

Identification and Protection of Intellectual Property

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Identification and Protection of IP

What is Intellectual Property?

- The Protection of economic investment in creative effort including:
 - Patent;
 - Design;
 - Copyright; and
 - Trade Mark.
- Confidential information;
- Good will and reputation



Identification and Protection of IP



Design

- Overall appearance of a good including shape, configuration, pattern and ornamentation can be protected and will give the owner exclusive rights for the life of the design registration.
- Design must be 'new' and 'distinctive' to obtain registration.
- Does not protect function of a product, only the appearance.
- Lasts up to 10 years.

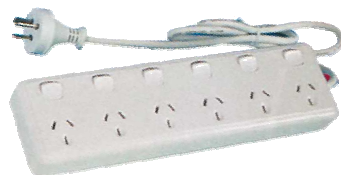


Identification and Protection of IP



Patent

- A device, substance, method or process, which gives the owner exclusive rights to use the patent for the life of the patent.
- Innovative – 'new' and 'innovative' protection for up to 8 years.
- Standard – 'new' and 'inventive' protection for up to 20 years.



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Copyright

- Automatic protection of the representation of an idea if it:
 - Has been published;
 - Is original; and
 - Has a connection to Australia.
- Protection of literary, artistic, dramatic and musical works.
- Protection of sound recordings, films and broadcasts.



Copyright



Elwood Clothing v Cotton On Clothing



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Trade Mark

- Any sign, word, number, sound, letter, smell, shape, logo, picture, aspect of packaging or any combination of these.
- That distinguishes one trader's goods and services from those of another trader.
- 45 classes of goods and services.
- Proprietary right.
- Indefinite protection if renewal fees paid every 10 years.



Trade Marks



Trade Mark



Vs



Photo: Nic Kocher of The Age for Fairfax Media

Identification and Protection of IP



Domain names and Business Names

- No Proprietary Rights.



Identification and Protection of IP



Intangible assets

Confidential information

- Trade secrets.
- Know-how.
- Research.
- Marketing plans.
- Projections.
- Any information not publicly available relating to the structure and running of a business.



Goodwill and reputation.

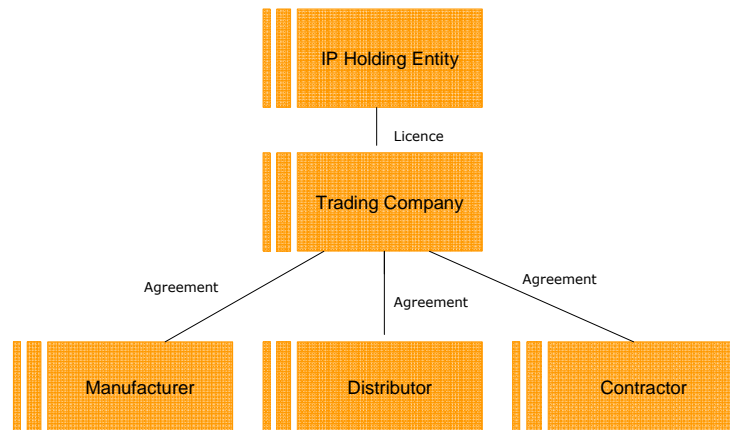
Identification and Protection of IP



Due Diligence to:

- Identify IP;
- Owner of IP; and
- Contractual rights contained in:
 - Distribution agreements;
 - Manufacturing agreements;
 - Licence agreements; and
 - Supply agreements.

Basic Business Structure



Our Services



- Trademarks, patents, designs and copyright identification and protection.
- IP ownership, registration and statutory protection strategies.
- Restraint of trade and confidential information.
- Branding protection.
- Research, development and creation of ideas, concepts and products.
- Infringements and passing off.
- Defamation.
- Confidentiality and Privacy.
- Enforcement issues such as letters of demand, litigation, negotiation and mediation.
- e-security, including policy development, practices and procedures, guides and reviews.

Contact Details



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