

# Intellectual Property

Intellectual Property (IP) is the term used to describe creative outputs that can be legally protected arising from scientific, engineering, literary and artistic endeavours such as the results arising from research. Intellectual Property can be categorised into two groups: the first requires registration (the registration process may involve corresponding with an examiner before the IPR is granted), e.g. patents; the second arises automatically on creation of the IP, e.g. copyright.

## Registered Intellectual Property:

- **Patent**  
A patent is a state granted monopoly for an invention, such as a pharmaceutical or widget, and is granted by the state in exchange for the details of the invention being published.
- **Design right**  
A design right protects the outward appearance of an article or a set of articles of manufacture to which the design is applied, e.g. the shape of a container. Should they be granted the proprietor has the exclusive right to make articles with that appearance for up to twenty-five years.
- **Trade mark**  
A trade mark protects a brand or image, e.g. a word or logo which distinguishes the goods or services of one trader from those of another. Registration is only possible if the mark is distinctive, if it is found acceptable by the trade mark examiner and if it is advertised to give third parties the opportunity to oppose. Once it meets these conditions, the trade mark will be registered for ten years from the date of filing the application and can be kept in force indefinitely by renewal at intervals of ten years.

## Unregistered Intellectual Property:

- **Copyright**  
Copyright is the right to prevent the copying of original literary, artistic and musical works, e.g. text, graphics, software, data, art, music. Copyright arises automatically whenever such a work is physically recorded and does not require registration. Copyright protection normally lasts for the lifetime of the author plus seventy years, although there are some exceptions.
- **Database rights**  
A database right protects the systematic arrangement of a collection of data, but not the data itself. Database rights last for fifteen years and can be extended if the database is updated.
- **Confidential information**  
Confidential information and know-how are non-public ideas and information, such as know-how, data, technical data, contracts, documentation, presentations, business plans, formulas, products, specifications, rules and procedures, product plans, business methods, product functionality, services, formats, methodologies, applications, developments, processes, payment, designs, drawings, algorithms, marketing or finance. The term of

any confidential information or know-how can be infinite, as it continues until the confidential information or know-how is disclosed publicly.

- **Unregistered trade mark**

An unregistered trade mark may benefit from some protection under common law if a reputation has been built up in that trade mark and that reputation has been harmed by someone else's use of the mark.

- **Unregistered design mark**

An unregistered design right protects against the copying of features, shape or configuration of industrially produced articles. Protection arises automatically when a design is created. It does not require any form of official application or registration.