



lawbite

Your essential guide to
Intellectual property

TABLE OF CONTENTS

- 03.** Introduction to your essential guide to intellectual property
- 04.** Starting your business or launching a new product
- 05.** Logos and other designs
- 06.** Copyright
- 08.** Design rights
- 09.** Patents
- 10.** Exploiting your copyright and intellectual property

Your essential guide to intellectual property

You probably have an idea of what you want your product to look like. You'll also need to come up with a product name, logo, general designs and any marketing 'collateral' you might have, such as a website.

This is a three-step process:



New ideas



Creating them



Protecting them

This is what's known as your 'IP' (Intellectual Property), and although it's not usually the first legal issue that comes to mind, it can be extremely valuable and, therefore, worth safeguarding.

What are the main forms of IP?

- ✓ Trademarks are elements of branding
- ✓ Copyrights protect original expression
- ✓ Design law protects the appearance of products
- ✓ Patents protect inventions



Starting your business or launching a new product

Whilst this isn't 'a guide to branding and marketing', we can certainly help you out with how to do it legally so you don't run into any problems later down the line.

On many occasions, there have been companies that have been incorporated and then launched, only to receive a letter of complaint from another business that is already trading under that name (or something very similar) or a trademark that has already been registered.

The common complaints centre around confusing the market, and they must cease using the name (and sometimes even reimburse for damages with an infringement claim).

The best and most effective trademarks are those that bear absolutely no relation to the products or services they're used for. Completely invented words are ideal.

Make sure you follow these simple steps:

- 1 Make sure it's not already registered with Companies House, and it's actually allowed to be used in the marketplace.
- 2 Check it's not already registered as a trademark. You can check this by using the Intellectual Property Office (IPO) 'Search for a Trademark' page.
- 3 Check if the website address/domain name is available. (Okay, this is not specifically a 'legal' consideration, and you can buy these off the domain's owner, but that can be costly, and you might not want the hassle).

Logos and other designs

Another part of the ‘branding exercise’ is creating the look and feel of your product. Unless you have fantastic design and branding skills, you might want to hire a freelance graphic designer or an agency to create a logo and any other marketing collateral.

If you do hire a designer or an agency, make sure you have a contract in place which specifies precisely who owns the intellectual property in whatever they create, as well as stating a deadline for the project and the costs involved. A ‘Supply of Services’ style contract would be a good place to start.

Bear in mind that some images and phrases cannot be trademarked (an important step outlined below), so check the government’s Intellectual Property website before making any final decisions.

Once you have your new branding squared away, you should consider protecting them, which means registering a trademark.



Download our [Supply of Services Agreement](#)

So how much does it cost to register a trademark?

The price for registering a trademark in one category (‘class’) is £170. Each additional ‘class’ costs an extra £50.

These are the ‘official’ government fees (you can find more information on the IPO/GOV site) thought you might be interested in seeking professional help as the forms are quite complicated to fill out.

LawBite offers a full range of trademark products specially designed to help you safeguard your business.

Find the right trademark product for your business [HERE](#).

Having a trademark allows you to:

- ✓ Take appropriate legal action against people using your brand without prior consent
- ✓ Sell and license your brand assets
- ✓ Use the ® symbol next to images of your brand, which will act as a deterrent for those wishing to use it without your knowledge

Copyright

Copyright protects original artistic, musical, dramatic and literary works—including computer programs and also broadcasts and recordings.

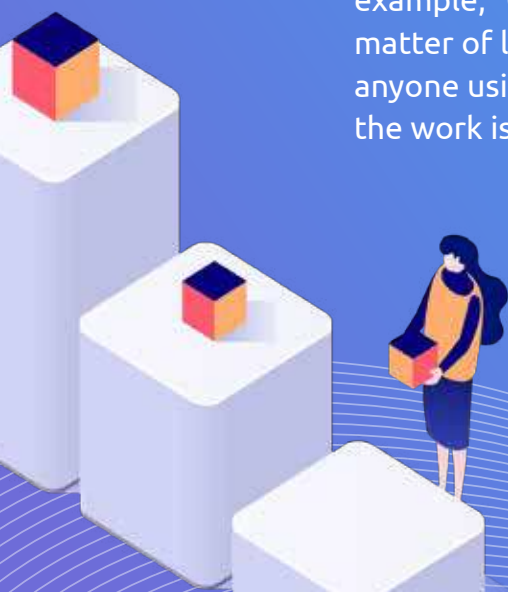
In order for copyright to exist, you need to create something that is entirely your own. Copyright exists automatically when you come up with something original. Copyrights protect the expression of an idea, not the idea itself; it keeps other people from copying someone else's work.

If you're in business, this list may be helpful: Recent court decisions have granted copyright protection to certain types of lists of data - including databases or compilations or tables - which may be important if you are in the Software Industry (e.g., making information management systems).

Steps to protect your copyright

You can take several immediate, practical steps to identify and safeguard copyright work:

- 1 Identify all materials that are likely to have copyright protection
- 2 Ensure that the company is the owner of the work. This involves identifying the authors of the relevant work (check if non-employees such as contractors or commissioned artists/authors produced works) and obtaining copyright assignments and waivers of moral rights from them in favour of the Company.
- 3 Keep proper records of the results of the steps set out in the first and second bullet points above. Authors should sign and date their works and where relevant to the term of copyright, the date of first marketing of articles should be recorded.
- 4 Apply a copyright notice following the Universal Copyright Convention, for example, "Copyright © YourCo 2021". Although this is not necessary as a matter of law to gain protection, it is a reasonable notice and warning to anyone using the work that copyright exists and that action may be taken if the work is copied.



10% of SMEs with registered IPRs are more likely to become a high-growth firm

Good practices to protect your copyright might include:

1. Text stating that reproduction of any material is prohibited. It is sensible to state 'by photocopying or storing in any medium by electronic means or otherwise'. This is useful in preventing someone from arguing that there was an implied licence permitting any copying or storage.
2. Warnings stipulating that the doing of any unauthorised act about the work will result in both civil and criminal liability.
3. Warnings that any copying will result in a criminal or civil action.
4. Disclaimer to provide protection for the author and the publisher if use is made of opinions or views expressed in written material.



Design rights

Another useful protection that can overlap with Copyright is “Design Rights”.

Design rights protect the appearance of the whole or part of a product.

They can be registered or unregistered, and a registered design provides a legal monopoly.

Design rights protect the texture, contours, shape, materials and decoration of a design. They can apply to a wide range of products, including packaging, graphics, logos and the ‘look and feel’ of products.

Like a trademark, you can apply for a UK-registered design or an (EU) Community Registered Design. Your design must be novel and of individual character, and protection lasts a maximum of 25 years, with registrations renewed every five years.

Design registration process

- 1 Check whether your design is unique to the UK, EU or Worldwide. You can do this yourself or use the support of an IP solicitor, as searching can be demanding, and mistakes can be made.
- 2 If you are eligible to register your design(s), specific documentation has to be prepared to submit your design. You can add illustrations to your application and register just part of a design, but this will need to be specified on your application.
- 3 After your application has been sent, you can expect the Intellectual Property Office to examine your case within approximately two weeks. If there are no objections, your design will be resisted.
- 4 If there are objections or if your registration has been deferred, you can request a hearing to dispute the decision within two months.
- 5 Please note that you will have to renew your design registration every five years to keep it protected.

Patents

Obtaining a patent can be a complex and costly process, but it can also provide inventors with exclusive rights to their inventions for a limited time (usually 20 years).

In order to be eligible for a patent, an invention must be novel, involve an innovative aspect, and be capable of being used industrially.

To obtain a patent, you must file an application with the Patent Office of the country in which you operate.

Keep in mind that obtaining and maintaining a patent requires significant financial investment and involves publicly disclosing your technology, which means that competitors may be able to benefit from your insights without contributing anything in return.



How to make a patent application in the UK

If you're considering applying for a patent, it's important to first determine whether your invention meets the eligibility criteria.

To qualify for a patent, your invention must be novel, involve an innovative aspect, and be capable of being used industrially. If your invention meets these requirements, you can proceed with the patent application process.

In the UK, patent applications must be filed with the Intellectual Property Office (IPO). The application process requires you to provide certain information, including:

- A request to grant a patent using the appropriate forms
- Your contact details
- A description of the invention (also known as the specification) or a reference to an earlier application
- The applicable filing fee

After you have submitted your application, you will need to wait for it to be published and then request substantive examination.

This process can be complex, so it's advisable to seek the assistance of a patent lawyer or professional to guide you through the process.

How LawBite can help your business



Exploiting your copyright and intellectual property

Copyright can be exploited in a number of ways, including selling it or transferring it (legally known as assignment). This may be useful if you enter into a joint venture and want to contribute your intellectual property.

However, the most common way to exploit intellectual property is through licensing, which offers a great deal of flexibility. Licenses can be granted for specific countries or markets, and can be valid for short or long periods of time. They can also include various forms of remuneration, such as upfront fees, revenue sharing, subscriptions, and royalties.

It's important to note that a license for copyright does not need to take any specific form, and oral or implied agreements can be effective.

However, it is highly recommended to have a written license agreement for the sake of certainty and to take advantage of additional exclusivity rights under the Copyright, Designs and Patents Act 1988 (CPDA).



Intellectual property legal services & advice

Our intellectual property legal services are both accessible and affordable.

Our IP lawyers can provide you with intellectual property advice at fixed price on a number of IP law and business topics regarding IP protection, including:

- Transactional and contentious IP legal advice
- Working out what intellectual property you own, when and how it was created, and by whom
- Registering and protecting your IP, so other people can't use it without permission, or steal it
- Advice on whether the launch of a new brand is viable and the name is free to use-making sure you are adhering to IP law and your business is not at risk of infringing anyone else's intellectual property
- Helping to protect and maximise the value of confidential information
Advice on how to commercialise the value of your intellectual property, including via licensing and assignment
- Negotiating instances of domain name disputes and cybersquatting
- Advising on the status of IP rights post-Brexit
- Advice to UK businesses in the context of corporate transactions

We understand that IP matters are often time-sensitive, which is why we offer free 15-minute lawyer consultations to get the ball rolling and ensure our lawyers are able to offer you IP legal advice efficiently and effectively.

[Book a free 15 minute call](#)