

November: More Mo Sistas

What is IP & why is it Important?

- IP (Intellectual Property) is a legal concept which refers to creations of the intellect for which exclusive rights are recognized
- Intellectual property law gives the creator or owners of the IP rights the exclusive right to make, sell or otherwise use the IP right in the IP area
- IP distinguishes products/services from competitors
- IP law may address trademark, patents, copyright
- IP is one of the most important assets of any runnng business
- IP provides an exclusive right to the creator/inventor
- IP can be bought, sold and licensed

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How to Identify & Protect IP



Main Types of IP

- Patents
- Trade marks
- Registered Designs
- Copyright

- Domain Names
- Copyright Law Rights
- Patent Rights
- Trademark Rights

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Examples of IP



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- Intellectual property law gives the creators or owners of the IP rights the exclusive right to make, sell or otherwise use the IP right in the IP area.
- IP distinguishes products/services from competitors
- IP prevents others from copying products/services
- IP is one of the most important assets of any new/growing business
- IP provides an exclusive right to the creator/inventor
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Main Types of IP

- Patents
- Trade marks
- Registered Designs
- Copyright

- Domain Names
- Common Law Rights
- Plant Breeders Rights
- Circuit Layout Rights

Patents

- Protect the way things work
- Cover products, methods and processes
- Exclusive right to exploit invention for term of years
- Requirements
 - Novelty
 - Inventive step
 - Sufficiently disclosed
- **Standard Patent** - 20 years - requires knowledge
- **Improvement Patent** - 5 years - requires knowledge
- **Utility**



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Trade Marks

- Protect a name, logo, symbol, packaging, trade dress, colour, scent, or any combination of these
- Must be distinctive - could describe goods
- Registered (in-goods) Trade Marks
- Unregistered (in-goods) - 10 year term
- May represent the greatest asset of a company
- **Registered**
- **Design Right** (from other law)
- **Identified on application** - e.g. **Registered Visual Creator**
- **Does not allow for recovery** - e.g. **infringement** - will include **recovery of profit**



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Registered Designs

- Protect the appearance of an article, or shape or pattern
- Exclusive right to exploit article for term of design
- Requirements
 - Novelty
 - Distinctive
 - Novelty
 - 5 years / 25 years



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Copyright

- Protect original literary, dramatic, musical, artistic works
- Includes broadcasts, computer programs, engineering drawings, sound recordings, etc.
- No registration - automatic on creation
- Term - life of author plus 70 years

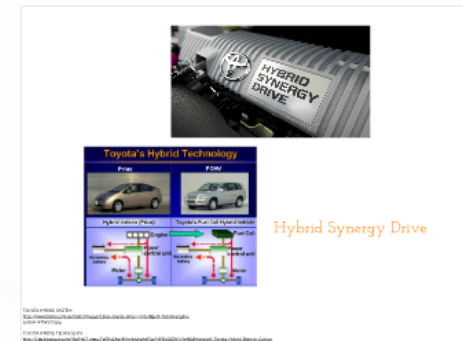


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Patents

- Protect the way things work
- Cover products, methods and processes
- Exclusive right to exploit invention for term of Patent
- Requirements
 - novel (new)
 - inventive (not obvious)
 - useful
- Standard Patent - 20 years - requires 'inventive step'
- Innovation Patent - 8 years - requires 'innovative step'



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Trade Marks

- Protect a name , logo, aspect of packaging, shape, scent, colour, sound, or any combination of these
- Must be distinctive - avoid descriptive words
- Registered/Unregistered Trade Marks
- Term-indefinite (renewal - 10 year terms)
- May represent the greatest asset of a company
- Proper use
 - Distinguish from other text
 - Identify as an adjective - e.g. Hoover Vacuum Cleaner
 - Don't allow to become generic - e.g. escalator, esky
 - Indicate status by ® or ™



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Registered Designs

- Protect the appearance of an article, i.e. shape or pattern
- Exclusive right to exploit article for term of Design
- Requirements
 - New
 - Distinctive
- Term 10 years



Rabbit chairs by SANNA

<http://www.designcouncil.gov.uk/design/design-articles/2010/04/01/design-council-awards-2010>

Apple Smart Cover



<http://www.apple.com/uk/retail/education/education-pricing/education-pricing/education-pricing/education-pricing>



Speedo Swimsuit

<http://www.speedoswimsuits.com/italy/swimwear/2010/0014/0014/0014/0014>

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Patents

- Protect the way things work
- Cover products, methods and processes
- Exclusive right to exploit invention for term of 20 years
- Requirements
 - Novelty
 - Inventive step
 - Sufficiently disclosed
- **Standard Patent** - 20 years - requires knowledge
- **Improvement Patent** - 5 years - requires knowledge

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Trade Marks

- Protect a name, logo, symbol, packaging, trade dress, colour, scent, or any combination of these
- Must be distinctive - could describe goods
- Registered (in-goods) Trade Marks
- Unregistered (in-goods) - 10 year term
- May represent the greatest asset of a company
- **Registered**
 - Distinguish from other goods
 - Identifies an individual, e.g. **Reckitt Vaseline Creamer**
 - Don't allow for **reverse engineering** - e.g. **Modular** - help indicate **value** of IP

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Registered Designs

- Protect the appearance of an article, or shape or pattern
- Exclusive right to exploit article for term of 10 years
- Requirements
 - Novel
 - Distinguishable
 - Not functional

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Copyright

- Protect original literary, dramatic, musical, artistic works
- Includes broadcasts, computer programs, engineering drawings, sound recordings, etc.
- No registration - automatic on creation
- Term - life of author plus 70 years

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