

PRIMER: WHAT IS IP?

Many new ideas can be protected using **Intellectual Property Rights** (also known as "IP rights" or "IPRs"). The main purpose of IP rights is to enable the inventors, designers and creators of original ideas to stop others from copying their ideas without permission. There are many different types of IP rights, some of which may overlap, and may exist in parallel with one another.

The images shown on the packaging and the text of the instruction manual may be **copyright** material. Copyright is the original author's exclusive right to make copies of art, photographs, films, designs, sculptures, text etc. and unauthorised copying may amount to copyright infringement.

The overall appearance of the toaster is probably one of the most important factors when a consumer makes a purchasing decision. The appearance of the toaster (or any of its component parts that are visible during normal use) could be protected using a combination of **Design Right** and **Registered Designs**, as could the appearance of the packaging

Patents can be used to protect new and non-obvious technical innovations. For example, the internal circuitry that controls the cooking & defrosting functions, the arrangement of the elements to give more even toasting, the removable crumb tray, the insulated side walls, the packaging and materials used to ship the toaster, etc. could be protected using one or more patents.



Branding and trade marks enable consumers to distinguish between the goods and services of different undertakings. **Trade marks** can be words, logos, colour schemes, shapes and sounds - provided the mark can be used to distinguish the goods or services concerned. The main functions of marks are to convey a particular level of quality and to guarantee trade origin. Trade marks can be registered or unregistered and may enable the right holder to control who can apply the mark in question to different types of goods and services.

There are many other types of IP right as well, such as **database right**, rights subsisting in **plant varieties**, the law of **confidential information** (e.g. **trade secrets, know-how**, etc.).

IP law can be daunting, but ignoring it can be a mistake. By failing to acknowledge IP, you run the risk of infringing other people's rights and failing to capitalise on your own IP strengths and your competitors' weaknesses. It is often not realised that every person and company owns IP in one form or another - it's just a question of being able to identify which rights are valuable.

Remember... **"if an idea is worth copying, then it's probably worth protecting!"**