

# SO YOU WANT TO BE A DESIGNER?

YOU UNDERSTAND THE *creative* SIDE TO DEVELOPING AN IDEA,

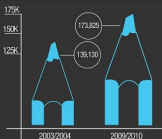
# BUT

DO YOU KNOW HOW TO PROTECT IT?

## WHAT IS INTELLECTUAL PROPERTY?

*"IP results from the expression of an idea. So IP might be a brand, an invention, a design, a song or another intellectual creation."*

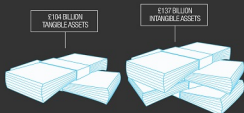
INTELLECTUAL PROPERTY INCENTIVISES INNOVATION BY FACILITATING THE COMMERCIAL EXPLOITATION OF IDEAS.



THE NUMBER OF CREATIVE ART AND DESIGN STUDENTS IN 2009/10 STOOD AT 173,825, UP FROM 139,130 IN 2003/04.



FEWER THAN HALF (40%) OF STUDENTS CONSIDER THEIR CURRENT UNDERSTANDING OF IP TO BE ENOUGH.



EVERY YEAR IN THE LAST DECADE, INVESTMENT BY UK BUSINESS IN INTANGIBLE ASSETS HAS OUTSTRIPPED INVESTMENT IN TANGIBLE ASSETS: BY £137 BILLION TO £104 BILLION IN 2008.



GLOBAL TRADE IN PATENT AND CREATIVE INDUSTRY LICENSES ALONE IS WORTH MORE THAN £600 BILLION A YEAR: FIVE PER CENT OF WORLD TRADE AND RISING.

## THE FOUR MAIN TYPES OF INTELLECTUAL PROPERTY



5% INCREASE IN DEMAND FOR PATENTS FROM 2011 & 2012



PATENTS

- PATENTS CAN TAKE UP TO 4 1/2 YEARS TO BE GRANTED BUT YOU DO NOT HAVE TO WAIT FOR THIS BEFORE COMMERCIALISING YOUR PRODUCT.
- PROTECTION WILL DATE FOR UP TO 20 YEARS FROM THE FILING DATE, PROVIDED IT'S GRANTED AND RENEWAL FEES ARE PAID.
- PATENTS STOP ANYONE PRODUCING, MARKETING OR SELLING YOUR PRODUCT/S WITHIN THE COUNTRY YOU HOLD A PATENT.
- THERE IS NO SUCH THING AS A WORLDWIDE PATENT BUT IT IS POSSIBLE TO APPLY IN MORE THAN ONE COUNTRY AT A TIME, THE MOST FAR REACHING PATENT APPLICATION BEING A PCT, COVERING OVER A HUNDRED COUNTRIES.



TRADEMARK APPLICATIONS BETWEEN 2011 & 2012



TRADEMARKS

- TRADE MARKS (TRADEMARKS IN THE US) PROTECT LOGOS, SYMBOLS OR NAMES OF PRODUCTS OR BUSINESSES, AND CAN BE REGISTERED IN MOST COUNTRIES.
- TRADE MARKS CAN LAST INDEFINITELY BUT MUST BE RENEWED EVERY 10 YEARS IN THE UK AND EUROPE TO BE KEPT IN FORCE.
- TRADE MARKS™ ARE USED FOR BRAND RECOGNITION AND AS A MARKETING TOOL.
- A REGISTERED TRADE MARK® PREVENTS OTHERS FROM USING IT ON THEIR GOODS OR SERVICES & MISLEADING BUYERS.



DESIGN APPLICATIONS BETWEEN 2011 & 2012



DESIGNS

- A DESIGN IS LEGALLY DEFINED AS "THE APPEARANCE OF THE WHOLE OR PART OF A PRODUCT RESULTING FROM THE FEATURES OF, IN PARTICULAR, THE LINES, CONTOURS, COLOURS, TEXTURE OR MATERIALS OF THE PRODUCT OR ORNAMENTATION.
- YOU CANNOT REGISTER A DESIGN THAT INCLUDES A NATIONAL EMBLEM, FLAG OR OFFICIAL SYMBOL.
- REGISTERED DESIGNS IN EUROPE LAST A MAXIMUM OF 25 YEARS, PROVIDED YOU MAINTAIN 5-YEARLY RENEWAL FEES.
- A REGISTERED DESIGN COVERING EUROPE IS A COMMUNITY REGISTERED DESIGN AND COVERS OVER 30 EUROPEAN COUNTRIES.



COPYRIGHT LASTS 70 YEARS AFTER THE DEATH OF THE AUTHOR



COPYRIGHT

- COPYRIGHT IS A RIGHT THAT ARISES AUTOMATICALLY ON CREATION OF WORK.
- COPYRIGHT STOPS OTHERS FROM COPYING, ADAPTING, DISTRIBUTING, RENTING OR PERFORMING THAT PARTICULAR WORK WITHOUT PERMISSION FROM THE OWNER.
- IT COVERS CREATIVE WORKS SUCH AS LITERATURE, MUSIC, FILMS, DANCE AND ART.
- TO ENFORCE COPYRIGHT IT MAY HELP TO PUT A © ON ANY MATERIAL YOU WISH TO PROTECT.

## WHO HAS OWNERSHIP OF YOUR IDEA?

- THE FIRST OWNER (I.E. ONLY OWNER UNLESS THE OWNERSHIP IS LATER ASSIGNED) OF COPYRIGHT IS THE AUTHOR UNLESS THE WORK WAS IN THE COURSE OF EMPLOYMENT, EVEN IF THERE HAS BEEN A COMMISSION.
- THE FIRST OWNER OF UNREGISTERED DESIGN RIGHTS WILL BE THE DESIGNER, UNLESS THE WORK WAS CREATED IN THE COURSE OF EMPLOYMENT, OR AS A COMMISSION.

- THE OWNER OF REGISTERED RIGHTS IS TYPICALLY THE PERSON OR BODY THAT APPLIES.
- THE OWNERSHIP OF RIGHTS CAN BE ASSIGNED AFTER OR BEFORE CREATION OF WORK THROUGH CONTRACT. ALL ESTABLISHMENTS HAVE THEIR OWN POLICIES RELATING TO WORKS CREATED DURING YOUR TIME WITH THEM; THIS IS THE SAME WITH UNIVERSITIES.

MAKE SURE THAT YOU ARE AWARE OF YOUR UNIVERSITY'S IP POLICY REGARDING OWNERSHIP OF RIGHTS TO PRODUCTS DESIGNED DURING YOUR COURSE.

## WHAT ABOUT LICENSING?

### 7 Steps to Licensing.

(BUT MAKE SURE YOU HAVE PROTECTION IN PLACE FIRST)



TAKING AN IDEA THROUGH DEVELOPMENT, TESTING AND MANUFACTURING CAN BE AN EXPENSIVE AND RISKY PROCESS. LICENSING COULD BE A MORE SUITABLE ROUTE?

- MAKE CONTACT WITH YOUR POTENTIAL SUITOR COMPANY TO OBTAIN EMAIL ADDRESS OF APPROPRIATE CONTACT, GENERALLY THIS WILL BE THE 'HEAD BUYER'.
- EMAIL THE COMPANY USING THE PROVIDED TEMPLATE OR SEND A LETTER FOR THE ATTENTION OF THE HEAD BUYER. REMEMBER TO ATTACH THE CONFIDENTIALITY AGREEMENT.
- THEY MAY NOT BE INCLINED TO SIGN YOUR CONFIDENTIALITY AGREEMENT SO BE PREPARED FOR THIS AND MAKE YOUR OWN JUDGEMENT. IN EUROPE, ESSENTIALLY YOUR DESIGN IS PROTECTED BUT NOT THE OVERALL CONCEPT.
- AT THIS STAGE THEY MAY ASK YOU TO EMAIL OVER MORE INFORMATION OR INVITE YOU DOWN FOR A MEETING. IF THEY ASK YOU TO EMAIL MORE INFORMATION THEN YOU CAN ATTACH THE ORIGINAL CAD DESIGNS PROVIDED BY INNOVATE.
- IF YOU HAVE EMAILED THE INFORMATION THEY MAY THEN INVITE YOU DOWN TO THEIR OFFICES OR THEY MAY INVITE YOU TO PITCH FROM THE ONSET. MAKE SURE YOU HAVE A FULLY PREPARED PITCH AND TAKE BOTH YOUR DESIGNS AND PROTOTYPE WITH YOU.
- IF THEY ARE INTERESTED THEY WILL WANT TO ENTER INTO NEGOTIATIONS. AT THIS STAGE IT WOULD BE WISE TO CONSULT A LICENSING PRACTITIONER, COMMERCIAL SOLICITOR OR INTELLECTUAL PROPERTY ATTORNEY'S FIRM WHO SPECIALISE IN COMMERCIALISATION, TO EITHER HELP YOU DRAW UP AN AGREEMENT AND NEGOTIATE, OR TO REVIEW THEIR PROPOSAL.
- SIGN THE AGREEMENT. MAKE SURE TO SET A TIME LIMIT ON THE AGREEMENT AND TO REVIEW SALES FIGURES AT REGULAR INTERVALS TO MAKE SURE THE COMPANY ARE PUSHING YOUR PRODUCT.

contact us

IF YOU LIKE WHAT YOU'VE SEEN HERE, OR WANT TO KNOW MORE ABOUT ANY OF THE TOPICS DISCUSSED PLEASE DON'T HESITATE TO GET IN CONTACT WITH US.

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