

# TOOL FOR THE ELABORATION OF PLAN FOR IPR PROTECTION OF ICH PROJECTS.

DELIVERABLE D.T2.1.3

(WP T2, ACTIVITY A.T2.1)



LIGHT VERSION 07 2019, EN  
24 07 2019

PROJECT PARTNER (WEST PANNON REGIONAL AND ECONOMIC DEVELOPMENT  
PUBLIC NONPROFIT LTD, PP6)

CONTACT PERSON: ZSOMBOR ARADSZKI, FERENC LAKI





## Tool for the elaboration of plan for IPR protection of ICH projects

This document aims to give a user-friendly description of the ‘Tool for the elaboration of plan for IPR protection of ICH projects’ which was elaborated by West Pannon Nonprofit Ltd., Hungary in the framework of ARTISTIC project, CENTRAL EUROPE PROGRAMME.



## What are ICH projects?

ICH projects aim to capitalise the local ICH (intangible cultural heritage), e.g. by opening up new cultural and creative enterprises on the base of the existing local / regional cultural values, such as a practice, a representation, an expression, a knowledge, or a skill, as well as the instruments, objects, artefacts, and cultural spaces<sup>1</sup>.

<sup>1</sup> UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage  
<https://ich.unesco.org/en/convention>



## What are Intellectual Property Rights?

A right that is had by a person or by a company to have exclusive rights to use its own plans, ideas, or other intangible assets without the worry of competition, at least for a specific period of time. These rights can include copyrights, patents, trademarks, and trade secrets. These rights may be enforced by a court via a lawsuit. The reasoning for intellectual property is to encourage innovation without the fear that a competitor will steal the idea and / or take the credit for it.<sup>2</sup>

## Why is it important to protect Intellectual Property Rights?

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 the results of intellectual activities in industry, science or culture.

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 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.

## How can the IPR tool contribute to the overall goal of IPR protection for ICH projects?

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 (who will assist the cultural and creative actors) or directly to the cultural and creative operators.

---

<sup>2</sup>BusinessDictionary

<http://www.businessdictionary.com/definition/intellectual-property-rights.html>

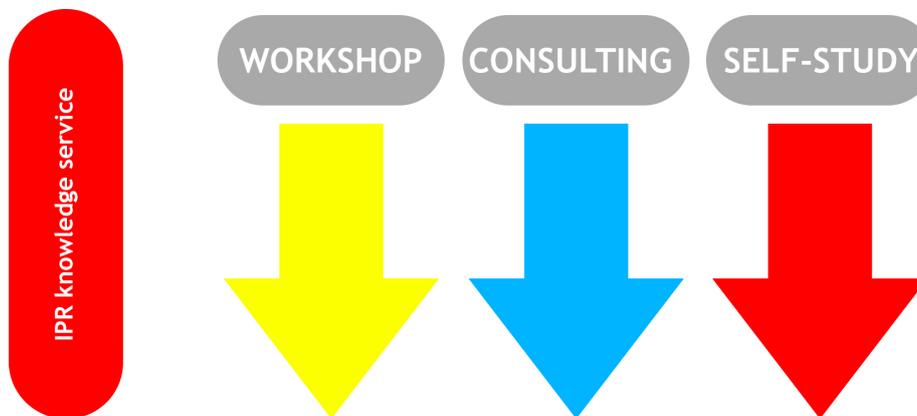


## Rationale and basic logic of the service

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

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 trainings) 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 the online tool ([self-study](#)).





## Basic operation of the service

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.

link to the entry survey:

[http://www.entribu.eu/storage/resources/573/documents/D.T2.1.3\\_IPR\\_Diagnosis.pdf](http://www.entribu.eu/storage/resources/573/documents/D.T2.1.3_IPR_Diagnosis.pdf)



## 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.

link to the survey sheet:

[http://www.entribu.eu/storage/resources/574/documents/D.T2.1.3\\_IPR\\_Evaluation.pdf](http://www.entribu.eu/storage/resources/574/documents/D.T2.1.3_IPR_Evaluation.pdf)

### **SELF-STUDY**

By using the online accessible matrix tool cultural operators will be able to obtain the required knowledge on IPR by themselves. A well-structured matrix table contains all necessary information on IPR instruments in English and all languages of the project partners (German, Hungarian, Italian, Polish, Slovakian and Slovenian). By browsing the matrix 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 can visit the matrix online by themselves due to the lack of IPR knowledge.

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

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

link to the IPR tool:

<http://www.entribu.eu/hu/artistic/resources/iframe/ipr-regulation-database>

D	E
What rights do you have?	What to do in case of infringement?
<p>The author has the right to decide about publishing or withdrawing th work. In case the work is used by another person or organization, permission must be asked from the owner - if necessary, royalties have to be paid - and the name of the author must be clearly indicated.</p>	<ol style="list-style-type: none"> <li>1. Subsequent conclusion of contract;</li> <li>2. Resolution by mediation (compromise procedure);</li> <li>3. Judicial procedure to terminate infringement, granting of compensation taking into account the value of enrichment obtained by the infringement.</li> </ol>



## 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.

### step 1: Entry

After optional conscious efforts at visibility, targeting and stakeholder engagement, 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 accessible matrix tool**.

### step 3: Feedback on service progress

At the end of the workshop 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.

link to the survey:

[http://www.entribu.eu/storage/resources/574/documents/D.T2.1.3\\_IPR\\_Evaluation.pdf](http://www.entribu.eu/storage/resources/574/documents/D.T2.1.3_IPR_Evaluation.pdf)





The following tools will be used during the service:

- 'diagnostic' checklist/questionnaire to be used for one-on-one consulting (entry survey sheet)

[http://www.entribu.eu/storage/resources/573/documents/D.T2.1.3\\_IPR\\_Diagnosis.pdf](http://www.entribu.eu/storage/resources/573/documents/D.T2.1.3_IPR_Diagnosis.pdf)

- workshop materials to be used for groups of operators with common interests and problems (slides, notes, tips, handouts, etc.)

- follow-up materials: paper based survey sheets providing feedback on service quality and appropriateness, collected at the end of one-on-one consultations or workshops.

[http://www.entribu.eu/storage/resources/574/documents/D.T2.1.3\\_IPR\\_Evaluation.pdf](http://www.entribu.eu/storage/resources/574/documents/D.T2.1.3_IPR_Evaluation.pdf)

- Artistic IPR online accessible IPR matrix tool

<http://www.entribu.eu/hu/artistic/resources/iframe/ipr-regulation-database>

The Artistic IPR Tool is an online accessible matrix 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.

It means that 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.

The IPR tool gives answers to the following basic questions :

- what is the content?
- how to create protection?
- what rights do you have?
- what to do in case of infringement?
- how long does the protection last?



The IPR tool has the following content structure according to the above questions:

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. Trademark:

- 2.1 National level of protection: aim, scope, rights, application in PP countries
- 2.2 Community level of protection: WIPO Trademark Treaty, WIPO Trademark Registration

3. Design

- 3.1 National level of protection: aim, scope, rights, application in PP countries
- 3.2 Community level of protection: EU regulation: unregistered or registered Community design, EU directive: harmonised national law

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

- 4.1 National level of protection: aim, scope, rights, application in PP countries
- 4.2 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

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

- 5.1 National level of protection: aim, scope, rights, application in PP countries
- 5.2 Community level of protection: Directive on the Protection of Trade Secrets

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

- 6.1 Community level of protection: EU regulation: GDPR



## CONTACT

PP6: West Pannon Regional and Economic  
Development Public Nonprofit Ltd

Zsombor Aradszki,  
[zsombor.aradszki@westgpannon.hu](mailto:zsombor.aradszki@westgpannon.hu)

Ferenc Laki,  
[ferenc.laki@westpannon.hu](mailto:ferenc.laki@westpannon.hu)

 [www.facebook.com/projectARTISTIC](https://www.facebook.com/projectARTISTIC)

 [www.linkedin.com/in/artistic-project](https://www.linkedin.com/in/artistic-project)

 [@ARTISTIC\\_CE](https://twitter.com/ARTISTIC_CE)

 [@projectartistic](https://www.instagram.com/projectartistic)