

COPYRIGHT, TRADE MARKS, DESIGNS & PATENTS – A LIONS VIEW OF IP RIGHTS

Copyright, trade marks, design rights & patents are all types of Intellectual Property law. This is a brief outline of those rights. If you have any questions about IP rights get in touch with [Joanne Frears](#) or [Rekha Thakrar](#), solicitors at Lionshead Law, who will be very glad to help you protect and defend your creative works.

TRADE MARKS – TM or ®

Trade marks are the names, marks and colours that we recognise indicates a product or service is provided by a certain business. Think the Nike swoosh for sportswear, the Cadbury purple colour for chocolate wrappers, or the Mercedes star badge for cars. All of these are visual identifies of a particular manufacturer.

Trade marks can be registered or unregistered (these are usually older house hold names or ones that describe what they do). Registration is national and grants the owner a 10-year exclusive right to use that mark on the goods and services they have chosen to register it for and, crucially, to prevent others from using that mark on the same or similar goods. Marks are renewed every 10 years after that.

As well as protecting your brand effectively against look alike and sound alike products, trade mark registration shows you value the name you use. Trade marks can be used to generate revenue for a business by licensing, and in more mature markets, trade marks are used to maintain the position of a brand after other IP rights such as patents have expired; for example people will buy “Nurofen” because it’s a trusted brand name, even though unbranded ibuprofen is cheaper.

Registering a trade mark is simple. It is done easily via the UK Intellectual Property Office website: <https://www.gov.uk/how-to-register-a-trade-mark/apply>. If an objection is raised to your filing or someone opposes your application, we can help you work around this to get your mark registered.

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These are valuable rights that can be licensed. If you want to discuss this, please get in [touch](#).

BLOGS & SOCIAL MEDIA

Blogs, articles and comments on social media are protected by copyright, as are pictures you take and post on Instagram (or similar), but short Tweets probably don’t generally qualify for copyright protection as the content is relatively limited. Image use on social media can be fraught with potential copyright issues, as users post and re-pin images which they did not take or create. Each social media website has its own rules around what can and cannot be posted and if you believe that your text or images have been reproduced without your consent you should check sites reporting rules as your first option. You can contact us at any time for advice about this.

If you use other people’s photos in your work wherever possible these should be bought or used from a stock photo library or under a license; if this is not possible you should credit source of the photo. It is common for large picture libraries (like Getty Images) to send claim letters where their stock images have been used without permission. Other unscrupulous people send [scam letters](#) claiming they are the copyright owner and demanding money for use of an image - if you receive a letter like this, we can help you respond to it and not pay what they demand.

PATENTS

Original inventions and innovations that are new and inventive can be registered as patents across the world. Applications are filed nationally and protection lasts for 20 years but cannot be renewed after that.

Registering a patent grants the owner of it a monopoly right to use the patent and exploit it. Patents can be costly to file but they are valuable IP because of the monopoly in the invention and they are attractive to licensees. As an example think of all the technology in your phone; much of it comes from inventors who licence their technology to the handset manufacturer and in return get a royalty or fee for use of their patent.

A patentable invention must be kept completely secret whilst it is being registered and should not be disclosed except under strict conditions. As Patent registration relies on the technical claims made it is important to get the filing right. Contact [us](#) if you would like to discuss your invention.

DESIGNS

Registered designs and unregistered design rights protect how something looks – provided it does not have to look that way to make it work. Registration is national and cheap and usually quick to secure.

CONFIDENTIAL INFORMATION, TRADE SECRETS & BUSINESS PROCESSES

Trade secrets, confidential business information and business processes are protected as intellectual property. Before you provide any confidential or business sensitive information to a third-party, you should ask them to sign a non-disclosure agreement agreeing to keep the information secret and not disclose it to anyone else.

Non-disclosure Agreements are simple to prepare and very useful to have when doing any sort of business. Feel free to [contact us](#) if you want to discuss this or your business contracts in general.