



RUN InnoBoost

RUN-InnoBoost – IPR

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Hierarchy of Legal Norms in Finland



How the Legal Source Pyramid Works

The pyramid illustrates the **hierarchy of legal norms**, meaning which sources carry more legal weight than others. The higher up in the pyramid, the stronger and more binding the source.

1. EU Law

At the top, because EU regulations and directives take precedence over national legislation in case of conflict. Strong influence in areas like environmental law, competition, and consumer protection.

2. Finnish Constitution

The highest national legal norm.

Defines fundamental rights, separation of powers, and the rule of law.

All other legislation must comply with it.

3. National Legislation

Ordinary laws and decrees enacted by Parliament or issued by the Government.

Examples include the Criminal Code, labor laws, and education legislation.

4. Supreme Court Precedents

Guide the interpretation and application of law in lower courts.

Not formally binding, but carry significant weight in legal practice.

5. Permissible Legal Sources

Support legal interpretation but are not binding.

Include:

- Legal literature

- Legislative preparatory materials (e.g. government proposals, committee reports)

- General legal principles (e.g. good governance, proportionality)

- Case law from lower courts

Why is this important? When courts or authorities make decisions, they use the pyramid as a guide: starting with the law, then considering how it has been interpreted, and finally drawing on expert views and legal principles.



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IPR and Legal Sources in Finland

Hierarchy of Legal Norms in Finland



IPR and Legal Sources in Finland

(IPR within the Finnish Legal Hierarchy)

In Finland, intellectual property rights (IPR) are governed through a layered legal structure:

EU Law: Directs areas like trademarks and design protection. EU regulations and directives override national law in case of conflict.

Finnish Constitution: Guarantees protection of creative work and property rights — the foundation of IPR.

National Legislation: Includes key IPR laws such as the Copyright Act, Patent Act, and Trademark Act.

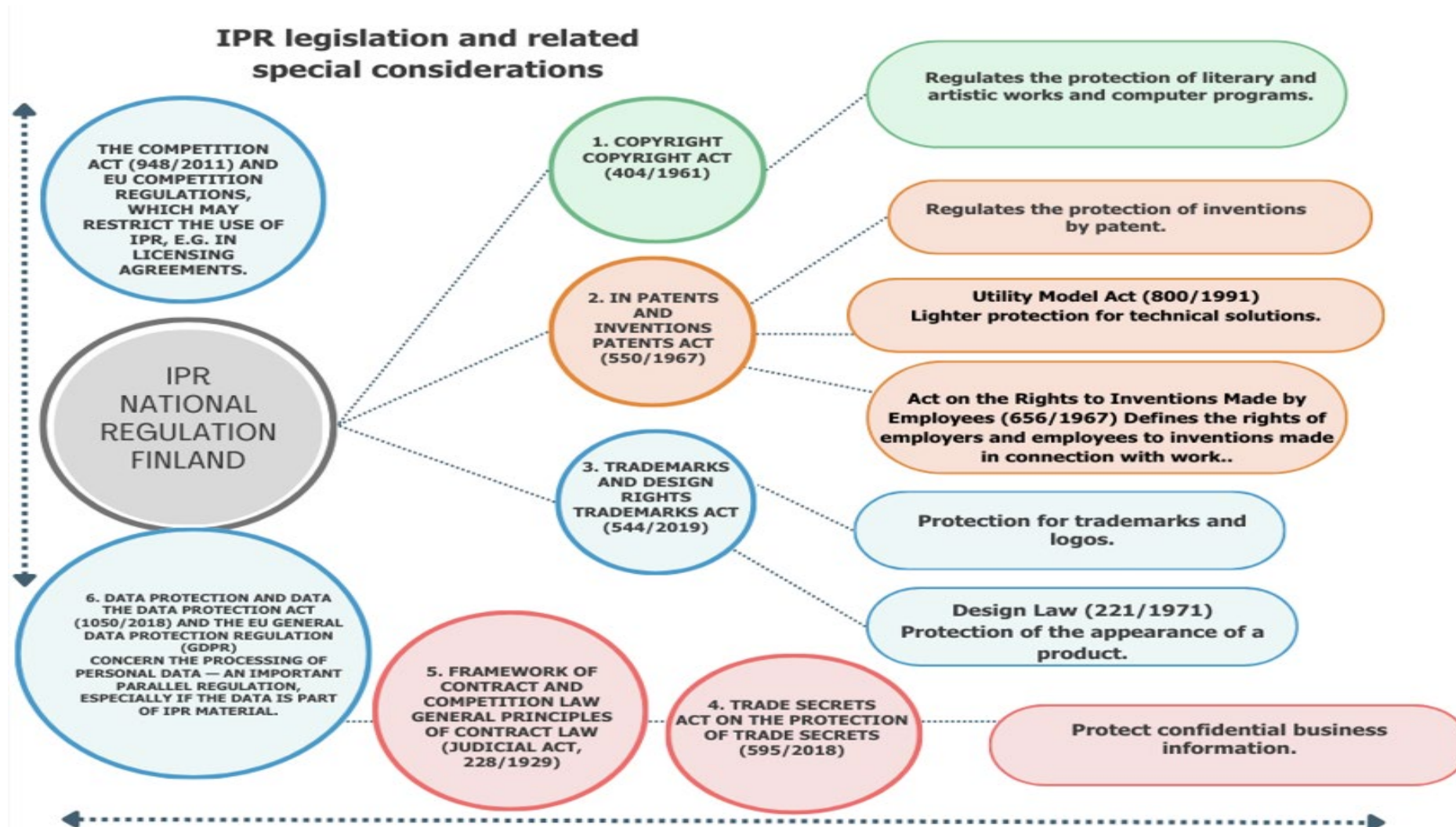
Supreme Court Precedents: Guide the interpretation of IPR in practice.

Permissible Legal Sources: Legal literature, preparatory materials, and expert commentary support interpretation but are not binding.

IPR in Finland is shaped by both EU-level regulation and national legal norms, supported by case law and expert insights.

IPR: national legislation

IPR LEGISLATION AND RELATED SPECIAL CONSIDERATIONS





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Finnish intellectual property rights (IPR)

What does IPR mean? IPR = *Intellectual Property Rights*, in Finnish *aineettoman omaisuuden oikeudet*

They protect creative and innovative work: inventions, trademarks, designs, and works of authorship.

Two main categories:

- **Industrial property rights:** patent, utility model, trademark, design protection
- **Copyrights:** literary and artistic works, music, images, software
- Give customers and individuals rights for creations, such as patents, trademarks, design and copyrights
- These rights protect intangible assets and control their commercial use
- The rights also come with obligations, such as avoiding infringement of other IPR rights, and this can be defended through legal cost and damages



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Finnish intellectual property rights (IPR)

Patents: Protect inventions

Utility models: Protect technical solutions that do not necessarily meet the patent's inventive step requirement

Trademarks: Protect the identity of products or services

Design rights; Protect the appearance of a product

Copyrights: Protect creative works and are created automatically



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How to Apply for a Patent in Finland?

1. Check if your invention is patentable

- It must be **new**, **inventive**, and **industrially applicable**
- Compare with existing solutions using free databases provided by the Finnish Patent and Registration Office (PRH)

2. Prepare your patent application

Include:

- Application form
- Description of the invention
- Patent claims
- Abstract
- Drawings (if needed)



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How to Apply for a Patent in Finland?

3. Submit the application to PRH

- You can apply electronically via PRH's online services
- PRH will examine the novelty and patentability of your invention

4. Follow the examination process and respond if needed

- PRH may request clarifications or issue intermediate decisions
- You may use a patent attorney if necessary



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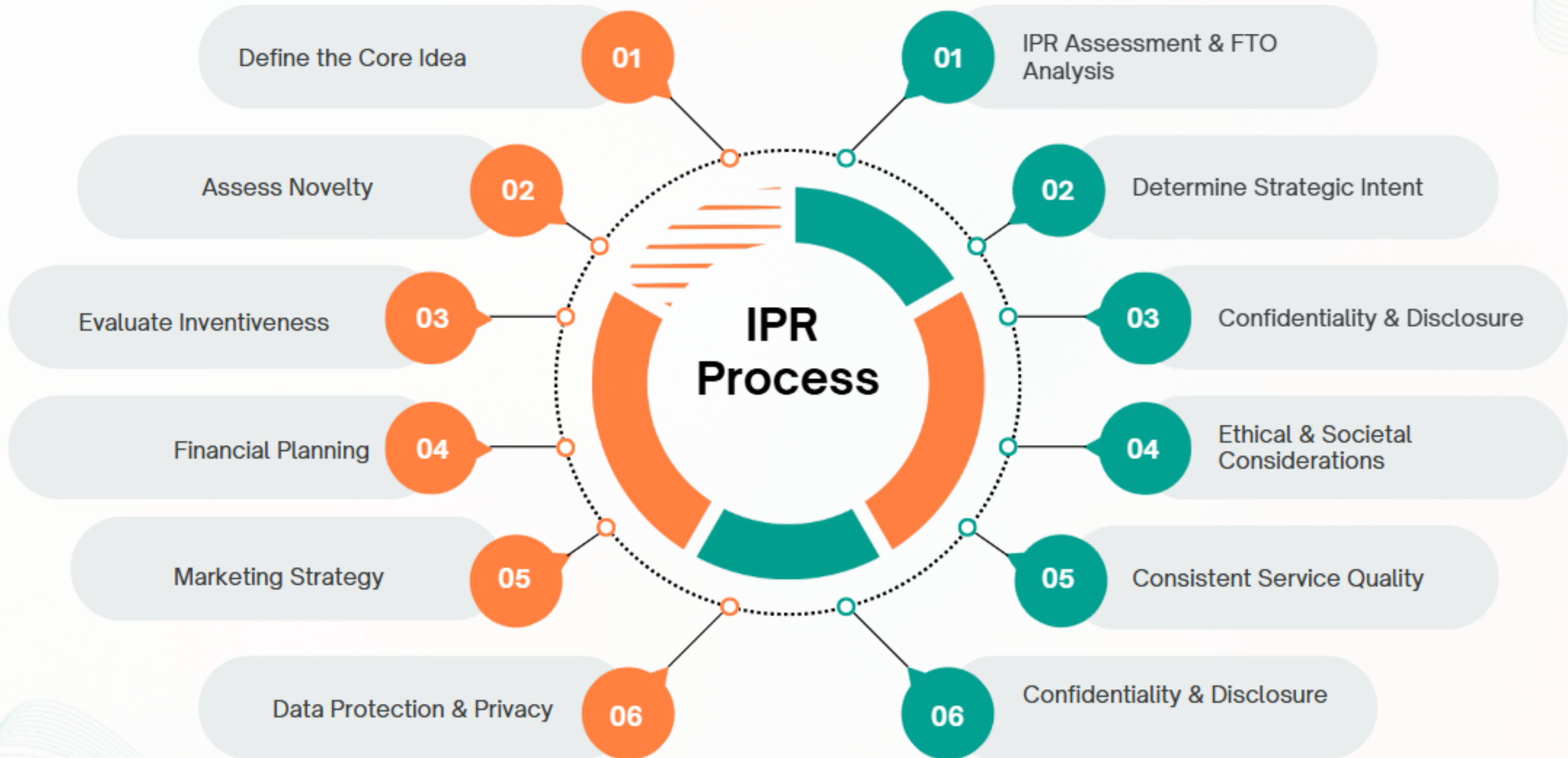
How to Apply for a Patent in Finland?

5. Patent is granted and published

- A granted patent gives you **exclusive rights** to commercially exploit the invention in Finland
- Valid for up to **20 years**, provided annual fees are paid

If you want protection outside Finland, you can apply through the **European Patent Office (EPO)** or the **international PCT system**.

Initial Evaluation Framework: From Idea to Ethical Readiness



Initial Steps: What to Clarify First

Define the Core Idea

- What is the invention, method, or creative concept?
- Is it technical, functional, or design-based?

Assess Novelty

- Has this idea been published, patented, or implemented before?
- Use patent databases and market research to check existing solutions.

- Creative concept, technical solution, or new method
- Documenting the idea and assessing novelty

Evaluate Inventiveness

- Does the idea offer a new technical solution or improvement?
- Is it non-obvious to professionals in the field?

Strategic intent (e.g. protect vs. publish)

- Market relevance and timing
- Risk-benefit analysis
- Decision to proceed with IPR protection

IPR Assessment & FTO Analysis

- Is the idea patentable?
- Are there existing rights that limit freedom to operate?

Determine Strategic Intent

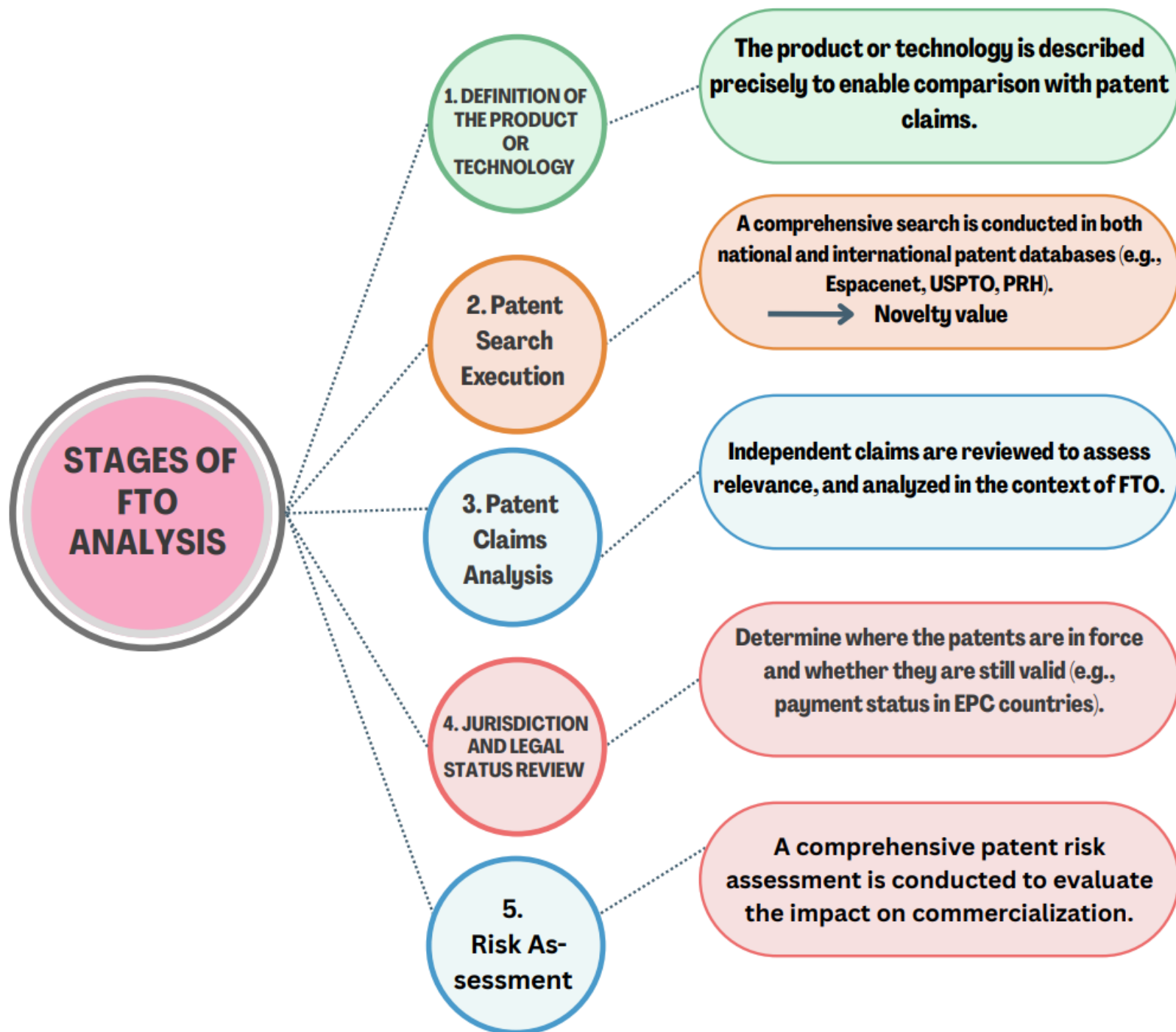
- Is the goal to patent, license, publish, or protect as a trade secret?
- What markets or applications are envisioned?

Clarify Ownership

- Who created the idea?
- Are there multiple contributors or institutional rights involved?

Idea,
innovation

Legal





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Stages of FTO Analysis

1. Definition of the Product or Technology Clearly define the technical features and intended use of the product.

2. Conducting Patent Searches Perform a comprehensive search in international and national patent databases (e.g., Espacenet, USPTO, PRH). Novelty value is often assessed based on whether the subject is something that has not previously been available or known.

3. Analysis of Patent Claims Compare the product's features with competitors' patent claims, focusing especially on independent and dependent claims.

4. Review of Validity and Geographical Coverage Determine in which countries the patents are valid and maintained (e.g., a European patent may only be active in selected EPC countries).

5. Risk Assessment Evaluate potential infringement risks and provide recommendations, such as modifying product development or initiating licensing negotiations

FTO and Due diligence

Freedom to Operate (FTO) refers to the assessment of whether a product, technology, or method can be used or commercialized without infringing third-party patents or other IP rights. FTO analysis helps identify whether there are existing patents that could restrict the use of a product.

If a company plans to commercialize a product, FTO analysis is part of the due diligence process. It examines whether there are valid patents that could lead to legal risks or affect the value of a business transaction.



Preliminary IPR Risk Mapping

Risk identification is part of due diligence – especially in financing rounds and corporate transactions.



Scoping the FTO Analysis

FTO analysis helps identify whether there are existing valid patents that the new product could potentially infringe.



Business Risk Assessment

Improves the company's value and credibility. Protects investments and resources.



Patent risk management and mitigation actions

Enables safe market entry. FTO analysis helps ensure that the product can be launched safely in the intended markets.



Continuous Monitoring and Strategic Decision-Making

Avoid patent infringements and legal disputes

Due diligence = A business term referring to thorough investigative work conducted before making critical decisions such as mergers, acquisitions, investments, or strategic partnerships. It involves evaluating legal, financial,

6

Ethical Issues in the Field of Bioeconomy

2

BOUNDARY QUESTIONS

What is considered natural or artificial? Modifying organisms raises ethical questions about the limits of human intervention in nature.

3

BIOLOGICAL METHODS

The use of biological techniques such as genetic modification and synthetic biology requires careful ethical consideration, especially regarding long-term impacts and unintended consequences.

4

VIOLATION OF GOOD PRACTICE

Commercializing biological innovations that conflict with ethical standards or societal values may undermine public trust and responsible innovation.

5

BIOPIRACY

The exploitation of biological resources and traditional knowledge without proper recognition or compensation is ethically problematic and can violate indigenous rights.

6

ELITISM

There is a risk that new technologies may be controlled by a small elite, leading to unequal access and deepening societal divides.

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TRANSPARENCY AND DATA PROTECTION

Technological and biotechnological applications often involve the collection of personal data. It is ethically essential to ensure individuals' privacy and data security.

AI and Bioinnovation: Rethinking Ethics
Artificial intelligence can generate novel biological solutions that raise ethical questions similar to those posed by traditional biotechnology. The boundary between the natural and the artificial calls for renewed ethical reflection.

AI-Driven Innovation:
Artificial intelligence introduces new boundary challenges: Who is the inventor, and can an algorithm own an innovation?

Limits of Patentability:
Essentially biological processes, such as traditional plant breeding, are not patentable within the EU. This protects farmers' rights and prevents the commercialization of life forms. In contrast, biotechnological innovations may be eligible for patent protection.

Global Access and Patent Barriers:
Patents can limit access to essential innovations, especially in developing countries. High licensing fees and control over technology may deepen global disparities in the distribution of bioeconomy benefits.

Ethics of Traditional Knowledge and Biodiversity
Patenting traditional plants and indigenous knowledge without consent is unethical. A fair bioeconomy requires agreements that respect the rights of indigenous peoples.

Agreement Templates for Innovation Projects: Purpose, Risk Management & IPR

Agreement template	Purpose of use		Risk management & IPR	
Non-Disclosure Agreement (NDA)		Protecting Confidential Information During the Ideation Phase	Preventing Information Leaks and Securing IPR Before Disclosure	
Collaboration Agreement		Defining Roles, Responsibilities, and Objectives in a Development Project	Clarifies IPR Ownership and Financial Responsibility	
IPR Agreement / Licensing Agreement		Defines Invention Ownership, Usage Rights, and Commercialization Terms	Ensures Compliance with Funder Requirements and Transparency	
Funding Agreement		Defines Funding Terms, Payment Schedule, and Reporting Obligations	Reduces Disputes and Ensures Fair Benefit Sharing	
Shareholders' Agreement		Establishing a New Company for Commercialization	Regulates Decision-Making, Ownership Shares, and Intellectual Property Rights	