



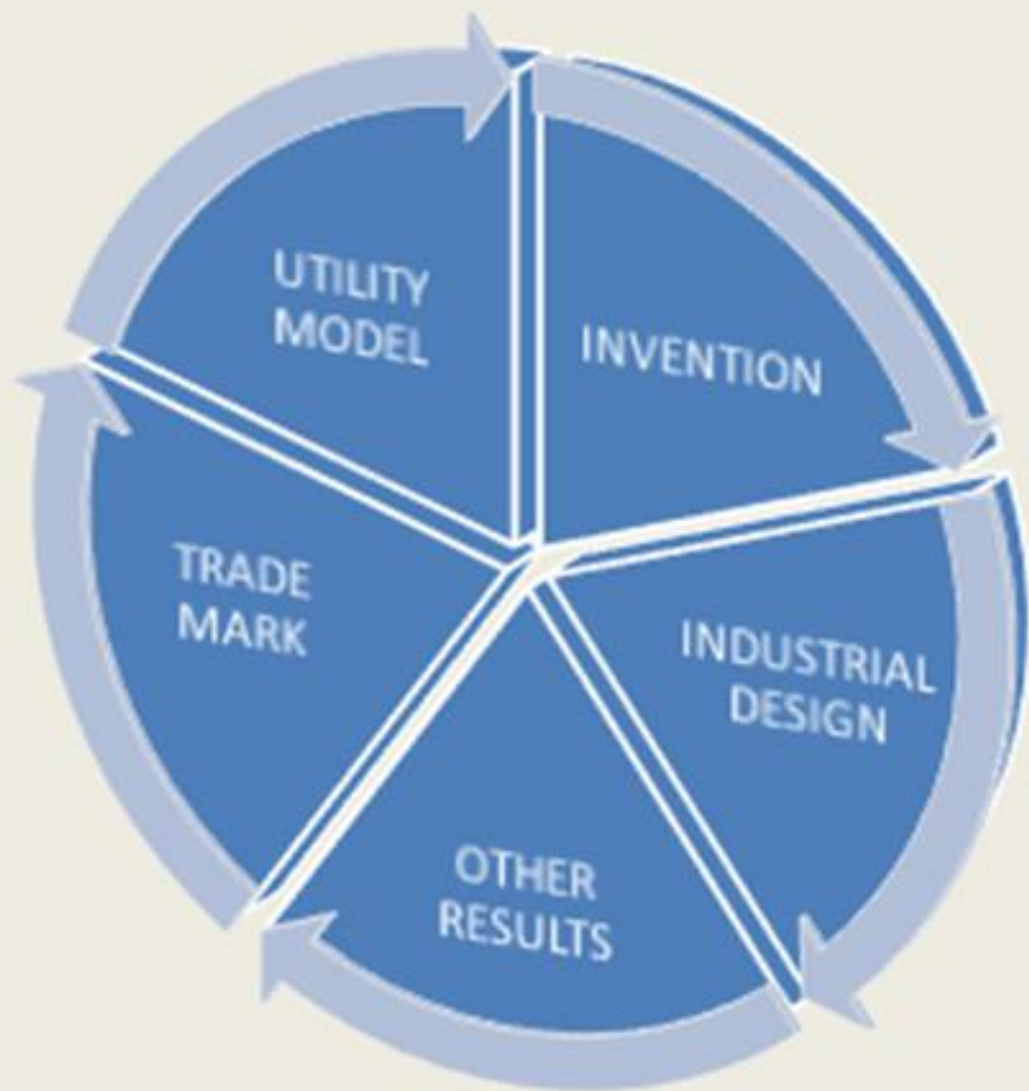
# **Intellectual property knowledge – a necessity in the contemporary higher education**

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In the contemporary society, the knowledge of intellectual property /IP/ system is a needed tool in business and relatively in high education aimed to train young people to create and manage innovations.



IP SYSTEM



***In art education:*** students are taught to create plays, paintings, musical works. They should know the IP subsystem of copyright and related rights especially – author's rights of composers, of writers, of painters; related rights of the performing artists, of producers; how to protect their interests of professionals in the specific area of arts.

***What should know the students in art?***

Basically they should know the following main points regarding the copyright law /in Bulgaria the Law of Copyright and related rights, 1993/.

The exclusive author's rights are complex and include two types: moral and economic rights. Moral rights are connected to the Hegel concept. Its main point is: the author's work is a natural logical continuing of the author's personality.

The author shall be entitled to:

- decide whether the work created by him may be made available to the public and to determine the time, place and manner in which this may be done;
- claim the copyright over such works;
- decide whether such works shall be made available to the public anonymously/pseudonymously;



- require that his name, pseudonym or other identifying sign be identified in a suitable manner whenever his work is used;
- require that the entirety of his work is preserved and oppose any changes therein as well as any other actions that may violate his legitimate interests or personal dignity;
- make alterations in the work inasmuch as this does not prejudice rights acquired by other persons;
- have access to the original of the work when it is in the possession of another person and whenever such access is necessary for exercising non-economic or economic rights;
- halt the use of the work due to changes in his beliefs, with the exception of already implemented architectural works, providing compensation for the damages incurred by persons who have lawfully obtained the right to use the work.

Economic rights are connected to the first copyright law in the history. This law is the British law for the protection of the printer's community. This law is known as a Queen Anne Law. Its aim was: to protect printer's investments and their economic interests.

The author shall be entitled to the exclusive right to use the artwork created by him and to permit its use by other persons with some exceptions. Actions such as the ones listed below shall be considered as use of the artwork: reproduction of the work; distribution of the original of the work or copies thereof among an unlimited number of persons; public presentation of the work; public display of a work of art or a work created by photographic or similar means; revision of the work /create a derivative work/; wireless transmission of the work; transmission of the work by cable or other technical means; translation of the work into another language; implementation of an architectural design through the building or manufacture of the object; import/ export of the art work in trade quantities; dispose the work for the individual access in a time, place and way, chosen by every user individually.



Author possesses the right to receive a reward for every kind of using of its work and for every consecutive using of such kind.

Copyright protection is temporally. The main principle is: Copyright shall be protected for the life of the author and 70 years after his death.

They should identify the signs: C, CR, CC, etc. and to know their meaning.





*In the field of technical, chemical and biological sciences* students are educated to innovate - innovation in the field of mechanics, physics, electronics and other fields of creativity.

*They should be familiar with IP objects:* invention, utility model, industrial design, topology of integrated circuit with conditions to obtain protection for them; the patent and the registration certificate as legal documents for innovations and the rights such documents provide to their owners for a particular territory and a period of time.

The best way of the protection for the principal new product or technology is the invention.

”Invention” means a solution to a specific problem in the field of technology. An invention may relate to a product or a process.

Examples: the 6-steps box for the automobile, invented by R. Antonov, method for the production of the new medicine or food.

The Bulgarian patent law says: Patents shall be granted for inventions in any field of technology, which are new, involve an inventive step and are susceptible of industrial application.

To obtain a patent the inventors should follow a legal procedure for the patenting of his invention and to meet several criteria if it is to be eligible for patent protection. The invention must be:

1. world novelty - An invention shall be considered to be new if it does not form part of the state of the art. The state of the art shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, anywhere in the world, before the filing date.

2. exhibit a sufficient “inventive step” - An invention shall be considered to involve an inventive step if, having regard to the state of the art it is not obvious to a person skilled in the art. be non-obvious for the technical experts.
3. industrial application - An invention shall be considered susceptible of industrial application if it can be made or used repeatedly in any branch of industry or agriculture.

Legal protection for the patentable invention starts with a file the application for a patent at the Patent office. The right to file an application shall belong to the inventor or to his successor in title.

Where the right to file belongs to two or more persons it shall be exercised by them jointly. The refusal of one or more such persons to participate in the filing procedure or in the patent granting procedure shall not prevent the others from carrying out the acts set out in this Law.

To start the patent procedure the inventor has to prepare a patent description – the most significant paper of documents. Procedure for issue a patent is complex and prolongs more than 2 years.



A patent is a document, issued by a government office (or a regional office acting for several countries), Patent office in Bulgaria, which describes an invention and creates a legal situation in which the patented invention can normally only be exploited (manufactured, used, sold, imported) with the authorization of the owner of the patent.

The term of validity of a patent shall be 20 years from the date of filing of the application. The patent is valid on the territory of the country, which patent office issues the patent.

The exclusive right in an invention shall comprise: the right to use the invention, the right to prohibit other persons from using it without the consent of the owner of the patent and the right to dispose of the patent.



The mentioned above legal options for protection of results in the field of technique, chemistry, biology and other areas, like utility models, industrial design, topology of integrated circuits are similar to invention and patent as document for legal protection.



Know-how as a specific IP object for intellectual achievements can be defined as confidentially held, or better, 'closely held' information in the form of unpatented inventions, formulae, designs, drawings, procedures and methods, together with accumulated skills and experience.

The inherent proprietary value of know-how lies embedded in the legal protection afforded to trade secrets in general law, particularly, 'case law'. Know-how, in short, is "private intellectual property".

Know-how shall mean technical data, formulae, standards, technical information, specifications, processes, methods, code books, raw materials, as well as all information, knowledge, assistance, trade practices and secrets, and improvements thereto, divulged, disclosed.



The characteristics of know-how as an object of intellectual property of the company are the following:

- Know-how is the result of research and development of commercial activities or other business;
- Know-how requires costs of labour and / or capital;
- Know-how is not universal knowledge applicable only to a specific task;

- Know-how is information, knowledge and experience in one or more of the employees of the company;
- Know-how is available to only a limited number of employees of the company who use it in their activities;
- Know-how can be productive or managerial nature;
- Know-how is practicable and economically valuable information;
- Often know-how is an asset of the company, which over time is enriched by the collective and personal experience of the employees of the company;
- Know-how is maintained by the mechanism of "confidentiality".



*In the field of social sciences*, students are trained to identify and manage social processes and to reveal their forms in society, social and organizational innovations.

They should know about a legal status of copyright, ‘open source’ and know-how; the ways to manage their innovations.

They should know and answer the general question: how to manage IP successfully.

The basic methodological points here are the following:

1. IP is an intangible business asset.
2. IP management is focused on IP as a company source to create economic advantages, benefits and profit.
3. Managing of the company product innovations as IP is a part of the complex innovative strategy.

Note: The business indicators like trademarks, domain names and others that have economic functions are not an object of the current paper.

The complex analysis of the IP in innovations should start with the well-known marketing tools:

- the matrix ‘product – place’

and

- SWOT analysis

and

then apply parallel the effective specific **IP instruments**: IP research of the patent, utility model and design information and IP score.





We should find the answer of the important common business questions:

1. What is the business strategy of the company?
2. What are the company products for each market niche?
3. What is the compatible position of the each company product?
4. Who are the direct competitors in such market niche?

5. What are the IP rights for these products – for our company and for the direct competitors?
6. What is the product life cycle stage for our product and for the competitor's product?
7. Are there sources for the compatible innovations regarding the company products?

As a next step the company management board should pay attention to the process of analysing the *IP management in innovations*.

It is a simple two steps process:

1. Define what is the obtained level in IP portfolio for the company innovations :
  - IP portfolio: patented inventions, utility models, designs, know-how or object of copyright /absolute and relative indicators/;
  - national, European and international documents for protected IP rights in inventions, UM and designs /number, relative share and respective protection periods/;
  - Recent actual value of the IP portfolio /Value of IP should be updated at least annually by an IP assessor/.

2. Define what are the company needs to enlarge IP portfolio:

- Objects /I, UM, ID, others/;
- Costs for their protection /costs for obtaining of IP protection and for sustaining of IP protection/;
- Forecast of the future economic benefits from new objects /well based on market, product and IP research/;
- What are the expectations of value for the future IP portfolio and
- What will be a profit of their realization?



For the company management board the main business indicators of the obtained IP objects are the following:

1. **IP as complex of different objects**, their relative share and significance, evaluation and forecast for the economic benefit;
2. **IP as an intangible asset** – the financial value and the market value for IP as a whole and for the each object of the IP portfolio;
3. **IP as a source of the competitive innovation** based on differentiation for the company in the future.

In the University of national and world economy the students can obtain a complex management education on IP in the specialities ‘Intellectual property and business’ and ‘Creative industries and business’.





*In conclusion:* In a higher education system students in very different areas should know about IP; how to identify options for legal protection of their intellectual results and how to manage them in the processes of economic realization with profit.

Those knowledge and skills should find an appropriate place in the respective syllabus.



THANK YOU  
FOR  
YOUR ATTENTION  
AND  
DISPLAYED INTEREST!

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