

# 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](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)**

***Cardi B 'Okurrr'***



# 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



# Intellectual Property Rights Summary

## Intellectual Property Rights (IPR)

- Protecting intellectual property ensures **exclusive rights over inventions, preventing unauthorized use or reproduction.**
  - Enhances product quality and builds brand trust.
  - **Generates revenue through licensing agreements.**
  - Some protections, like copyright and unregistered designs, are automatic, while patents and trademarks require registration.
  - **Increases market value and attracts investors.**
- 

## Patent

- **Grants exclusive rights to inventors,** preventing others from making, using, or selling the invention without permission.
  - **Ensures product originality and innovation.**
  - Provides financial benefits through licensing agreements.
  - Requires formal registration and strengthens market position.
- 

## Trade Marks

### What a Trade Mark Protects

- **Protects distinctive signs such as logos, names, colors, and packaging that differentiate products or services.**
- **Grants exclusive rights to the owner.**

### Duration of Protection

- Typically **lasts 10 years from the application date.**
- Can be **renewed** indefinitely every 10 years.

## Registration Process

- National offices handle local protection.
  - EU-wide protection is managed by the European Union Intellectual Property Office (EUIPO).
  - Global protection can be obtained through the World Intellectual Property Organization (WIPO).
  - Trade marks can be sold or licensed.
- 

## Copyright

### Rights Granted

- Protects original literary, artistic, and scientific works.
- Prevents unauthorized reproduction or public use.

### Duration of Protection

- In the EU, lasts 70 years after the author's death.
- Under the Berne Convention, lasts at least 50 years after the author's death.

### Types of Rights

- Economic rights – control over commercialization through sales or licensing.
- Moral rights – recognition of authorship and protection against modifications.

### Obtaining Copyright Protection

- Automatic upon creation, no formal application required.
  - Attaching a copyright notice (e.g., ©2024, All Rights Reserved) helps establish ownership.
  - Optional registration with a dedicated service provider can prove ownership.
- 

## Design Protection

### Rights Granted

- Ensures exclusive rights over the appearance of a product, including shape, color, and texture.
- Allows authorization for third-party use.

### Types of Protection

- Registered Design – lasts 5 years, renewable up to 25 years.
- Unregistered Community Design (UCD) – automatic 3-year protection, covering only deliberate copying.

## Registration Process

- Local protection requires registration with a national IP office.
- EU-wide protection is managed by the **EUIPO** (cost: EUR 350 for 5 years).
- International protection can be secured through **WIPO**.

## Copyright Overlap

- Designs meeting originality criteria may also qualify for copyright protection.
- **Copyright protection is automatic upon creation.**