

# GUIDE TO INTELLECTUAL PROPERTY (IP)

Type of IP	Summary	Examples	Differences
<b>Copyright</b>	<p>Regulates the creation/use of creative works (e.g., songs and books) to protect the creator/copyright owner.</p> <p>Rights are automatically granted to the creator and first owner of the works and includes rights of copy and rights to royalties. Multiple creators (or authors) can have joint ownership of the copyright.</p> <p>Aim is to prevent others from using the work without the consent of the creator/owner.</p> <p>Copyright protects the owner/creator's works for their lifetime, and up to 70 years after death.</p>	<p>Examples of works that would benefit from copyright protection:</p> <ul style="list-style-type: none"> <li>• Literary, musical, or artistic works (including photography, architecture, etc)</li> <li>• Computer programs/codes</li> <li>• Films, sound recordings, or broadcasts</li> </ul>	<p>Copyright → Trademarks</p> <ul style="list-style-type: none"> <li>• Copyright prevents works being used without consent.</li> <li>• Trademarks protect the identification of a brand/product.</li> </ul> <p>Copyright → Patents</p> <ul style="list-style-type: none"> <li>• Copyright protects published/unpublished creative works.</li> <li>• Patent protects inventions, and the processes behind them.</li> </ul>
<b>Trademarks</b>	<p>Trademarks are designed to enable customers to identify that a product or service is linked to a particular company or source, along with its trade origin.</p> <p>Must be renewed every 10 years, but only so long as there is continuous use in the course of trade. No maximum number of years.</p>	<ul style="list-style-type: none"> <li>• Slogans</li> <li>• Logos</li> <li>• Colours</li> <li>• Words</li> </ul> <p>E.g. McDonald's golden arches are trademarked.</p>	<p>Copyright → Design rights</p> <ul style="list-style-type: none"> <li>• Copyright protects the underlying expression of an idea.</li> <li>• Design rights protect the aesthetic feature of a product.</li> <li>• Similar in so far as copyright and unregistered design rights automatically exist upon creation.</li> </ul>
<b>Patents</b>	<p>A patent protects new inventions and covers the technicalities of the invention, e.g. how it works, what it does, what it is made of, and how it is made.</p> <p>Protects owner from other people making, using, or selling the invention without the owner's permission.</p> <p>Patents last for an initial term of 5 years, and then you must renew it each year (up to a maximum of 20 years).</p>	<p>Criteria to patent:</p> <ul style="list-style-type: none"> <li>• It must be a new idea that has not been made public.</li> <li>• There must be an "inventive step".</li> <li>• It must be capable of being made/used in industry.</li> </ul> <p>E.g. Apple's patent for iPhone</p>	<p>Trademarks → Patents</p> <ul style="list-style-type: none"> <li>• Trademarks are for identification of trade origin and branding, whereas patents aim to protect technical inventions.</li> </ul>
<b>Design Rights</b>	<p>Design rights protect the unique appearance of a product, including packaging and design, and prevent similar designs being introduced by others.</p> <p>Split into 2 categories:</p> <ol style="list-style-type: none"> <li>1) Unregistered design rights</li> <li>2) Registered design rights</li> </ol> <p>Unregistered design rights are automatically granted and last for up to 15 years, as opposed to registered design rights which last up to 25 years if renewed every 5 years.</p>	<ul style="list-style-type: none"> <li>• Computer icons</li> <li>• Patterns</li> <li>• Packaging</li> <li>• Computer game characters</li> </ul> <p>The design must be new.</p>	<p>Trademarks → Design Rights</p> <ul style="list-style-type: none"> <li>• Both look at physical appearance, but trademarks focus on branding and trade origin, whereas design rights on aesthetic appearance.</li> </ul> <p>Patents → Design Rights</p> <ul style="list-style-type: none"> <li>• Patent rights protect function and process of an invention.</li> <li>• Design rights protect outer appearance.</li> </ul>