

Real Blue? Viagra and Intellectual Property Rights Law in China

What is IP & why is it Important?

- IP (Intellectual Property) is a legal concept which refers to creations of the intellect or mind for which exclusive rights are recognized
- 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
- 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
- Copyright Rights

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Examples of IP



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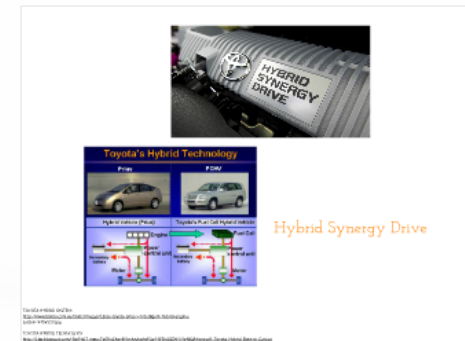
- Patents
 - Trade marks
 - Registered Designs
 - Copyright
-
- Domain Names
 - Common Law Rights
 - Plant Breeders Rights
 - Circuit Layout Rights



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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 ™



Packaging & Colour

Logo



Scent



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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

[illegible]

Apple Smart Cover

http://www.moscowstate.com.ua/docs/moskovskiy_kontakty_produktsii.html



Speedo Swimsuit

<http://www.whoi.edu/page.do?pid=3521&tid=3523&cid=2700>

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