

Learning Objectives

1. Learn how innovative ideas being commercialised;
2. Recognise the legal protections for innovative ideas; and
3. Understand the importance for offering legal protections to innovative ideas.

Opening



Mona Lisa is a famous painting created by Leonardo da Vinci in 16th century. The painting is owned by the Government of France and displays in the Louvre of Paris. Peter is a T-shirt designer and he plans to use the picture of Mona Lisa as his T-shirt design. Do you think the image of Mona Lisa is protected by copyright? Is it legal for Peter to sell T-shirts with the printing of Mona Lisa?



The creator of Mona Lisa, Leonardo da Vinci should own the copyright of his art works for a limited period. In today's copyright ordinance, the copyright of a literary, dramatic, musical or artistic work, in general, continues to subsist until 50 years after the creator's death. Since the painting creator, Leonardo da Vinci, has died for more than 50 years, Peter may use the image of Mona Lisa for his T-shirt design without infringing its copyright.

Copyrights

Copyright protects the expression of ideas recorded in some tangible things or works.

The creator of a work is the first copyright owner.

Copying, adapting and broadcasting of a copyright work without the licence(s) of the copyright owner(s) are examples of acts of infringement of copyright.

Original literary works, drama, music, drawings, sculptures, photographs, software, sound recording, films, broadcasts, cable programmes and layouts of published works are protected by copyright.

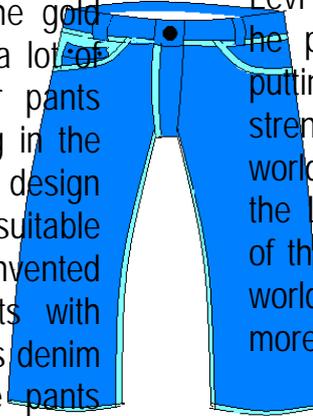
Some works have a limited period of copyright. For example, the copyright of a literary, dramatic, musical or artistic work, in general, continues to subsist until fifty years after the creator's death.

Infringement of Copyrights (Customs and Excise Department of Hong Kong)

	3/2009	3/2008	% changed	1 - 3/2009	1 - 3/2008	% changed
No. of Cases	684	705	-3.0%	1746	1988	-12.2%
Persons arrested/ summoned	79	66	19.7%	242	237	2.1%
Estimated value of seizures (\$M)	16.8	26.9	-37.8%	23.9	36.5	-34.6%

Case Study

During the California gold rush in 1853, Levi Strauss opened a wholesale store as Levi Strauss & Co. He was selling dry goods and other supplies to the gold miners. Levi found that a lot of gold miners broke their pants after a few days working in the quarries and decided to design special working pants suitable for miners to work. Levi invented a pair of working pants with durable materials such as denim and metal buttons. The pants became the popular outfits known as blue jeans.



After Levi Strauss invented the blue jeans, he set up the Levi Strauss & Co. In 1873, he patented the process of putting rivets in pants for strength. It became the world's first blue jeans. Today, the Levi's® trademark is one of the most recognised in the world and is registered in more than 160 countries.

After Levi Strauss invented his first blue jeans, why did he patent and register for a trademark?

A large, empty rounded rectangular box with a double-line border, intended for a student to write their answer to the question above.

Trademark

- A trademark is a sign that distinguishes the goods and services of one trader from those of others.
- It can be words (including names), indications, designs, letters, characters, numerals, figurative elements, colors, sounds, smells, the shape of the goods or their packaging or any combination of these.



etc.

- A sign must be capable of being represented graphically in order to be registered as a trademark.
- Examples: Coca Cola, Pepsi, Bodyshop,

Patents

- A patent protects an invention by giving the patent owner, a legal right to prevent others from manufacturing, using, selling or importing the patented invention.
- If any invention is disclosed to the public prior to the application of patent registration, the inventor will not be given any exclusive rights.

Role-play – Success Story of Momofuku Ando

Scene 1: (2 to 3 mins)

Characters:



Noodle shop owner



five to six customers



Momofuku Ando

After the World War II, there were many construction workers and factory labours working late shifts and overtime hours to rebuild Japan. One evening in 1957, Momofuku Ando found a long queue of customers waiting for foods outside a noodle shop. The customers were hungry and impatient as the traditional Japanese noodles took about 20 minutes to cook. Momofuku asked himself if there would be a faster way to serve the busy and hungry customers.

Scene 2: (2 to 3 mins)

Characters: Momofuku Ando and his helper



Momofuku decided to create noodles that required a shorter time to cook. He bought some equipment at home for making noodles. At the beginning, Momofuku failed many times but he did not give up. After one year of experiments, he discovered that noodles could be dried, packaged and rehydrated in a bowl of boiling water in just three minutes. Momofuku Ando managed to package the dried noodles into small bags and marketed his first precooked instant noodles as "Instant Chicken Ramen" in 1958.

Class Discussion

Momofuku Ando is the founder of Nissin Food Product Co. and the inventor of Japanese instant noodles.

Why did Momofuku create the instant noodles? (5 mins)

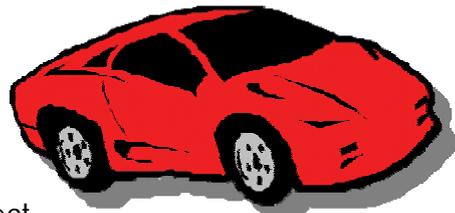


What is the reason behind for Momofuku's success? (5 mins)



Registered Design

- Designs can be registered for a wide range of products, including computers, telephones, CD-players, textiles, jewelry and watches.
- Registered designs protect only the appearance of products, for example the look of a computer monitor.



Registration of the design does not protect the way in which the product relating to the design works.

- Registered design owners have the right to prevent others from manufacturing, importing, using, selling or hiring the design product.

Examples



Automotive designers

I have applied for registered designs of car body panels to prevent competitors making and selling similar body panels.

I have applied for registered designs to prevent their designs copied by their competitors



Sunglasses designers

Activity 1

My creative business idea

This activity is to encourage students to develop their creative business ideas by asking them to come up with an innovative product or service like Levi Strauss and Momofuku Ando.

Students can express their business ideas with diagrams on a sheet of paper. Their new products or services should meet three requirements. It must be new, innovative and possible to improve our livings.

Self-evaluation



Before you draw your creative business idea on next page, you should review your idea with the following questions:

1. What are the purposes of developing your new product or service?
2. How does your business idea meet the three requirements: new, innovative and possible to improve our livings?
3. Do you think your business idea has any commercial value? Why?



Superb Business Ideas

My creative business idea is ... (15 mins)

A large, light blue rounded rectangle with a thin grey border, intended for writing a creative business idea.

Do you think your business idea can be registered for Copyright, Trademark, Patent or Registered Design? (5 mins)

A large, yellow rounded rectangle with a thin grey border, intended for writing about the registration of a business idea.

Teacher may summarise the topic with the following concept map:

