

INTELLECTUAL PROPERTY (IP) IN A NUTSHELL

Intellectual Property (IP) refers to creations of the human mind. A creative work, an expression or solutions to a problem are all creations of value. These creations of your mind can be considered as your Intellectual Property or IP.

Many forms of IP can exist in one invention or product. Take a closer look at your portable CD-player. Its unique shape may be protected by a **registered design**; its CD-playing mechanism may be protected by **patents**; the name of the CD-player may be registered as a trade mark; and of course the instruction manual that comes with the CD-player can be protected by **copyright**.

IP AROUND US

The more common IP we encounter around us are **Patents, Trade Marks, Copyrights and Designs**. Other IP includes Trade Secrets and Confidential Information, Plant Varieties Protection, Geographical Indication and Layout Designs of Integrated Circuits.

WHY IS IP IMPORTANT?

IP protects our **intellectual creation**, encourages **creativity** and **innovation**, and enables us to respect the creations of others as well. Imagine a world with no IP protection whereby your inventions can be easily copied by someone else!

PATENT

A **patent** is a right given by the Government to the owner of an **invention**. Assuming you are the owner of the invention, this right would prevent others from using or copying your invention without your consent for a fixed number of years in the country in which you have obtained patent protection.

However, in return for that protection given by the government, you have to disclose the invention to the world so that other people can benefit from your knowledge of the invention.

The term of a patent is 20 years from the **Date of Filing and renewal fees** have to be paid starting from the end of the fourth year in order to have monopoly right over your invention. In return, filing for and obtaining a patent offer several advantages.

You can:

- Prevent others from using your patented invention without your consent;
- **License** the patent;
- Sell the patent to someone else; and/or
- Use the patent as a bargaining tool to advance your business.

MORE ABOUT PATENTS

In order for an invention to be patentable, it must meet three key criteria:

- The invention has to be **new**. That means the invention must not have been made known to the world before the **application** is filed.
- It must involve an **inventive step**. That means the invention must be something that is not obvious to an expert in the field of the invention.
- It must be capable of **industrial application**, which means, the invention has to have some form of practical use.

To protect your **invention**, you need to file an **application** for registration at the Registry of Patents. To do this, you would have to describe your invention in writing and submit it to the Registry of Patents.





TRADE MARK

Heard of Nokia, Canon and Adidas? They are all examples of **trade marks**. Simply put, a trade mark is a visible sign used by someone to help **distinguish** his goods or services from those of other traders. Once a trade mark is registered, the owner owns it just as he owns his other physical assets.

No one else can use a registered trade mark unless permission is granted by its owner. A trade mark registration lasts 10 years and is renewable every 10 years by paying a renewal fee.

COPYRIGHT

Copyright is a bundle of rights given to creators of works, to make sure that only they can use what they have created for their own purposes. **Copyright exists once the work is created in a material form** such as in a recording or in writing and does not require registration to enjoy protection.

Copyright protects works like novels, computer programs, lays, sheet music and paintings. Generally, the author of a copyright work has the right to **reproduce, publish, perform, communicate and adapt** his work.

Copyright is based on originality, meaning that there is an independent effort in the creation of a work. Let's assume that both you and a fellow artist were to paint a portrait of the same subject (e.g a boat on a river) and both paintings look similar. Both paintings would be considered as individual works (assuming you didn't copy the other painting) and would be entitled to separate copyright protection. The period of protection depends on the type of copyright work that is protected.

Consent is needed to do anything that only the copyright owner has exclusive rights over and one can refer to the "terms of use" or contact the copyright owners directly to ask for permission to use the materials.

DESIGN

The design of an article refers to the **shape, configuration, pattern or ornament** applied to an article by an industrial process. It is the appearance of objects we see everyday. A design can be 2-dimensional or 3-dimensional.

Examples of designs that may be registered include:

- The shape of toys, electronic equipment, furniture and even food items like ice-cream or cookies, all of which are 3-dimensional designs.
- The pattern on a piece of fabric or carpet is an example of a 2-dimensional design.

Registration protects your design. When your design is registered, the Government gives you a right that enables you to control the use of your design like selling, licensing or using the design on any object that has been specified within the registration.

Design protection is valid for an initial period of 5 years. You have the option to extend the term of protection by renewing the design for another five years, up to a maximum of 15 years.



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