IP Glossary

Glossary of common IP terms

Artificial Intelligence

A discipline of computer science aimed at developing machines and systems that can carry out tasks considered to require human intelligence, without human intervention.

Big Data

Datasets that meet the 3 Vs: they posses a large *volume* of the data, the data is created at a high *velocity*, and a *variety* of data is collected. Big Data requires specific technology and analytical methods for its transformation into value.

Big Data Analytics

Big Data Analytics is the large-scale analysis and processing of data sets that are beyond the capacity of conventional databases. One of the features of “Big Data” is that it requires specific technology and analytical methods for its transformation into value – Big Data Analytics refers to this technology/ analytical methods.

Brand

A brand is the identity of a product, service or company, or more broadly speaking, it can be used loosely to refer to the overall image you want to create for your business. It exemplifies a company’s values and the product identity of what the company does. A good brand layers different elements (text content, fonts, colours, designs, styles, look and feel) that alone and in combination, customers should come to immediately recognize as belonging to that company. The legal lens isolates the pieces of the brand that are eligible for protection by a registered trademark: e.g. a design, an image, a phrase, or a name. If a company has not yet registered a trademark, protections may still apply; a trademark may still be protected if used consistently for a certain amount of time.

Clean Desk Policy

A clean desk policy (CDP) is a corporate directive that specifies how employees should leave their working space when they leave the office. Most CDPs required employees to clear their desks of all papers at the end of the day. Specifics around a CDP will vary among different organizations.

Confidential Information

Confidential Information is a broad term that can be considered as an umbrella with many varied types of information underneath. There’s no one clearly outlined definition because confidential information can be many things, ranging from secret recipes, inventions, to business information like client information, and nearly everything in between. However, at a high level, confidential information is any information that is not publicly available. It’s also important to understand that the law around confidential information can be slightly different depending on which country and/or state has jurisdiction over your Non-Disclosure/ Confidentiality Agreements.

Confidentiality Agreement

A confidentiality agreement is commonly referred to as an NDA or Non-Disclosure Agreement. This type of agreement is generally between two or more parties regarding how shared information will be used and disclosed. There are two primary types of confidentiality agreements – mutual (also referred to as two-way or reciprocal) and unilateral (also referred to as one-way). Confidentiality agreements are a useful tool in trade secret and data strategies and in any initial discussions with potential service providers and business partners.

Cross-licensing IP

Cross-licensing typically involves an exchange of IP rights between two different entities. A cross-licensing agreement can take on many different forms, but at its core it is meant to provide the parties to the agreement the right to use each other's intellectual property within scope of the agreement without fear of infringement claims by the other party. A cross-licensing arrangement may include licensing rights to specific IP for use in a particular field or territory, providing immunity from suit, or a convent not to sue.

Data

A sequence of one or more numbers, characters, or images which represents unprocessed facts. On its own, data has no meaning until it has undergone some form of data processing. Information is the result of processing data into a useful form that has context and meaning. For example, in a test, the numbers associated with answers to test questions are data and have little meaning on their own. However, processing this raw data could give us valuable information – like we received a 75% on our test.

Data Breach

At a high level, a data breach is the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to protected data transmitted, stored), or otherwise processed, often as a result of compromised data security.

Data Brokers/Brokering

Data Brokering is the practice of obtaining information, aggregating, and enhancing it, and then providing it to clients. A Data Broker is a company whose primary business involves the trading and analysis of personal information.

Data Exchange (incl. Transfer and Licensing)

Data Exchange is the process by which data is moved from one application or system to another in such a way that the data, while transformed or restructured to suit the new application or system, does not lose the original meaning through the transmission.

Data Governance

Data governance refers to the set of rules, standards, practices and processes involved in managing data in an enterprise system. Data governance frameworks are concerned with ensuring the usability, integrity, and security of an organizations data. Common elements of data governance include collection, privacy, usage, storage, and disposal.

Data Mining

Data mining, also known as knowledge discovery in databases, is the process of discovering novel and useful patterns and relationships from large volumes of data. Most data mining is for the purpose of ascertaining general knowledge about a group as opposed to specific individuals.

Data Privacy

Data privacy, also known to as information privacy, refers to the proper handling, collection, and storage of sensitive data in order to protect the confidentiality of the data. This includes how and where data is stored, implementing adequate controls when sharing data, and compliance with regulations, including providing consent and notice when collecting data.

Data Sets

Generally, a data set is a structured collection of data, often associated with a particular work. While the terms data set and data base are sometimes used interchangeably, a database more accurately refers to an organized collection of data stored as multiple datasets.

Data Stewardship

Data Stewardship is the management and oversight of data to ensure the quality and accessibility of an organization's data. Data stewardship is often described as data governance in action and includes the operational activities that ensure compliance with the organization's data governance framework.

Data-Driven

Data-Driven refers to a decision-making process which involves collecting and analyzing data, and using the information gained to make inferences that influence decision-making. This is in contrast to making decisions based on intuition, speculation, or personal experience.

Database Right

A Database Right refers to a unique right recognized in the European Union, that protects the contents of a database. A Database Right exists separate from copyright and can offer protection to a database even when the structure does not meet the originality requirements for copyright. A Database Right requires that the creator have made a substantial financial, material, or human investment in the database and lasts for 15 years.

EU GDPR

The European Union General Data Protection Regulation is an EU regulation which addresses data protection and privacy within the EU and the European Economic Area. The GDPR applies to any organization which is processing personal data of individuals in the EEA, regardless of the organization's location or the citizenship or residence of the individuals.

Encryption

Encryption is when algorithms rearrange the components of data so the data cannot be recognized unless decrypted using a decryption key.

Freedom to Operate (FTO

Freedom to operate refers to a business' ability to operate in their specific jurisdictions of interest, free of encumbrances from third party IP rights.

IP Culture / Culture of IP

IP culture is a subjective term that may be used in different ways by different groups. At IAC, having a corporate IP culture can be thought of as developing an IP literate workforce such that the impact of individual and corporate decisions on a company's IP position is understood. This culture can be developed through education, training and follow-up information, policy and process. A company should develop a culture of intellectual property knowledge, such that each employee understands the value of intellectual property for example, what public disclosure means to the value of an IP asset. An organizational culture that is focused on capturing, managing, and commercializing intellectual property, as well as ensuring that the organization's activities are not impacted by a competitor's IP rights.

IP Layering

The utilization of multiple types of IP rights (formal and informal) to create layers of IP protection around a product or service. Relying on one form of IP is generally no longer feasible in today's economy. You should be able to provide yourself/your company with multiple pathways that allow flexibility and nimbleness to innovate with freedom and launch past competitors. Further, IP layering can create a more effective mechanism for hindering competitor duplication than a single form of IP protection.

IP Policy

An IP Policy of an organization serves as the operational framework that supports the generation, treatment and management of IP as well as stipulates the role and responsibilities of the various stakeholders within the organization.

IP Strategy

IP Strategy can mean different things to different people. At IAC, when we talk about an IP Strategy we are referring to a plan that enables a business to protect and drive business value through the acquisition and development of IP rights, support long term business growth and increase the ability to compete on a global scale. An IP Strategy is a comprehensive series of forward-looking questions that aim to answer how IP helps claim your customer solution through the development of an ownership position that protects those solutions.

IP Value

IP Value is a subjective term that may be used in different ways by different groups. At IAC, IP Value may refer to the perceived value of your IP portfolio as a whole or the value of individual elements within a portfolio including specific IP such as patents and trademarks. Value is considered in terms of the IP that may affect the future growth and potential of the company holding the IP. IP Value will differ depending on the lens of the stakeholder evaluating the portfolio. IP Value is not static and may change over time.

Incident Management Protocol

An Incident Management Protocol, sometimes referred to as an Incident Management Plan or an Incident Response Plan, is a set of procedures put in place to respond to a security incident. An incident could be any unplanned event that compromises the integrity, security, and confidentiality of an organization's information.

Madrid System

The Madrid System/Protocol is an international agreement which makes it possible to obtain trademark protection in multiple jurisdictions by filing a single application with the World Intellectual Property Organization. Trademark owners who have already registered, or filed an application for, a trademark in their home jurisdiction can submit the application for international registration through their home IP office. The application is then forwarded to WIPO who conducts a formal examination of the application. If the application is approved, WIPO will notify the IP offices in the jurisdictions in which the applicant is seeking registration. These IP offices will then assess the application in accordance with their domestic legislations.

Metadata

Metadata is a type of data that provides information about other data. Common examples can include information about when a document was last updated, or the author of a dataset. Metadata often helps to organize, find, and understand data.

PIPEDA

The Personal Information Protection and Electronic Documents Act is a Canadian law which governs the collection, use, and disclosure of personal information for commercial activities. PIPEDA obligations include that organizations must obtain consent from individuals to collect, use or disclose their personal information for a specific purpose. PIPEDA also requires organization to report security breaches which pose a real risk of harm.

Paris Convention

Paris Convention The Paris Convention is an international agreement which applies to industrial property, including patents, trademarks, and industrial designs. The Paris convention requires parties to afford the same treatment to foreign nationals that it grants to its own residents as well as providing for a number of baseline rules all parties must follow in regards to intellectual property rights.

Importantly, the Paris Convention also provides for the right of priority between states. This right allows an applicant who files an application in one jurisdiction to then apply for protection within a different jurisdiction. If the applications are filed within a certain time period (12 months for patents and 6 months for trademarks and industrial designs), the applications will be treated as if they had been filed on the same date as the original application.

Paris Convention Members

Patent

An intellectual property right granted by a government authority to the named inventor(s) to the exclude others from making, using or selling the claimed invention for a set period of time. In many countries, that right to exclude begins the day a patent is granted and extends for a period 20 years calculated from the date on which the patent application was filed. Patents are jurisdictional meaning that they afford protections only in the jurisdictions in which they are filed. Some form of maintenance fee is typically required in order to maintain the patent in force once issued. Not all patent applications filed will become issued or granted patents. In order to proceed to issuance, a patent application undergoes patent prosecution.

Patent Cooperation Treaty (PCT)

The Patent Cooperation Treaty is an international treaty which makes it possible to file for patent protection simultaneously in a large number of countries by filing a single "international" application. However, within a certain time period, the applicant must file directly into individual countries. A PCT application may only be filed by a person who is a national or resident of a PCT Contracting State.

PCT Contracting States

Privacy Policy

A privacy policy is a document which informs the users or customers of a digital product or service how the company will use the personal information which it collects. In Canada, organizations are required by statue in their privacy policies to explain what personal information is being collected and the purpose for which it is being use; disclose third parties with whom the personal information will be shared; distinguish purposes integral to the service from those which are not; and explain any residual risks that exist after mitigation measures.

Trade Secret

Trade secrets are a subset of confidential information that include any business information that has commercial value derived from its secrecy. This can include new technology, designs for original products, recipe, or customer data. An example of a famous trade secret is the Coca Cola formula. Trade secrets generally don't have a formal registration system, but they can hold immense value for your company. The law around trade secrets varies widely across different jurisdictions.

Trademark (registered)

A trademark is a sign or combination of signs used or proposed to be used by a person to distinguish their goods or services from those of others. A registered trademark is one that has been entered in the Register of Trademarks. Once registered, you get the exclusive right to use the mark in connection with the goods or services covered in the trademark registration for a set period of time.

Trademark (unregistered)

See trademark definition in registered trademark. You do not have to register your trademark; by using a trademark for a certain length of time, you may have unregistered trademark rights and rights under common law. However, the burden to show unregistered trademark rights rests on the trademark owner.