

## 2.2f The implications of Intellectual Property

### Intellectual Property

Intellectual property (IP) is a category of property that includes intangible creations of the human intellect. This could be a story, an invention, artistic work or a symbol.

Having the correct protection helps to stop other people from stealing it, using it or copying it. This intellectual property could include:

- the names of products or brands
- the invention
- the design or look of the product
- work that is written, made or produced.

### IP Forms of protection that are automatic

**Copyright:** this protects your work and stops anyone using it without your permission. A copyright is automatic and not something you apply for or get granted, but any work you produce should be signed, dated and © labelled.

Copyright protects:

- music and artwork, illustration and photos
- software, web content and databases
- sound and music recordings
- film and TV recordings
- broadcasts
- published editions of written, musical or dramatic works.

Copyright prevents others from:

- copying and distributing copies of your work
- renting or lending or adapting your work
- performing, showing or playing your work in public or on the internet.

**Copyrights last at least 50 years or at least 25 years for photographs.**

### IP Forms of protection that are automatic

**Design right** automatically protects your design for 10 years after it was sold, or 15 years after it was created. It can only stop somebody copying your design, and only protects the shape and configuration of the design. You can also **register** a design for increased protection.

- You will need to **prove** when you created the design.
- **Signed** and **dated** copies of drawings or photographs of the design are useful.
- You can transfer the **licence of right** by selling or giving it to somebody else.

### IP Forms of protection you have to apply for

**Patent:** you can use a patent to protect an invention and you can take legal action against anyone who makes, sells or imports it without your permission. To be granted a patent, an invention must be:

- **new**
- something that can be **made** or **used**
- **inventive:** not a simple modification of something that already exists.

Patents are expensive and difficult to get.

**Trademarks** are part of a brand, company or service. A trademark will allow you to:

- take legal action against anyone using the brand without your permission, including counterfeiters
- use ® symbols to show that it's your brand
- sell and license your brand.

**Trademark protection lasts 10 years.**

### IP Forms of protection you have to apply for

A **registered design** can protect the outward appearance of a product to stop people copying or stealing it.

The protection will cover:

- appearance
- physical shape
- configuration (and how parts fit together)
- decoration.

Registered designs protection lasts 25 years (but has to be renewed every 5 years).

### International Standards

Many products are designed, made and used globally and therefore, international standards help to ensure different countries adopt an agreed set of rules so that products are safe, reliable and good quality.

### British Standards Institute (BSI)

The BSI is the national standards body of the UK and produces technical standards on a wide range of products and services, and also supplies certification. The **kitemark** is awarded when a product or service has been tested and assessed and meets the requirements or specification.

### ISO International Organization for Standardization

ISO is a 'not for profit' independent body representing a global network with one member per country. ISO ensures products are compatible, fit for purpose and work well with each other in a global sense.