



# Maximize the value from intellectual property rights and standards

**The most successful inventions are often both unique and an essential part of entire ecosystems of a technology.** Learn how intellectual property (IP) rights and standards can help you gain a competitive advantage.

## How IP and standards work

**IP rights** such as patents, trademarks, industrial designs and copyright may be granted to novel innovations and original creations. Having IP rights means you can exclude others from making, selling and using your IP.

To access a market, innovations are often subject to a range of quality, safety and technical standards.

**Standards** are agreed upon rules and guidelines that establish accepted practices, technical requirements and terminologies. Standards make companies compete on a level playing field. Having your invention certified to a standard often signals safety, dependability and interoperability.

When your technology defines the state-of-the-art performance in an industry, you can influence the relevant standard to reflect your innovation's performance or features, helping you increase market share. Your patented technology can also become a part of a standard (a standard-essential patent) and help you maximize the reach of your IP as it becomes required for anyone wanting to comply with the relevant standard.

## Comparing IP and standards

	IP	Standards
Creation and main use	<p>IP rights are legal rights that may be granted to innovations and original creations based on legal frameworks.</p> <p>These rights:</p> <ul style="list-style-type: none"> <li>• exclude others from making, selling or using your IP</li> <li>• can help secure market access</li> <li>• can increase the value of your business</li> </ul>	<p>Standards are agreed-upon rules, guidelines, or characteristics for activities or their results. They are established by consensus and based on subject matter expertise.</p> <p>Standards:</p> <ul style="list-style-type: none"> <li>• aim at broad stakeholder inclusion</li> <li>• provide interoperability frameworks</li> <li>• help your business scale up and secure market access</li> </ul>
Who can apply?	<p>Seeking IP protection is voluntary and can be done by individuals or organizations.</p>	<p>Standards can be voluntary or mandatory. Individuals/organizations can suggest a new or revised standard.</p>
Regional application	<p>IP rights are territorial. The Canadian Intellectual Property Office is the patent, trademark, industrial design, and copyright administration body in Canada.</p>	<p>Standards can be regional, national and/or international. The Standards Council of Canada accredits standards development organizations to develop standards for Canada.</p>
How to access publications	<p>Patent, trademark and industrial design databases are available to the public, free of charge.</p>	<p>Standards are protected by copyrights and may require purchase.</p>

## Examples of synergies between IP rights and standards

A **patent** is a time-limited and legally protected IP right. It gives an exclusive right to make, use and sell an invention. When a patent is embedded in a standard, it becomes a **standard-essential patent (SEP)** to which the rights would be licensed to anyone wanting to comply with the related standard.

**Certification marks** are a particular form of trademark. Certification marks can only be licensed once a product or service meets the related standard(s).

An **industrial design** can protect the specific shape of a tool or equipment that meets an ergonomic or design standard.

Standards are documents protected by **copyright**.



## Benefits of patents in standards

- **Create new markets** by having your innovation recognized as a market leading technology
- **Confer credibility, attract investment, and stimulate complimentary research and development** by developing a standard around your technology
- **Influence the marketplace** by establishing agreed-upon industry rules
- **Secure market access** by influencing the development of relevant standards with your technology
- **Maximize the reach of your IP** with potential licensing opportunities

## Use your patented technology to shape standards

You can help shape the standards that affect your industry in two ways:

- 1 leveraging your expertise and technology by participating in the committees where standards are developed
- 2 embedding your patents directly into standards (SEPs)

Where applicable, SEPs allow wide diffusion of patented technologies, providing patent owners the potential to generate return on investments through licensing opportunities.

Non-discriminatory licensing requirements within standards development support the growth of companies by allowing them access to critical technologies and the ability to produce standards-compliant products.

SEPs are an important strategic tool allowing innovators to create more connected and interoperable technologies. SEPs are already present in the wireless and smartphone industry with the 3G, 4G, and 5G standards composed of thousands of SEPs. The rise of connectivity in more sectors, such as automotive, smart city and home appliance, will require more interoperable technologies, hence more SEPs.

## Contact us to find out how standards can help you make the most of your IP

The **Standards Council of Canada (SCC)** is a federal Crown corporation that facilitates standardization activities and promotes the use of standards to enhance Canada's competitiveness and well-being. The SCC supports Canadian leadership and participation nationally and internationally to help shape the standards of tomorrow.

For more information on standards, visit [www.scc.ca/innovation](http://www.scc.ca/innovation).



For more information on IP, visit [Canada.ca/IP-for-business](http://Canada.ca/IP-for-business).