

NEW RULES FOR INTELLECTUAL PROPERTY IN PROJECTS FUNDED BY CNPq

The National Council for Scientific and Technological Development (CNPq), a Brazilian governmental agency, announced a new Normative Resolution regulating intellectual property originated from projects which receive its financial aids or scholarships from said agency.

CNPq was founded in 1951 and plays a very important role in the Brazilian research, specially through funding of human resources, managing a total annual budget of one billion reais (about USD 600 millions). Its activities include scholarships for Brazilian researchers developing researches abroad, and foreign researchers developing researches in Brazil.

The new Resolution, RN 13/2008 published on 27.May.2008, revokes RN 14/1998 and intends to harmonize the intellectual property regulation to the Innovation Law (Law no. 10.973/2004). Basically, the Resolution provides that the parties involved in projects integrally or partially funded by CNPq will have to define, according to their internal rules and the federal law (innovation and intellectual property laws), the ownership or co-ownership of the intellectual property originated. In any case, CNPq, as the funding agency, will have the right to receive up to 3% (three per cent) in any assignment or licensing of the intellectual property derived from the project.

ABAPI SUL'S LUNCHEON AND LECTURE EVENT

It is taking place tomorrow, 27.Jun.2008, in Curitiba, a luncheon with lecture on the "Protection for Non-traditional Marks".

The lecture will approach the definition of non-traditional marks (auditive marks, scent marks, etc.) also analyzing the protection thereof in Brazil and around the world, and it will be uttered by the Coordinator of the Non - Traditional Marks Sub-Group of the Brazilian Association of Intellectual Property - ABPI and member of the Non-Traditional Marks Committee of the International Trademark Association INTA.

The event is being fostered by the Brazilian Association of Industrial Property Agents (ABAPI), under the coordination of the Attorney-at-Law and Industrial Property Agent, Maria Inez A. de Abreu, Director for the state of Paraná of said association's South Regional.



ABREU, MERKL IN IP EVENTS

Workshop on Drafting Patents in Biotech



The patent technician and the paralegal from the languages and translation department, Luís Cláudio C. Vieira and Cintia Haschich, respectively, attended the workshop on "Drafting Patents in Biotechnology" fostered by the Industrial Property Agency of Paraná (APPI).

The event took place between 07-09.May.2008, at the State Secretariat of Science, Technology and Higher Education and Paraná's Technological Innovation Center SETI/NITPAR.

ABNT's Course on Information Security

The Brazilian Association for Technical Norms (ABNT) offered, between 29-30.May.2008, the course "Code of Practice on the Managing of Information Security - ABNT NBR ISO/IEC 27002:2005 and Management of Information Security Systems - ABNT NBR ISO/IEC 27001:2006".

The event was held at the Association's premises in São Paulo capital and was attended by the Attorney-at-Law Izabel Guimarães Michelato.

"Open Innovation" Seminar

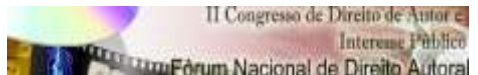


An important seminar on Open Innovation took place on 16.Jun.2008, in the city of São Paulo. Among the many illustrious lecturers was Professor Henry Chesbrough, from the University of California, Berkeley, an authority in the field.

The event had massive attendance of entrepreneurs, representatives from educational and research institutes, as well as of government organs and agencies, among them INPI's President. ABREU, MERKL was represented at the event by the Attorney-at-Law Izabel Guimarães Michelato.

2nd Congress on Copyright and Public Interest

Simone Caldas Vollbrecht, ABREU, MERKL's law intern, attended the "2nd Congress on Copyright and Public Interest", which was organized by the Federal University of Santa Catarina State - UFSC - in conjunction with Getúlio Vargas' Foundation (FGV/SP) Law School and GVlaw, and with the support of the Ministry of Culture (MinC).



The event was realized between 16-17.Jun.2008, at the UFSC's Dean's Hall, in the capital city of that State.

"OPEN INNOVATION"

Izabel Guimarães Michelato
Attorney-at-Law

"On the 21st century it is not necessary to be big to be good and successful. Open innovation is distributive; it involves collaboration between companies and between companies and universities. As long as there is commitment, it is possible to achieve success even in small or medium companies". These were the first words uttered by Professor Henry Chesbrough, from the University of California - Berkeley, at his opening speech during the "Open Innovation" Seminar, on 16.Jun.2008.

Professor Chesbrough is the main supporter of the open innovation concept. Innovation means the search for good and new ideas that have commercial application. Open innovation means the search for useful ideas in any place, they do not necessarily have to originate within the company, on the contrary, they can come from outside, from another enterprise or a university, for instance. What really matters is not so much having the idea, but to achieve commercial success with the use of the idea.

Around fifty years or a century ago, Research and Development centers (R&D) were concentrated in large companies (with over twenty five thousand employees). It was determining to have ideas being thought of and developed in those research centers. Today, there is a new kind of balance, where small and medium companies can compete with the big ones and play a relevant role in the R&D scenario, even without having a research center in the company. How is that possible?

Firstly, according to the principles of open innovation, due to employees' mobility from time to time. They must comply with the confidentiality clauses in their employment agreements, nonetheless, the acquired knowledge and experience stays with them. The second factor that makes success attainable for small companies is partnering with universities. Recently, universities have changed their culture; they no longer distrust companies and are starting to partner with them. Finally, as Professor Chesbrough explains, the last relevant factor is the reduction of the hegemony in technology of the United States. Nowadays, innovation is a global trend, therefore, to have knowledge and technology we need to look at many countries, including the smaller ones.

In order for those companies that still have a closed innovation perspective to shift towards open innovation, four practical stages were suggested: wanting; finding, obtaining and managing. This way, companies must go after grand ideas, making use thereof inside and outside the company. They must be flexible. The mission, then, is to collaborate and connect. This is the new "Open Innovation" paradigm.

Protection for intellectual property was a recurring theme at the round tables, which were composed, besides by many entrepreneurs, by government representatives like the innovation director of the organ for Projects and Research Funding (FINEP) and the president of the Brazilian National Institute of Industrial Property (INPI). According to the former, there is a significant volume of money to be invested in innovation. As per the latter, intellectual property protection is a means and not an end. The objective is to make knowledge circulate and enable productive development for the country. However, for inventors to feel encouraged to reveal their ideas, the creation environment must be more beneficial for those who create than for those who copy. This is an example of the kinds of protection offered by the intellectual property. Once protection establishes the circulation of knowledge, it is then possible to look for partnerships. Intellectual property is the basis of open innovation. And society will only benefit from all of this.

To sum up, in order to assure protection for the intellectual property, the best legal mechanism still is to draft contracts between the partners with clear clauses that do not ignore the protection of the creation and the definition of its ownership.

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