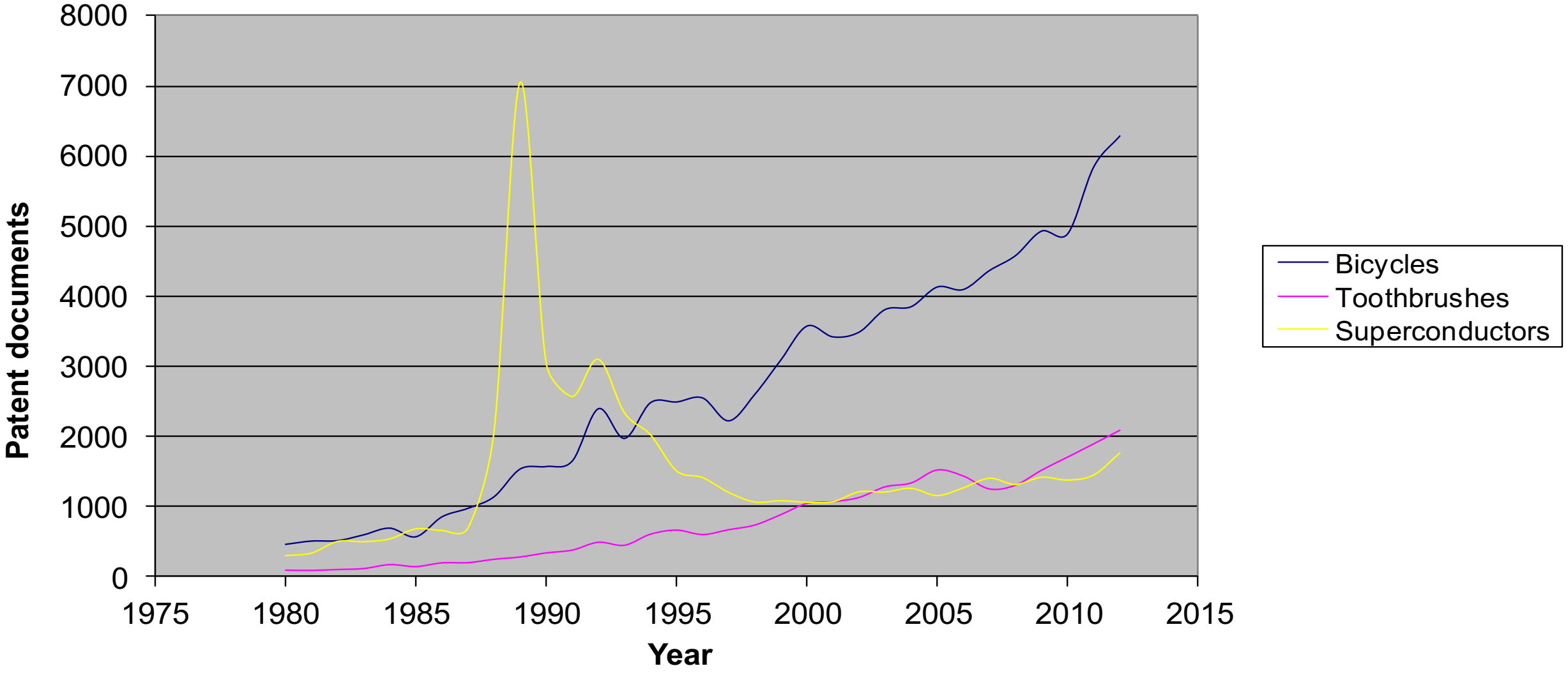


PATENTS AROUND US



In 2012, more than **2,000 patents relating to toothbrushes were published.** One plant alone reportedly manufactures 1 500 million toothbrushes a year, which is around a tenth of total global production

PATENTS IN NUMBERS (AND YEARS)



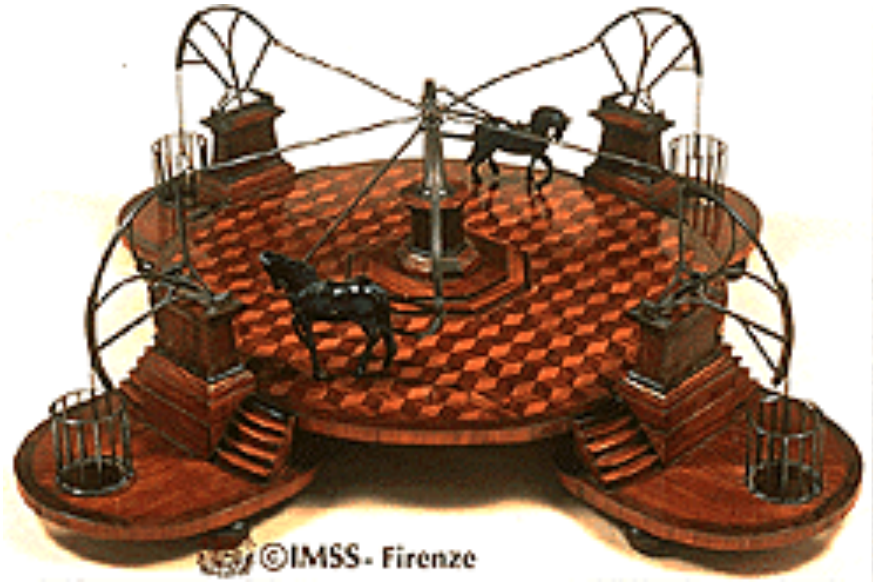
VENICE PATENT SYSTEM IN YEAR 1474

under the Venice patent law of 1474, an invention had to be **new to a certain region**

the resulting patent was valid for up to **10 years**

the details of the invention were **not published**

Galileo Galilei obtained a patent on a **water pump in 1594**



DIFFERENT PATENT SYSTEMS

Senate of Venice, 1474

"Any person in this city who makes any new and ingenious contrivance, ***not made heretofore in our dominion****, shall, as soon as it is perfected so that it can be used and exercised, give notice of the same to our State Judicial Office, it being* ***forbidden up to 10 years*** *for any other person in any territory of ours to make a contrivance in the form and resemblance thereof"*

VS.

TODAY

- New to the world
- Up to **20 years** of protection
- **Publication**
- **Incentive** to innovate and to share knowledge

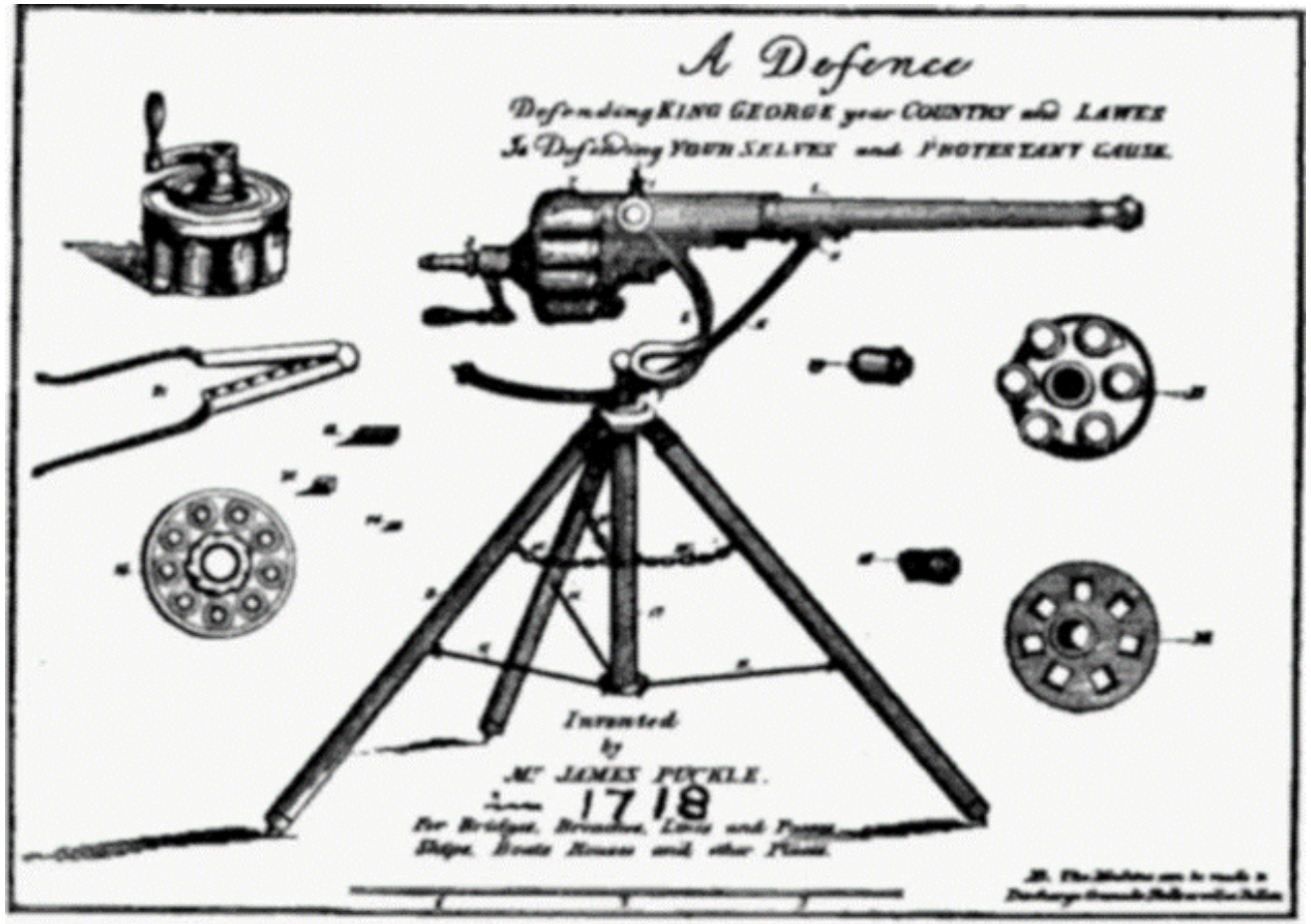
1713 – FIRST TIME THAT PATENT ARE DESCRIBED IN WIRITING

during the reign of Queen Anne

"*The patentee must, by an instrument in writing,* ***describe and ascertain the nature of the invention*** *and the manner in which it is to be performed*"

AUTOCANNON BY JAMES PUCKLE

- patented in 1718 in UK
- one of the earliest weapons to be referred to as a "*machine gun*“
- number 418 of 1718, **one of the first provide such a description**



AN EARLY MACHINE GUN.

PATENT ACTUAL PROTECTION

International level

Union Paris Convention of 1883 (priority date and national treatment)

Patent Cooperation Treaty (2004)

European Level

European Patent Convention (1973)

Unitary Patent European Enhanced Cooperation (2015)

National level

Civil Code (Articles 2584-2591)

Industrial Property Code (Articles 46-86)

EXCLUSIVE RIGHTS VS PUBLIC PROGRESS

disclosure of the invention is awarded through its exclusive exploitation's right for a period of **20 years;**

technical description of the invention allowing **third parties to understand the invention** in every detail after its publication (18 months after filing);

invention is considered in **public domain** after 20 years from its filing

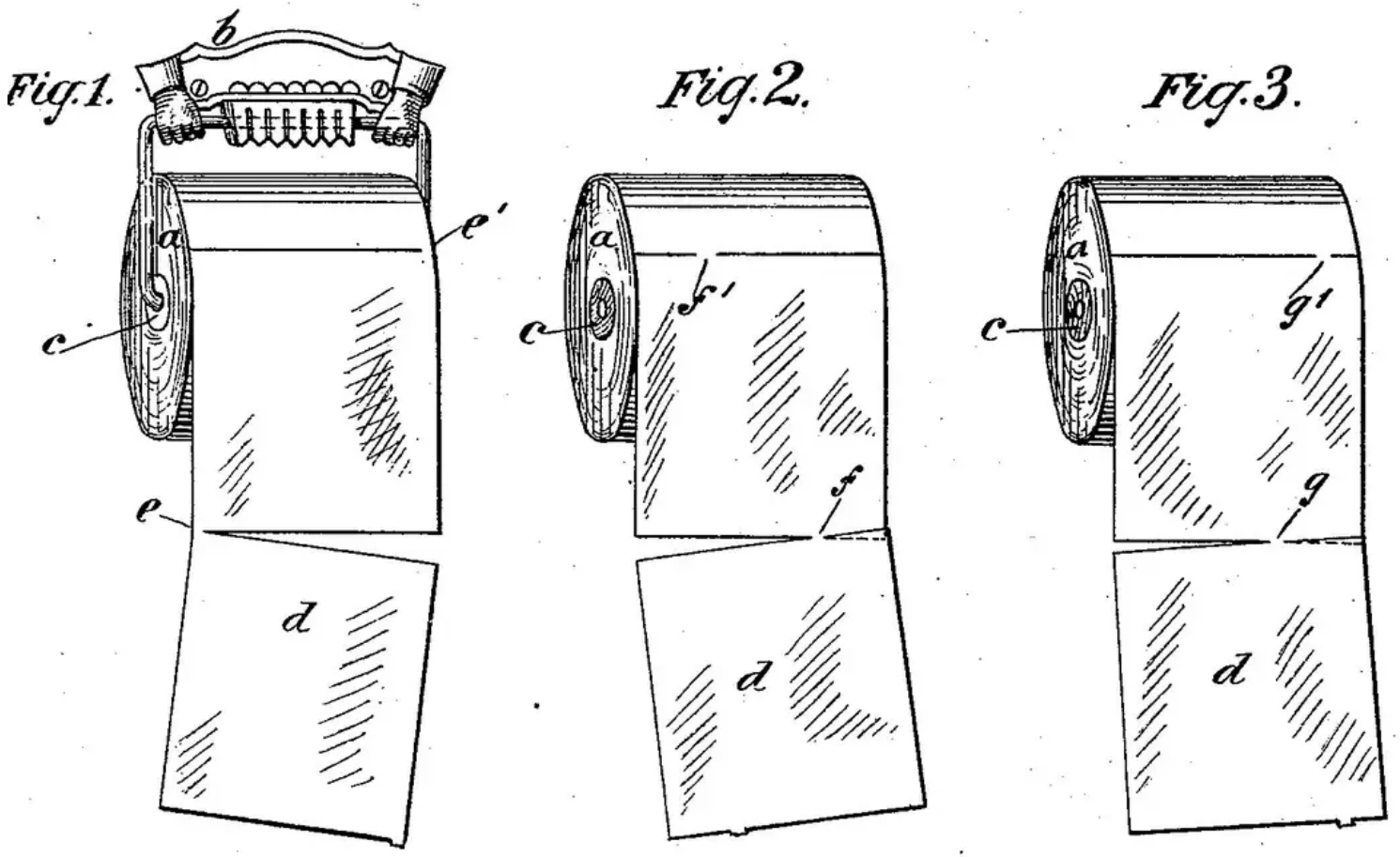
ACTUAL PATENT PROTECTION - EXAMPLE

(No Model.)

S. WHEELER.

WRAPPING OR TOILET PAPER ROLL.

No. 459,516. Patented Sept. 15, 1891.



PUBLIC DOMAIN INNVENTIONS

a wheel is a circular component that is intended to rotate on an axle bearing

it have been tried to be claimed “as such” several times as a **patent but refused**

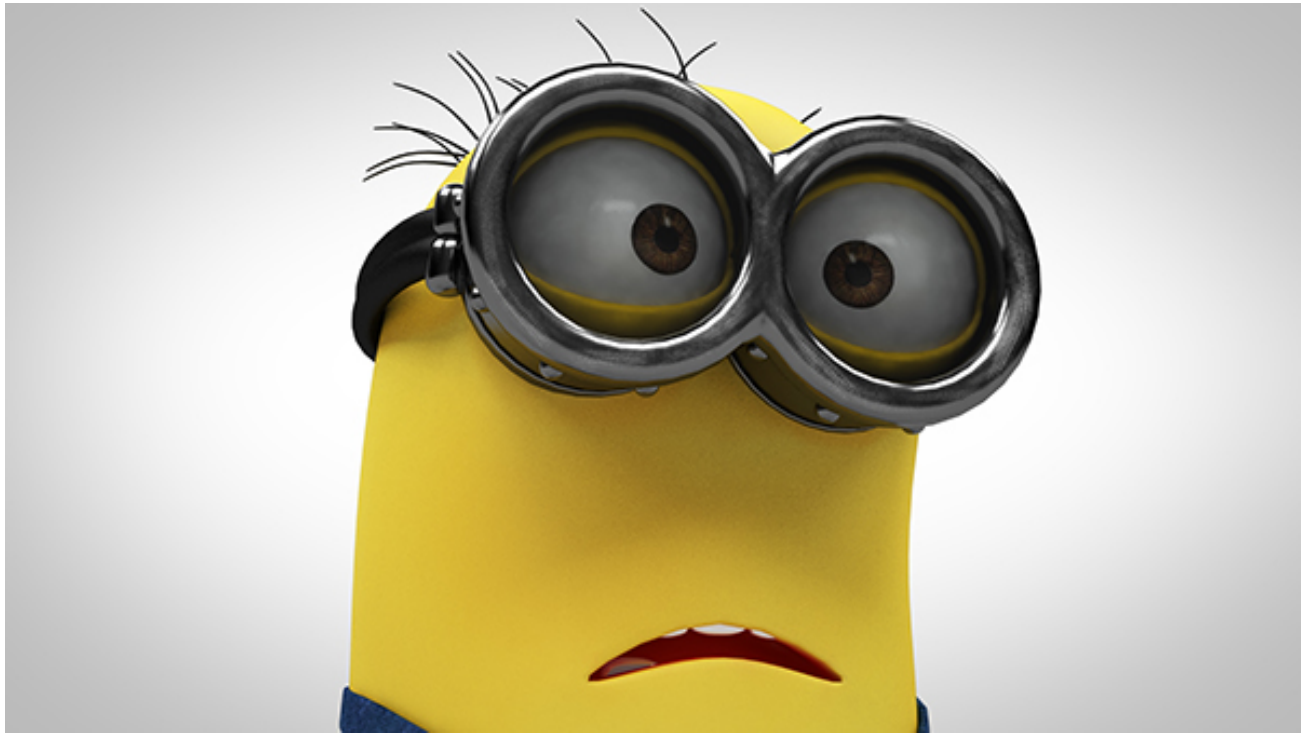
however some technical specifications of tires have been protected

DEFINITION OF INVENTION

Original solution found to a **technical problem** (intuitive combination which until then had been lacking, of pre-existing concepts, ideas or features)

REQUIREMENTS OF INVENTION

- the inventive solution must belong to any **field of technology**
- **industrial application** (the solution must be able to have concrete applications in the industrial field)
- **new worldwide** (the solution must not be included in earlier documents that describe the invention)
- **not obvious** for a person skilled in the art (e.g. simple association or application of already known ideas applied in the same field, or in similar fields to solve the same problem)



NON PATENTABLE SUBJECT MATTERS

- **discoveries** of materials or substances already existing in nature
- **scientific theories** or mathematical methods
- **plants and animals** other than microorganisms, and essentially biological processes for the production of plants and animals, other than non-biological and microbiological processes

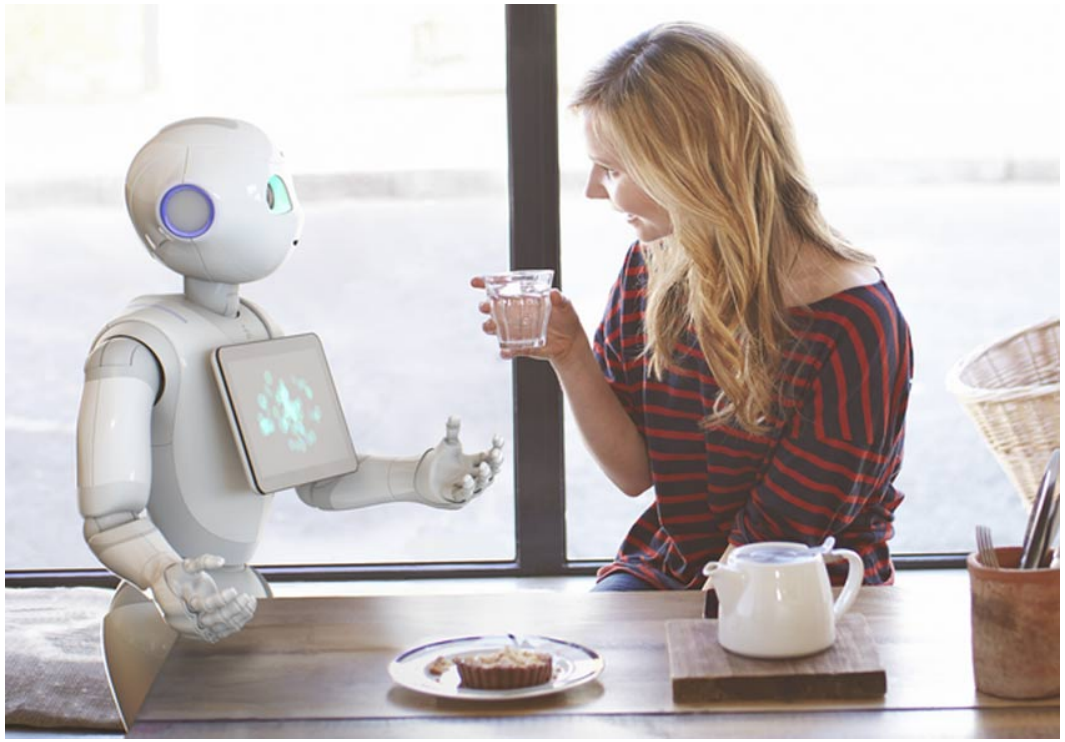
- **schemes**, rules or methods, such as those for doing business, performing purely mental acts or playing games
- **methods of treatment for humans or animals**, or diagnostic methods practiced on humans or animals (but not products for use in such methods)

EPO GUIDELINES ON COMPUTER IMPLEMENTED INVENTIONS

computer program claimed by itself is not excluded from patentability if it is capable of bringing about, when running on or loaded into a computer, a **further technical effect** going beyond the "normal" physical interactions between the program (software) and the computer (hardware) on which it is run (see decisions T 1173/97 and G 3/08)

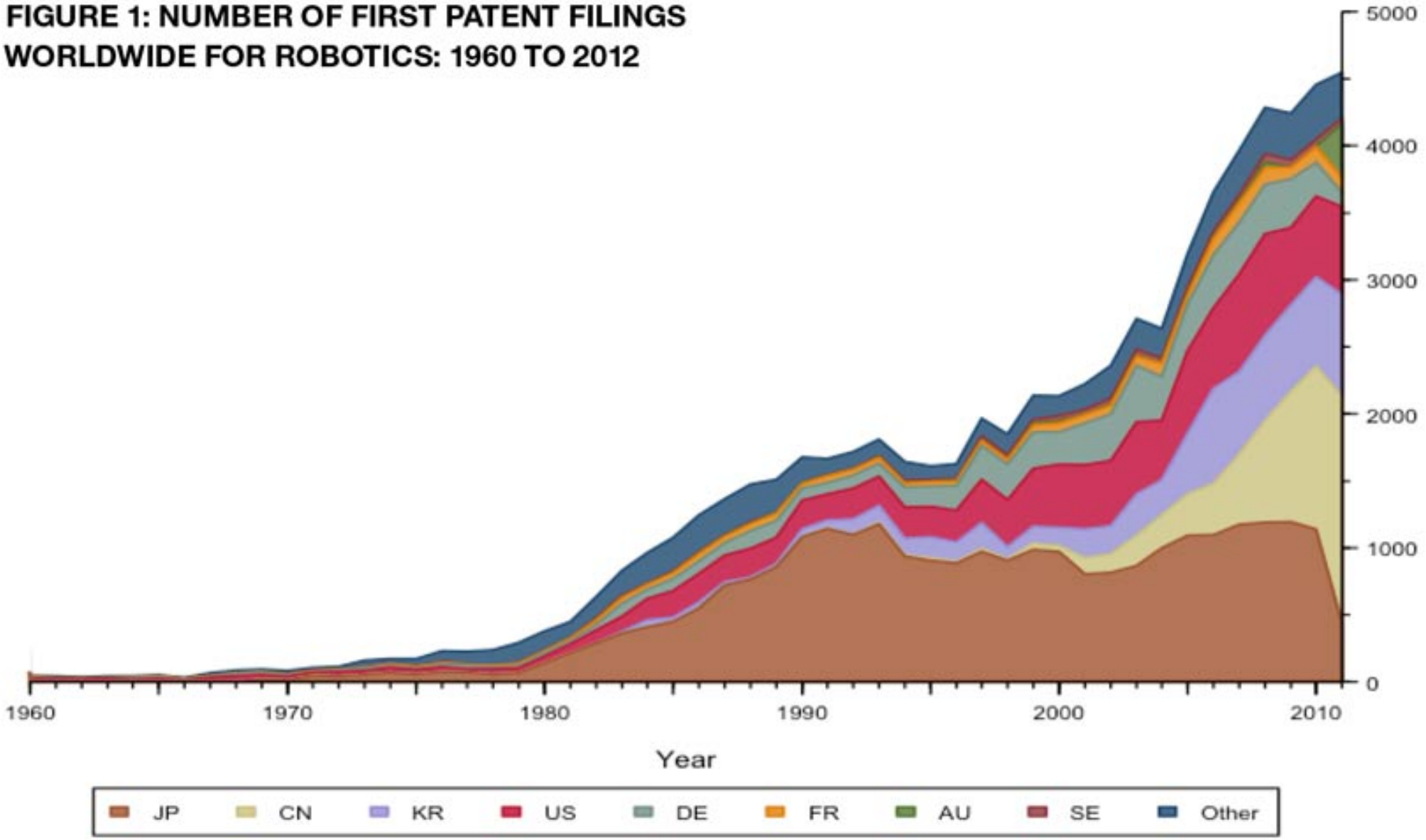
the normal physical effects of the execution of a program, e.g. electrical currents, are not in themselves sufficient to lend a computer program technical character, and a further technical effect is needed

IMPLEMENTED INVENTIONS
VS.
COMPUTER PROGRAMMES



PATENTS REGARDING ROBOTICS

FIGURE 1: NUMBER OF FIRST PATENT FILINGS WORLDWIDE FOR ROBOTICS: 1960 TO 2012



ARTICLE 52 EPC – AESTHETIC CREATION

aesthetic creation might be patentable <u>should they have a technical effect</u>

examples:

- the **pattern of soles** in sandals (technical effect to better stick the sandal on the ground);
- the **pattern of a tire** tread (technical effect to improved channeling of water)

ARTICLE 52 EPC – SCHEMES, RULES, ETC.

scheme for learning a language, a method of solving crossword puzzles, a game (as an abstract entity defined by its rules), modelling information or a scheme for organizing a commercial operation <u>would not be patentable</u>

intellectual creation «as such» **without any technical effect**

ARTICLE 52 EPC – DISCOVERIES

GENERAL RULE

if a new property of a known material or article is found out, that is mere discovery and unpatentable because discovery as such has no technical effect

EXCLUSIONS

discoveries put in practical use

discovery that a particular known material is able to withstand mechanical shock would not be patentable, but a railway sleeper made from that material could well be patentable

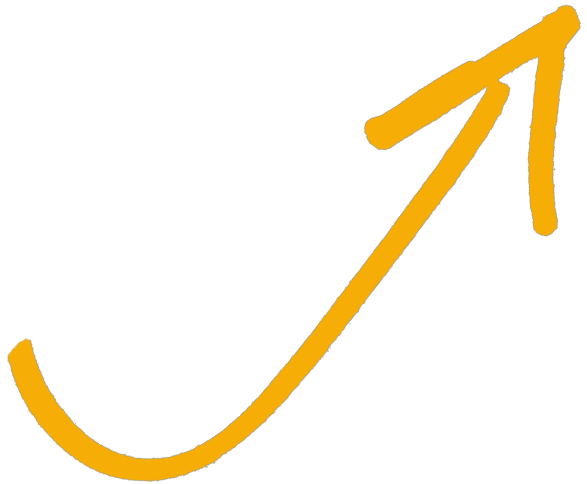
VIOLATION OF PUBLIC ORDER

any invention contrary to "*ordre public*" or morality is specifically excluded from patentability

Anti-personnel mines

Biotechnological inventions

protection is denied to inventions likely to induce riot or public disorder, or to lead to criminal or other generally offensive behavior



PECULIAR BIOTECH INVENTIONS EXCLUDED

- processes for **cloning human beings** (any process, including techniques of embryo splitting)
- processes for **modifying** the germ line genetic **identity** of human beings
- uses of **human embryos** for industrial or commercial purposes

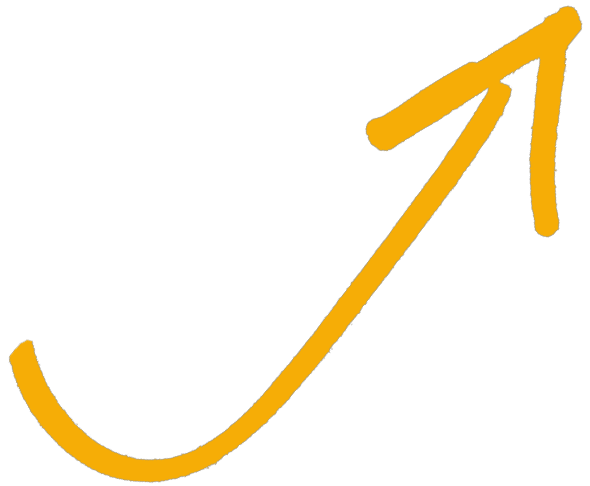
BIOTECH INVENTIONS - DEFINITIONS

Article 81-ter IPC

- biological material: a material containing genetic or self-reproducing material, or material able to reproduce itself in a biological system;

- microbiological process: any process which uses microbiological material, that entails an intervention on microbiological material or that produces a microbiological material

process for production of plants or animals is essentially biological when it **consists fully of natural phenomena** such as crossbreeding or selection



WHAT CAN BE PATENTED

Article 81-quarter IPC

- *a*) a **biological material**, isolated from its natural environment or produced through a technical process;
- *b*) a **technical process** through which biological material is produced, processed or used;
- *c*) any **new utilization** of a biological material or of a technical process relating to biological material;
- *d*) an invention relating to an **element isolated from the human body** or produced otherwise, through a technical process, even if its structure is identical to that of a natural element, provided that its function and industrial application are concretely indicated and described;
- e) an invention regarding plants or animals or rather a plant grouping characterized by the **expression of a specific gene** and not of its entire genome, if their application is not limited, from a technical standpoint, to the obtainment of a specific plant variety or animal species, and in order to obtain thereof, not only essentially biological processes are used;

ARTICLE 100 IPC – PLANT VARIETIES

a patent is not to be granted if the claimed subject-matter is directed to a specific plant variety or specific plant varieties – Article 100 IPC and Article 53 EPC

Specific protection according to Reg. CE 2100/94

PLANT VARITIES PROTECTION

The right on a new plant variety may consist of a group of plants in a botanical taxon of the lowest grade known that, whether it is or is not entirely consistent with the conditions set for the granting of the breeder's right, can be:

a) defined based on characteristics resulting from a given genotype or a given combination of genotypes;

b) distinguished from any other group of plants based on the expression of at least one of said characteristics;

c) considered as a unit with regard to its suitability to be reproduced unchanged

REQUIREMENTS (1)

novelty

the vegetative reproduction or multiplication material or a harvest product of the variety has not been sold or otherwise transferred to third parties

distinguishable

is clearly distinguishable from any other variety whose existence, as of the date of filing of the application, is well known

REQUIREMENTS (2)

homogeneus

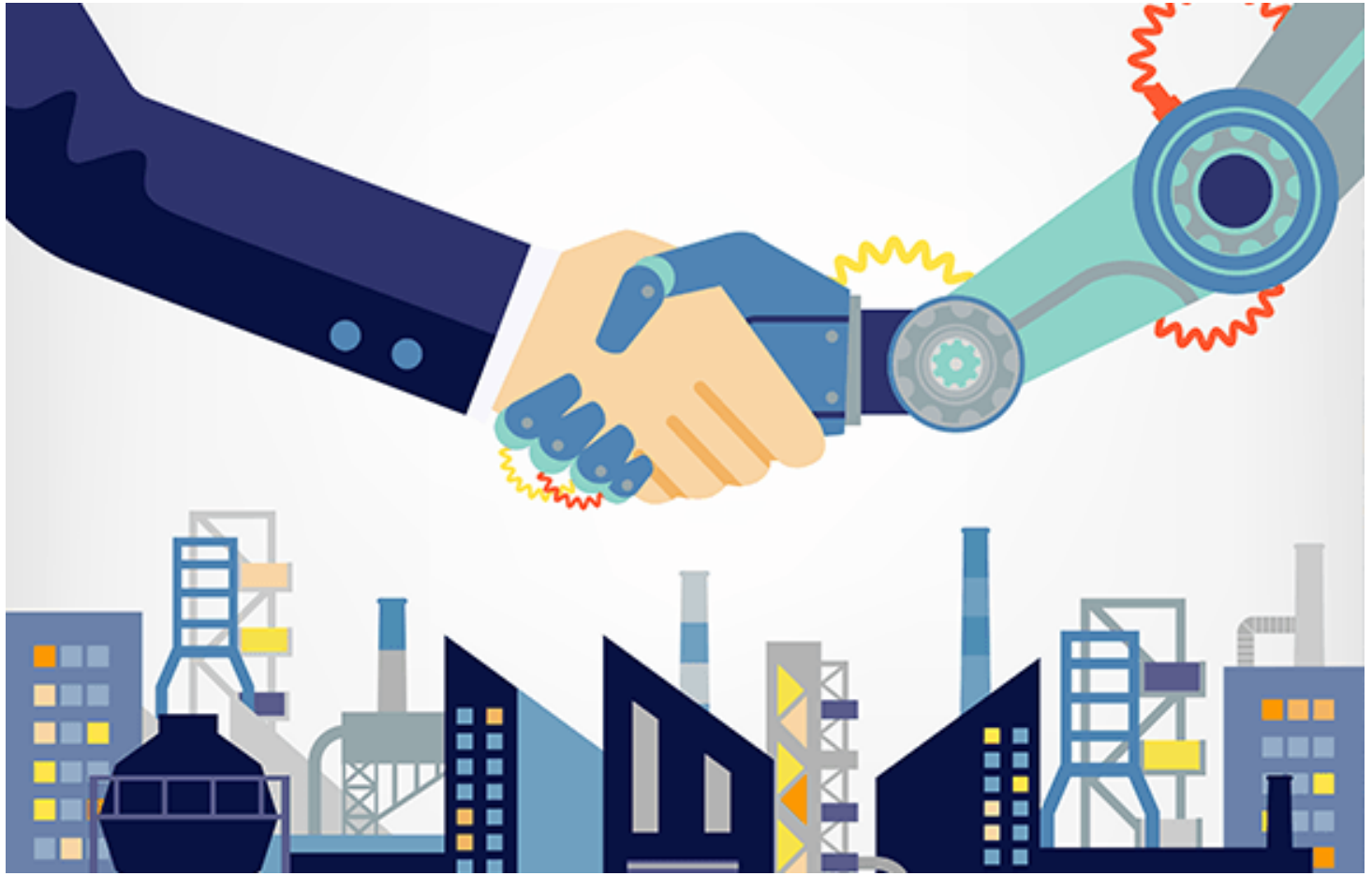
when its characteristics that are pertinent and relevant for the purposes of protection are sufficiently uniform

stable

when its characteristics remain unchanged following subsequent reproductions or multiplications, or in the case of a particular reproduction or multiplication cycle, at the end of each cycle

INDUSTRIAL APPLICABILITY

- practical purposes of the invention
- **product inventions:** it should be possible to make that product
- **process inventions:** it should be possible to carry that process out or “use” it



NOVELTY - ARTICLE 54 EPC

new at the time of filing (not anticipated by the prior art)

not accessible to the public (sale or offer for sale, the presentation at an exhibition or the publication in a magazine, not even by the inventor himself/herself);

kept secret up to the date of filing of the patent application

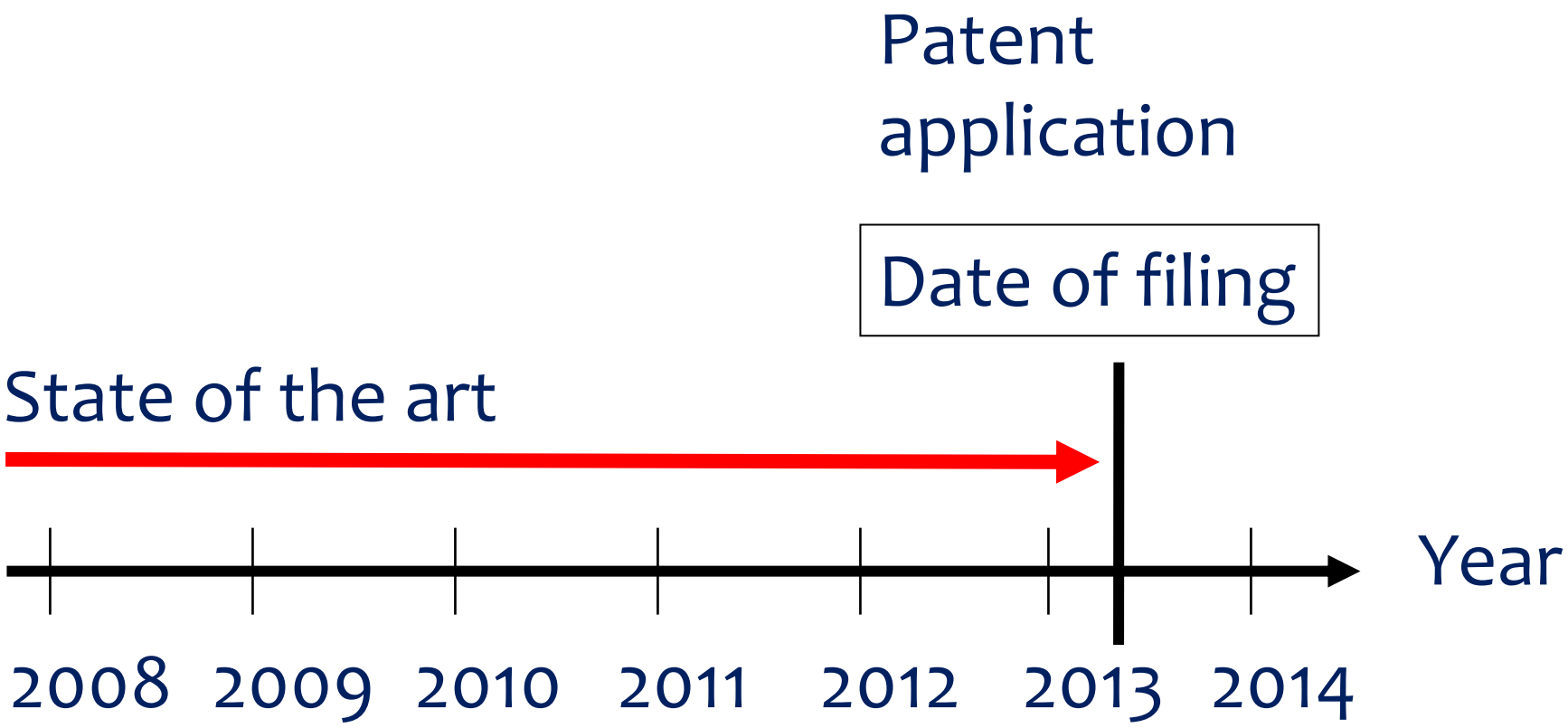
PRIOR ART - WORLDWIDE

printed publications and other disclosures such as oral disclosures and prior use

knowledge that existed **prior to the relevant filing or priority date** of a patent application, whether it existed by way of written or oral disclosure

a document will only destroy the novelty of any invention claimed if the subject matter is **explicitly contained in the document**

WHEN IS AN INVENTION "NEW"?



INVENTIVE STEP - ARTICLE 56 EPC

an invention will lack of inventive step whether it "would have been **obvious t**o a person having ordinary skill in the art"

the subject matter of the claim under examination is compared not with each publication or other disclosure separately, but with the combinations thereof, insofar as each such combination is obvious to the person having ordinary skill in the art

PERSON SKILLED IN THE ART

the "person skilled in the art" is presumed to be a **skilled practitioner** in the relevant field of technology, who is possessed of average knowledge and ability and is aware of what was common general knowledge in the art at the relevant date

he is also presumed to **have had access** to everything in the "state of the art", in particular the documents cited in the search report, and to have had at his disposal the means and capacity for routine work and experimentation which are normal for the field of technology in question

PROBLEM SOLUTION APPROACH

in most cases, for assessment of inventive should be taken into account:

- the problem to be solved
- the solution to that problem
- the advantageous effects, if any, of the invention with reference to the background art

if a person having ordinary skill in the art would have been able to pose the problem, solve it in the manner claimed, and foresee the result, the inventive step is lacking

ASSESSING INVENTIVE STEP
THREE STEP TEST

Stage 1

- Determine the **closest prior art** and common features:
  (a) a compartment for liquids
  (b) a handle
  (c) a lid
  (d) one spout

Stage 2: Problem

- Differences over D1:
  - two spouts instead of one
  - particular arrangement of the spouts

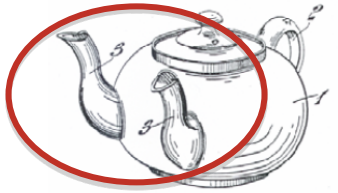


Fig.1.

- Drawback of prior art:
  - time-consuming

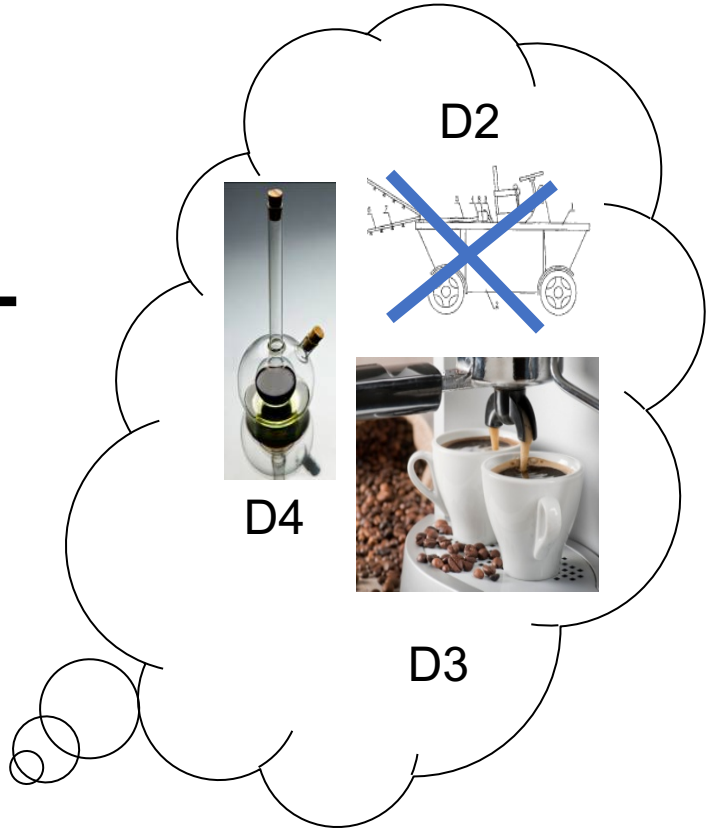
- Advantage/effect of the invention:
  - the time needed to fill multiple cups is reduced

- Objective problem to solve:
  - how to modify the teapot of D1
    to reduce the time needed to fill multiple cups

Stage 3: Solution

Is the claimed solution **obvious** in view of the prior art?

+



?

Fig. 1.

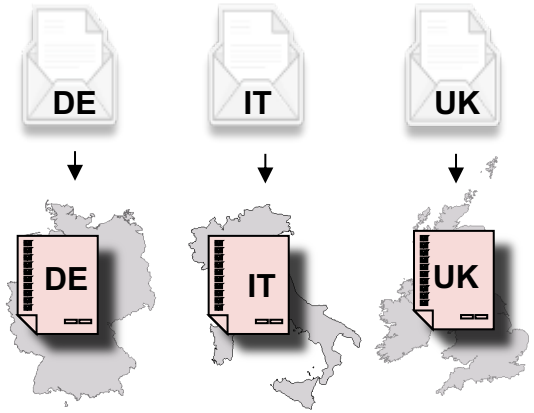
Objective problem for the skilled person: How to modify the teapot of D1 in order to reduce the time needed to fill multiple cups

NATIONAL AND EUROPEAN PATH FOR PATENTS

National route

separate procedures for each state

procedures differ according to national law



European Patent Convention

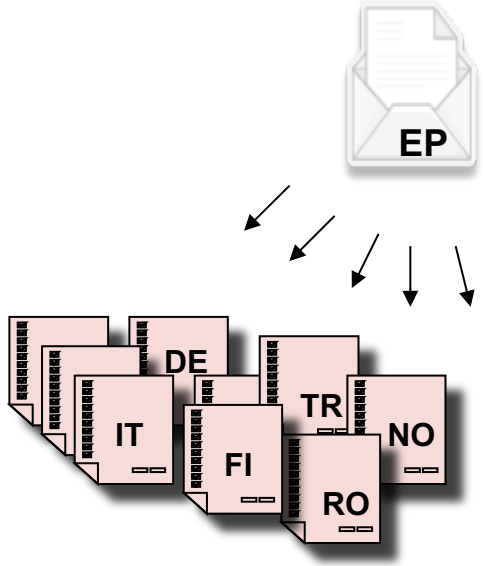
one application filed at one office for up to 42 states

one procedure

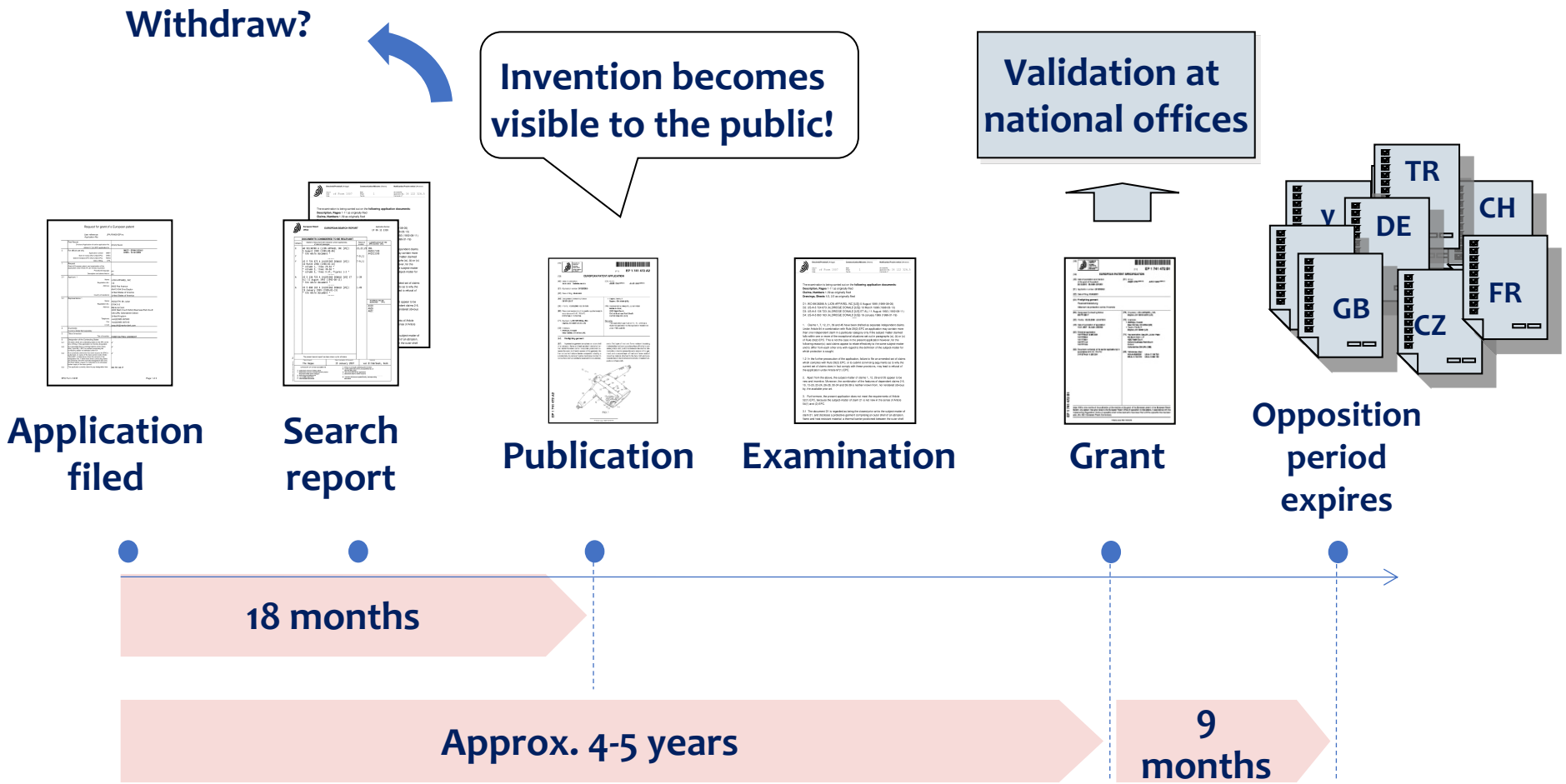
applicant selects the desired states

one European patent for up to 42 states

results in a bundle of national patents



THE GRANT PROCEDURE BEFORE THE EPO



CASE STUDY – INVALIDITY COUNTERCLAIM

Patent no. EP 0699 900 A2

Filed on June 20, 1995

Priority of August 4, 1994 IT MI941697

Balancing process and balancing machine for turbosupercharger units in supercharged engines

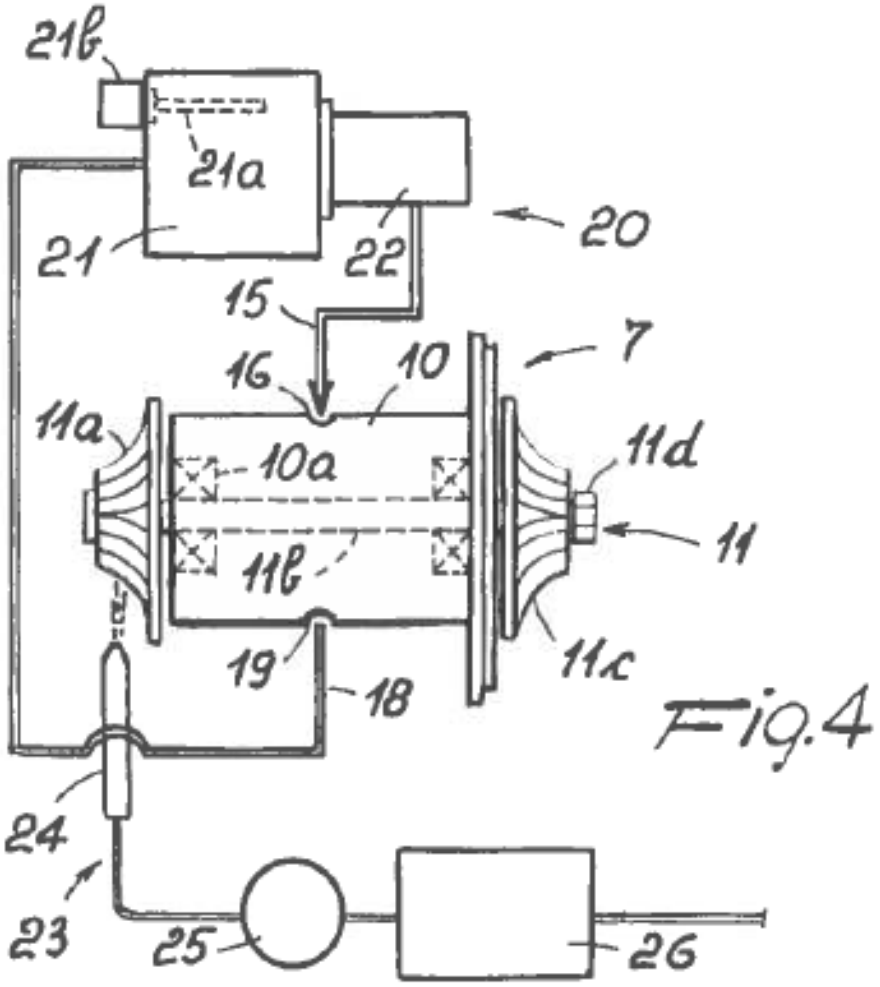
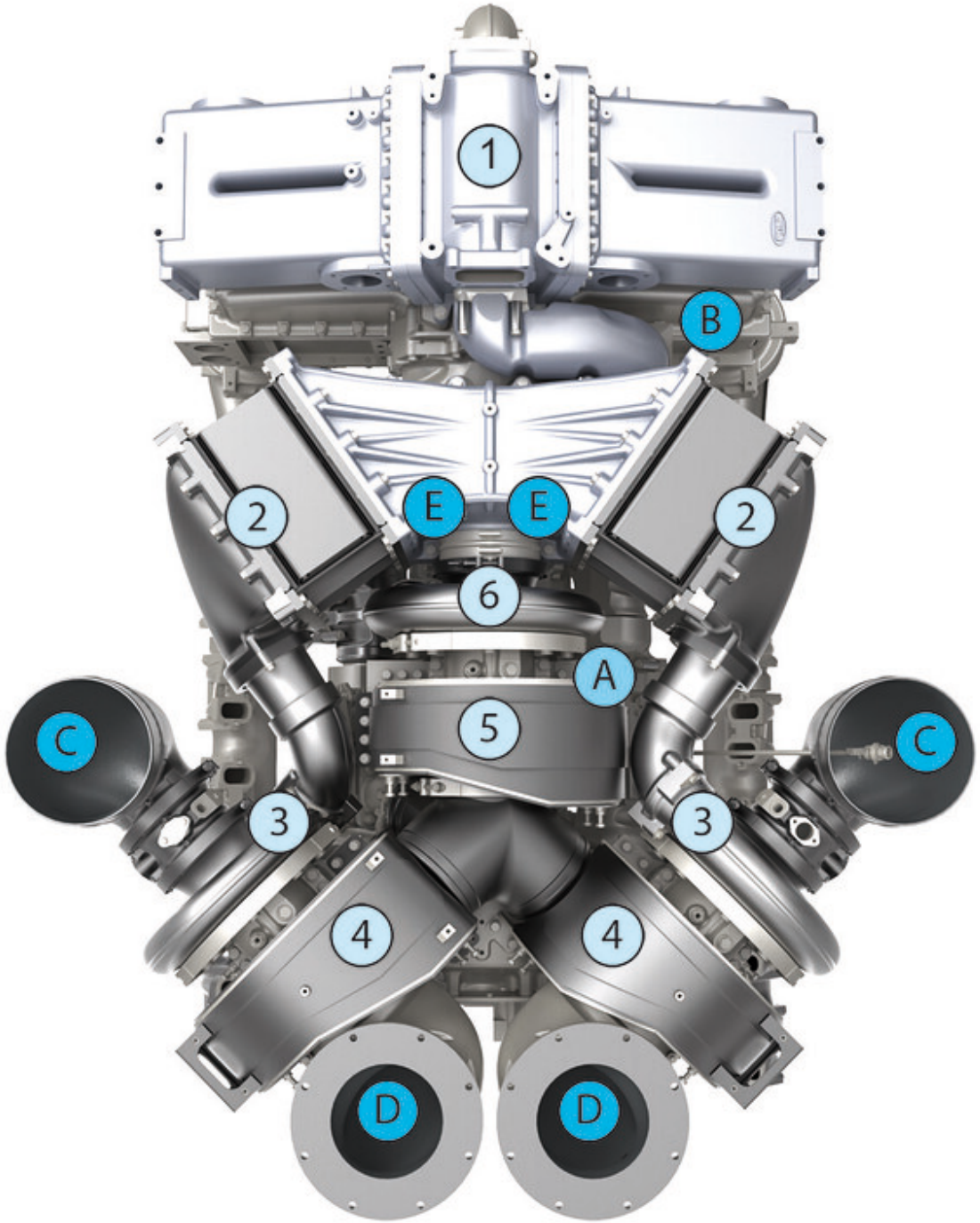


Fig.4



1 charge air cooler

2 intercooler

3 low-pressure compressor

4 low-pressure turbine

5 high-pressure turbine

6 high-pressure compressor

A from high-pressure compressor to charge air cooler

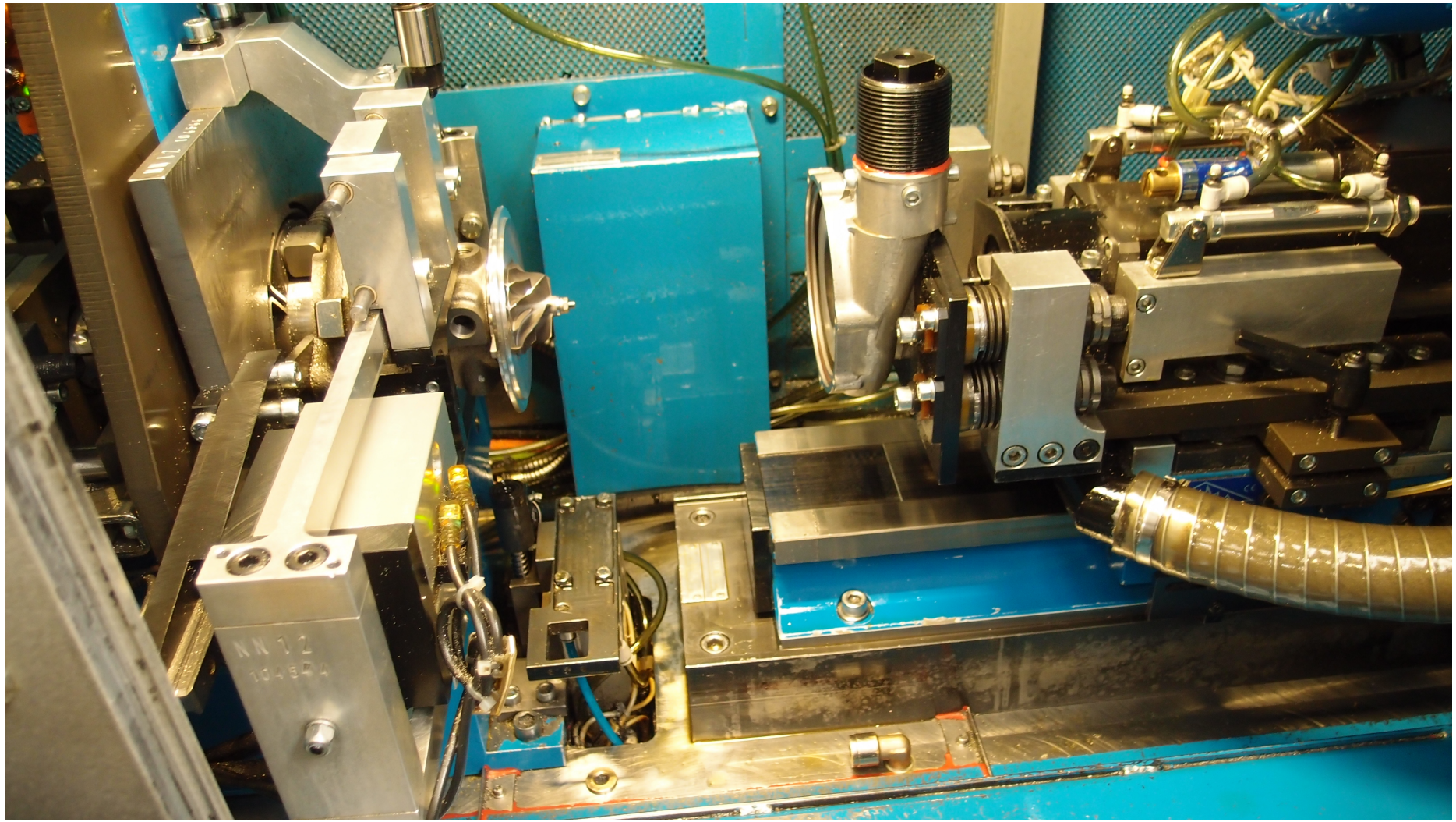
B from charge air cooler to cylinder bank

C intake air

D exhaust outlet

E from intercooler to high-pressure compressor

ALLEGED INFRINGED PRODUCT



HOW TECHNICAL EFFECT IS BROUGHT

the process consists in associating a substantially complete turbosupercharger unit with an unbalance-detecting device, supplying the turbosupercharger unit with lubricating oil at the same temperature and pressure as the operating ones, setting the rotor of the turbosupercharger unit in rotation by compressed air flow, and carrying out detection of unbalances under these conditions. The machine comprises an unbalance-detecting device adapted to engage a turbosupercharger unit, a feeding device for feeding oil at the operating temperature and pressure, and a delivery device for delivering compressed air to the rotor of said turbosupercharger unit

PATENT CLAIMS

LGV AVVOCATI SIMONA LAVAGNINI-LUIGI GOGLIA & PARTNERS

Claims

1. A balancing process for turbosupercharger units in supercharged engines, characterized in that it consists in:

   - associating a substantially complete turbosupercharger unit with an unbalance-detecting device,
   - supplying said turbosupercharger unit, while in engagement with said detecting device, with lubricating oil having the same temperature and pressure features as provided under normal operating conditions,
   - setting the rotor of said turbosupercharger unit in rotation by a compressed-air flow, while said turbosupercharger unit is supplied with oil, and
   - carrying out at least one operating step consisting in detecting unbalances in said turbosupercharger unit while it is rotating.

2. A process according to claim 1, in which during said first operating step the compressed-air pressure is such adjusted that a first predetermined rotation speed is imposed to said assembled turbosupercharger unit.

THE CONCLUSIONS OF TECHNICAL EXPERT

Null and void, lacking inventive step due to prior art US 4 864 859

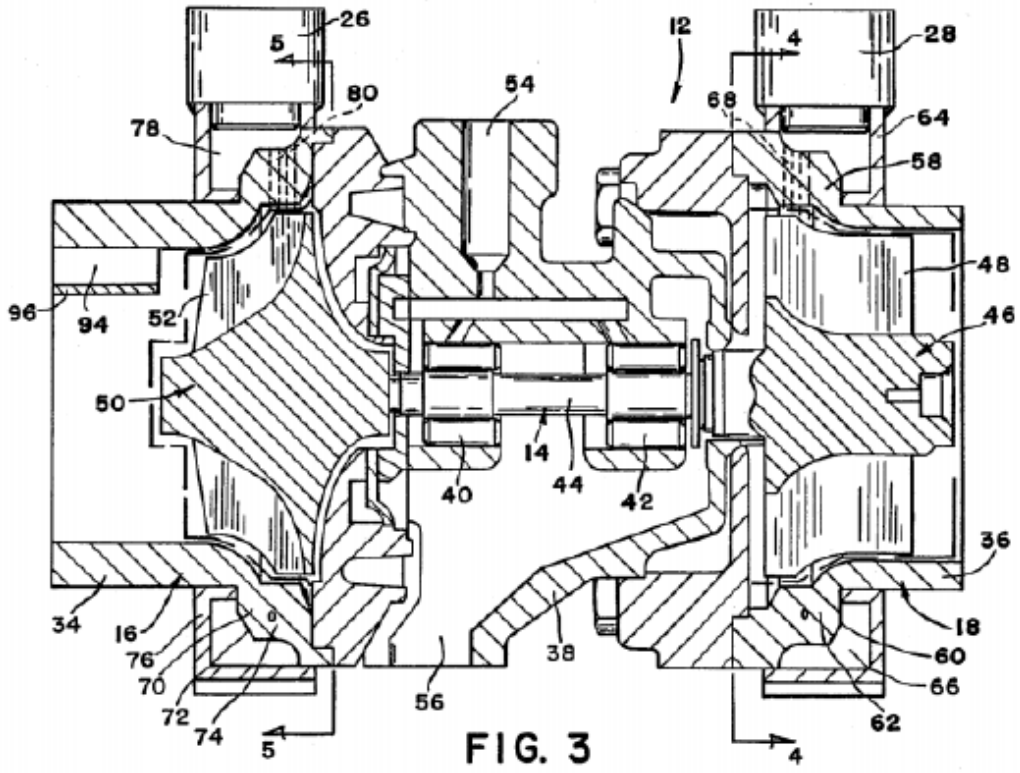


FIG. 3

"It is essential that the rotating component 14 be dynamically balanced, to prevent excessive noise and to prevent excessive vibration from damaging the components, including the bearings 40, 42. It is also necessary to ***communicate engine lubricating oil to the bearings 40, 42****. This is done by passing oil into an oil inlet 54, through the bearings 40, 42, and out through an outlet 56. It is necessary during the balancing operation to accelerate the rotating component 14 to substantially normal operating speeds, it is also necessary to communicate oil to the bearings 40, 42 during balancing"*

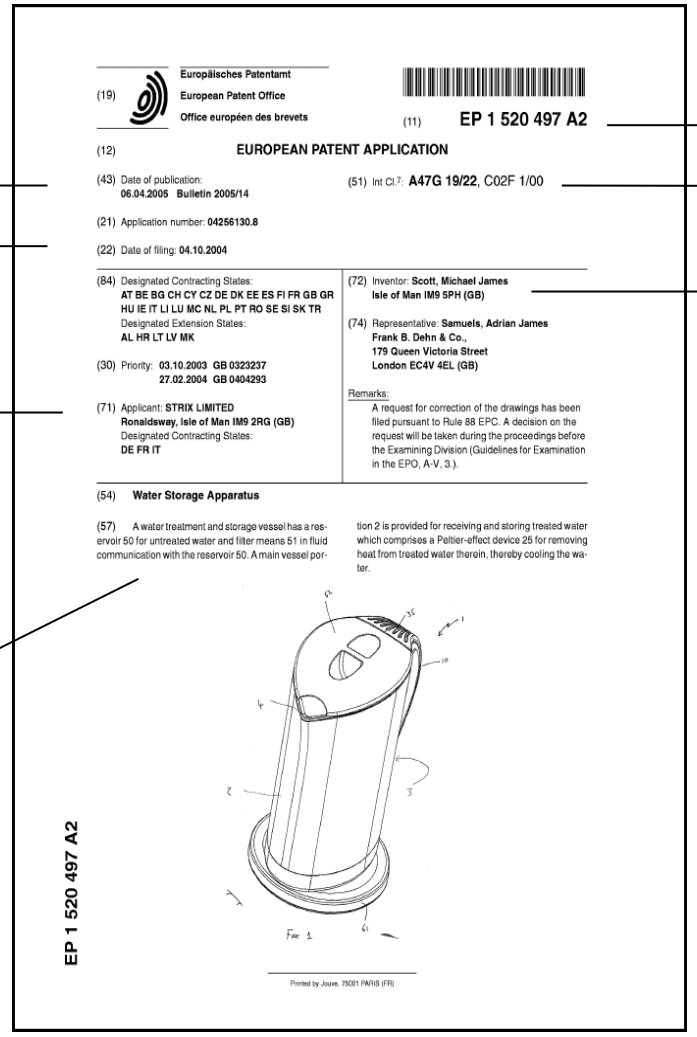
PATENTS' ASPECT

Date of publication

Date of filing

Applicant

Abstract



(19) Europäisches Patentamt
European Patent Office
Office européen des brevets

(11) EP 1 520 497 A2

(12) EUROPEAN PATENT APPLICATION

(43) Date of publication:
06.04.2005 Bulletin 2005/14

(51) Int Cl.7: A47G 19/22, C02F 1/00

(21) Application number: 04256130.8

(22) Date of filing: 04.10.2004

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AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LU MC NL PL PT RO SE SI SK TR
Designated Extension States:
AL HR LT LV MK

(30) Priority: 03.10.2003 GB 0323237
27.02.2004 GB 0404293

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Ronaldsway, Isle of Man IM9 2RG (GB)
Designated Contracting States:
DE FR IT

(72) Inventor: Scott, Michael James
Isle of Man IM9 5PH (GB)

(74) Representative: Samuels, Adrian James
Frank B. Dehn & Co.,
179 Queen Victoria Street
London EC4V 4EL (GB)

Remarks:
A request for correction of the drawings has been filed pursuant to Rule 88 EPC. A decision on the request will be taken during the proceedings before the Examining Division (Guidelines for Examination in the EPO, A-V, 3.).

(54) Water Storage Apparatus

(57) A water treatment and storage vessel has a reservoir 50 for untreated water and filter means 51 in fluid communication with the reservoir 50. A main vessel portion 2 is provided for receiving and storing treated water which comprises a Peltier-effect device 25 for removing heat from treated water therein, thereby cooling the water.

EP 1 520 497 A2

Printed by Jouve, 75001 PARIS (FR)

Application number

Technical class

Inventor

Claims

1. A portable water treatment and storage vessel comprising:

a reservoir for untreated water;
filter means in fluid communication with said reservoir; and
a main vessel portion for receiving and storing treated water;

wherein said main vessel portion comprises electro-thermal cooling means for removing heat from the treated water therein, thereby cooling the water.

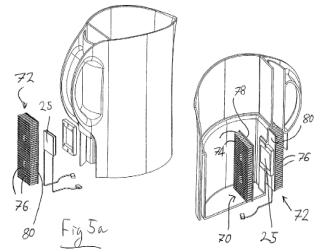
Claim(s)

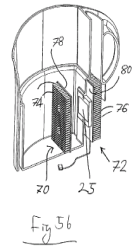
EP 1 520 497 A2

Description

Description

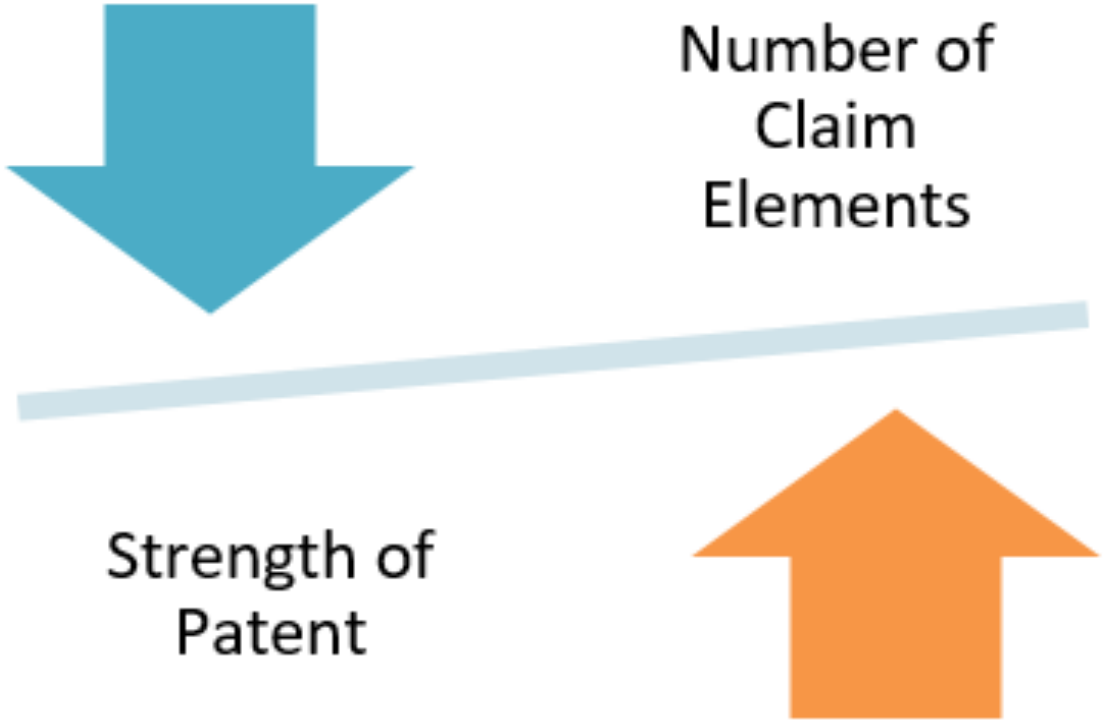
Drawing(s)





PATENT'S CONTENTS

- Title
- Technical field
- Background information and prior art
- Description of how your invention addresses a technical problem
- List of figures
- A detailed description
- One example of intended use
- A sequence listing (if relevant)
- CLAIMS



PROTECTION IS ASSESSED ON CLAIMS

the claims **define the protection** which is the purpose of the patent

they define clearly the scope of the exclusive right provided by the patent. Therefore it is the most important task in the work of the patent agent when preparing the application, to produce a **wording of the claims which defines the invention** in terms of the technical features disclosed in the description and which does not contain any reference to commercial advantages

INDEPENDENT AND DIPENDENT CLAIMS

the series of claims start with an independent claim (broad main claim followed by a number of claims of narrower scope)

the narrower claims (dependent claims) following the broad main claim usually refer back to one or more of the preceding claims. They introduce some additional features in order to better explain (and claim) the technical form of the invention

EP2184475A1 – BIBLIOGRAPHIC DATA

Europaisches Patentamt
European Patent Office
Office européen des brevets

Espacenet

EP2184475A1 Enhanced diesel particulate filter service regeneration method

Applicants: FORD GLOBAL TECH LLC [US]

Inventors: BROOK DAVID JONATHAN [GB],CASTELLANO JAVIER [GB],HARMSEN JAN [NL],WRIGHT JAMES [GB]

Classifications:

IPC ***F01N9/00; F02D41/02; F02D41/40;***

CPC **F01N3/0253 (EP); F01N9/002 (EP); F02D41/0245 (EP); F02D41/029 (EP); F02D41/405 (EP);** F02D41/1446 (EP); Y02T10/26 (EP); Y02T10/44 (EP); Y02T10/47 (EP);

Priorities: EP08168759A 2008-11-10

Application: EP2184475A1·2008-11-10

Publication: EP2184475A1·2010-05-12

Published as: **AT548552T;** EP2184475A1;**EP2184475B1**

Enhanced diesel particulate filter service regeneration method

Abstract

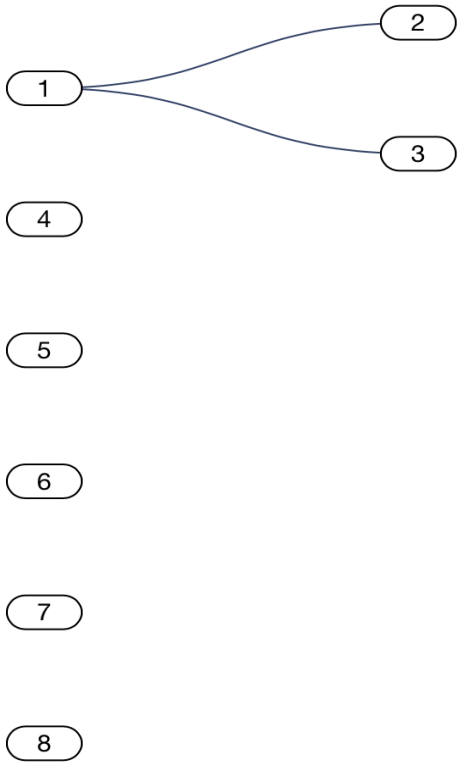
The invention relates to a regeneration strategy to regenerate a Diesel Particulate Filter mounted in the exhaust path of an Internal Combustion engine, comprising the steps of: Heating exhaust gas up to a target temperature at the center location before the inlet of said Diesel Particulate Filter, said target temperature value is set below particulate ignition temperature, Ramping up the target temperature slowly up to particulate ignition temperature in long term duration in front of said Diesel Particulate Filter, Increasing the temperature quickly up to a temperature above particulate ignition temperature in front of said Diesel Particulate Filter, if said temperature has reached the particulate ignition temperature.

CLAIM TREE

☆ **EP2184475A1** Enhanced diesel particulate filter service regeneration method

Available in | Patent Translate

1. Regeneration strategy to regenerate a Diesel Particulate Filter mounted in the exhaust path of an Internal Combustion engine, comprising the steps of:Heating exhaust gas up to a target temperature at the center location before the inlet of said Diesel Particulate Filter, said target temperature value is set below particulate ignition temperature, Ramping up the target temperature slowly up to particulate ignition temperature in long term duration in front of said Diesel Particulate Filter, Increasing the temperature quickly up to a temperature above particulate ignition temperature in front of said Diesel Particulate Filter, if said temperature has reached the particulate ignition temperature.
    - 2. Regeneration strategy according to claim 1, characterized in, that time duration for heating up the temperature upto said target temperature takes 150sec.
    - 3. Regeneration strategy, according to claim 1 or 2, characterized in, that that said target temperature ha a value of 500°C.
- 4. Regeneration strategy, according to any preceeding claim ; characterized in, that said temperature is then slowly ramped up to 600°C in front of said Diesel Particulate Filter over a 1000sec duration.
- 5. Regeneration strategy according to any preceeding claim, characterized in, that said temperature will be increased after reaching particulate ignition temperature upto 640°C.
- 6. Regeneration strategy according to any preceeding claim, characterized by a PI (proportional and integral) control system, whereby a feedback loop is closed via a thermocouple placed in the inlet cone of said Diesel Particulate Filter.
- 7. Regeneration strategy according to any preceeding claim, characterized in, that the quantity in the post injection is modified.
- 8. Regeneration strategy according to any preceeding claim,, characterized by non linear gains and saturation of the system.



EXCLUSIVE RIGHTS GRANTED

exclusive exploitation of the technical idea behind the patent (protection against infringements)

exclusive rights granted to the owner should be licenses or sell as all the IPRs

exclusive rights are granted for a period of **20 years** from the date of filing (apart from pharmaceutical invention to which an additional period of 5 years should be granted)

EXCLUSIVE RIGHTS - ART. 66 IPC

the owner has the right to **make, use, sell or import the patented product**

process inventions include the right to make, use, sell or import the product directly obtained through the patented process.

exclusive rights shall be granted following the registration process

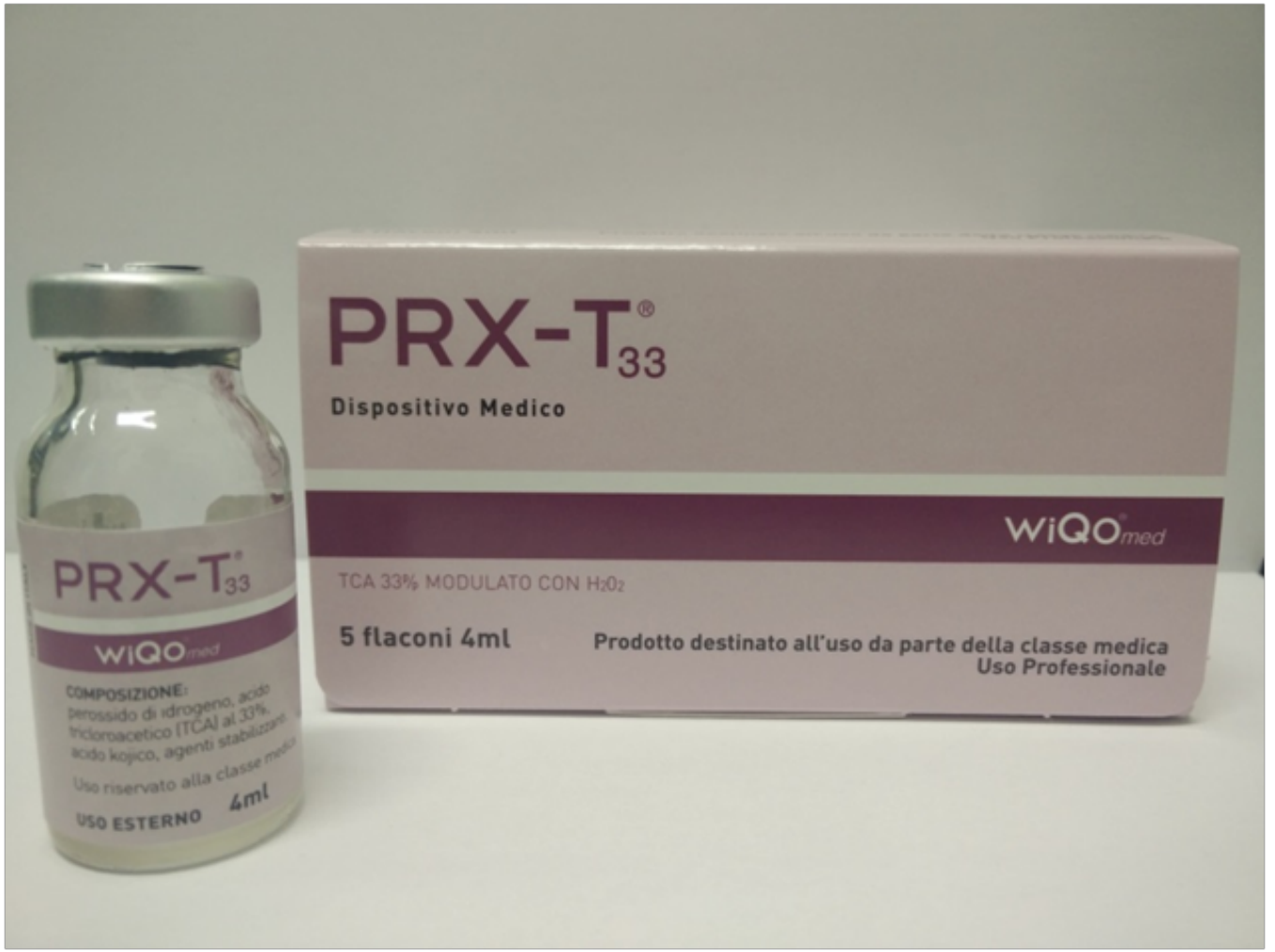
AN ITALIAN INFRIGEMENT CASE

EP 1 979 053

Date of filing: 2.12.2006

Priority: 13.12.2005 IT UD20050211

Product for treating the skin and mucous membranes, and relative method of preparation



MAIN INDEPENDENT CLAIM

- Method for preparing a product for treating the skin and mucous membranes, characterized in that it comprises the following steps:
- to make available a suitable quantity of trichloracetic acid (CCl_3COOH or TCA);
- to make available a suitable quantity of hydrogen peroxide (H_2O_2);
- to make a first mixture of said trichloracetic acid with said hydrogen peroxide

INDEPENDENT AND DEPENDENT CLAIM

- to make available a determinate quantity of basic compound, able to achieve a buffer effect of said trichloracetic acid comprised in said first mixture;
- to add said basic compound to said first mixture in order to buffer said first mixture comprising said trichloracetic acid CCl3COOH.
- 2. Method as in claim 1, characterized in that said basic compound is at least a compound chosen from a group comprising ammonia, triethanolamine, or mixture thereof.
- 3. Method as in claim 1 or 2, characterized in that said product obtained from step e) has a pH comprised between 2.3 and 2.6.

INFRINGING PRODUCT

LGV AVVOCATI SIMONA LAVAGNINI-LUIGI GOGLIA & PARTNERS

CLASS I MEDICAL DEVICE
MAIN INGREDIENTS:

• TRICHLOROACETIC ACID (TCA)	10 – 15%*
• HYDROGEN PEROXIDE	1 – 5%
• KOJIC ACID	5 – 10%
• MANDELIC ACID	5 – 10%

pH 1.5

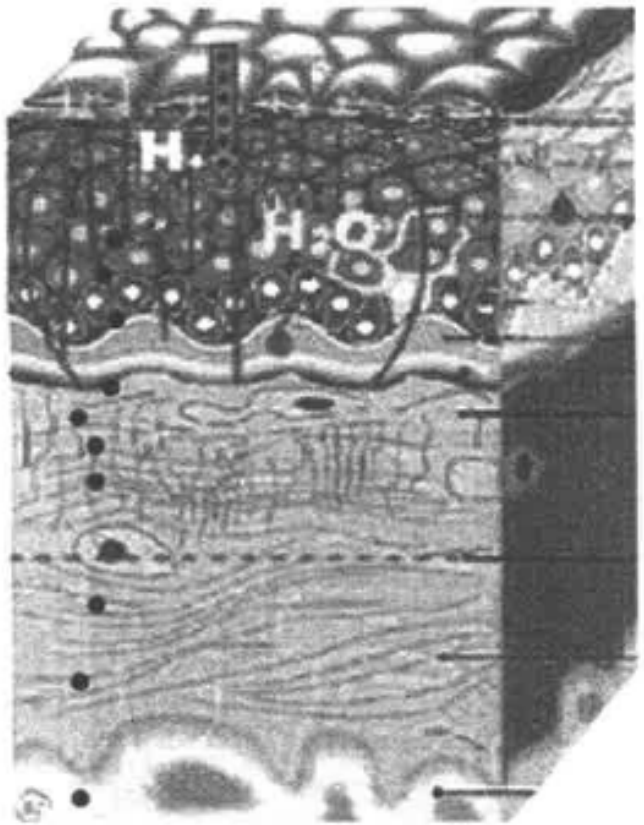
INFRINGING TREATMENT'S INDICATIONS

BIOREVITALIZING PEELING

FORMULATED FOR THE TREATMENT OF SKINS AFFECTED BY:

- **CHRONO-AGEING:** IT LEAVES TISSUES FIRMER SMOOTHER AND BRIGHTER
- **PHOTO-AGEING**: IT HELPS REMOVE SPOTS AND REDUCES SKIN DISCOLORATION
- **ACNE:** IT EXERTS A SOOTHING ANTI-INFLAMMATORY ACTION ON ACNEIC SKINS
- **DYSCHROMIAS** : IT LIGHTENS SKIN SPOTS AND MINIMIZES DYSCHROMIAS THANKS TO TYROSINASE INHIBITION AND THE LIGHTENING OF EXISTING MELANINE
- **SCARS**: IT HAS A STRONG SMOOTHING POWER ON SCAR TISSUE
- **STRETCHMARKS**: IT LIGHTENS DEEP STRETCH MARKS AND REMOVES MEDIUM-DEEP ONES

Hydrogen Peroxide modulation effects on TCA



•**TCA** REACTION on the epidermis, **ASSOCIATED WITH THE RELEASE OF H+ IONS** is modulated by Hydrogen Peroxide with the formation of water.

•THE NEUTRALIZING ACTION OF HYDROGEN PEROXIDE EXHAUSTS ITSELF IN THE EPIDERMIS. THE H + IONS WHICH HAVE REMAINED FREE ALLOW TCA TO PENETRATE SUPERFICIAL DERMIS GENTLY WITHOUT CREATING FROST AND TRIGGERING:

- **Controlled damage**
- **Tissue repair and remodelling**
- **Regenerative stimulus and Revitalization**

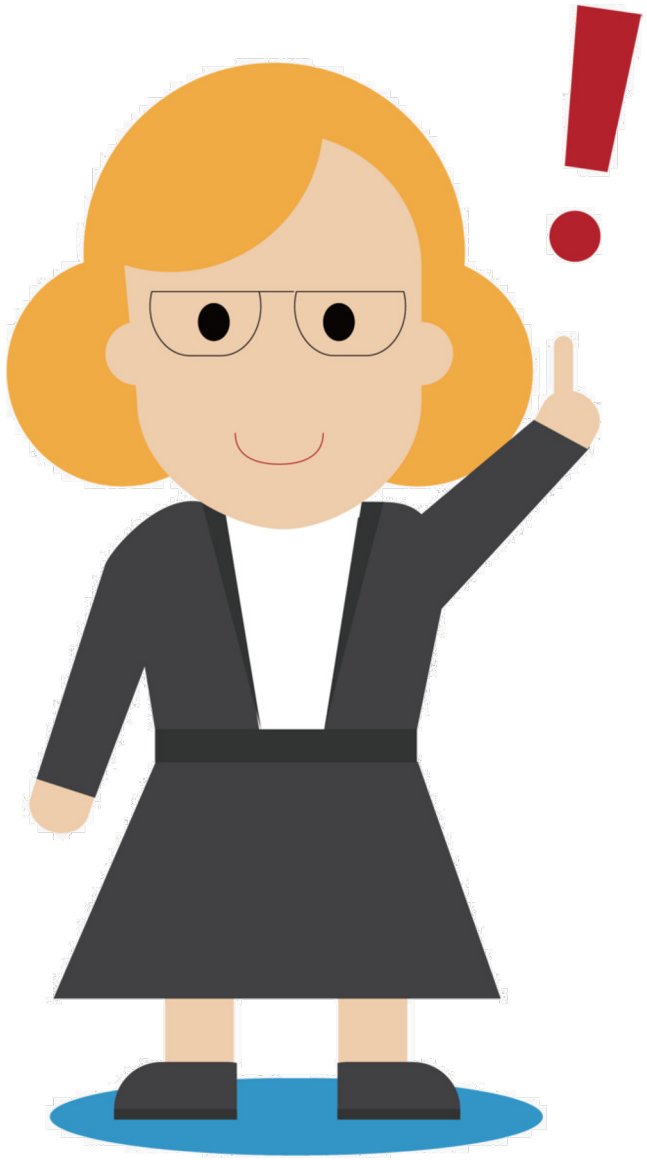
COURT'S DECISION

the variations included by the infringer in his product **are not suitable to exclude the violation**

in particular, the chemical elements are almost identical (missing only the basic compound in the infringing product) and **relative methods of preparation are equivalent** since they obtain the same buffer effect on the skin

the buffer effect obtained by the infringer by controlling the pH rate.

(Court of Bologna, February 19, 2016)



INVENTIONS BY EMPLOYEES

when there is a relationship of **subordinate** work, there are four different cases:

- the employee-inventor is not entitled to any bonus;
- the employee-inventor is entitled to a "**fair bonus**";
- the employee-inventor is the owner of the invention but the employer has the **right of pre-emption** for the use or purchase of the patent;
- a researcher working for a University or public research body has the right to a particular treatment

INVENTIONS MADE BY EMPLOYEES

when the inventive activity is deemed to be an **object of the contract** or relationship and is rewarded accordingly and distinctly

company owns the invention automatically

when the **invention** is performed in the **field of activity of the company** where the inventor is employed without being paid separately

employer has the right of **pre-emption for the exclusive exploitation** (employee's fair bonus and right to be recognized as the inventor)

when the inventor works for a **University** or a public authority which has research among its institutional purposes

the researcher is **exclusive owner** of the rights deriving from the patentable invention of which he is the author

Thank you for your attention!

Alessandro Bura