

AS LEVEL Section D

FACT FILES

Technology & Design

For first teaching from September 2022

For first award in Summer 2012

Intellectual Property
Rights



tech
nology
and
design



Learning Outcomes

**At the end of this unit students should be able to:
Demonstrate knowledge and understanding of
Intellectual Property Rights to include the key issues of:**

- design rights;
- registered design;
- patents;
- trademarks;
- copyright; and
- how these relate to contemporary products.



Course Content

What is intellectual property?

Intellectual property (IP) can allow you to own things you create in a similar way to owning physical property. You can control the use of your IP, and use it to gain reward. This encourages further innovation and creativity.

Design rights

Design right is a free, automatic right that you get when you create an original design. It gives you the right to stop anyone copying your design for up to 15 years.



Registered Designs

Registered Designs protect the visual appearance or eye appeal of products.



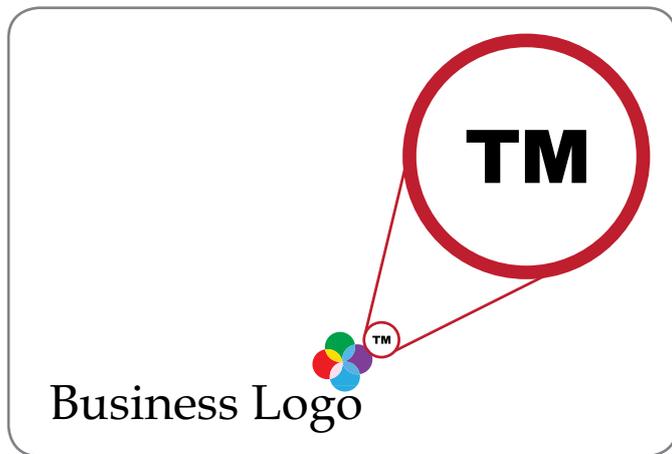
Patents

Patents protect the technical and functional aspects of products and processes.



Trade Marks

A trademark is a sign or logo used by a business or organization to identify and distinguish the products or services a company sells from other organizations. The owner of the registered trademark is offered protection from infringement by other businesses.



Copyright

Copyright protects material, such as

- literature;
- art;
- music;
- sound recordings, films and broadcasts.



What is design protection?

Design protection covers the outward appearance of your product, including decoration, lines, contours, colours, shape, texture and materials. If you have a new shape or pattern for a product, you may be able to protect it as a design. In the United Kingdom designs are protected by design rights and registered designs.

- Registered designs gives stronger protection but require registration at the Patent Office
- Design right gives weaker, but automatic protection without the need for registration

Registered designs

Registered designs give you the right to stop anyone copying or using your design in the United Kingdom for up to 25 years.

A registered design gives you protection on aspects regarding shape, pattern or decoration.



A registered design will cover the lines, contours, colours, shape, texture and materials of the product. To be registered, a design must:

- be new;
- have individual character; meaning, it should not remind an informed person of an existing design.

If your design meets these requirements, you may want to consider applying for a registered design. If you have a registered design, you must renew it every 5 years for up to 25 years.

Design right

Design right gives you free automatic protection for the internal or external shape or configuration of an original design. It does not give you protection on surface ornamentation, (2-dimensional designs) such as patterns on textiles or wallpaper.

You can protect 2-dimensional designs using copyright or registered designs.

Design right:

- Lasts for 10 years after first marketing articles made to the design;
- Is subject to an overall limit of 15 years from the creation of the design; and
- Is a property which can be bought, sold, or licensed.

For the first 5 years you can stop anyone from copying the design. For the rest of the time the design is subject to a license of right. This means that anyone is entitled to a license to make and sell products copying the design. Your design right will only give you protection in the United Kingdom.



What is a patent?

A patent protects new inventions and covers how things work, what they do, how they do it, what they are made of and how they are made. It gives the owner the right to prevent others from making, using, importing or selling the invention without permission. Your invention must:

- be new; and
- have an inventive step that is not obvious to someone with knowledge and experience in the subject be capable of being made or used in some kind of industry.



Your invention must not be:

- a scientific or mathematical discovery, theory or method;
- a literary, dramatic, musical or artistic work;
- a way of performing a mental act, playing a game or doing business;
- the presentation of information, or some computer programs;
- an animal or plant variety; and
- against public policy or morality.

What is a trade mark?

A trade mark protects any sign or symbol that allows your customers to tell you apart from your competitors. You can register a name, logo, slogan, domain name, shape, colour or sound.

A trade mark must be:

- distinctive for the goods and services you provide; and
- not deceptive, or contrary to law or morality.

If you have a registered trade mark, you must renew it every 10 years to keep it in force.



What is Copyright?

Copyright protects creative or artistic works. You should only copy or use a copyrighted work with the copyright owner's permission. You can copyright:

- literature, including novels, instruction manuals, computer programs, song lyrics, newspaper articles and some types of database;
- drama, including dance or mime;
- music;
- art, including paintings, engravings, photographs, sculptures, collages, architecture, technical drawings, diagrams, maps and logos;
- layouts used to publish a work, for a book;
- recordings of a work, including sound and film;
- broadcasts of a work.

Copyright applies to any medium. This means that you must not reproduce copyright protected work in another medium without permission. This includes, publishing photographs on the internet, making a sound recording of a book, and so on.

Copyright does not protect ideas for a work. However, when an idea is fixed, for example in writing, copyright automatically protects it. This means that you do not have to apply for copyright.

A copyright protected work can have more than one copyright, or another intellectual property (IP) right, connected to it.

For example, an album of music can have separate copyrights for individual songs, sound recordings, artwork, and so on. Whilst copyright can protect the artwork of your logo, you could also register the logo as a trade mark.



Revision questions

1. Briefly outline **two** main characteristics associated with each of the following:
 - patents and
 - trademarks.
2. Distinguish between design rights and registered designs?
3. Briefly outline any **four** elements of creative or artistic works that copyright covers?

