

# THE IMPORTANCE OF INTELLECTUAL PROPERTY

Every business will have some form of Intellectual Property (IP) – not just those that deal with technology. To appreciate the importance of this IP, it is necessary to understand the nature of different IP rights, what they protect, and how the rights can be obtained and how they best be commercialised.

Generally speaking, IP can be seen as a bundle of property rights that protect “creations of the mind”. These rights can be crucial for your business, as not only can they be used to protect your own creations, but also provide useful business tools that can be exploited commercially.

Different forms of IP may be used to protect different aspects of your business. Not all IP rights may apply to your particular field of business, but many will, and understanding not only your rights but those of your competitors will put you on a sound commercial footing.

The first group of rights below are all obtained through a registration process, and the costs, timescales and procedures for each will vary.

Brand names and logos, whether they be the name of your business, the name of any products you produce or any associated services, can all be protected by way of a trade mark registration.

Innovative products and methods of manufacture may be protected by way of a patent.

Whereas patents may protect the way something works, or the way it is made, the visible appearance of these products may be protectable by way of a registered design.

Whilst registered trade marks and designs and patents all need to be obtained through a legal procedure (with associated expense), other rights are automatically obtained, and can also be used to protect your intellectual creations.

Copyright exists to protect the expression of ideas, and protect original written works (including computer code), as well as works of art including drawings, sculptures and photographs. The design of products is also protectable by an unregistered design right, but this offers weaker protection than a registered design.

There is also limited protection for names, logos, trade style and other indicia associated with your business, if it can be proved that you have sufficient goodwill and reputation for those indicia.

It is also important to be aware of your confidential information and trade secrets, since action can be taken if this information is disclosed without permission.

IP rights can be put to use in a number of different ways. On one hand, IP may be seen as a negative right. That is, it can merely be used to prevent others



from copying your written material, or producing products that infringe upon your patents and designs. From this, you maintain a competitive edge.

On the other hand, IP can be used in a positive sense. Since IP is a property right, it can be bought and sold. It can be licensed, so that others can use your brand name or make products that fall within your patent, for which you will receive a royalty payment. IP can be used to give you the upper hand in negotiations, and can be exchanged for mutual benefit.

Furthermore, IP rights can be obtained globally, unleashing your businesses potential to a global market.

It must also be borne in mind that not only is your IP important, so is that of others. You will need to be aware of competitors' rights so that they are not infringed, which could put your own business at risk.



**AA THORNTON**

[www.aathornton.com](http://www.aathornton.com)