

An Overview of Intellectual Property Rights

Business Information Factsheet

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Introduction

'Creations of the mind', such as designs, brand names, inventions, musical recordings, videos, written works and artworks, are known as 'intellectual property'. The owners of intellectual property have legal rights to prevent other people from making unauthorised use of it.

Although intellectual property is particularly important to creative businesses, almost every business has some intellectual property - for example a brand name or logo, or original images and other content on its website or social media accounts.

There are several different types of intellectual property rights that apply in the UK. This factsheet provides a brief description of each of these. It also outlines the intellectual property rights that allow people in the UK to prevent unauthorised use of their intellectual property in other countries.

Intellectual property rights in the UK

Copyright

Copyright protects the following types of original work:

- Literary, dramatic, musical and artistic work, including illustration and photography.
- Non-literary written work, such as software, web content and databases.
- Sound and music recordings.
- Film and television recordings.
- Broadcasts.
- The layout of published editions of written, dramatic and musical works.

Unless the copyright owner has given permission, a work that is protected by copyright must not be copied, distributed, performed or displayed in public, adapted or uploaded to the internet.

Copyright arises automatically when an original work is created.

Patents

Patents protect inventions that are capable of being made or used industrially, such as a new device, material or manufacturing process. Patents prevent anyone from making, using, selling, importing or exporting the invention without the patent owner's permission.

Patents are granted by the Intellectual Property Office.

Design rights

Design rights protect the 'design' of a product, ie the unique appearance created by the choice of features such as shape, colour and decoration. Unregistered design right protects the three-dimensional features of a design (meaning its shape and 'configuration') for up to 15 years. In addition, 'supplementary' unregistered design right (SUD) protects two-dimensional design features, such as colours and surface patterns, for three years.

Unregistered design right and SUD arise automatically when a product design is created. However, it is also possible to receive additional protection by registering designs with the Intellectual Property Office. Registering a design protects both its two-dimensional and its three-dimensional features for up to 25 years.

Trade marks

A trade mark is a recognisable word, phrase, symbol or design that is used to distinguish the goods or services of one business from those of others.

The owner of a trade mark can apply for it to be registered with the Intellectual Property Office, which prevents anyone from using it in relation to similar goods and services without permission. Once a trade mark is registered, its owner can sell, franchise or license it to others.

Database rights

There are two different types of intellectual property protection for databases: copyright and specific additional protection known as 'database rights'. Copyright only protects the 'selection or arrangement' of the contents of the database. In contrast, database rights protect the content itself, which means that the owner of the database rights can stop anyone else extracting or reusing all or any substantial part of the database.

A database does not have to be original in order to qualify for database rights. However, there must have been 'substantial investment' in obtaining, verifying or presenting the data.

Intellectual property rights in other countries

In some cases, people who create intellectual property in the UK automatically have international rights protecting their intellectual property in other countries.

For example, an original work that is protected by copyright in the UK is automatically protected in countries that are members of international copyright conventions such as the Berne Convention and the Rome Convention.

However, other types of intellectual property right in the UK (including patents, trade marks and design rights) do not provide protection in other countries. This means that owners of these types of UK-registered intellectual property who want to prevent it from being used abroad without authorisation must register it in every country where protection is needed.

Although this can be done by making separate applications in each country, under various international agreements, it is usually possible to make a single application that covers multiple countries.

For more information, go to www.gov.uk/government/publications/protecting-your-uk-intellectual-property-abroad.

Useful resources

The Intellectual Property Office (IPO) is the government body responsible for granting UK patents, trade marks and design rights. It provides guidance on intellectual property rights in the UK.

www.gov.uk/government/organisations/intellectual-property-office

The British Library's National Network of Business & IP Centres provides free and low-cost business support and intellectual property advice to start-up business owners, entrepreneurs and inventors in locations across the UK.

<https://bipc-interactive-map.netlify.app/>

The UK PatLib Network provides users with local access to information and professional advice about intellectual property in 25 locations across the UK.

www.gov.uk/government/publications/uk-patlib-network

The European Union Intellectual Property Office (EUIPO) is responsible for managing EU trade marks and design rights. It provides guidance on all aspects of intellectual property rights in EU member states.

www.euiipo.europa.eu/en

The World Intellectual Property Organization (WIPO) is an agency of the United Nations that provides international intellectual property services.

www.wipo.int/portal/en

Related factsheets

BIF094 Applying for a Patent

BIF110 Using a Patent Attorney

BIF218 Preventing Copyright Infringement

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