



# An Introduction to Intellectual Property

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## Outline

- General IP
- Patents
- Copyright
- Trade Marks
- Registered Designs
- IPR Act and Innovation Office

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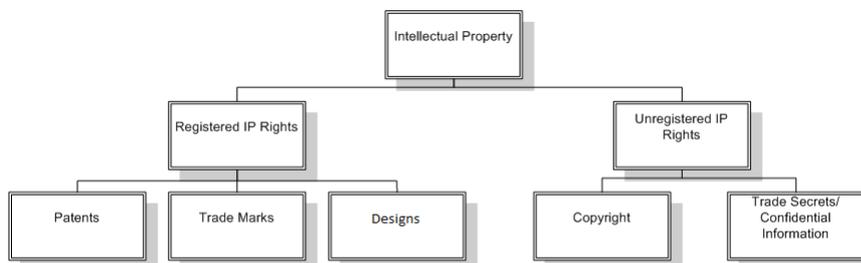
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## What is Intellectual Property

- Any creation (artistic or scientific) that originates from the intellect of a person
  - e.g. book, drug, logo, software code, jewelry design, machine, new process, diagnostic method, phrase, symbol
- Intellectual property rights are legal rights granted over IP
- Help originators reap the fruit of their creation / invention commercially
- Provides monopoly to the originator

## Intellectual Property



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## Holistic Approach to IP - A single product can involve:

**Patents**

- New Active Ingredient
- Formulation

**Registered Designs**

- Aesthetic
- Functional



**Trade Mark**

- "DUCK"

**Copyright**

- Layout
- Artwork

**Trade Secret**

- Formulation

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## Best way to make something is protected/not stolen?

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Best way to make something  
is protected/not stolen?

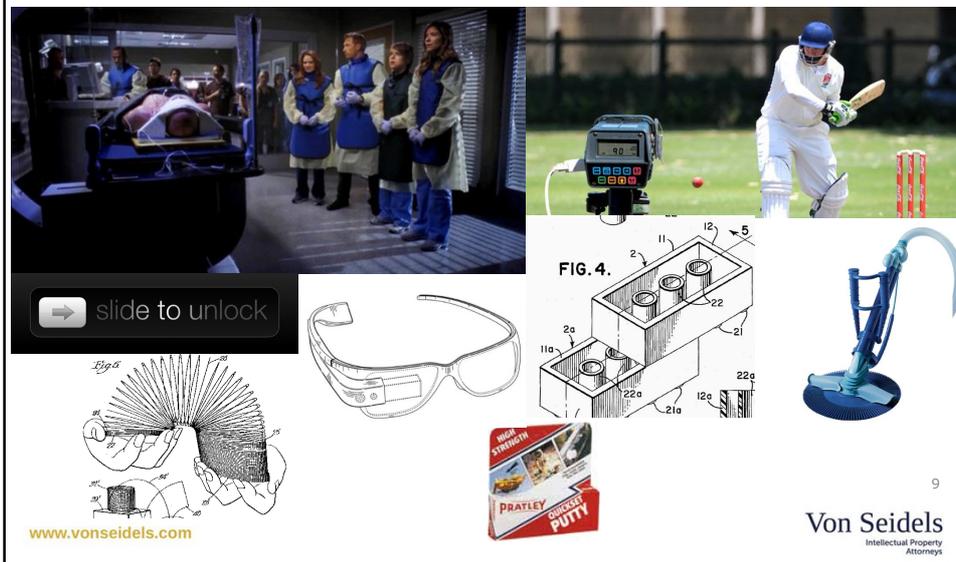
- Keep it a secret



## Patents

- Limited monopoly granted by State
- Generally valid for 20 years
- What can be patented:
  - New devices
  - New processes
  - New compounds
  - Software\*

## Patents - Examples



## Patents

- Not for "a literary, dramatic, musical or artistic work or any other aesthetic creation" as such



## Copyright

- The right to prevent others from copying, adapting, distributing, performing etc. any copyrighted work



## Copyright

- “Works”

- Literary works



- Broadcasts



- Musical works



- Signals



- Artistic works



- Published editions

©2009

- Cinema films



- Computer programs



- Sound recordings





## Copyright

- Vests automatically
- When reduced to material form (not for ideas)
- No registration needed
- Keep idea to yourself until it is recorded somehow
- Copyright protects only the physical expression of ideas, not ideas themselves

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## Copyright

- For "original" works:
  - Art work – logos
  - Software
  - Articles
  - Pictures
  - Drawings
- Work is original for copyright purposes if it is the product of someone's own labour, skill and effort (i.e. not a slavish copy)
- Multiple works possible in a single creation (music video)

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## Copyright

- Beware: Ownership!
- Author:
  - Literary, musical, artistic work: Person who first makes or creates
  - Photograph: Person responsible for composition
  - Sound recording: Person who made arrangements
  - Cinematograph film: Person who made arrangements
  - Broadcast: First broadcaster
  - Programme-carrying signal: person emitting signal to satellite
  - Published edition: Publisher
  - Computer program: Person who exercised control

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## Copyright

- Beware: Ownership!
- Author generally the owner
- Where a person **commissions** taking of a photograph, painting or drawing of portrait, making of gravure, making of cinematograph film or making of sound recording and pays for it, the person who commissions the work is the owner
- When work is made in course of employment under contract of service or apprenticeship, employer the owner
- Assignment of copyright must be in writing

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## Copyright

- Be careful of using images, logos, designs, graphics, etc. from a website. It may be easy to copy, but still enjoys copyright protection.
- License fees or permission may be required for use



## Copyright

- Infringement:
  - Reproducing the work
  - Publically performing the work
  - Broadcasting the work
  - Renting out a copy of the work
  - Making an *adaptation* of the work



## Copyright

- Infringement?



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## Copyright

- Duration:
  - 50 years from
    - Year of death of author (Anne Frank)
    - Year of first publication/broadcast

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## Trade Marks



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## Trade Marks

- Protect brands and product identity
- Able to **distinguish**, not likely to cause deception/confusion
- Indefinite term of protection (provided renewed every 10 years)
- No relationship with company and domain names
- Use of ™ or ® symbol
- Value accumulates in brand
- Can lose brand if you don't protect it

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## Trade Marks

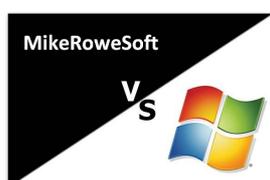
- Any sign capable of being represented graphically
- Able to distinguish

- Inherently  **CALTEX**

- Through use **EXCLUS1VE BOOKS**

- Marks compared on

- Appearance
- Sound
- Meaning



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## Trade Marks

- Distinctive, not descriptive
- Kodak
- Apple
- "Mobile Telephone Network" – A good trade mark?

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## Trade Marks

- Requirements:
  - Not substantially similar
    - Appearance
    - Sound
    - Meaning/Concept
  - Not likely to cause confusion



## Trade Marks

- Value of business may lie in the trade mark
- Patents, registered designs and copyright have a limited lifespan



## Trade Marks

- World's most valuable brands, Forbes 2015
  - \$145.3 bn 
  - \$69.3 bn 
  - \$65.6 bn 
  - \$56 bn 
  - \$49.8 bn 
  - \$39.5 bn 

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## Trade Marks

- Beware of misuse and infringement

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## Registered Designs



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## Registered Designs

- Protects shape / appearance of products
- Territorial
- Filed in specific classes
- Valuable, relatively low cost protection
- Prevents (at least) direct copying
- Only for articles to be manufactured in an industrial process

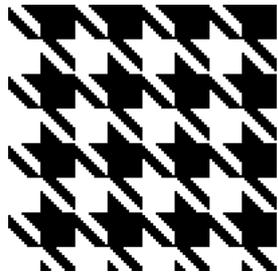
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## Registered Designs




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## IPR Act

- Intellectual Property Rights from Publically Financed Research and Development
- **Objective:** IP rights emanating from public funds should be *identified, protected, utilised and commercialised for the benefit of the people of the Republic*
- Applicable to:
  - Any institution which acquires IP from publicly funded R&D
  - Including collaborations (co-ownership), partially publicly funded inclusive
- "Full cost" funding by a private entity is not considered to be protected by the IPR Act

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## IPR Act

- Technology Transfer Offices (Innovation Office) set up to ensure the University complies with this Act
- IP policy of University to be adhered to – TTO acts in terms of this policy
- TTO's used in the commercialisation process
- IPR Act recognises the rights of researchers and institutions

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## IPR Act

- How does a TTO help the students?
  - TTO looks after the IP you created.
  - Benefit to researcher/inventor/creator
  - Assists, supports or takes care of commercialising process: Due diligence, market analysis, start-up costs, protection of IP, research and development, license agreements, Royalty payments and agreements.

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## IPR Act

- The TTO can only assist you if they know about the IP that you created
- Speak to your TTO!