

# DIFFERENT FORMS OF INTELLECTUAL PROPERTY

## INTRODUCTION

Securing intellectual property (IP) can offer your business a series of commercial benefits but the process can be very costly and time-consuming. This worksheet is intended to provide you with a basic understanding of the different forms of IP and enable you to select the most suitable level of protection. Protecting your business in this way can enhance your competitiveness in the market; enabling you to build brand identity and customer loyalty. IP can also prevent competitors from reproducing your product and/or creating products that could be misconstrued in the market as being your product. While the cost of securing IP varies significantly, you must also consider the cost of defending your IP if a competitor was to infringe the IP that you own. All forms of IP act as a market deterrent and provide you with a legal position to take action against but they do not immediately prevent counterfeit products from reaching the market in different locations across the globe.

## PATENT

- A patent protects the functionality of a product, including how it works and its application
- This gives the owner of the product the right to stop others from producing, selling or importing anything that incorporates the same novel feature that is protected by the patent
- This is restricted by location, such as the UK; US; China or more specific regions
- The patent will remain valid for 20 years from the date the application is filed.

## TRADEMARK

- A trademark can be used to protect a word, symbol or logo
- A trademark can be applied by the creator and does not require third party certification
- While a trademark is a recognised form of intellectual property, it can be difficult to prove the date of origination and clearly determine who created the work first if it was copied
- A trademark can not be used to protect the design of a product. However, it would be possible to protect the name of that product if it was unique.



## REGISTERED DESIGN

- A registered design protects the outward appearance of a product – its aesthetic
- This allows the owner of the product to stop anyone from copying the visual appearance of their product, which maybe unique to their brand language
- Registered designs are enforceable across Europe; the US operates a similar register
- A registered design can last up to 25 years; however, a renewal fee is due every 5 years.

## COPYRIGHT

- A copyright protects all forms of art such as written work and music
- Copyright is an automatic right and does not require any official protection to be filed
- A copyright can protect work from being copied, distributed, adapted or put on the web
- The originator can mark their work with the copyright symbol; name and year of creation
- The life-time of a copyright is up to 60 years.



# PATENT VS REGISTERED DESIGN

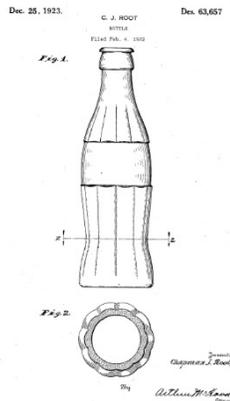
## PATENT

The process of applying for a patent can take some time, often years, depending on the complexity of your product. Anyone can draft a patent application and submit this document to the Intellectual Property Office for their consideration. However, it is recommended that a professional Patent Attorney is used to ensure that the novel aspect of the design is clearly communicated and that the claims are robustly protected to prevent infringement.

## EXAMPLE

Cola have patented their traditional glass bottle and metal cap. Even though the design is extremely simple, they have protected the specific method of how their cap attaches to their unique bottle. Cola felt this was necessary as their packaging is synonymous with their brand.

Obtaining a patent is a good way of building value into a business and is often a critical component when trying to raise investment finance.



## KEY POINTS

1. **Approval Time:** 1-5 years, depending on the complexity of the design and proposed claims
2. **Cost:** £1,000 - 100,000 + depending on the complexity and chosen geographical areas
3. **Protection:** Novel step in mechanical design, new process or technology.

## REGISTERED DESIGN

The process of applying for a design registration can be very quick and normally not involve input from an Attorney. This is because an application can be made online by submitting only images of the product being protected. However, the quality and clarity of these images are critical and should not display features which are irrelevant to the form. Simple 3D CAD line illustrations of the product are more suitable than photos or hand sketched pictures.

## EXAMPLE

Cola have also protected the visual appearance of their bottle using design registration. This protection prevents other drinks producers from selling beverages in packaging that is visually similar and displays their logo, which is also protected with a registered trademark.

Design registration is used to protect not only the design of the product that goes to market but similar variants to deter copycats.



## KEY POINTS

1. **Approval Time:** 8 weeks, designs can be registered via the Intellectual Property website
2. **Cost:** £50 per design protected, up to 10 variants of the same design can be protected
3. **Protection:** Visual appearance only, can not be used to protect the product function.

