

*"In matters of IP, what one creates matters little; what one contributes matters much."*  
(Tom Ruddy)

## Overview of Intellectual Property Rights

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### 1. Introduction

In today's global economy, a company's intellectual properties (IP, referring to intangible assets, and IPRs, referring to legal rights) can be its most significant non-financial assets. However, creating and exploiting such intangible assets requires careful planning, specialized expertise, and dedicated funding allocated as a budget line item. Patents, copyrights, trademarks, and trade secrets—the primary categories of IP—can all be bought, sold, and leveraged as business assets if managed professionally. The internal personnel who create and manage a company's IP are part of the organization's human capital, another critical component of its intangible assets.

IPRs serve as "quality signals" to investors, showcasing an organization's ability to innovate and protect its technologies. This helps to bridge the "funding gap" (and hurdling the entrepreneur's Valley of Death) between investments in research and development, for example, and investor funding schemes that can leverage IPRs for financial support. For instance, patent-backed financial instruments (PBFIs), such as patent loans, sale and lease-back agreements, and securitizations of cash flows, allow companies to use patents as collateral for debt financing. While these tools offer liquidity and funding opportunities, their adoption is limited due to challenges in and agreements about patent/IP valuations, high transaction costs, and market illiquidity. Valuation remains a critical barrier between IPR holders and investors, requiring reliable methodologies to assess their value and cash flow potential. Standardized valuation processes, such as discounted cash flow analysis, are one standard methodology that enhances confidence in IP-backed finance and enables organizations to leverage their intangible assets for growth and development.

#### What cannot be patented?

- Ideas and mental steps
- Naturally occurring items
- Mathematical formulas and calculations
- Scientific principles or laws of nature
- Inoperative devices, as they are not "useful"
- Solutions that contradict moral and human principles
- Schedules and logistic schemes



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How can entrepreneurs protect and register their IP? In most cases (with many exceptions and alternatives to IPRs), a registered or licensed agent must prepare and submit the IP disclosure (invention description) to an organization's IP office or government body responsible for the management and protection/enforcement of IPRs on behalf of the inventor(s). The UN's World Intellectual Property Organization (WIPO) is the global body coordinating among the 193 IPR agencies worldwide and is also involved in establishing and promoting best practices for IP protection. WIPO acts as the General Assembly of state IP representatives to harmonize across all its diverse members, each having procedures outside the agreed practices outlined in treaties, such as the Patent Cooperation Treaty, to name one prominent system.

## 2. Most Common Forms of IP (Short version)

- **Inventions and discoveries** (*any tangible “widget” or unique software*)
  - Devices, methods, substances, and new applications of devices known before
  - Computer software; codes are protected by both patents and copyrights, depending on the jurisdiction
- **Industrial models** (*product designs*)
  - Design Patents
- **Utility models** (*tangible products for manufacturing*)
  - Equipment
  - Devices
- **Trademarks** (*BRANDS!*)
  - Emblems
  - Logos
  - Product names
- **Abstract innovations-US since 1998** (*Online platforms*)
  - Business models
  - Entrepreneurship methods
- **Copyrights** (*software, publications, artwork for BRANDS*)
  - Computer software and databases
    - Certificate of Registration is issued in some countries for the protection of design and/or content
  - Scientific works
  - Written works
  - Artworks
- **Protected Secrets** (*when you can’t afford or don’t want patents*)
  - Trade secrets
  - Know-how. Examples include:
    - Coca-Cola's secret has been preserved for 100+ years
    - Lenin embalming technology for 100 years
    - Secrets of food additive combinations for butter (fat-and-oil plants)
- **Allied Property Rights** (*streaming events, online webinars, live events*)
  - Phonograms and other recorded versions of broadcasts
  - Organizations of live, cable, and streaming broadcasts
  - Stagings

IP Training Programs offered by WIPO: <https://www.wipo.int/en/web/wipo-academy>

Official National IP Authorities: <https://www.wipo.int/members/en/>

## 3. 20 Examples of How IPRs are Strategically Employed in the Coffee Industry

### Trademarks

1. **Brand Names** – Companies like *Starbucks*, *Nespresso*, and *Blue Bottle* protect their names and logos as trademarks globally.
2. **Product Lines** – Trademarks for specific blends or products, like *Starbucks Blonde Roast* or *Nespresso Vertuo*, distinguish unique offerings.
3. **Packaging Designs** – Distinctive cup and pod packaging designs are trademarked to maintain brand identity.
4. **Slogans & Taglines** – “It all starts with a Nescafé” or “Brewed for those who do” (Dunkin’) are trademarked phrases.
5. **Franchise IP** – Franchise-based chains like Costa Coffee protect their store designs, colors, and menus via trademarks.

### Geographical Indications (GIs)

6. **Kona Coffee (Hawaii)** – Protected by GI to ensure that only coffee grown in Kona can use the name.
7. **Jamaican Blue Mountain Coffee** – GI used to maintain exclusivity and high market value.
8. **Colombian Coffee** – The *Café de Colombia* GI ensures that only Colombian-grown coffee bears the label.
9. **Yirgacheffe (Ethiopia)** – The Ethiopian government has trademarked regional names to protect its indigenous coffee heritage.
10. **Sumatra Mandheling (Indonesia)** – GI protects the reputation and origin of this premium coffee.

### Patents

11. **Coffee Brewing Machines** – Nespresso, Keurig, and others patent brewing systems and pod technologies.
12. **Coffee Capsules/Pods** – Patents for design, freshness-preserving materials, and delivery mechanisms.
13. **Decaffeination Processes** – Swiss Water Process and others are protected via patents.
14. **Smart Coffee Machines** – IoT-enabled brewers with patented tech (like app-controlled brewing or temperature sensors).
15. **Sustainable Packaging** – Patents for biodegradable or compostable coffee pods and cups.

### Trade Secrets

16. **Roasting Profiles** – Proprietary roast curves and times are often closely guarded trade secrets.
17. **Flavor Formulas** – Unique flavoring for blends or flavored coffees is protected through confidentiality.
18. **Sourcing Algorithms** – Some companies use proprietary methods or data models to source beans for quality and sustainability.

### Copyrights

19. **Marketing Materials** – Coffee brands copyright promotional photos, videos, jingles, and blog content.
20. **Coffee Shop Decor & Menus** – Artistic menu designs and cafe atmospheres (as part of brand identity) are often copyright-protected or bundled in trade dress.

## 4. Principles of IP Protection and Enforcement (Longer version)

### What Determines a Qualified Level of Invention for IP Protection?

Simply put, the invention must not be obvious (un-obvious to use the legal term) to specialists in the same field and must not already be in the public domain.

### Practical Steps to Protect Your IP

1. Avoid publishing or publicizing your idea in writing or online, and don't discuss the invention or concept with others before taking protective measures. If your idea is disclosed prior to protection, you may lose the right to safeguard and own the invention or concept. The most common mistakes include presenting the idea at a conference or posting technical information on a website to attract investors or buyers. These are the first things examiners, lawyers, and competitors seek to counter your strategic business actions. (IP Bounty Hunters exist in major markets to find ways to invalidate competitors' IP.)
2. You should only use the services of experienced specialists in IP exposure and protection unless you are experienced in these matters; in that case, you can often do the filings independently (some jurisdictions require a licensed IP agent). You should not reveal the essence of the invention to third parties until you have taken appropriate protective measures. In some jurisdictions, such as the U.S., you can file a provisional patent application independently while seeking funding support to hire a professional patent attorney.
3. Be strict about signing confidentiality and non-disclosure agreements (CDAs or NDAs) regarding transferring any information related to the application's essence to third parties. Such contracts can become central issues during litigation and mediation actions.
4. Any CDA/NDA should have a straightforward enforcement process and can even include specific monetary damages for unapproved disclosures by any party to the agreement.
5. Any laboratory notebooks (written or digital) containing confidential information can also be used, in some cases, as proof of your authorship, right of prior use, or as a priority document to support your claims.
6. Very subtle details about an idea or invention can have significant implications for protection and thus the value of any IPR. For example, design patents use dotted and solid lines for different aspects of their disclosure and protection. The use of uppercase letters versus lowercase letters can also impact the IPR of a trademark, along with the classification selection, which can be general or specific, depending on the objectives and commercial uses. General descriptions can be more advantageous than specific ones in other cases, such as with utility patents.

7. Explore the value of IP insurance for your IPR portfolio, which can cover pending or issued IPRs. In such cases, the notification and litigation risks burden can be significantly transferred to the insurance company.
8. Regarding copyrights, which may not require registration depending on jurisdiction, it can be wise to mail yourself an original version of the material and keep it secured and unopened with a legal date stamp from a postal authority to avoid expensive litigation about the original creation potentially.
9. Listing owned/issued IPRs on a website can be legally advantageous as proof that the public is informed of this ownership, which can help avoid competing claims and serve as notice of ownership.
10. Best practices of IP management call for an automatic option of assigning (ownership) newly created IP by employees to their employers (the funder of the initiative that generated the new IP). After a period of “first right of refusal,” the employer should transfer the right to ownership and file the IP rights to the employee-inventor. This better ensures that no valuable IP is lost in the organization or by its inventor(s).
11. WIOP members have worked hard to make international patent filing easier and more affordable for entrepreneurs and SMEs. The cost of filing an initial international (PCT for Patent Cooperation Treaty) PCT application is relatively competitive with the more expensive national stage filing in countries like the US (PCT applications are filed through a national patent office). This encourages inventors and companies to initiate international protection at the earliest stages. Once you file at a national office, you have 12 months to file PCT (a period when you can modify the application); then, in the 30th or 31st month (depending on the country of origin), larger payments begin, as you must select which countries to pursue for protection; this is called the National Phase.
11. It’s important to recognize that an IPR is issued solely for the country in which you filed, and it has no validity in any other country unless you have also filed there. Therefore, you must pay to play, country by country.

## Types of IP Licenses

**Exclusive licenses** grant the licensee the exclusive right to use the licensed object under specific conditions outlined in the agreement. The licensor has no right to use the licensed object itself or to grant licenses to third parties on the territory defined in the license agreement.

**Non-exclusive licenses allow the licensor to use the licensed object, but the licensor retains the right to grant non-exclusive** licenses to third parties and use the licensed object on the same territory.

**Full licenses** grant comprehensive rights to the invention for the entire duration of patent validation; essentially, they are akin to concessions of patent rights.

## Necessary License Contract Clauses

**Contract validity terms** (maximum term is the patent validity term) and contract cancellation terms (negligence, improper disclosure, lack of use, minimum sales threshold not being met).

**Dispute resolution** procedures (mediation as the first step, arbitration as the last step).

**Reference to the jurisdiction** and law of the country regulating the contract · Rights and responsibilities of parties of a foreign trade deal in the RF are determined by the laws of the deal location, if the parties do not define otherwise.

## License Compensation Options

**Flat payments** (one-time initial or down payment)

**Royalties** (allocations in %, e.g., from sales)

**Combination** (flat payment plus royalty)

**Example:** Royalty rate of 5-7% for products of machine-building and 10-12 % for chemical products is the average compensation

## 5. The Role of IPRs in Agriculture: Relevance for Emerging Markets and Rural Communities

IPRs are increasingly shaping the agricultural landscape, influencing everything from the development of new seeds to the marketing of traditional food products. While these legal tools are designed to encourage innovation, their accessibility, utility, and impact vary significantly, particularly in emerging markets and rural societies with limited resources and traditional knowledge systems that are well-established. Understanding the different types of IPRs and their practical implications is essential for designing systems that support equitable and sustainable agricultural development.

### Plant Variety Protection (PVP) / Plant Breeders' Rights (PBRs)

PVP grants breeders exclusive rights to produce and sell new plant varieties that are distinct, uniform, and stable (DUS)—typically for 20–25 years. This encourages the development of improved crop varieties with traits such as higher yields, pest resistance, or climate resilience.

While PVPs can be beneficial under farmer-friendly models and robust public breeding systems, their broader application is constrained by cost and accessibility. Patents offer limited direct use for smallholders but affect their livelihoods through input pricing and access. Trade secrets, although low-cost, are limited in scale and enforcement potential.

#### Opportunities:

PVP can enhance access to improved seeds from public and private sectors, improving food security and productivity. Some legal systems also allow a “farmers' privilege,” letting farmers save and reuse protected seeds.

#### Challenges:

However, the high cost and technical complexity of securing PVP make it impractical for smallholders and local breeders. Strong PVP regimes may concentrate market power in multinational seed companies, reducing genetic diversity and increasing seed costs. Enforcement is often weak in emerging markets.

#### More Realistic Approaches:

Tailored models that emphasize farmers' rights, promote public breeding programs, and allow flexible interpretations of frameworks like UPOV are better suited for these contexts.

### Patents (Utility and Plant Patents)

Patents protect inventions related to agriculture, such as genetically modified (GM) organisms, specific genes, breeding technologies, agrochemicals, or machinery.

#### Opportunities:

In theory, access to patented technologies, like pest-resistant or drought-tolerant GM crops, could offer substantial gains.

#### Benefits are Provided by Patent



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- Business protection (monopoly of use), risk reduction
- More publicity, prestige, and value in the context of business development
- IP can be valued, included in the assessed capital stock, increasing its value
- Attract investments, make obtaining credit easier
- Creates a legal basis for commercialization

## Challenges:

Patent systems are costly, legally complex, and often monopolized by a few corporations. This restricts farmers' ability to save or share seeds, raising concerns about the affordability of seeds and access to technology. Patents rarely protect traditional knowledge, and the ethics of patenting living organisms remain a contentious issue.

## More Realistic Approaches:

While not directly usable by small farmers, patents can still affect them through increased technology costs and limited availability. Public-private partnerships, humanitarian licensing, or inclusive innovation models can help mitigate negative impacts.

Utility Patent vs Plant Patent Features		
Feature	Utility Patent	Plant Patent
Subject Matter	Processes, machines, manufactures, compositions of matter, improvements	New and distinct plant varieties (excluding tuber-propagated or uncultivated wild)
Key Requirement	Novel, non-obvious, useful, enabled	Novel, distinct, asexually reproduced
Scope	Excludes others from making, using, selling, or importing the claimed invention	Excludes others from asexually reproducing, using, or selling the plant or its parts
Reproduction	Can cover sexually or asexually reproduced plants & methods	Limited to asexually reproduced plants
Term	20 years from filing (with maintenance fees)	20 years from filing
Primary Focus	Functional aspects of a broad range of inventions, including plant-related tech	Protection of a specific asexually propagated plant variety itself

(It's important to note that some plant-related inventions might be eligible for protection under utility and plant patents.)

## Geographical Indications (GIs)

GIs protect products whose qualities, reputation, or characteristics are linked to their geographic origin (e.g., "Darjeeling" tea, "Basmati" rice).

## Opportunities:

GIs can drive rural development, enhance traditional product value, promote local biodiversity, and preserve cultural heritage. Held collectively, they are more accessible to communities than other IPRs and can command premium prices in niche markets.

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## **Challenges:**

Setting up a GI system requires community organization, clear product standards, and monitoring mechanisms. International recognition and effective marketing also demand investment and expertise. Internal management of producer groups can be complex.

## **Successful Examples:**

Ethiopian Sidamo coffee, Colombian coffee, and artisanal cheeses demonstrate how GIs can elevate rural incomes.

## **Trademarks**

Trademarks protect brand identifiers (e.g., names, logos, slogans) and are used in agriculture to differentiate products in the marketplace.

## **Opportunities:**

Farmer groups, cooperatives, or small enterprises can utilize trademarks to establish a brand reputation, attract loyal customers, and command higher prices, particularly for certified or origin-based products (e.g., organic, fair trade).

## **Challenges:**

Although cheaper and simpler than patents or PVP, building a brand still requires significant marketing investment. Collective trademarks or cooperative branding can help small producers pool resources and market jointly.

## **Trade Secrets**

Trade secrets, such as unique cultivation techniques or recipes, protect confidential business information that offers a competitive edge.

## **Opportunities:**

They require no formal registration, making them a low-cost and accessible option. They may suit niche agricultural practices or traditional know-how preserved within small groups.

## **Challenges:**

Maintaining secrecy can be challenging, especially in communal or knowledge-sharing settings, and legal enforcement is often ineffective if the secret is exposed.

## **Most Realistic and Beneficial IPRs for Rural and Emerging Market Contexts**

Among all IPR types, Geographical Indications (GIs) and trademarks (especially collective marks) are the most realistic and directly beneficial for rural communities:

- **GIs** harness local knowledge, traditional methods, and biodiversity, offering a pathway to rural economic development and cultural preservation.

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- **Trademarks** empower farmers and cooperatives to create distinct product identities and improve market access.

## **Policy Support and Capacity Building are Essential**

Supportive policies, capacity development, and access to information are critical for IPRs to benefit rural and low-resource agricultural communities meaningfully. Emphasizing participatory approaches, legal flexibility, and community empowerment can help ensure that IPR systems contribute to sustainable and inclusive agricultural growth.

## 6. Major IP and Patent Insurance Providers

Since the early 1990s, insurance companies have developed from niche players to major underwriters of IP portfolios for startups through multinational companies. In a typical scenario, the portfolio is submitted for due diligence, which includes verification of existing infringements known to the owners, to determine if any other potential conflicts are identifiable in the market before the underwriting provides a firm quotation. Once the parties accept the contract for protection, the insurer will monitor market activities for potential infringements and respond to any claims against the inventors. The policy will have limitations, such as a total legal fee cap of \$1 million for infringement and defense of the portfolio. Policies typically require a deductible payment from the policyholder when claims are made.

**Aon plc:** Aon is a global leader in IP liability insurance, offering tailored solutions for technology, life sciences, and media sectors. As of 2024, it serves over 500 IP-intensive companies worldwide.

**Marsh & McLennan Companies, Inc.:** Through its FINPRO division, Marsh provides specialized IP insurance, managing over 1,200 IP liability policies globally as of 2023.

**Allianz SE:** Offers comprehensive IP coverage solutions for businesses of all sizes, leveraging its global reach and expertise in risk management.

**Zurich Insurance Group:** Recognized for its robust IP insurance offerings, Zurich provides comprehensive protection against IP risks, including infringement defense and abatement, with a customer-centric approach.

**American International Group, Inc. (AIG):** AIG offers a range of solutions to help businesses manage IP risks. It has extensive experience underwriting complex risks and providing customized coverage options.

**Intellectual Property Insurance Services Corporation (IPISC):** Founded in 1990, IPISC is a pioneer in IP insurance, providing litigation risk management solutions for patents, trademarks, copyrights, and trade secrets.

**Arthur J. Gallagher & Co.:** Offers IP liability insurance, leveraging its global brokerage network to provide tailored solutions for clients.

**Hiscox Ltd.:** Specializing in niche insurance markets, Hiscox provides IP insurance aimed at companies and high-net-worth individuals, focusing on innovation and customer service.

**Chubb Limited:** Chubb offers IP insurance solutions, including coverage for patent infringement, trade secrets, and other IP-related risks.

**Founder Shield:** Catering to startups and innovative companies, Founder Shield provides IP insurance that covers defense against infringement claims and enforcement of IP rights.

## 7. IP Resources for Regional or National Stakeholders

### WIPO Divisions by Region: South-South Cooperation

(See link for details: [https://www.wipo.int/about-wipo/en/activities\\_by\\_unit/](https://www.wipo.int/about-wipo/en/activities_by_unit/))

#### Division for Africa

The Division for Africa is responsible for coordinating technical assistance and capacity building in countries within the African region. It guides the formulation and implementation of IP strategies in countries, ensuring that all countries have access to the IP system in line with their national development goals. To this end, the IP strategies are developed and implemented in coordination with relevant sectors within the organization.

#### Division for Arab Countries

The Division for Arab Countries is responsible for supporting the Arab region in enabling modernization of registration operations and facilitating the use of IP assets to reap the benefits of the IP system.

#### Division for Asia and the Pacific

The Division for Asia and the Pacific is responsible for providing legal and technical assistance to 38 countries, 27 of which are developing countries and 11 are Least-Developed Countries in the Asia and Pacific region, in a tangible, impactful, and inclusive manner.

The Division engages multiple stakeholders, including IP offices, other government agencies, and private sector entities, in tailor-made IP programs to build experience and confidence in using IP, such as trademarks, patents, designs, and geographical indications, as tools for innovation and creativity.

Collaborating with other WIPO units, the Division for Asia and the Pacific ensures that technical assistance is project-based, aligned with each country's priorities, and contributes to achieving the 2030 Sustainable Development Goals, building on its in-depth knowledge and perspective of the country/region.

The Division also administers a Funds-in-Trust arrangement for FIT/IP-ROK, and enjoys funding from FIT/China and FIT/IP-Japan.

## **Division for Latin America and the Caribbean**

The Division for Latin America and the Caribbean serves as the focal point for providing technical assistance and capacity-building programs to the 33 WIPO member states from the Latin America and Caribbean region (LAC). These activities are provided in close cooperation with relevant sectors within WIPO and aim to facilitate the use of IP by businesses and innovators for social, cultural, and economic development.

## **Division for External Offices and Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs), and Small Island Developing States (SIDS) Coordination**

The Division supports the Deputy Director General of the Regional and National Development Sector in coordinating the seven WIPO External Offices in Algeria, Brazil, China, Japan, Nigeria, the Russian Federation, and Singapore. As such, the Division ensures the coherent operation of the External Offices, which serve as extended arms of the Organization in the field, fully integrated into the Organization's work. The Division focuses on ensuring that External Offices operate effectively and efficiently, add value, and contribute to the implementation of the mandate in a complementary manner that avoids duplication and is sustainable.

The Division is also responsible for coordinating and enhancing WIPO's support for and assistance to three overlapping categories of Member States that face unique challenges in achieving economic growth and sustainable development: the 45 Least Developed Countries (LDCs), the 32 Landlocked Developing Countries (LLDCs), and the 39 Small Island Developing States. In doing so, the Division ensures that WIPO's activities and projects benefit these Member States, remain coherent, target needs, and result in tangible outcomes on the ground, contributing to the implementation of the respective UN Programmes of Action for the LDCs, LLDCs, and SIDS. The Division collaborates closely with colleagues across WIPO and engages with the UN System to ensure that intellectual property drives innovation and creativity, building prosperity for people and communities in LDCs, LLDCs, and SIDS, in support of national development goals.

## **Other Regional Authorities (North)**

In addition to the WIPO divisional offices provided above, some regions of the world have their transnational bodies to harmonize practices for their communities, namely the EU and Eurasia, and they do their filings and prosecutions of IPRs for their respective member nations:

- European Union Intellectual Property Office: <https://www.euipo.europa.eu/en>
- Eurasia Patent Office: [www.eapo.org](http://www.eapo.org)

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## Some Key National Authorities

Several nations stand out as they represent some of the most popular filing jurisdictions, namely the U.S. and P.R. China, since their economies and markets are so crucial to the global industrial base. In the case of the UK, they are now separated from the harmonized European IP jurisdictions and therefore are listed separately as well:

- United States of America Patent and Trademark Office: <https://www.uspto.gov/>
- People's Republic of China: <https://english.cnipa.gov.cn/index.html>
- United Kingdom Patent and Trademark Office:  
<https://www.gov.uk/government/organisations/intellectual-property-office>

## List of All National Authorities

To identify the official IPR body for your respective nation, see the WIPO membership listing: <https://www.wipo.int/members/en/>. Each member country offers a complete description of the categories of IPRs and provides the official filing systems so you can learn about them in local languages.

## 8. What Are the Different Types of IP? *(Longer version)*

### Introduction

Intellectual Property Rights (IPR) are legal rights that protect the creations of the mind. These rights grant creators exclusive control over the use of such intangible assets for a defined period, encouraging innovation and creativity by allowing them to benefit from their work. IPR is broadly categorized, with each category offering distinct protections for different types of intellectual creations. Understanding these categories is crucial for individuals and businesses that seek to safeguard their innovations and creative outputs.

The primary categories of intellectual property rights include patents, copyrights, trademarks, trade secrets, and industrial designs. However, business owners often overlook many subcategories for which they qualify, so an IP audit conducted by a professional is advisable to ensure no IP is lost due to a lack of awareness by inventors and management alike. Identifying business IPRs can aid in various aspects of business development, such as attracting investors (who value the exclusive rights owned by their investees through IPRs) and securing debt financing from microfinance or commercial banking institutions. They are also highly beneficial for attracting diaspora direct investments (DDIs) for the same reasons. Nevertheless, there are often funding schemes specifically for DDI, which are considered local investments in most cases, as they support communities and regions through innovative business ventures.

**Patents** protect inventions. A patent grants an inventor the exclusive right to prevent others from making, using, selling, or importing their invention for a limited period, typically 20 years from the *filing* date. To be patentable, an invention must be novel (new), involve an inventive step (non-obvious), and be capable of industrial application (useful). There are different types of patents, including utility patents for new and useful processes, machines, articles of manufacture, or compositions of matter; design patents for new, original, and ornamental designs of an article of manufacture; and plant patents for new and distinct varieties of plants. Patents are territorial, meaning they are only valid in the country or region where they are granted. Securing a patent involves a rigorous application process with the relevant national or regional patent office, requiring a detailed disclosure of the invention.

#### *Patentability criteria*

- Novelty
- Level of invention
- Being un-obvious to an expert in the field
- Industrial application, utility in industry

#### *Who are the patent owners?*

- Author acting on their initiative as an inventor
- Employer, if the invention has been made as an employment task



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- If the enterprise does not apply after the inventor has informed the employer about the invention, the author has the right to apply on their own under EU/North American best practices
- Assignee, the optional third person on a patent application, making/them the owner

*What other benefits are provided by patents?*

- Business protection (monopoly of use), risk reduction
- More publicity, prestige, and value in the context of business development
- IP can be valued, included in the assessed capital stock, increasing its value
- Attract investments, make obtaining credit easier
- Creates a legal basis for commercialization

*What cannot be patented?*

- Ideas & mental steps
- Naturally occurring articles (genes, for example)
- Math formulas and calculations
- Scientific principles or physical Laws of Nature
- Inoperative devices, as they are not "useful"
- Solutions that contradict moral & human principles
- Schedules, logistic schemes

**Copyrights** protect original works of authorship that are fixed in a tangible medium of expression. This category includes literary works (books, articles), musical works (compositions, lyrics), artistic works (paintings, sculptures, photographs), dramatic works (plays), software code, and architectural designs. Copyright protection is typically automatic upon creation, requiring no formal registration. However, in some jurisdictions, registration can provide additional legal benefits, such as the ability to sue for statutory damages and attorney's fees. Copyright grants the owner the exclusive right to reproduce, distribute, perform, display, and create derivative works from their original creation. The duration of copyright protection typically lasts for the author's life plus a specified number of years, usually 50 to 70 years, depending on national laws.

**Trademarks** protect brand identifiers. A trademark is a sign, design, or expression that distinguishes the goods or services of one party from those of others. This includes words, logos, slogans, sounds, colors, and smells. The primary purpose of a trademark is to prevent consumer confusion by indicating the source of goods or services. Trademark rights can be established through use in commerce or through registration with the relevant trademark office. Registered trademarks offer stronger protection and can be renewed indefinitely as long as they remain in use. Well-known examples include the Nike "swoosh" and the Coca-Cola logo.

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**Industrial Designs** protect the ornamental or aesthetic aspect of an article. This refers to the visual appearance of a product, including its shape, configuration, pattern, or ornamentation. The design must be new and original. Industrial design rights protect the appearance of a product, not its functional features (which are covered by patents). Protection is typically granted for a limited period, often renewable in five-year increments up to 15 or 25 years, depending on the jurisdiction. This category is essential for industries where visual appeal is a key factor, such as fashion, furniture, and consumer electronics.

**Geographical Indications (GIs)** identify goods as originating in a specific territory where a given quality, reputation, or other characteristic of the goods is essentially attributable to its geographical origin (e.g., Champagne).

**Trade Secrets** protect confidential business information that provides a competitive edge. This can include formulas, practices, designs, instruments, or a compilation of information that others do not generally know or reasonably ascertainable, and which the owner takes reasonable steps to keep secret. Unlike patents, trade secrets do not involve a formal registration process. Protection lasts as long as the information remains confidential and provides a competitive advantage. The formula for Coca-Cola is a classic example of a trade secret. Misappropriation of a trade secret, such as through theft or unauthorized disclosure, can lead to legal action. Non-disclosure agreements (NDAs) are commonly used to protect such secrets; however, there should usually be a penalty, such as significant monetary damages, attached to willful disclosure to others not covered by the NDAs, including competitors. Protecting this information is crucial for businesses to innovate, compete effectively, and maintain their market position. To qualify as a trade secret, the information must generally meet three criteria:

- *Secrecy*: It must not be generally known or readily ascertainable by the public or competitors.
- *Commercial Value*: It must provide some economic advantage to the business because it is secret.
- *Reasonable Efforts to Maintain Secrecy*: The business must take active steps to protect the information, such as using non-disclosure agreements (NDAs), limiting access, implementing security measures (both physical and digital), and marking documents as confidential.

Here are some key examples of trade secrets that businesses often need to protect (AI search link below):

## Formulas and Recipes

- *Chemical formulas* are the precise composition of products like industrial solvents, adhesives, or plastics. The famous formula for WD-40 is a well-guarded trade secret.
- *Food and beverage recipes*, including ingredients and food product preparation methods. The Coca-Cola formula and the KFC "11 herbs and spices" recipe are iconic examples.
- *Cosmetic formulations* are the specific blend of ingredients in perfumes, lotions, and other beauty products.

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## Manufacturing Processes and Methods

- *Unique production techniques, including specialized or more efficient ways of making a product that are not publicly known. This could involve specific machinery settings, sequences of operations, or quality control procedures that result in a superior or cheaper product.*
- *Proprietary software and algorithms: The underlying code and logic that power software applications, search engines (like Google's search algorithm), recommendation systems (used by Netflix or Spotify), or high-frequency trading platforms.*
- *Testing Procedures and Protocols: Specialized methods for testing product quality or performance that provide more accurate or insightful results*

## Business Strategies and Information

- *Customer Lists and Data: Detailed compilations of customer information, including their purchasing history, preferences, and contact details, especially when curated and not easily ascertainable. This also includes analyses of this data that reveal valuable market insights.*
- *Supplier and Vendor Information: Confidential lists of reliable suppliers or favorable contract terms that are not generally known.*
- *Marketing and Sales Strategies: Undisclosed plans for upcoming marketing campaigns, pricing strategies, new product launch plans, or unique sales methodologies.*
- *Business Plans and Financial Data: Internal strategic plans, detailed financial reports, cost and pricing data, and profit margin information that, if known to competitors, could be detrimental.*

## Research and Development (R&D) Data

- *Negative Know-How: Information about failed experiments or research avenues that didn't work. This can be valuable as it shows what not to do, saving others' time and resources.*
- *Early-Stage Inventions: Innovations or discoveries that are not yet ready for patenting or for which a business has strategically chosen trade secret protection instead.*
- *Scientific and Technical Data: Raw research data, lab notebooks, blueprints, technical drawings, and engineering specifications are confidential.*

## Other Proprietary Information

- *Software Source Code: The human-readable instructions that make up a software program can be a trade secret if not publicly disclosed.*
- *Database Schemas and Compilations: A database's unique structure or specific data compilations (even if some individual data points are public) can be a trade secret if they provide a competitive advantage due to their organization and the effort involved in creating them.*
- *Training Manuals and Internal Processes: Unique and effective internal training programs or operational procedures that contribute to a company's efficiency or service quality.*

(<https://g.co/gemini/share/844fa748ecd9>, edited)