

Survey of Intellectual Property Management 2010

Confidential when completed.

Si vous préférez ce questionnaire en français, veuillez appeler au 1-800-565-1685.

Please correct information as required.

0001 Company name _____

Contact person:

0008 First name _____

0028 Last name _____

0021 Title of contact person _____

0004 Address (number and street) _____

0005 City _____

0006 Province/Territory _____ 0007 Postal code _____

Please report for all of your operations in Canada.

INFORMATION FOR RESPONDENTS

This information is collected under the authority of the *Statistics Act*, Revised Statutes of Canada, 1985, Chapter S-19. COMPLETION OF THIS QUESTIONNAIRE IS A LEGAL REQUIREMENT UNDER THIS ACT.

Survey objective

Statistics Canada is undertaking this survey to provide statistical information on the use and management of Intellectual Property (IP) by Canadian enterprises. Patents, copyrights, trade-marks and other IP instruments are important marketplace frameworks that impact on the Canadian economy. The information compiled by this survey will be used by the Canadian government to better understand the impacts of patents, copyrights, trade-marks and other IP protection on industry efforts to become more productive and innovative.

Confidentiality

Statistics Canada is prohibited by law from releasing any information it collects which could identify any person, business or organisation. Confidentiality provisions of the *Statistics Act* are not affected by either the *Access to Information Act* or any other legislation. Therefore, for example, the Canada Revenue Agency cannot access identifiable survey records from Statistics Canada.

Reporting period and coverage

The questionnaire should be completed for the calendar year 2010. Financial information should be for the **fiscal year ending between April 1, 2010 and March 31, 2011**. Please report all currency amounts in thousands of **Canadian dollars**.

Data linkages

To enhance the data from this survey, Statistics Canada may combine it with information from other surveys or from administrative sources.

Return of questionnaire

Please return the completed questionnaire to Statistics Canada within 30 days of receipt by mail, using the enclosed envelope or you can send it by fax at 1-888-883-7999.

Fax or other electronic transmission disclosure

Statistics Canada advises you that there could be a risk of *disclosure during facsimile or other electronic transmission*. However, upon receipt, Statistics Canada will provide the guaranteed level of protection afforded.

Appreciation

Canada owes the success of its statistical system to a long-standing co-operation involving Statistics Canada, the citizens of Canada, its businesses, governments and other institutions. Accurate and timely statistical information could not be produced without their continued co-operation and goodwill.

Who should complete this questionnaire?

Authorised representatives of the enterprise such as senior managers with a thorough knowledge of its intellectual property management.

Please consult the glossary if necessary at the end of the questionnaire.

For additional information, please call us toll free at 1-800-565-1685.

Please return the completed questionnaire within **30 days** of receipt.

For this survey, please report for all of your operations in Canada for 2010.

All items marked with an asterisk (*) can be found in the glossary at the end of the questionnaire.

SECTION 1 – ENTERPRISE STRUCTURE

This section asks about the ownership and organisation of your enterprise.

1. Is your Canadian enterprise* a subsidiary or branch of another enterprise?

1001 1 Yes

3 No **Go to question 3**

2. Where is your enterprise's head office* located? *Check only one.*

1002 1 Canada

2 United States

3 Europe

4 Asia Pacific

5 Other (please specify):

1102

3. Does your Canadian enterprise have subsidiaries*?

1003 1 Yes

3 No **Go to question 5**

4. Where are they located? *Check all that apply.*

1004 1 Canada

2 United States

3 Europe

4 Asia Pacific

5 Other (please specify):

1104

SECTION 2 – ENTERPRISE ACTIVITY

This section asks about software, goods, services and creative works*, which your enterprise produces.

5. In 2010, did your enterprise earn operating revenue from sales of **software** products?

Exclude: Pre-packaged software products and applications (apps).

- 1005 1 Yes
3 No

6. In 2010, did your enterprise earn operating revenue from sales of **goods**?

Include: Devices, Medications, Chemicals, Energy, Vehicles, Specialized equipment, Pre-packaged software, and other tangible goods.

Exclude: Music, Audio or film recordings, Software (other than pre-packaged), Publications, Other creative works, other intangible works.

- 1006 1 Yes
3 No

7. In 2010, did your enterprise earn operating revenue from sales of **services**?

Include: Designs, Management, Monitoring, Technical advice, Plans, Consulting, Formulas, Repair and/or maintenance.

Exclude: Promotion of music, audio or film recordings, Consulting services for music, Audio or film recordings, Other services for creative works.

- 1007 1 Yes
3 No

8. In 2010, did your enterprise earn operating revenue from sales or promotion of **creative works** created for the market or for a client?

Include: TV shows, Compilations, Interactive digital media, Publications, Music scores, Music lyrics, Music publications, Audio-visual works, Voice performance for animation, Magazines, Paintings, Commercials, Films, Websites, Webpages, Apps.

- 1008 1 Yes
3 No

9. Thinking about your most important product or product-line* (i.e., software, goods, services or creative works) how many direct competitors* does your enterprise have in Canada?

- 1009 1 0
2 1 to 3
3 4 to 6
4 7 to 10
5 More than 10
6 Don't know

10. Thinking about your most important product or product-line, does your enterprise sell high end and low end versions of similar software, goods, services or creative works at different prices in Canada?

- 1010 1 Yes
3 No

SECTION 3 – PATENTS*

This section asks about your patent activities.

11. As of December 2010, did your Canadian enterprise hold or use issued patents...

A patent can fit into more than one category. Report one (1) patent for multiple registrations.

	YES or NO			Total number
...applied for by your enterprise	1105	1 <input type="radio"/> Yes	3 <input type="radio"/> No	1106 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
...originated with founders or predecessors	1107	1 <input type="radio"/> Yes	3 <input type="radio"/> No	1108 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
...licensed* to others	1109	1 <input type="radio"/> Yes	3 <input type="radio"/> No	1110 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
... purchased directly by your enterprise (excluding mergers and acquisitions)	1111	1 <input type="radio"/> Yes	3 <input type="radio"/> No	1112 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
... obtained through mergers* & acquisitions*	1113	1 <input type="radio"/> Yes	3 <input type="radio"/> No	1114 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
... obtained via strategic alliance* or partnerships	1115	1 <input type="radio"/> Yes	3 <input type="radio"/> No	1116 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
... that were cross-licensed*	1117	1 <input type="radio"/> Yes	3 <input type="radio"/> No	
...owned by your foreign head office	1118	1 <input type="radio"/> Yes	3 <input type="radio"/> No	
... accessed through patent pools*	1119	1 <input type="radio"/> Yes	3 <input type="radio"/> No	

If 'No' to ALL options (i.e. 0 patents), ► Go to question 21

12. In 2010, please report the number of patenting activities by your Canadian enterprise.

	With the Canadian Intellectual Property Office (CIPO)	With the United States Patent and Trade-mark Office (USPTO)	With patent offices in other countries
New Patent applications	1201 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	1202 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	1203 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Patents issued	1204 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	1205 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	1206 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

13. Please list the patent numbers that were most important to your enterprise in 2010.
Please report multiple registrations for the **same patent** on the same line.

Patent	Patent Office				
	Canada: CIPO Patent number	United States: USPTO Patent number	Patent offices in other countries		
1	1301 <input type="text"/>	1302 <input type="text"/>	1303	1 <input type="radio"/> Yes	3 <input type="radio"/> No
2	1304 <input type="text"/>	1305 <input type="text"/>	1306	1 <input type="radio"/> Yes	3 <input type="radio"/> No
3	1307 <input type="text"/>	1308 <input type="text"/>	1309	1 <input type="radio"/> Yes	3 <input type="radio"/> No
4	1310 <input type="text"/>	1311 <input type="text"/>	1312	1 <input type="radio"/> Yes	3 <input type="radio"/> No
5	1313 <input type="text"/>	1314 <input type="text"/>	1315	1 <input type="radio"/> Yes	3 <input type="radio"/> No

14. In 2010, did your Canadian enterprise **sell** any patents to other enterprises or organizations?
(excluding establishments and companies within your own enterprise)

- 1014 1 Yes
3 No **Go to question 16**

15. As a result, did the book value* of your Canadian enterprise:

- 1015 1 Increase
2 Decrease
3 Stay the same
4 Don't know

16. In 2010, did your Canadian enterprise **buy** any patents from other enterprises or organizations?
(excluding establishments and companies within your own enterprise)

- 1016 1 Yes
3 No **Go to question 18**

SECTION 4 – COPYRIGHTS*

This section asks about your copyright activities.

22. As of December 2010, did your Canadian enterprise hold or use any copyrights?

Include: Registered* and unregistered copyrights and copyrights licensed to and from others.

2201 1 **Yes** ▶ How many copyrights as of December 2010?

- 2202 1 1 to 99
2 100 to 999
3 1000 or more
4 Don't know

3 **No** ▶ **Go to question 30**

23. In 2010, how many copyrights were licensed **TO** others? (excluding establishments and companies within your own enterprise)

- 1023 1 1 to 10
2 11 to 99
3 100 to 999
4 1000 or more
5 No copyrights licensed **to others** in 2010
6 Don't know

24. In 2010, how many copyrights were licensed **FROM** others? (excluding establishments and companies within your own enterprise)

- 1024 1 1 to 10
2 11 to 99
3 100 to 999
4 1000 or more
5 No copyrights licensed **from others** in 2010
6 Don't know

25. In 2010, did your Canadian enterprise register any copyrights?

- 1025 1 Yes
3 **No** ▶ **Go to question 27**

26. Please indicate the number of copyrights registered by your Canadian enterprise in 2010 with the following entities:
Please enter 0 if none.

	Number of registered copyrights
The Canadian Intellectual Property Office (CIPO)	2601 <input type="text"/>
United States Copyright Office	2602 <input type="text"/>
Copyright offices in other countries	2603 <input type="text"/>

27. In 2010, were there any known unauthorised uses of your copyrights (e.g. piracy*)?

- 1027 1 Yes
3 No **Go to question 29**
4 Don't know

28. How many known unauthorised uses were there in 2010?

- 2801 2802 Don't know

29. In 2010, in which of the following copyright enforcement activities did your Canadian enterprise engage?
Check all that apply.

- 1029 1 No active copyright enforcements in 2010
2 Monitoring for potential copyright infringement*
3 Legal actions to enforce copyrights
4 Enforcement undertaken by your enterprise's foreign parent

SECTION 5 – TRADE-MARKS*

This section asks about your trade-marks activities.

30. As of December 2010, did your Canadian enterprise hold or use any trade-marks?

Include: Both registered and unregistered trade-marks, enterprise and all company names (if trade-marked) and enterprise logos and product logos (if trade-marked).

Exclude: Domain names.

3001 Yes ▶ How many total trade-marks as of December 2010?

3002

3 No ▶ Go to question 37

31. How many of these trade-marks ... A trade-mark can fit into more than one category. Please enter 0 if none.

	Number
...reflect the entire Canadian enterprise? (e.g. company name or logo)?	3101 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
...are specific to software, goods, services or creative works?	3102 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
... are specific to new technologies?	3103 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
... are specific to new processes?	3104 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

32. In which of the following ways were the trade-marks acquired? Check all that apply.

- 1032 1 Created and used by the enterprise
- 2 2 Through **Registration** with a trade-mark office
- 3 3 Through the direct purchase **From** another enterprise
- 4 4 Indirectly through the purchase **Of** another enterprise
- 5 5 Through licensing or franchising agreements
- 6 6 Don't know
- 7 7 Other (please specify):

SECTION 6 – OTHER FORMS OF PROTECTION AND MANAGEMENT OF INTELLECTUAL PROPERTY

This section asks about other aspects of your intellectual property (IP).

37. In 2010, did your Canadian enterprise hold or use: Check all that apply.

- 1037 1 Industrial designs*
- 2 Clinical trial data protection*
- 3 Domain names (websites)*
- 4 Trade secrets* to protect your Intellectual Property*
- 5 Non-disclosure agreements*
- 6 Open source*
- 7 Any other type of Intellectual Property (please specify) : ³⁷⁰¹
- 8 None of the above

38. In 2010, where were business decisions regarding Intellectual Property managed? Check only one.

- 1038 1 In Canada
- 2 Outside Canada
- 3 Both in and outside Canada
- 4 No decisions required on intellectual property **Go to question 40**

39. In 2010, which of the following types of services did your enterprise employ in managing Intellectual Property? Check all that apply.

Legal service or counsel

3901 1 Yes No

3905 1 Internal

2 External (contracted out)

Patent agent* or Trade-mark agent*

3902 1 Yes No

3906 1 Internal

2 External (contracted out)

Other service provider

3903 1 Yes, please specify: ³⁹⁰⁴

3 No

3907 1 Internal

2 External (contracted out)

SECTION 7 – REVENUE AND EXPENSES

For these questions, please report in *thousands of Canadian dollars* for your **fiscal year ending between April 1, 2010 and March 31, 2011**.


REVENUE

The next questions ask about your enterprise's **operating revenue*** in fiscal year 2010.

Please enter 0 if no revenue.

40. In 2010, what was the total operating revenue of your Canadian enterprise?

¹⁰⁴⁰ \$ ('000 \$)

If '0'  Go to question 42

41. In 2010, estimate the percentage of this operating revenue that came from the following geographic markets:

Canada ⁴¹⁰¹ %

United States ⁴¹⁰² %


Europe ⁴¹⁰³ %

Asia Pacific ⁴¹⁰⁴ %

Rest of world ⁴¹⁰⁵ %


TOTAL **1 0 0 %**

42. In 2010, did your enterprise earn revenue from goods, services or creative works protected by **patents** (regardless of overlapping IP rights)?

⁴²⁰¹ 1 **Yes** 
3 No

⁴²⁰² In Canada
⁴²⁰³ Outside Canada
⁴²⁰⁴ Both in and outside Canada

43. In 2010, did your enterprise earn revenue from goods, services or creative works protected by **copyrights** (regardless of overlapping IP rights)?

⁴³⁰¹ 1 **Yes** 
3 No

⁴³⁰² In Canada
⁴³⁰³ Outside Canada
⁴³⁰⁴ Both in and outside Canada

44. In 2010, did your enterprise earn revenue from goods, services or creative works protected by product-specific trade-marks (regardless of overlapping IP rights)?

4401 1 Yes No
 3 No

4402	<input type="radio"/>	In Canada
4403	<input type="radio"/>	Outside Canada
4404	<input type="radio"/>	Both in and outside Canada

45. In 2010, did your Canadian enterprise earn any revenue from royalties* or licensing fees? (excluding establishments and companies within your enterprise)

1045 1 Yes
 3 No **Go to question 48**

46. In 2010, please report the amounts of these royalties and licensing fees received from ... (excluding establishments and companies within your enterprise). Indicate '0' if no amount received.

	In Canada ('000 \$)	Outside Canada ('000 \$)
Patents:	4601 \$ <input type="text"/>	4602 \$ <input type="text"/>
Industrial designs:	4603 \$ <input type="text"/>	4604 \$ <input type="text"/>
Trade-marks:	4605 \$ <input type="text"/>	4606 \$ <input type="text"/>
Copyright works (except software):	4607 \$ <input type="text"/>	4608 \$ <input type="text"/>
Pre-packaged software:	4609 \$ <input type="text"/>	4610 \$ <input type="text"/>
Other software (customized):	4611 \$ <input type="text"/>	4612 \$ <input type="text"/>
Other intellectual property rights: (please specify) :	4613 \$ <input type="text"/>	4614 \$ <input type="text"/>
4615	<input type="text"/>	

47. How were these royalties and licensing fees received? Check all that apply.

- 1047 1 Running royalties*
- 2 Milestones payments*
- 3 One-time licenses*
- 4 Pay-per-play* (e.g. SOCAN, BMI, ASCAP)
- 5 Don't know
- 6 Other (please specify): 4701

EXPENSES

The next questions ask about your enterprise's **operating expenses** in fiscal year 2010.
Please enter '0' if no expenses.

48. In 2010, what were your enterprise's **operating expenses** for the management and maintenance of intellectual property?

		Expenses in 2010 ('000\$)
Salaries and wages for managing and maintaining Intellectual Property	4801	\$ <input style="width: 100px;" type="text"/>
Direct fee payments to intellectual property offices (e.g. CIPO, USPTO, US Copyright Office)	4802	\$ <input style="width: 100px;" type="text"/>
Legal services to manage IP (excluding salaries & wages)	4803	\$ <input style="width: 100px;" type="text"/>
Administrative fees paid to copyright collectives	4804	\$ <input style="width: 100px;" type="text"/>
Expenses to comply with IP-related government regulations (e.g. health and agriculture)	4805	\$ <input style="width: 100px;" type="text"/>
Other expenses to manage and maintain intellectual property (please specify):	4806	\$ <input style="width: 100px;" type="text"/>
4807 <input style="width: 400px;" type="text"/>	4807	\$ <input style="width: 100px;" type="text"/>

49. In 2010, did your enterprise make any **payments for royalties or licensing fees?**
(excluding establishments and companies within your enterprise).

- 1049 1 Yes
- 3 No ▶ Go to question 51

50. In 2010, please report the amounts of these **royalties and licensing fees paid for ...** (excluding establishments and companies within your enterprise)... Indicate '0' if no amount paid.

	In Canada ('000\$)	Outside Canada ('000\$)
Patents:	5001 \$ <input type="text"/>	5002 \$ <input type="text"/>
Industrial designs:	5003 \$ <input type="text"/>	5004 \$ <input type="text"/>
Trade-marks:	5005 \$ <input type="text"/>	5006 \$ <input type="text"/>
Copyright works (except software):	5007 \$ <input type="text"/>	5008 \$ <input type="text"/>
Pre-packaged software:	5009 \$ <input type="text"/>	5010 \$ <input type="text"/>
Other software (customized):	5011 \$ <input type="text"/>	5012 \$ <input type="text"/>
Other intellectual property rights: (please specify):	5013 \$ <input type="text"/>	5014 \$ <input type="text"/>
5015	<input type="text"/>	

These next questions ask about the enterprise's **technology and marketing-related expenses**. Please report all in thousands of Canadian dollars where applicable.

51. In 2010, did your Canadian enterprise incur any expenses for **internet** and internet-related services (including service providers)?

5101 1 Yes No

3 No

How much in 2010?

5102 \$ ('000 \$)

52. In 2010, did your Canadian enterprise incur any expenses for the development of **in-house, custom designed** or contracted out **computer software**?

5201 1 Yes No

3 No

How much in 2010?

5202 \$ ('000 \$)

60. In the last 3 years, excluding government funding, did your enterprise receive any **funds from external investment sources** (e.g., angel investors, venture capital, banks and other enterprises)?

1060 1 Yes

3 No **Go to question 62**

61. In the last 3 years, how important were the enterprise's patents, copyrights or trade-marks in securing funds from external investment sources? Check only one for each column.

		Very important	Moderately important	Slightly important	Not important at all	Don't know	Not applicable
Patents	6101	1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>	6 <input type="radio"/>
Copyright	6102	1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>	6 <input type="radio"/>
Trade-marks	6103	1 <input type="radio"/>	2 <input type="radio"/>	3 <input type="radio"/>	4 <input type="radio"/>	5 <input type="radio"/>	6 <input type="radio"/>

62. In the last 3 years, did patents, copyrights or trade-marks **held by others** prevent any R&D performed by your enterprise?

1062 1 Yes

3 No

4 Not applicable

63. In the last 3 years, did patents, copyrights or trade-marks **held by others** prevent commercialization of new software, goods, services or creative works?

1063 1 Yes

3 No

4 Not applicable

64. In the last 3 years, did patents, copyrights or trade-marks **held by others** prevent your enterprise's ability to obtain financing?

1064 1 Yes

3 No

4 Not applicable

65. In the last 3 years, did patents, copyrights or trade-marks **held by others** prevent your enterprise's ability to compete outside Canada?

1065 1 Yes

3 No

4 Not applicable

66. Please indicate the name and phone number(s) of the person(s) who completed this questionnaire:

Name	Telephone number
6601 <input type="text"/>	6602 <input type="text"/>
Name	Telephone number
6603 <input type="text"/>	6604 <input type="text"/>
Name	Telephone number
6605 <input type="text"/>	6606 <input type="text"/>

67. How long did it take you to fill out this questionnaire?

Minute(s)

9909

COMMENTS

9920

9913

9914

9915

Thank you for completing this questionnaire.

Please retain a copy for your records.
Visit our website at www.statcan.gc.ca

Lost the return envelope or need help?
Call Statistics Canada at: **1-800-565-1685.**

GLOSSARY

Book Value:

Book Value = Assets – Liabilities. How much money would be left for shareholders if the company were to immediately liquidate, sell all its assets and pay off all its liabilities.

Clinical trial data protection:

Refers to the obligation on Health Canada, pursuant to the Food and Drug Regulations, to protect confidential clinical test data.

Copyright:

Copyright (©) is a set of exclusive rights granted to the author or creator of an original work, including for example the right to copy, perform and adapt the work, and to authorize others to do such acts. Copyright does not protect ideas, only their expression. In most jurisdictions copyright arises upon fixation and does not need to be registered.

Copyright infringement:

The unauthorized or prohibited use of works under copyright, such as the right to reproduce or perform the copyrighted work, or to make derivative works.

Copyright registration:

It is possible to formally register a copyright with a governmental body (such as the Canadian Intellectual Property Office) or other institution as evidence that your creation is protected by copyright and that you, the person registered, are the owner.

Counterfeit:

A counterfeit is an imitation, usually one that is made with the intent of fraudulently passing it off as genuine. The word counterfeit frequently describes both the forgeries of documents, as well as the imitations of works of art, software, pharmaceuticals, electronics and company logos and brands. In the case of intellectual property, it results in patent, copyright or trade-mark infringement.

Creative Work:

A tangible or intangible manifestation of creative effort such as literature, music, paintings, audio-visual work, jingles, TV shows, piece of music or score, compositions, gigs, voice-over work, voice performance for animation, performance, commercials, books, magazines etc.

Cross-licensing:

A contractual arrangement whereby neither party pays monetary royalties to the other party while they are using each others' patents.

Direct Competitors:

Those enterprises that produce the same product or set of products and deliver it to the same set of consumers.

Domain Name:

Domain names are hostnames that identify Internet Protocol (IP) resources such as web sites (e.g. canada.gc.ca). Domain names are formed by the rules and procedures of the Domain Name System (DNS).

Enterprise:

A single corporation or a family of corporations under common ownership and/or control, for which consolidated financial statements are produced. The enterprise directs and controls the allocation of resources relating to its domestic operations.

Head Office:

Denotes the location where most, if not all, of the important functions of an organization are coordinated.

Industrial Design:

A combination of the visual features of shape, configuration, pattern or ornament—or any combination of these features—applied to a finished article made by hand, tool or machine.

Intellectual property:

A distinct form of creative endeavour such as an invention, literary and artistic work, image or design that may be protected by formal legislation or the common law (e.g. a patent, trademark, copyright, industrial design, integrated circuit topography, plant breeders' rights), or that is provided commercial value (e.g. know-how, trade secrets).

License:

Defines the terms under which patents, trade-marks, and copyrights are licensed by one party to another for exchange of onetime payment or a continuous fee-structure.

Milestone Payments:

The licensee acquires the rights to sell a product of the licensor and, in return, offers an upfront payment, payable upon signing of the agreement, and one or several rounds of payments (milestones) bound to certain events (e. g. successful finish of a clinical trial phase, reception of marketing approval, final product of a software).

Mergers and Acquisitions:

When two companies agree to go forward as a single new company then it is called a merger. When one company takes over another company and clearly establishes itself as a new owner, it is called an acquisition.

Nondisclosure Agreement:

A legal contract between at least two parties that outlines confidential material, knowledge, or information that the parties wish to share with one another for certain purposes, but wish to restrict access to by third parties.

One-Time License:

Once a license is purchased, the licensee is free to use the product or service as long as needed. Sometimes upgrades are free for one year within the same major version that was purchased.

Open Source:

Describes practices in production and development that promote access and/or distribution of the end product and/or source materials. A common example is open-source software, where the source code is provided under a license that permits users to freely study, change, improve and at times also to distribute the software.

Operating Revenue:

Revenue from company's day to day operations or any regular source such as sales and commissions adjusted for discounts and returns is operating revenue.

Opposition:

This is a procedure usually brought before the issuing patent office, initiated by third parties to invalidate a patent.

Patents:

A set of rights granted by a national government to an inventor or their assignee for a limited period of time in exchange for a public disclosure of that invention (such as machines, devices, methods, designs, processes and compositions of matter). A patent prevents others from using, selling or distributing the invention without the permission of the owner of the patent.

Patent Agent:

An person who has the specialized qualifications necessary for representing clients in obtaining patents and acting in all matters and procedures relating to patent law and practice, such as filing an opposition.

Patent Infringement:

Using the patented invention without permission from the patent holder. The terms of the claims inform the public of what is not allowed without the permission of the patent holder. Patents are territorial, and infringement is only possible in a country where a patent is in force.

Patent Pool:

In patent law, a patent pool is a consortium of at least two companies agreeing to cross-license patents relating to a particular technology.

Pay per play:

A means to collect a stream of future royalty payments on behalf of the creator by copyright collectives such as SOCAN, BMI or ASCAP, every time a piece of music is played anywhere in the world.

Piracy:

The unauthorized or prohibited use of works under copyright, infringing the copyright holder's exclusive rights, such as the right to reproduce or perform the copyrighted work, or to make derivative works.

Product-line:

Comprised of related products of various sizes, types, colors, qualities, or prices.

Research and Development (R&D):

Research and development (R&D) is systematic investigation carried out in the natural and engineering sciences by means of experiment or analysis to achieve a scientific or technological advance.

Royalties:

Payments made by one party (the "licensee") to another (the "licensor") for ongoing use of an intellectual property. Typically agreed upon as a percentage of gross or net revenues or per unit price derived from the use of an Intellectual Property (e.g., royalties collected by SOCAN, BMI, ASCAP).

Running Royalties:

A stream of future royalty payments collected at regular intervals often used in the oil industry and music industry to describe a percentage ownership of future production (only applies to oil industry) or revenues from a given copyright work, which may be divested from the original owner.

Spin off Companies:

A corporate action where a company "splits off" sections of itself as a separate business. The "spin-off" company takes assets, intellectual property, technology, and/or existing products from the parent organization.

Strategic Alliance:

A relationship between two or more parties to pursue a set of agreed upon goals or to meet a critical business need while remaining independent organizations.

Subsidiary:

An entity that is controlled by a separate higher entity called its parent.

Trade-mark:

Words, designs, numbers, shapes, or any combination of these, used to distinguish the goods or services of one person or organization from those of others. A trade-mark may be designed by the following symbols: ®, ™, SM.

Trade-mark Agent:

A person who is qualified to act in matters involving trade-mark and design matters (e.g. advising on the use and registration; filing and prosecuting applications to register; handling oppositions, revocations, invalidations and assignments; carry out searches; and advising on infringement matters). A trade-mark agent must be registered with the Canadian Intellectual Property Office (CIPO).

Trade-mark Infringement:

Is a violation of the exclusive right attached to a trade-mark without the authorization of the trademark owner or any licensees. Infringement may occur when one party, the "infringer", uses a trademark which is identical or confusingly similar to a trademark owned by another party, in relation to products or services which are identical or similar to the products or services which the registration covers.

Trade Secrets:

Information that is secret or not generally known in the relevant industry and that gives its owner an advantage over competitors.