

Intellectual property law



BME
Gazdaság- és
Társadalomtudományi Kar

Readings

Official website of the European Union, Intellectual Property section (only the following titles: IP rights, Patents, Trade marks, Copyright, Trade secrets, Design protection)

https://europa.eu/youreurope/business/running-business/index_en.htm (obligatory)

Ray August et al., International Business Law, Sixth Edition, 2013 (uploaded pages from Chapter 9) (not obligatory)

Two fields of intellectual property (IP) law:

(1) **artistic property:**

- artistic, literary, and musical works (+software)
- protected by copyright
- automatically protected with the creation of the work

(2) **industrial property:**

- technical invention (patent), design of a product (design), distinctive sign (trade mark)
- protection created with the registration

Artistic property - copyright

- **when you create an** *original literary, scientific and artistic work, such as painting, book, film, song,* **your work is protected by copyright**
- nobody apart from you has the right to make the work public or reproduce it
- in the **EU protected for 70 years after your death**
- **copyright protection grants you the following exclusive rights:**
 - economic rights** – **guaranteeing you have control over your work and remuneration** for its use through selling or licensing
 - moral rights** – **usually protecting your rights to claim authorship** (right of attribution) and to refuse a modification of your work (right of integrity)

Copyright

- when you create artistic work, you **automatically have copyright protection**, which starts from the moment you create your work, so you don't need to go through any formal application process
- you may need to advise other people that you are the author of that work: copyright notice like "**all rights reserved**" text, or the © **symbol** + year
- you can also register your copyright via a dedicated service **provider**, which can be useful to prove the existence of your work at a certain point in time

Patent

- **invention** that is:
 - non-obvious
 - new
 - industrially applicable (useful)
- **exclusive rights** over your invention for a limited period, normally **20 years**
- **you can give permission to use the invention through a patent license agreement or sell the patent**
- for European-wide protection, you can register a European patent with the **European Patent Office (EPO)**
- for protection at international level, you need to contact the **World Intellectual Property Organisation (WIPO)**

Trademark

- **exclusive rights over distinctive signs** – such as names, logos, colours, images, patterns, shapes, packagings of goods, or sounds – **which identify your products and distinguish your goods or services from others**
- **should be registered**
- **usually lasts for 10 years (renewable)**
- **you can sell it to someone else** or **give them permission to use it through a trademark licensing agreement**
- if you need protection in all EU countries, you should register your trademark with the **European Union Intellectual Property Office (EUIPO)**
- for international protection, in particular if you trade outside the EU, you can register your trademark with the **World Intellectual Property Organisation (WIPO)**

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Trade secret (know how)

- **valuable information on technology or on any other aspect of your business** (e.g. early-stage inventions, manufacturing processes, lists of suppliers and clients)
- you have taken steps to keep the information secret: for example, you keep it in safe storage and you have signed **non-disclosure agreements** with anyone that has access to it or with whom you have shared the information

Design

- protection guarantees you the exclusive right to use a design
- you can protect your design with a **Registered Community Design (RCD)** with the European Union Intellectual Property Rights Office (**EUIPO**) (5 years, up to 25 years)



Geographical indications

- if your product (agricultural products, foodstuffs, spirit drinks, wines aromatised wines) has a specific geographical origin and a reputation - a given quality or other characteristics of a product essentially attributable to it - you can protect it with a geographical indication
- protects your products against misuse or imitation of the registered name
- you register under so called EU quality scheme

