

# Intellectual Property

Intellectual property (IP) includes creations which are unique to a person or business. Australian IP law encourages innovation and protects businesses who develop original IP in order to have a competitive advantage. Protecting your IP may be critical if you want to protect your businesses intangible assets.

This guide will highlight the different types of intellectual property.

## TRADE MARKS



Trade marks allow you to distinguish your business from another. A trade mark can be a brand name(words), numbers, logo, slogan, picture, sound, shape or any combination of these. You can protect your business and stop others from using unique features of your business, and get exclusive use of that trade mark throughout Australia. A trade mark can be protected for an initial period of 10 years.

A trade mark gives you protection and provides you with exclusive rights to use, license and sell the mark. Having a trademark makes it easier for you to take legal action to prevent others from using it. To ensure your trade mark is protected, you should register it as early as possible.

## COPYRIGHT



Copyright provides protection to creators over their literary, software or artistic works. These rights include the right to prepare derivative works, reproduce the work, to distribute copies, perform and display the work. Copyright is governed by the Copyright Act 1968 and is free and automatic once the work has been created.

Copyright protects ideas and concepts that have come into material form and is afforded without having to be registered. However, the copyright work should not be derived or copied from elsewhere.

## DESIGN



A registered design under the Design Act 2003 can be a valuable commercial asset. It includes shape, configuration or pattern that gives a product a unique appearance. If you have put time and effort into your unique design, you should consider registering it.

Registration protects your design and is valid across Australia. It further protects your design for five years from the date of filing the application, which can be renewed for a further five years. If the design is not renewed it becomes free for anyone to use. It is important to note that your design must be original and not have been publicly disclosed. If it has been previously publicly disclosed, you may be unable to register your design.

## PATENTS



People who invent new, inventive and useful products, methods or processes may apply to obtain patent protection. The Patents Act 1990 governs the patent system in Australia.

There are two types of patents in Australia - a standard or an innovation patent. As part of the application process, a search of the patent database is required. The process can be time consuming and complex.

Seeking proper guidance and advice will help you choose the right patent and determine your ability of successfully getting a patent.