



Intellectual
Property
Office

An Introduction to Intellectual Property

Gary Townley

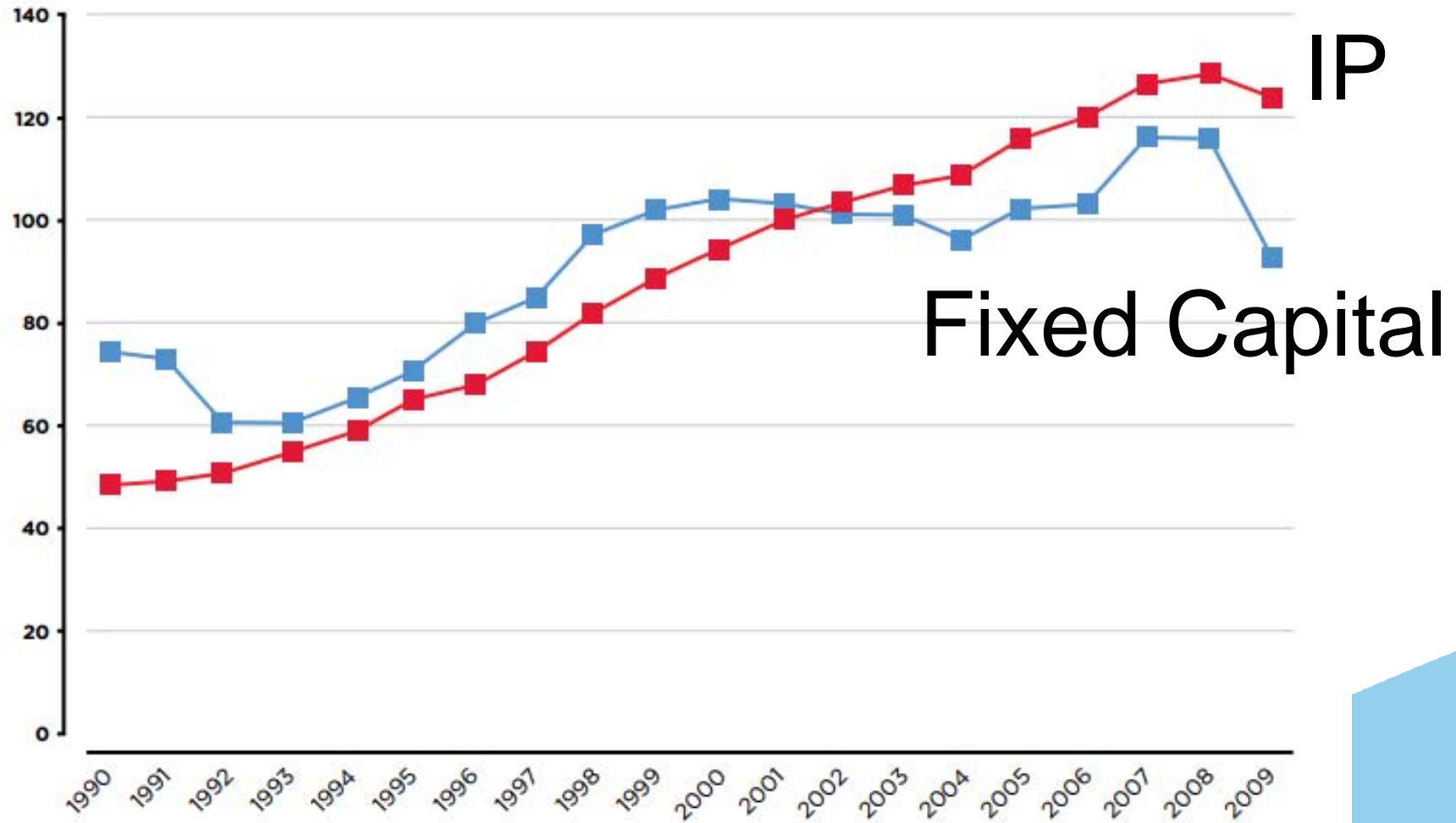
Business Outreach & Education





Business investment has changed - in UK as elsewhere

£ billion



Source EU COINVEST and Haskel et al

IP Baseline Survey

96% of UK businesses do not know the value of their Intellectual Property Rights

Only 11% of UK businesses know that disclosure of an invention before filing will invalidate a patent.

74% of UK businesses could not correctly identify the owner of copyright when using a subcontractor

Only 4% of UK businesses have an Intellectual Property policy





Trade marks

A Registered Trade Mark is...

Any sign which is capable
of being represented graphically

Any sign which is capable of
distinguishing the goods or services
of one undertaking from another

“A Badge of Origin”



What can be registered?

Name Logo

Domain name Slogan

Colour theme Shape theme

Non-traditional

Music

Smell





Unexpected marks

Office of Government
Commerce

£14000 to create new logo

“not inappropriate for an
organisation that’s
looking to have a firm
grip on government
spend”

OGC Spokesperson



Why infringement searches?

Avoid expensive mistakes

Awareness of competing marks

Early resolution of potential problems



UK Applications

Fees:

Application fees: £170 – Includes one Class
Additional Classes £50 each (up to 45 Classes)

Right-Start

Timeline:

Examination within 2 months of filing
Registration (unopposed) in 5 months



Trade Mark Registration Overseas

Paris Convention - six months priority

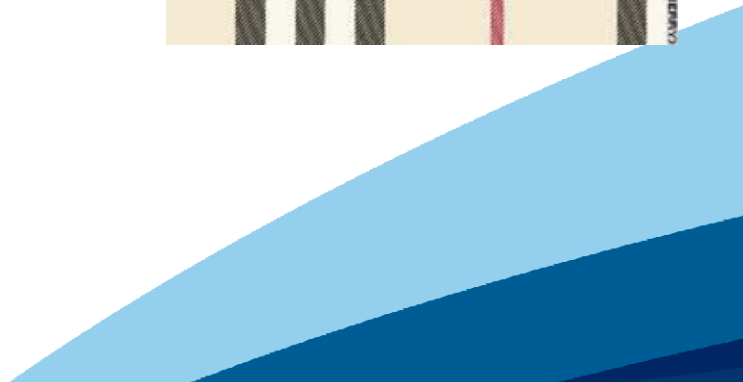
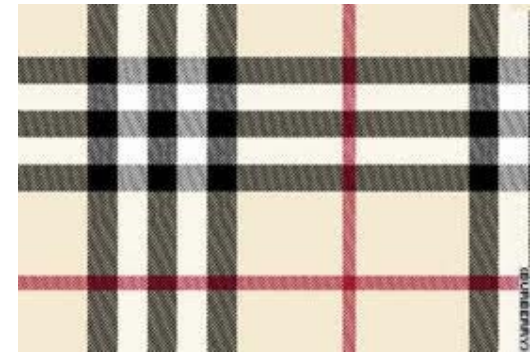
EUIPO – European Trade Mark
e-filing fee €850

Madrid Protocol





Registered designs



Registered Designs

Protects shape or configuration (3-D)
and/or pattern or ornamentation (2-D)

No protection for function, materials
or technology of manufacture

No protection when form is dictated
by function (ie: *no design freedom*)



Registered Designs



Design Registration No 3001664

Registered Designs



Design Registration No 3001664

Registration fees from 1 October 2016

	Old fee amount (paper)	New standard fee amount (paper)*	New electronic fee amount
Single application (form number DF2A)	£60 for 1 design	£60 for 1 design	£50 for 1 design
Multiple application	£60 for first and £40 for any subsequent design included in the application	£60 for first and £40 for any subsequent design included in the application	£70 for up to 10 designs £20 for up to (and including) 10 subsequent designs included in the application
Reduction in application fee for deferred publication	-£20	Removed	Removed

Renewal Fees from 1 October 2016

Relevant period	Old Fee	New Fee
Second period of five years	£130	£70
Third period of five years	£210	£90
Fourth period of five years	£310	£110
Fifth period of five years	£450	£140

Registration Overseas

Paris Convention – 6 Months

EUIPO - Community Design

Hague Agreement
(1/1/2008)





Patents



Criteria for 'patentability'

Patents are for “**technological innovation**”, though the Patents Act 1977 fails to define the word “invention”

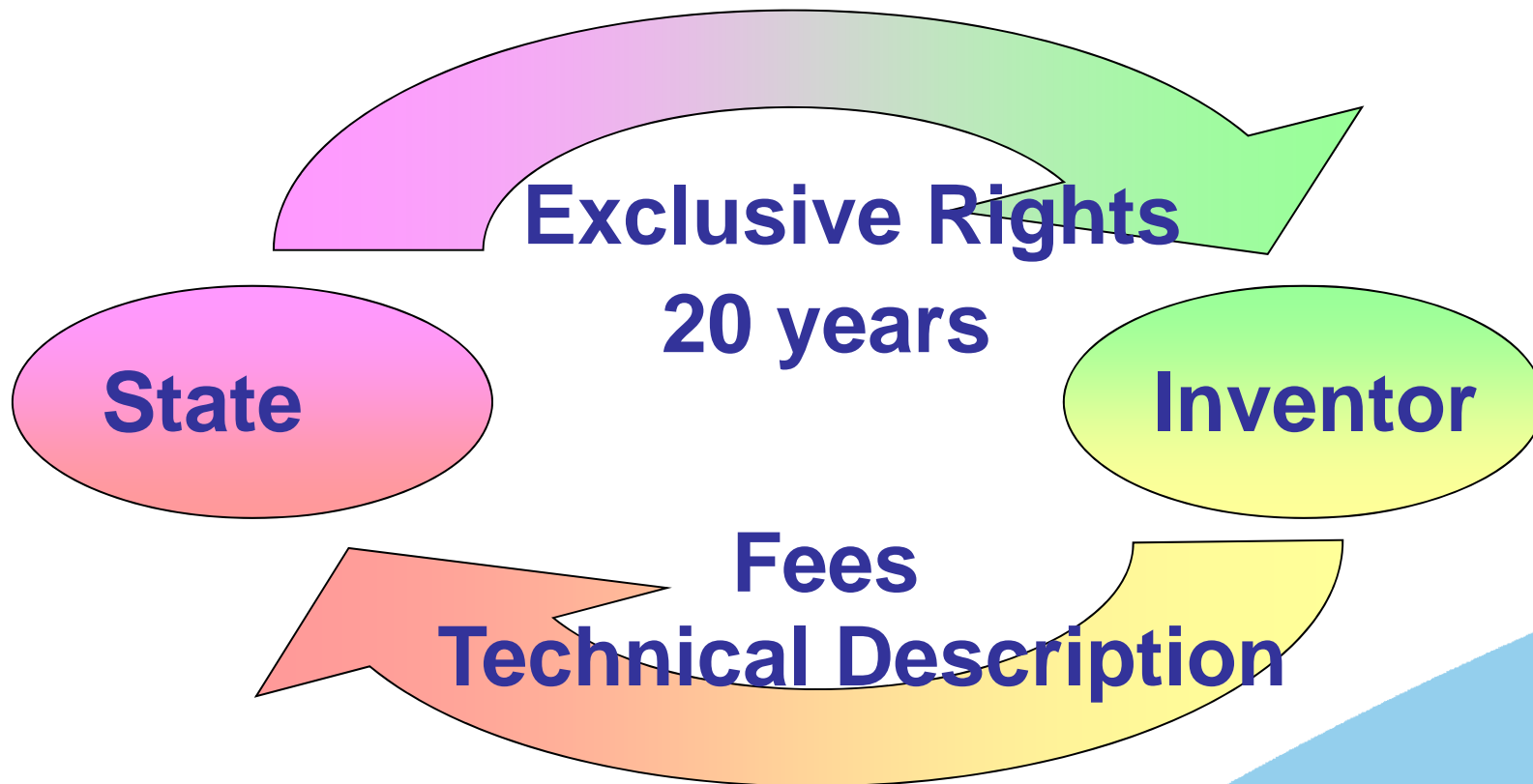
Inventions must be new - not known anywhere in the world prior to the filing date

Inventions must have an ‘inventive step’ - not obvious, a simple adaptation or combination

Inventions must be industrially applicable and have a ‘technical effect’

What is a Patent ?

A Bargain



Claim 1

1 A vehicle transmission assembly including a change speed transmission having a casing, an input for connection to an engine or motor, a first epicyclic gear train which is connected to the input and in use selectively provides a reduction ratio or a direct ratio to a second epicyclic gear train which in use selectively provides a reduction ratio or a direct ratio to a third epicyclic gear train which in use selectively provides a reduction ratio or a direct ratio to a forward transmission output, each epicyclic gear train comprising a sun gear, an annulus gear and a set of planet gears mounted on a respective carrier and intermeshing with the respective sun and annulus gears, and first, second and third coupling means associated with the first second and third epicyclic gear trains respectively to selectively couple one of the sun gear and the annulus gear of the respective gear train to the casing or to the carrier, each coupling means comprising a synchromesh selector slidable on a member fast with the said one of the sun gear or annulus gear and engageable with the casing when slid in one axial direction and with the carrier when slid in the other axial direction.

Obtaining Patent Protection Abroad

Separate national filings

Patent Co-operation Treaty
(PCT)

European Patent Convention
(EPC)



Working with others

Prior use or disclosure will invalidate a patent application - use 'Confidentiality Agreements'

Agree in writing who will own any I.P. arising from the collaboration *before* commercialisation





Copyright

Copyright Conventions

Berne Convention - Accepted in 1886

Works protected by national law irrespective of where
the work was created

163 Countries are parties to the Convention

Universal Copyright Convention

Adopted in 1952

An alternative for Countries that believed that Berne
overly benefited Western developed copyright
exporting nations



What Copyright protects

Books, technical reports, manuals, databases

Engineering, technical or architectural plans

Paintings, sculptures, photographs

Music, songs, plays, dramatic works

Promotional literature, advertising

Films, videos, cable or radio broadcasts

Computer software



How long does Copyright last?

Literary, musical, artistic & dramatic works:
author's lifetime plus 70 years

Films: 70 years after the death of the last of:
director, composer of the score, the author of
the screenplay and the scriptwriter

Sound recordings, TV & radio broadcasts &
cable programmes: 70 years from first broadcast

Publishers' right (typographical layout *etc.*):
25 years



Who owns Copyright?

Usually the first creator or author...

...or their employer if produced in the ordinary course of their employment

However, a contractor will retain ownership unless their contract is explicit to the contrary

Even if the creator sells their rights, they have 'moral rights' over how their work is used

Who owns copyright?



David J Slater

The term 'authorship' implies that, for a work to be copyrightable, it must owe its origin to a human being. Materials produced solely by nature, by plants, or by animals are not copyrightable.

Top Dead Earners 2016

1. Michael Jackson - \$825m
2. Charles Shultz - \$48m
3. Arnold Palmer - \$40m
4. Elvis Presley - \$27m
5. Prince - \$25m
6. Bob Marley - \$21m
7. Theodore Geisel - \$20m
8. John Lennon - \$12m
9. Albert Einstein – \$11.5m
10. Betty Paige – \$11.m
11. David Bowie - \$10.5m



Source Forbes.com

Bringing it all together

® Registered Trade Mark

‘TM’ *unregistered*

Registered Design

Copyright: labels & artwork

Patents: several dozen!





Intellectual
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Office

Intellectual property: an overview

Trade marks

Patents

Copyright

Designs

Law and practice



24 September 2015 — Press release

Overall fall in reported intellectual property crime

The latest IP Crime Group Report shows progress in the fight against intellectual property crime.



17 September 2015 — Press release

UK ranked as world-leader in innovation

The UK has been ranked as the second most innovative country in the world.



31 December 2014 — Collection

Warning: misleading invoices

Be aware of misleading invoices offering services to help protect your IP rights in return for a fee.



23 September 2015 — Collection

IP for business: events, guidance, tools and case studies

A collection of intellectual property events, guidance, tools and case studies to help you create value from your ideas.



21 September 2015 — Press release

UK and Singapore boost IP co-operation

The UK and Singapore are set to benefit from a new agreement on Intellectual Property (IP) signed today (21 September 2015).

Latest

Trade mark forms and fees
updated 28 September 2015 [Guidance](#)

Application to register an International trade mark
published 28 September 2015 [Form](#)

The patent guide
updated 28 September 2015
[Research and analysis](#)

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- A free, interactive e-learning tool, 4 short Modules
- Helping advisors increase their knowledge in identifying IP assets
- IPO certification on completion



- A basic overview of IP at your fingertips at anytime
- Portable pocket solution to help top up your IP knowledge
- Download from the Apple store iTunes & the Android app store



- Free and confidential online diagnosis tool
- Help your business grow through Licensing, Exploiting & Franchising
- Identifying and adding value to your IP assets



- A series of free business guides to understanding IP
- Explaining the different types of IP rights & how to protect them
- A great starting point for those beginning their IP journey



- Accredited interactive course with in depth training on IP
- Available in person and online (coming soon)
- Study Guides and downloads

Thank you

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