



# Intellectual Property (IP)

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## Basic Facts



# Intellectual Property (IP)

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- Gives legal recognition to the ownership of new ideas or brand names and gives the proprietor the right to stop other people exploiting their property.
- It creates for the innovator a system by which he/she can benefit from his/her ingenuity



# Intellectual Property (IP)

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- Typically the rights will be sold or licensed to others
- The Patent Office is responsible for granting patents, registered designs and registered trade
- The rights are effective in UK only



# Intellectual Property (IP)

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## Forms of IP

- Patents
- Registered Designs
- Design rights
- Registered trade mark
- Copyright



# Intellectual Property (IP)

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## Patents

- This is a monopoly right granted by the Crown to the exclusive use of an invention
- It can last for 20 years if annual renewal fees are paid
- It may be bought, sold, hired or licensed

# Intellectual Property (IP)

- A wizard new idea I'd better take out a patent to protect it





# Intellectual Property (IP)

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An invention is patentable if it is:

- New and previously undisclosed
- Distinguished by an inventive step now obvious to one skilled in the art
- Capable of industrial application – that is, it could actually be made or used and isn't just a flight of fancy or a physical impossibility

# Intellectual Property (IP)

- Does Phillip Stark's design for 'Juicy Salif' qualify as a product which can be considered for a patent?





# Intellectual Property (IP)

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- What about this product?  
Do you think that it qualifies for a patent?
- If so, what is patentable?



# Intellectual Property (IP)

- The 'Quick-Grip' sold in hundreds of thousands but is there justification for what is patent?
- There is a patent pending



# Intellectual Property (IP)

- If its hard to develop a product, its twenty times as hard to nurture and protect it on the way to market – James Dyson 1984
- In 1982 James Dyson licensed his technology to Amway Corporation of America, but within a year the license was terminated.





# Intellectual Property (IP)

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- Amway began manufacturing a cyclonic vacuum cleaner under its own name.
- James Dyson was prepared to risk everything he owned. With the backing of his family he filed a law suit in America alleging patent infringement.
- Amway denied any wrong doing.
- Five nerve wracking years later a settlement was reached



# Intellectual Property (IP)

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## Designs – Basic Facts

Design protection takes two forms

- Registered design which gives stronger protection but requires registration at the Patent office
- Design right gives weaker, but automatic protection without the need for registration



# Intellectual Property (IP)

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## Registered Designs

- This is a monopoly right for the outward appearance of an article or a set of articles to which the design is applied
- It lasts for an initial period of 5 years
- It may be extended for 4 5-year terms up to a maximum of 25 years
- It may be bought, sold, hired or licensed



# Intellectual Property (IP)

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- Registered design protection will only be available for truly aesthetic, stand-alone designs
- Purely functional designs are not eligible for registration
- The design has to be 'new', that is not publicly disclosed in the UK before application for registration

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- Anna 'G' has no credible claim to be a patentable product but does the outward appearance of the product qualify for Registered Design status?
- Will this apply in the UK?





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## Design Right

- This is an IP right which is applied to three dimensional articles
- It applies to original, non-commonplace designs or the shape or configuration of articles
- It is not a monopoly right but a right to prevent copying



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- What form of Intellectual Property can apply here?
- Can there be protection against copying?



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- It lasts for 10 years after first marketing articles made to the design
- It is suitable to an overall limit of 15 years from the creation of the design
- It is a property which can be bought, sold, or licensed



# Intellectual Property (IP)

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- Has the 'Little Man who has something' – designed by Mattia de Rosa for Alessi any reasonable claim for registration design protection?



# Intellectual Property (IP)

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- Does the design for a cover to accompany a CD detailing the work of Alessi Maestri qualify for protection under design right?



# Intellectual Property (IP)

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- Protection arises automatically when the design is created although it is wise to keep evidence of when the design was first recorded
- 2D articles will not qualify for protection under design right



# Intellectual Property (IP)

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- During the final 5 years, anyone will be entitled to a license to make and sell articles copying the design
- The rights owner will not be obliged to make design drawings or know-how available to the copier



# Intellectual Property (IP)

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## Registered Trade Mark

- A sign which can be represented graphically
- It can distinguish goods or services from one undertaking from those of other undertakings
- They may include words, designs, letters and the shape of goods or their packaging



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- What is the registered trade mark that is protected in this product? Is it the colour? Is it the words? Is it the shape of the words?



# Intellectual Property (IP)

- The Bass red triangle is the oldest registered trade mark





# Intellectual Property (IP)

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- A trade mark is registered for ten years and can be renewed every ten years indefinitely
- Registration is not allowed for marks which are confusable with words/symbols of other traders

# Intellectual Property (IP)

- Is the mark distinguishable from all competitors?
- What is the trade mark and how is it distinguishing?





# Intellectual Property (IP)

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- A trade mark may not be registered if it is identical with or similar to, a mark already on the registered respect of the same goods and services, or similar goods and services
- If it can be established that some words/symbols are recognisable as marks which distinguished one persons goods and services from the others



# Intellectual Property (IP)

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## Copyright

- Gives rights to creators of certain kinds of material to control the ways in which their material may be exploited
- It lasts until 70 years after the death of the author
- Sound recordings are protected for 50 years

# Intellectual Property (IP)

- How much IP is contained within a CD?
- What works can be protected?





# Intellectual Property (IP)

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- Published editions are protected for 25 years
- The rights cover; adapting; issuing; renting and lending copies to the public; performing in public; and broadcasting



# Intellectual Property (IP)

- What IP rules are contained within a book?





# Intellectual Property (IP)

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- An author will have the right to be identified on his/her work
- The author may object to distortions or mutilations of the work
- It protects original literary, dramatic, musical and artistic works, published editions of works, sound recordings, films and broadcasts



# Intellectual Property (IP)

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- What intellectual property right applies to this photograph?
- Is it capable of being sold, hired or licensed?



# Intellectual Property (IP)

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- If a copyright has expired but never been made available to the public it may be protected by publication right
- This is granted automatically to the first person to make the relevant work available to the public and lasts 25 years

# Intellectual Property (IP)

- A product which displays all aspects of intellectual property
- Patent – roasting of the bean
- Registered design – the shape of the jar
- Registered trade mark
- Copyright – text on the jar

