

How to protect your Intellectual Property

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The main types of Intellectual Property (“IP”) are:

- **Confidential Information** suitable for **copyright, databases, designs, patents and “know how”** – covers all spheres of intellectual property and also extends to material not capable of statutory IP protection. Includes “know how” which is intangible confidential commercial information, such as can arise in the context of an individual’s knowledge acquired in your employment.
- **Copyright** suitable for creative **material** - literary and artistic material, music, films, sound recordings and broadcasts, including software and multimedia.
- **Database** suitable for other **material** - covers traditional mailing lists, lists of customers as well as telephone directories, encyclopedias and card indexes, whether held electronically or in paper form.
- **Designs** suitable for **product appearance** - of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture or materials of the product itself or its ornamentation.
- **Patents** suitable for **inventions** - new and improved products and processes capable of industrial application.
- **Trademarks** suitable for **brand identity** – of goods and services allowing distinctions to be made between different traders.

Protecting your IP Rights:

Confidential information

For information to remain confidential it must be received in confidence. The best way to ensure this is to request that a receiving party signs a confidentiality agreement. Precautions should be taken to keep the information secret such as logging documents and disclosures, keeping materials under lock and key, binding employees and other third parties to confidentiality agreements, and marking documents as “**strictly private and confidential**”. Information remains confidential only so long as it is secret. If the person to whom the duty is owed publishes the information or otherwise puts it into the public domain it ceases to be confidential.

Copyright

Protected by a copyright notice, which should be obvious and legible, and if applicable, (e.g. web sites) the notice should appear on every page. Mark any copies of your work with a notice, on the body of the work as well as the cover or sleeve.

The notice should take the form of: the actual term ‘copyright’; the symbol ©; the year (normally when first published/written); and the name of the owner (this can be an individual, collective or organisation). Example: Copyright © 2000 Joe Smith.

Database

There is no registration for a database right as it is an automatic right and your database is protected for 15 years as soon as it is in a recorded form. If you publish the database the period of protection is for 15 years from publication date.

Designs

In the United Kingdom designs are protected by three legal rights: registered designs, unregistered design right and artistic copyright. Design registration gives the owner a monopoly on their product design. Protection can last for a maximum of 25 years.

Patents

Specific conditions must be fulfilled to get a patent and the foremost ones are that the invention must be new, involve an inventive step and be industrially applicable. A patented invention is recorded in a patent document.

Trade Marks

Trade marks can be registered nationally, community-wide and worldwide. Trade marks are best protected by registration. Once registered, the owner of a trade mark has a monopoly over the use of the mark for the class of goods for which it is registered within the area of registration. The monopoly can be maintained indefinitely as long as the trade mark can be used to distinguish the goods in question.

Disclaimer:

This note does not contain a full statement of the law and it does not constitute legal advice. Please seek legal advice if you have any questions about the information set out above.