

YouthStart

ENTREPRENEURIAL CHALLENGES

Idea Challenge B1

I can develop an idea and a model how to implement it.

Core Entrepreneurial Education



Entrepreneurial Design – a sustainable business model

From developing an idea to product design and marketing – what is the process that a product goes through? What is trademark protection? Answer these questions yourself by developing a sustainable business model for your own idea.

Extension Materials for Students 2

Protecting Your Own Ideas

Youth Start Entrepreneurial Challenges Programme

based on the TRIO Model for Entrepreneurship Education – www.youthstart.eu

Core Entrepreneurial Education		Entrepreneurial Culture						Entrepreneurial Civic Education
 Idea Challenge	 Hero Challenge	 Empathy Challenge	 Storytelling Challenge	 Buddy Challenge			 My Community Challenge	
 My Personal Challenge	 Lemonade Stand Challenge	 Perspectives Challenge	 Trash Value Challenge	 Open Door Challenge			 Volunteer Challenge	
 Real Market Challenge	 Start Your Project Challenge	 Extreme Challenge	 Be A YES Challenge	 Expert Challenge			 Debate Challenge	

The TRIO Model is a holistic definition of entrepreneurship that encompasses three areas:

Core Entrepreneurial Education comprises basic qualifications for entrepreneurial thinking and acting: developing and implementing original and innovative ideas in a creative and structured manner.

Entrepreneurial Culture refers to personal development: self-initiative, self-confidence, teamwork, empowering oneself and others.

Entrepreneurial Civic Education aims at enhancing social competences and empowering students in their role as citizens: assuming responsibility for oneself, others and the environment.

Each challenge belongs to a **challenge family** that has its own icon with a colour code that corresponds to one of the three TRIO areas. A challenge family comprises several challenges on different competence levels. The letter codes given in the teaching materials correspond to the following levels:

A1 – primary level; A2 – secondary level I; B1 and B2 – secondary level II; C1 – transition from secondary level II to tertiary level. Each level builds on the preceding level.



➔ Worksheet 1: Protect your own ideas

We would still be living in caves if clever ideas had not influenced the way people live. Have you come up with an idea? How can you protect yourself from external access? What forms of protection are available?

Basically we need to distinguish between the following protectable spheres:

1. Technical inventions as patents
2. Designs
3. Protected designation of origin and protected geographical indication
4. Trademark
5. Company name
6. Works and Software

Ad 1. Patents

You can **protect your invention** with a patent and exclude the right to produce, sell or use it without your approval. Certainly, this right can be transferred through licensing or sale. The invention should be related to an item or process that is able to solve a technical problem. According to the patent law the crucial factor is the “originality” of the product. Either you start your research yourself or task the patent office to determine the state-of-the-art technology. By the way: Within the EU, business ideas cannot be patented – however, in the United States “business methods” can.

Things you have to consider during the patent application:

- The invention must not be made public prior to the patent application.
- The economic aspect has to be considered from the beginning! (Is there a possibility for economic exploitation?)
- Every technical detail has to be described accurately in the patent application.
- The submission must not be made by e-mail.

For national patents with a term of protection of 20 years, the patent office in the respective country is responsible (e.g. www.patentamt.at); European patents are filed at **the European patent office in Munich**. By the way, a worldwide patent does not exist!

Ad 2. Designs

Based on the **registered design**, the look of a commercial product is patented. The copyright includes every visible feature and characteristic (colour, form, surface) – thus, the design. The protected item concerns models and is regulated by the law on registered designs.

The Utility Model Act includes the so-called “minor patent”, which protects improved technical designs for existing products used for the same purpose. The **registered design** is similar to the patent, but the maximum term of protection is only 10 years and the granting through the patent office is significantly faster.

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The Office of Harmonization in Alicante (Spain) is responsible for the EU-wide design protection. A maximum protection period of 25 years is guaranteed.

Ad 3. Trademark

We all know trademarks. To protect a trademark it has to be distinctive and should not only describe the goods and services for which it is used! **[tm]** is the abbreviation for **Trademark**, the English name for brands, which is often mentioned in order for the brand to be emphasized. Sometimes even the origin is added [tm by ...].

The **Registration** ® of a brand is not obligatory but recommended. By registering you have a privileged legal position insofar as you can prohibit your competitors to utilize your trademark and/or sign. The term of protection is 10 years and may be prolonged further by 10 years as often as needed. Further information on how to proceed and what costs to expect can be found at your national patent office (e.g. www.patentamt.at). The acquisition of trademark protection grants the owner the exclusive right to use the trademark. The right is transferrable, distrainable or partible. That way it may be sold or used economically on the basis of a license agreement.

The most frequent **Trademarks** are:

Purely **WORD MARK**:

only CAPITAL LETTERS; no specific font; no graphics! Both, letters as well as words can be used.

1. **Design mark:**
Picture without font
2. **Word and design mark:**
Picture with font
3. **Three-dimensional (physical) trademark:**
e.g. characteristic shape of a bottle



Brands are frequently copied (trademark counterfeiting) such as Lego, luxury watches, and bags from designers or electronic devices – which causes damage and loss in many companies.

Ad 4. Company name

The name registration can be compared to the trademark protection. In this case, though, not the patent office but the Commercial Register Court in the country concerned is responsible for the checking of admissibility of the company name and the registration in the **company register**. A company name may trench upon an existing trademark and vice versa.

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Ad 5. Protected designation of origin and protected geographical indication

Since 1992 there has been the possibility to protect geographical indications such as “Parmaschinken” and designations of origin such as “Tiroler Alpkäse” for agricultural products and food within the EU. If an agricultural product or food has reached a certain reputation across national borders, it may lead to products being copied and their names being misused. This protected trademark is listed in a **register** for protected designation of origin and protected geographical indication managed **by the European Commission**. Guarantor for authenticity is the logo of the European Commission.



This **protection is EU-wide and not limited in time**. Because of this kind of protection injured parties can defend themselves with claims in regards to forbearance, elimination and compensation.

Ad 6. Works and Software

The copyright protects intellectual creations in literature, musical art, fine arts or cinematic art. The individuality as well as the originality of intellectual property are protected!

All new software is automatically protected by the **copyright**. In this digital age we live in, the copyright developed in the 18th century needs to be adapted accordingly. The “Copyright” is the “right to copy” and means that copying a work without permission of the author is prohibited. The “Copyright” is represented with the capital letter “C” in a circle ©.

The regulation of copyright includes technical protective measures (e.g. copy protection), which will allow the copyright holder to prevent unwanted use, copying and distribution to third parties. The copyright holder shall still allow copies to be made by private persons, which means that whoever buys a music CD, is allowed to make copies for friends or relatives for free. Plagiarism (product piracy) is the “illegal usage of a copyright protected intellectual property”, such as a melody or a text.

Comparison: Protection through copyright law, patent or registered design

- Protection of copyright is weak and easy to circumvent (Software-Clones are a dime a dozen).
- Patents and registered designs, however, provide a strong protection, which includes the technical content of the software.
- Please note that not all software can be patented or registered as a design, since there has to be a technical element.

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Summary "Protect your own ideas"

Protectable Spheres	Enshrined in the following laws	Competent Institution	Term of protection (with the option of extension)
Technical inventions as patents	Patent Law	Patent office	20 years
Designs	Law on registered designs Utility Model Act	Patent office	Utility model 10 years
Protected designation of origin and protected geographical indication	Regulation (EEC) No. 2081/92	Patent office	EU-wide without time restrictions
Trademark	Trademark protection	Patent office	10 years (extendable)
Company name	Corporate code	Commercial register court	Until deletion
Works, Software	Copyright	Federal Ministry of Justice	70 years from the death of the author

Task 1: Explain, why an invention should be patented.

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Task 2: Analyse, whether or not you can get your idea patented.

Task 3: Investigate, where you can get information about already existing patents.

Task 4: You've made a great invention. What do you have to do in order to apply for a patent? Use the information from the website of the patent office.



➤ Worksheet 2

Self-Reflection Wrap-Up

1. After completing this challenge, do you think differently about developing an idea? Why or why not?

2. Do you feel prepared to launch your own business idea in the real world?

3. If you were to tell your parents three things you learned from this challenge, what would they be?

4. Would you recommend that one of your parents start their own business? Why or why not?

5. What characteristics do you think it really takes to start your own business? Is it just having a good idea and a well written business model?
