



WP T2.1 - IMPLEMENTATION OF THE TOOLS

DELIVERABLE D.T2.1.3

(WP 2, ACTIVITY A.T2.1)

Version 1.2

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a. Tool and Service concept: Tool for IPR Protection Plan

Goals and aims

The **overall goal** of the IPR tool consisting of IPR instruments is to provide a comprehensive service in assistance related to business, cultural ideas & projects to mediators or directly to cultural and creative operators.

Creative and cultural entrepreneurs create and provide products & services which are fruits of their cultural and intellectual creativity. Due to their uniqueness, these products of intellectual creation are intellectual property of their respective owners, and as such, deserve legal protection and business assistance.

The **aim** of intellectual rights protection is to protect the products of the creative human mind: inventions, literary, artistic and scientific works, scientific discoveries, trademarks, brands, geographical indications, etc., or results of intellectual activities in industry, science or culture.

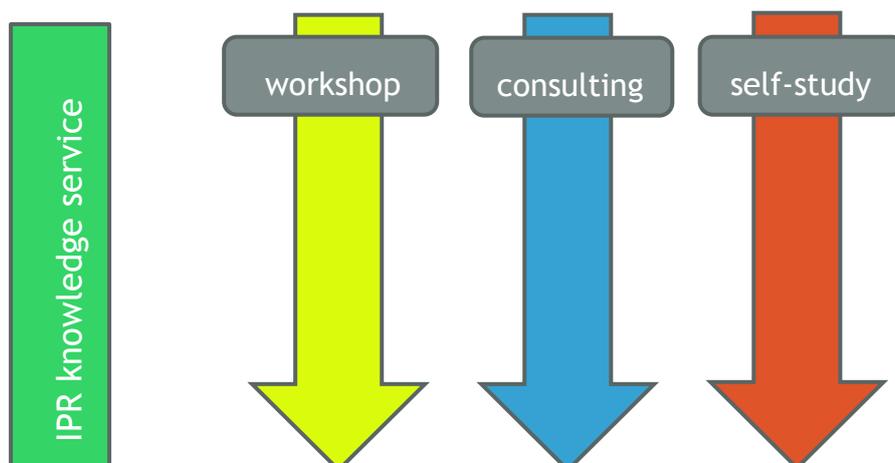
The protection of intellectual property rights, as an area of civil law, creates a balance between creative innovation interests and the public interest by serving both main sectors of human life: economy and culture.

Rationale and basic logic of the service

The lack of knowledge on IPR instruments is a real challenge for cultural operators, but the IPR service is able to tackle it.

The main **rationale** of the service is that mediators will be able to deliver a user-friendly knowledge on IPR instruments by the service of IPR tool to cultural operators lacking this knowledge.

The **basic logic** of this service is that IPR knowledge can be obtained on different levels of self-reliance and mediatory support: by **workshops** or **one-on-one consulting** delivered by the mediators to the cultural operators. Or, there is a third option: cultural operators can obtain IPR knowledge by themselves by using an online tool (**self study**).





Basic operation

Being the most complex and most interactive of the three we consider **one-on-one consultation** to be the process blueprint for the other two branches as well. Both workshops and self-study process can be directly derived from this blueprint through omission and minor recalibration of the steps.

One-on-one consulting

Mediator provides a one-on-one consulting to a cultural operator according to following steps.

step 1 : Entry

After optional conscious efforts at visibility, targeting and stakeholder engagement, which are outside the scope of the current document to define, the entry point to the service is the moment the mediator sits down with a cultural operator to tackle, among other possible relevant issues, the operator's lack of IPR knowledge.

The first step of the problem-solving consultation process is setting up a joint **diagnosis**, through a series of questions and answers, which are coded into a *structured survey*, and define the points of emphasis to focus on during the consultation process.

step2: Consultation

Below is a generalized consultation process, applied to the specific topic in question. The process steps provide insight into the materials to be developed within the work team, and are to orient the mediator in providing valuable help to the client operator

step 2.1 Verification of the problem

The results of the survey/checklist answers identified during the diagnosis interview are summarised and structured in order to provide a frame of reference to work in. This **reinterpretation** is key for the operator to be able to grasp the complexity and possibilities of their situation.

step 2.2 Options for solution

After the formulation of a common frame of reference and identifying the key issues to tackle, the mediator provides **insight** into possible interventions and strategic consequence trajectories. This phase leans most heavily on the *online tool*, as it provides an easy-to comprehend structure with clear avenues of research.

step 2.3 Clarification of solution

From the presented options the operator makes a conscious and informed **decision**, and the selected options are worked out more in depth. This step still utilises the *online tool* as a starting point to delve deep enough in the relevant subtopics to reach the point of customisation and personal adaptation for the client's needs.

step 2.4 Testing of solution

This is a feedback round in which the operator reflects on the original diagnosis and **validates** whether the options laid out, selected and



detailed indeed constitute a solution to the original issue and whether they are prepared to start working towards the goals set out. If the solution offered appears valid and feasible, the process moves on to action planning (step 2.5) If no such solutions can be confirmed, the process goes back to revise the diagnosis (step 2.1) or in specific cases turns towards other fields and exits the scope of this document.

step 2.5 Action plan for future steps

Planning of concrete steps with timetable and resources, introducing **project management** and moving towards the implementation of the solution. The tools for this step go well beyond the bounds of the current task, although specific input can be provided.

step 3: Feedback on service progress

As for **quality control** of one-on-one consultation and for a possible development of the service the consulting operator will be asked to fill out a *survey sheet* about the consultation and service progress. Survey sheets are to be collected and evaluated by the mediator.

Optionally, this step can funnel into an online survey with a joint database among all mediators, which can provide additional control to the partners over the monitoring and development of the service and the network.

Self-study

By using the online tool cultural operators will be able to obtain the required knowledge on IPR by themselves. A well-structured website will contain all necessary information on IPR instruments in English and all languages of the project partners (hosted under the ARTISTIC Platform). By browsing the site and selecting the right IPR field and instrument and proper language a demand tailored pack of information can be obtained.

step 1: Entry

Cultural operators enter with a problem: they visit the website with online tool by themselves due to the lack of IPR knowledge. A quick *self-diagnosis option (with the structure of the survey mentioned before)* is embedded into the tool - standardised multiple-choice questions and filters to help orient the user if necessary.

step2 Consultation: self-study by using the Artistic online tool

Gaining knowledge: browsing the *online tool* and selecting the right answer to the given demand. If all necessary insight was available, the process can move to the exit (step 3), otherwise suggestions for further reading and optional participation in a workshop or consultation can be offered.

Step 3: invitation to an 1:1 consultation to find out the solutions according to the results of the self-diagnosis option (optional).

step 4: Feedback on service progress

At the end of the session, as a quality control, a short survey about the provided service will be filled out by the cultural operator which will serve also as a service development for the future.



Optionally, this step can funnel into a joint database among all mediators, which can provide additional control to the partners over the monitoring and development of the service and the network.

Workshop

The workshop aims at transferring knowledge to operators just like the consultation does, but in a more standardised form and with a more general (less in-depth) content and it targets a group of operators challenged by a common problem and not individual operators with individual cases. This workshop should not be confused with the training to be provided for mediators.

step 1: Entry

After optional conscious efforts at visibility, targeting and stakeholder engagement, which are outside the scope of the current document to define, the entry point to the service is the moment the cultural operator enters the open workshop/seminar/training event organised by the mediator. The diagnosis in this case is latent, no structured information-gathering is presupposed.

step2: Workshop with knowledge transfer to group of operators

The workshop provides well-structured standard content on all 4 thematic branches, including IPR knowledge. The flow of the respective section follows the fixed structure of the online IPR tool. *Standardised handouts and slides* will be used leading to generally adaptable solutions. If applicable, the participants can opt for further one-on-one consulting (service Nr.2) or study the received materials further through the online tool (service 3)

step 3: Feedback on service progress

At the end of the online tool session, as a quality control, a short survey about the provided self-study service will be filled out by the cultural operator which will serve also as a service development for the future.

The following tools are likely to be needed:

The tool likely to be needed by the mediators will be a document package containing the following materials:

- 'diagnostic' checklist/questionnaire to be used for one-on-one consulting (entry survey sheet)
- workshop materials to be used for groups of operators with common interests and problems (slides, notes, tips, handouts, etc.)
- follow-up materials: online or paper based survey sheets providing feedback on service quality and appropriateness, collected via online tool or at the end of one-on-one consultations or workshops.
- Artistic IPR online tool documentation (website manual)
- Artistic IPR online tool

The Artistic IPR Online Tool should be a html based online platform providing services ranging from basic orientation to concrete supporting materials in the respective field.



The relevant IPR tool can be selected according to IPR area (object of protection), level of protection (national or Community level) and language (English or all PP languages).

By this, any instrument of national or Community level of IPR protection can be presented in a parallel way for any PP country in English or PPs' languages.

According to this, the IPR tool website will have two basic button rows; one for IPR instruments and one for geographical areas (countries). *By appropriate selection* any combination can be achieved and an in-depth information can be provided according to the IPR areas and PP countries.

This final stage of information will contain a short but substantial description about the IPR tool in the given country: about its basic aim, its scope, the rights arising from the protection and about the application and/or registration procedure. Furthermore, it will contain a list of a collection of relevant links, contact data and uploaded documents.

Finally, as a further option, at this final stage, the selected in-depth information can be converted and downloaded as PDF file (selected IPR tool for selected country in the selected language).

All necessary information (instruments, authorities, contact data) related to the given IPR tool in the given PP country in English and in their own language will be obtained from PPs.

The overall IPR tool will contain the following topics:

About IPR in general: a must or an option? Which instrument for what purpose? What is the difference between each IPR instrument?

1. Copyright

1.1 National level of protection: aim, scope, rights, application in PP countries

1.2 Community level of protection: WIPO Copyright Treaty, EU

2. Patents: what to apply for? scope, rights,

2.1 National level of protection: aim, scope, rights, application in PP countries

2.2 Community level of protection: European Patent Office

3. Trademarks:

3.1 National level of protection: aim, scope, rights, application in PP countries

3.2 Community level of protection: WIPO Trademark Treaty, WIPO Trademark Registration

4. Design

4.1 National level of protection: aim, scope, rights, application in PP countries

4.2 Community level of protection: EU regulation: unregistered or registered Community design, EU directive: harmonised national law

5. Geographical indication: products & services corresponding to a specific geographical origin (settlement, region, country)

5.1 National level of protection: aim, scope, rights, application in PP countries

5.2 Community level of protection: EU level: protected designation of origin (PDO), protected geographical indication (PGI), and traditional specialities guaranteed (TSG) + Global level: Paris convention and Lisbon agreement, TRIPS Agreement



6. Confidentiality: Confidentiality of information, non-disclosure, trade secrets

6.1 National level of protection: aim, scope, rights, application in PP countries

6.2 Community level of protection: Directive on the Protection of Trade Secrets

7. Data protection, GDPR: own data, external data, information sensitivity vs. security

7.1 National level of protection: aim, scope, rights, application in PP countries

7.2 Community level of protection: EU regulation: GDPR

i. Operational elements and challenges for the implementation of the tools

- Differences in legal systems and terminologies across the partnership - possible difficulties of adaptation to unified structure
- Translation risks - time and quality are the two most important risk factors here
- Sustainability and maintenance of the online tool - keeping information up-to-date across all languages
- Digital sustainability - website structure needs to be free to develop
- Risk of 'legalese' - presentation of complex concepts in simple and practical terms is key

ii. Trainings needs and trainings module structure

The training for service providers should cover the main topics mentioned before:

- About IPR in general: what is it, why and how to obtain? National or international protection? What can you do in case of infringement?

- 15-30 min sessions on each topic:

1. Copyright
2. Patents
3. Trademarks
4. Design
5. Geographical indication
6. Confidentiality
7. Data protection, GDPR

- On transnational level, knowledge can be shared directly. The national level information will be available in a table form, based on the input from the partners.

The following requirements are to be met by the service-operating staff:

Service-operating staff members will be mediators having the following skills:

- good computer literacy
- knowledge of entrepreneurial environment of cultural operators
- practical knowledge on legal issues with special knowledge on IPR instruments
- efficient knowledge on Artistic online tool (manual)



- empathic ability

iii. Material usable for the development of the tools

The following additional existing material and tools may be considered as input for defining the service content:

National and Community authorities related to IPR protection.

Protection of copyright - National level

<http://www.hamisitasellen.hu/2014/02/tajekoztato-a-szerzoi-jogi-nemzetkozi-egyezmények-tagságaról/>

International level

<http://www.wipo.int/treaties/en/ip/wct/>

Trade mark protection - National (Hungarian) and international level - WIPO

<https://www.sztnh.gov.hu/hu/szakmai-oldalak/vedjegyoltalom/nemzeti-bejelentes/vedjegyoltalom>

Design protection - CDR Community Design Regulation

http://www.sztnh.gov.hu/kiadv/ingy_magy/szerezzunk_mintaoltalmat.pdf

<https://euipo.europa.eu/tunnel->

[web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/cdr_legal_basis/62002_cv_en.pdf](https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/cdr_legal_basis/62002_cv_en.pdf)

Guide on IPR instruments for cultural start-ups (in Hungarian)

http://www.sztnh.gov.hu/sites/default/files/sug_2017.pdf

iv. Possible evaluation and monitoring variables

The main tool of monitoring and evaluating the process will be the exit survey sheets (for all three processes online tool, consulting and workshop) on mediator level. The operators' feedback information via online tool will be stored online, while the exit survey sheets for the consultation and workshop will be stored in paper form. Both variables will be evaluated twice a year.

v. Future evolution of the service

The future evolution of the service will be strongly related to tackling the before mentioned challenges.

Furthermore, as for the sustainability of online tool, it will be crucial to solve the long term problem of updating of both national and international (EU) legislation related to IPR instruments (compliance checking capacity).

In addition, if needed, the number of IPR instruments can be modified and the content of an instrument can expansion of the content.



DIAGNOSIS CHECKLIST FOR INTELLECTUAL PROPERTY RIGHTS

D.T.2.1.3

Version 1

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Basic information about the subject

1. Subject name
2. Contact
3. Region
4. State
5. Subject type
6. Previous / recent activity in ICH
7. Subject identification number
8. Who is the target group?

Business plan

1. Field of activity
2. Describe your field of activity (product / service)
3. Specify your relation to ICH?
4. Have you got any experience with compiling a business plan?
5. Where are you going to run your business? (place, regional/national/international level)
6. Do you have a concrete territorial target?

Finance

1. How much money do you need to cover the input costs?
2. Do you have your own sources of coverage or extraneous? Have you applied or are you planning to apply for any grants?
3. The manner of your business.. tradesman/legal person
4. Possibilities of foreign resources?

1. What is your product / service?

- 1.1. Is it a product of a technical or artistic nature?
- 1.2. Are you the creator of the product?
 - 1.2.1. Was the product created in cooperation with another person or institution?
With which?
 - 1.2.2. Was the product created to meet the obligations arising from an employment
or in connection with the execution of an employment?
- 1.3. Is it a modification of an original product?
 - 1.3.1. Do you have a permission from the original product producer?
- 1.4. To what extent do you plan to produce your product directly?



- 2. Is the product a novelty on the market or is it already made by another producer?**
 - 2.1. Have you checked if the product is new?
 - 2.2. Did you verify that another producer does not have the product protected?
- 3. Do you have your own logo or product name or designation?**
 - 3.1. Will the logo be featured on the product?
 - 3.2. Did you check whether the logo or a similar logo is being used by another producer?
 - 3.2.1. Did you verify if another producer does not have the logo protected?
- 4. Does the product have an original design?**
- 5. Does the product quality depend on a certain geographical location or on the environment of certain location?**
 - 5.1. Does the product quality depend on the place of production?
 - 5.2. Does the product quality depend on the place of processing or preparation?
 - 5.3. Are all the steps of production, processing or preparation in one place?
- 6. Is the product a technical solution?**
 - 6.1. Did you verify the quality and novelty of technical solution in patent databases?
 - 6.2. Does the technical solution concern a production or working process?
 - 6.3. Is software a part of the product?
- 7. Do you work with personal data of individuals?**
 - 7.1. Did you take steps towards the protection of personal data?
 - 7.1.1. Are you following the new General Data Protection Regulation (GDPR)?
- 8. Do you protect your product in any way? If so, how?**
- 9. What is your projection of possible investments regarding protection of intellectual property rights?**
- 10. Do you consider protecting intellectual property rights abroad?**



EVALUATION FORM OF MEDIATOR INTELLECTUAL PROPERTY RIGHTS

D.T.2.1.3

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1. What product is it about?

1.1. Is the subject the creator of the product?

1.1.1. If not, did the mediator point out the possibility of the existence of rights to the product for another entity?

1.2. Was the product developed in cooperation with another person / institution?

1.2.1. If so, did the mediator point out to the fact that the rights may also belong to the cooperating persons?

1.2.2. Has the mediator stated the circumstances under which the rights also belong to the cooperating persons?

1.3. Was the product created to meet the obligations arising from an employment or in connection with the execution of an employment (employee product)?

1.3.1. If so, did the mediator tell the subject that he is the originator of the intellectual property, but the corresponding rights could belong to the employer?

1.3.2. Has the mediator informed the subject that he has the right to a reward as an originator?

1.3.3. Has the mediator informed the subject about his other rights under the relevant law?

1.3.4. Did the mediator notify the subject of a different legislation of the employee product in the case of patents, utility models, copyright, etc.?

1.4. Is it concerning a modification of an original product?

1.4.1. If so, did the mediator point out the need for the consent of another subject with the processing / modification?

1.5. Is it concerning a copyrighted work?

1.5.1. Did the mediator inform the subject that the copyright for a work originates at the moment when the work is expressed in any objectively perceivable form?

1.5.2. Has the mediator communicated information on the possibility of voluntary formal registration of copyright abroad?

2. Is the product a novelty on the market or is it already made by another producer?

2.1. Has the mediator pointed out the need to check whether the product is a novelty on the market?

2.2. Did the mediator inform the subject about a possibility of the existence of the rights of another producer that the subject could violate his product and about a resulting need to examine what protection belongs to other producers?

3. Did the mediator informed the subject how to the check point 2.2.?



4. Does the subject use its own logo or product name or designation?

- 4.1. Did the mediator notify the subject of the need to check whether the logo or similar logo is being used by another manufacturer and whether or not such as logo is legally protected?
- 4.2. Did the mediator inform the subject of how to check whether the logo is protected?
- 4.3. Has the mediator provided to the subject information on the possibility of registering a trademark with the Industrial Property Office?
- 4.4. Has the mediator communicated information on the possibility of registering a Community trademark with the European Union Intellectual Property Office?
- 4.5. Did the mediator inform the subject about the possibility of filing an application for the international registration of a trademark according to the Madrid system?
- 4.6. Did the mediator announce to the subject the possibility of foreign protection directly in each state?
- 4.7. Did the mediator explain the benefits of the registration?

5. Does the product have an original design?

- 5.1. Has the mediator pointed to the possibility of registering new and individual designer solutions for industrial and handicraft products at the Intellectual Property Office?
- 5.2. Did the mediator inform the subject about the possibility of registration of new and individual design solutions for industrial and handicraft products at the European Union Intellectual Property Office?
- 5.3. Has the mediator provided information on the possibility of international registering an industrial design according to the Hague System?
- 5.4. Did the mediator acquaint subject with an unregistered Community design?
- 5.5. Did the mediator announce to the subject the possibility of foreign protection directly in each country?
- 5.6. Did the mediator explain the benefits of the registration?

6. Does the quality of the product depend on a particular geographic location?

- 6.1. Did the mediator inform the subject about the possibility of registration of geographical indications?
- 6.2. Has the mediator provided information on the differences between the designation of origin and the geographical indication?
- 6.3. Has the mediator informed the subject about the possibility of registering designations at the Industrial Property Office?
- 6.4. Has the mediator notified the possibility of registering a Community designations with the Industrial Property Office?



- 6.5. Did the mediator inform the subject of the possibility of international record of the designation of origin under the Lisbon Agreement, providing that a national record of the designation of origin exists?
- 6.6. Did the mediator announce to the subject the possibility of foreign protection directly in each state?
- 6.7. Did the mediator explain the benefits of the registration?
- 7. Is the product a new industrial applied technical solution?**
 - 7.1. Did mediator inform the subject about the possibility of a legal protection of new technical solutions?
 - 7.2. Has the mediator provided the subject with information on the differences between the patent and the utility model?
 - 7.3. Has the mediator informed the subject about the possibility of filing an application for a patent at the Industrial Property Office?
 - 7.4. Did the mediator announce to the subject the possibility of registering a utility model with the Industrial Property Office?
 - 7.5. Did the mediator inform the subject of the possibility of filing an application for a European patent with the European Patent Office?
 - 7.6. Has the mediator notified the possibility of filing an international patent application according to Patent Cooperation Treaty?
 - 7.7. Did the mediator announce to the subject the possibility of foreign protection directly in each state?
 - 7.8. Did the mediator explain the benefits of registration?
 - 7.9. Did the mediator illuminate the benefits of granting a patent?
- 8. Has the mediator informed about the possibilities of the trade secrets protection?**
- 9. Does the subject have personal data of individuals?**
 - 9.1. Did the mediator notify the subject of the existence of GDPR?
 - 9.2. Did the mediator inform the subject of his obligations under the GDPR?
- 10. Has the mediator provided the subject with the cost of the proposed solutions for the protection of intellectual property rights?**