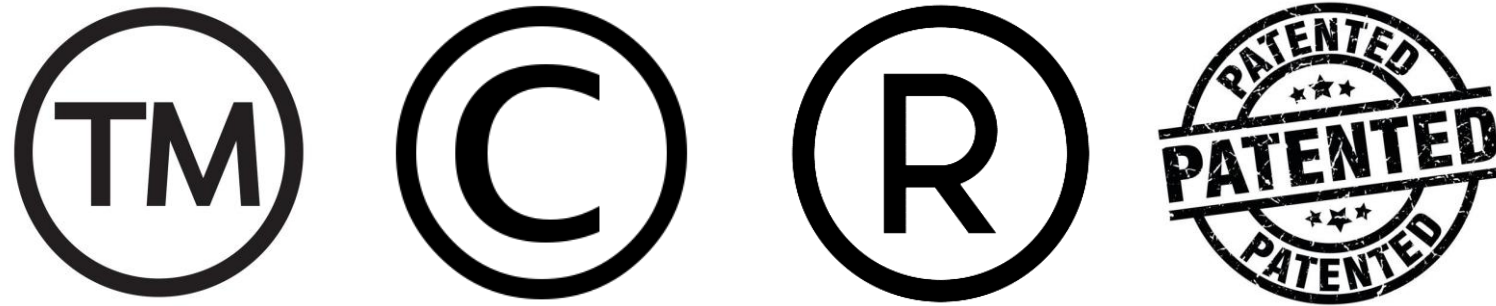


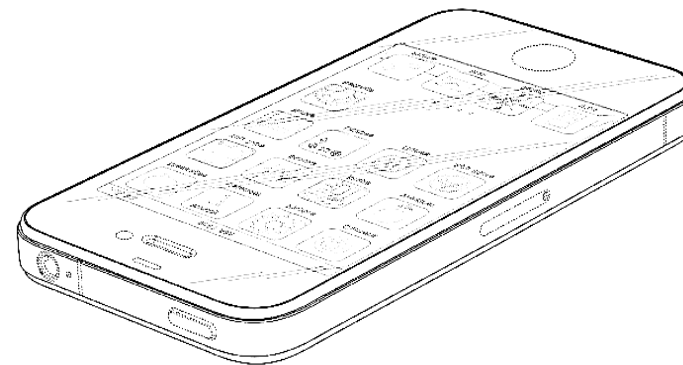
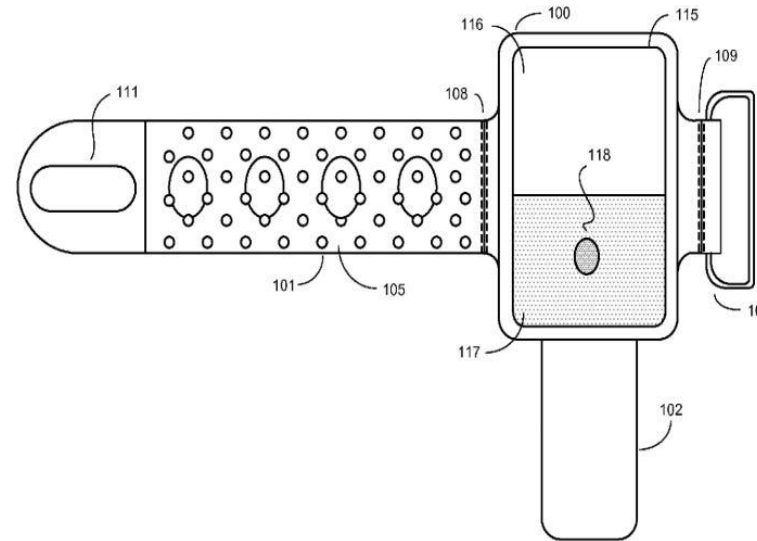


# Understanding IP



# Patents, Trademarks, Designs and Copyright

# What are these examples of?



# Ideas - Registering a patent

Protects devices, substances, methods or processes that are:

- ✓ New - it must be novel
- ✓ Useful - it can be made or used in an industry
- ✓ Inventive - it's different enough to what already exists
- ✓ A suitable subject matter, known as 'manner of manufacture'

# What is a patent?

A type of 'intellectual property' that gives the owner the right to making, using or selling an 'invention' for a number of years in exchange for public disclosure of the invention

Protects an inventive device, substance, method or process  
Protects by providing a monopoly

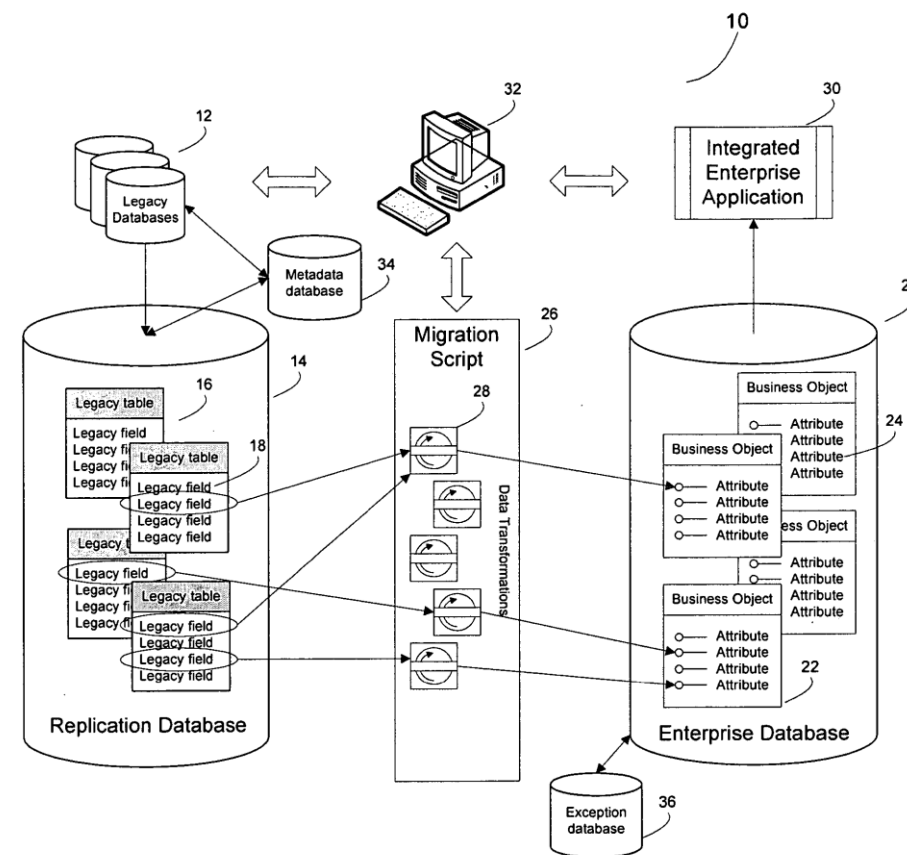


Fig. 1

Patent US20060235899 - Method of migrating legacy database systems

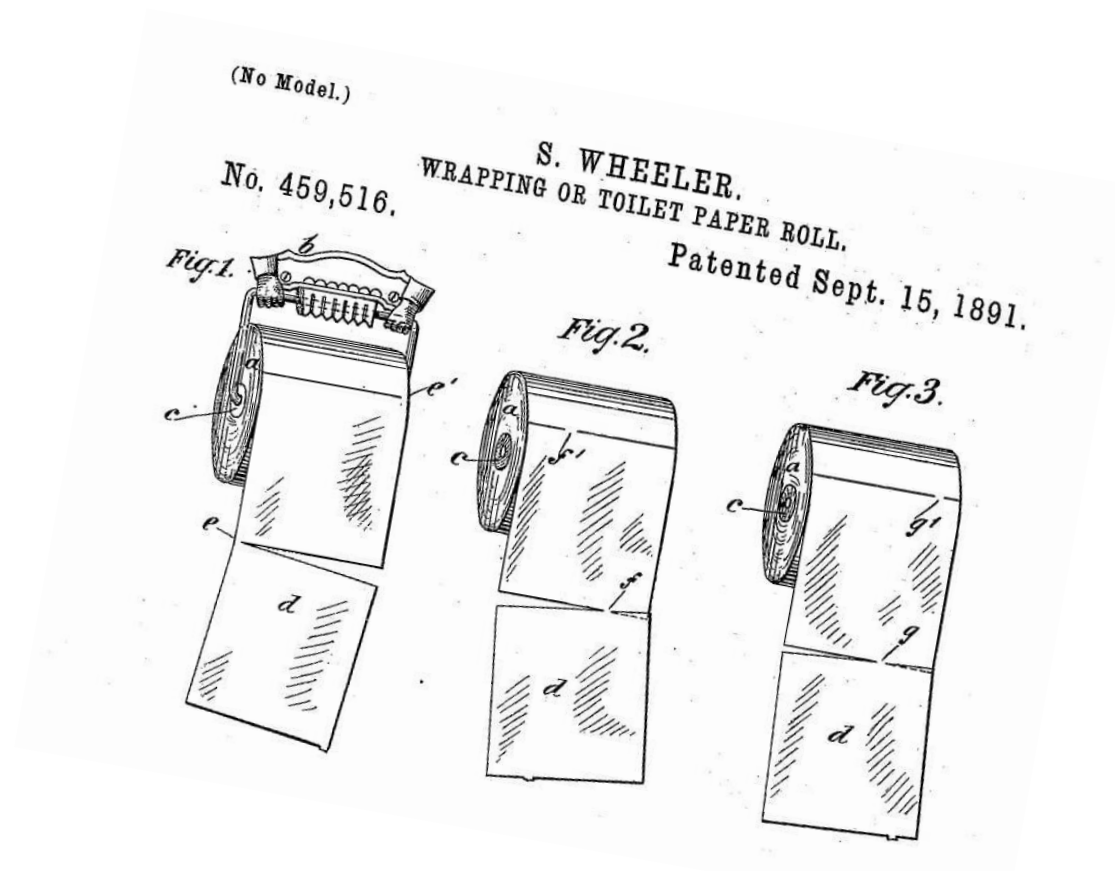
# A very short history of Patent law

500 BCE  
first noted in Greece

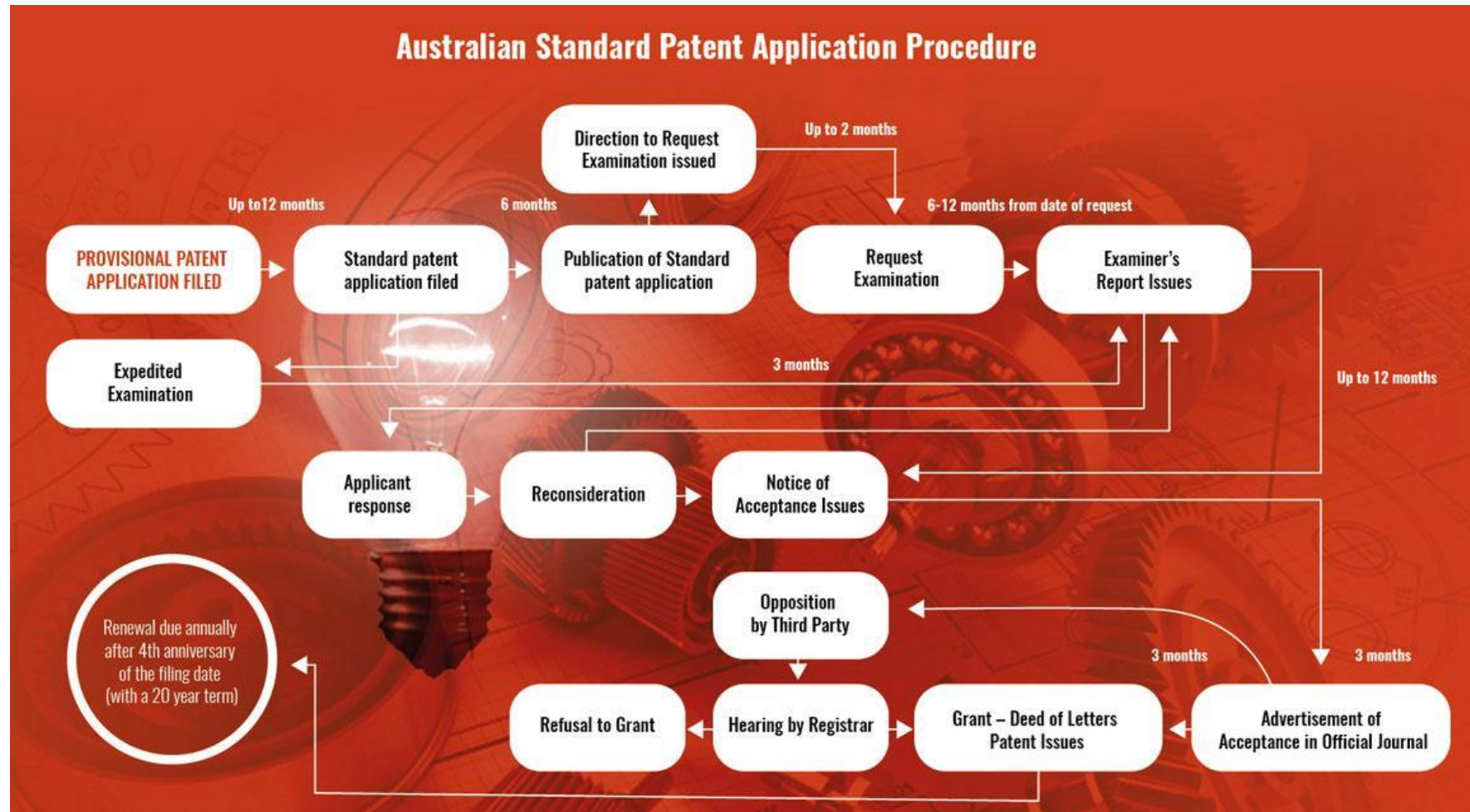
1450 CE  
first granted in Venice

1550 CE  
becomes common in United Kingdom

1750 CE  
becomes adopted by other countries



# Process for getting a patent





# How do patents work in practice

- ✓ Generally owned by the creator
- ✓ Ownership can be assigned or overwritten by contract
- ✓ Granted to the 'first to file'
- ✓ Filed for a given 'jurisdiction'
- ✓ Provides protection for 20 years (Australia patent law)
- ✓ Is defended in court



# Trademarks

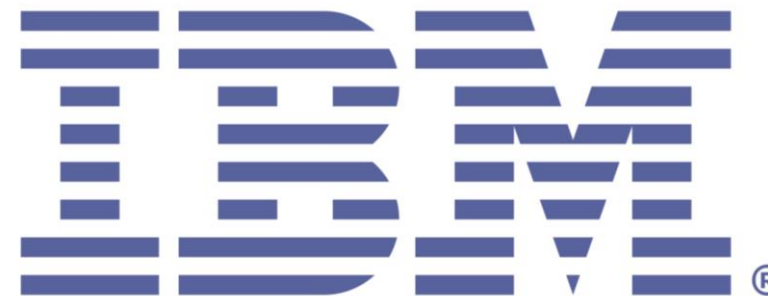
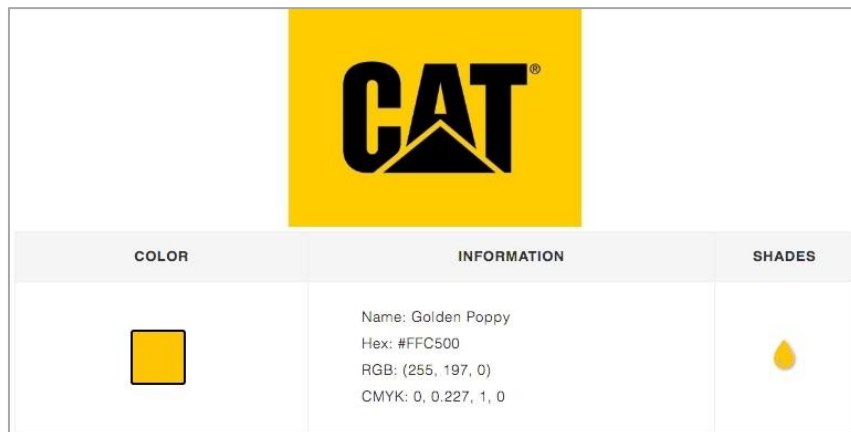
# Marketing - Registering a trademark

Protects your unique brand and distinguishes your product or service.

- ✓ protects logos, phrases, words, letters, colour, sound, smell, picture, movement, aspect of packaging or any combination of these.
- ✓ registration last for 10 years and can be renewed



# Example trademarks



# Designs

# Visual designs - Registering a design

Protects the visual appearance of a whole product that:

- ✓ Has physical and tangible form
- ✓ Is manufactured or handmade
- ✓ Is produced on a commercial scale



# Rights as a design holder

- ✓ The exclusive right to use your design within Australia
- ✓ The exclusive right to authorise other people to use your design within Australia
- ✓ The ability to apply for the same design right overseas
- ✓ The right to take legal action against someone who uses your design without your permission.
- ✓ Registration last for 5 years and can be renewed for another 5 years

# Copyright

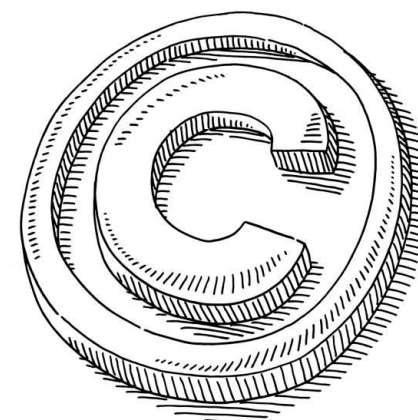


# Creativity – owning an expression

Protects the original forms or way an idea or information is *expressed*, usually through writing, visual images, music and moving images.

- ✓ Lasts for up to 70 years after creators death (works), or the date of publication (films, broadcasts).

Includes programming and  
computer coding



# Visual copyright cases



The Associated Press vs. Fairey – private settlement



Mona Lisa

# Music copyright cases



## Chuck Berry vs. John Lennon

The 1969 Beatles song “Come Together” by John Lennon was alleged to have plagiarized Chuck Berry’s 1956 song “You Can’t Catch Me” by merely slowing down and giving the song a funkier arrangement than the original.

Berry’s publisher and owner of Big Seven Music started legal proceedings. The case was settled out of court for an undisclosed amount and a promise from Lennon to record three more songs from the Berry catalog on his next record. Lennon was found in breach of this contract when he only recorded two songs.

The matter continued when Lennon sent some demo recordings to Levy who then released them through Big Seven Music. Lennon, Capitol Records, and EMI were awarded lost royalties, and Lennon was granted compensation for damages.

# Creative commons/Royalty free licences



[www.creativecommons.org](http://www.creativecommons.org)

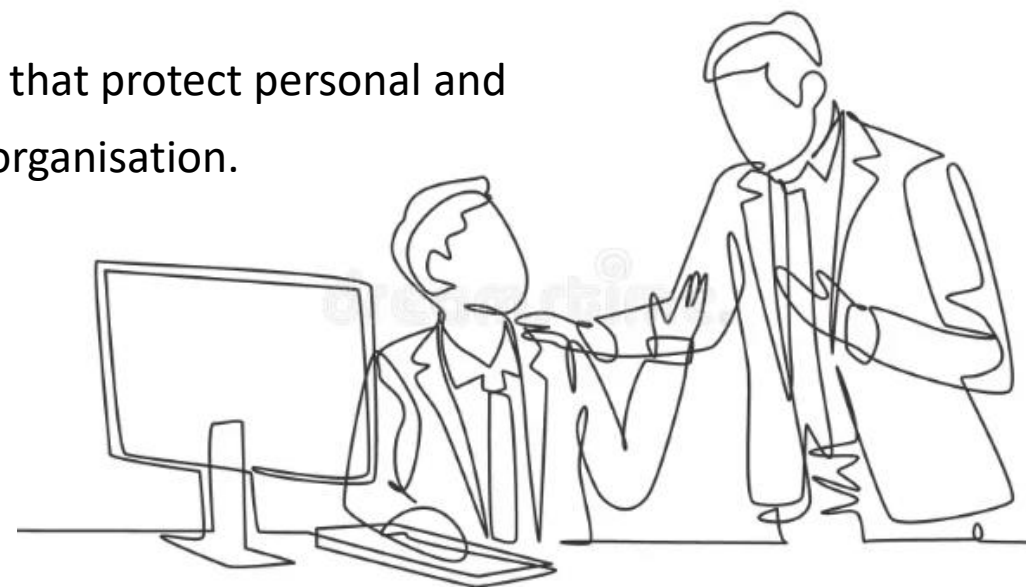
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All Creative Commons licenses are designed to help creators (licensors) retain copyright while allowing others to copy, distribute, and make some uses of their work, generally non-commercially

# Policies for IP, ethics and privacy

# Policies for IP, ethics and privacy

1. **Intellectual Property Policy** - protect IP through rules and related register of all IP assets (patents, trademarks or designs) created and owned by the organisation.
2. **Copyright Policy** – Protect organisation in regard to the use of material created/and or owned by others.
3. **Code of Conduct** - A set of principles to assist management and employees to work ethically, exercise sound professional judgement and conduct.
4. **Privacy Policy** – Comply with law through stated methods that protect personal and confidential information which is stored and used by the organisation.





# Procedures - IP, ethics and privacy

These vary across organisations and are designed to implement the organization's stated aims outlined in their IP, ethics and privacy policies and their legal responsibilities.





# Legislation and resources

# Australian Intellectual Property(IP) laws

**Patents Act 1990** - The inventor of a product or item may apply for this type of protection to ensure that their competitors cannot copy their inventions.

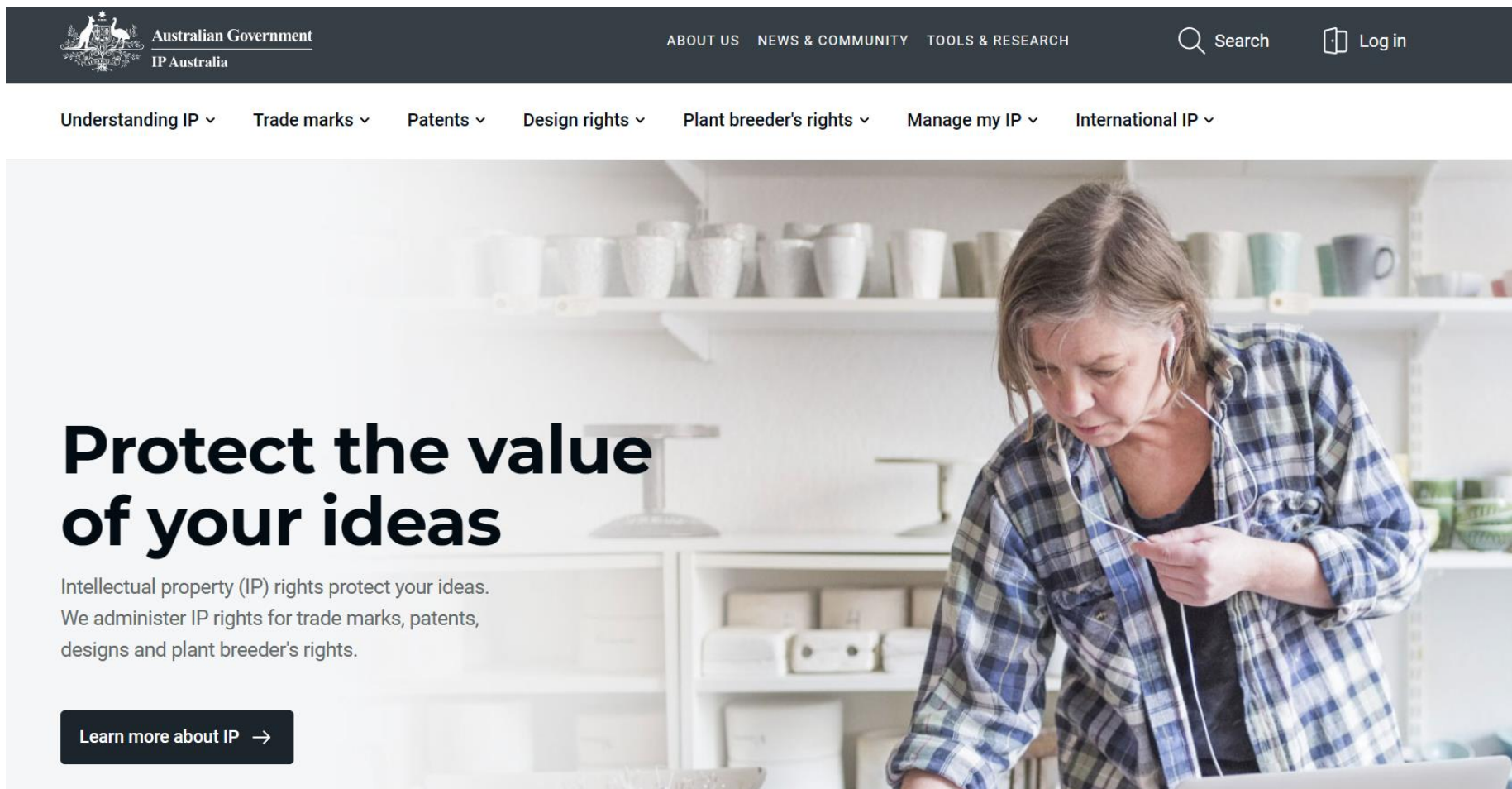
**Trademarks Act 1995** - A registered brand used to distinguish a business from all others. May be a letter, number, word, phrase, logo, image or similar.

**Designs Act 2003** - Provides designers with a quick and simple framework to register and protect their designs. Protects the overall appearance of the product resulting from one or more visual features.

**Copyright Act 1968** - Artistic creations such as artworks, music, drawings, etc are automatically given this protection and do not require registration.

**Circuit Layouts Act 1989** – covers circuit layouts in any material form including the three-dimensional location of the active and passive elements and interconnections making up an integrated circuit

# Useful links



The screenshot shows the top navigation bar of the Australian Government IP Australia website. The header includes the Australian Government crest and logo, followed by the text 'Australian Government' and 'IP Australia'. To the right, there are links for 'ABOUT US', 'NEWS & COMMUNITY', and 'TOOLS & RESEARCH'. Further right are a search icon with the text 'Search' and a login icon with the text 'Log in'. Below the header, a horizontal menu lists several categories: 'Understanding IP', 'Trade marks', 'Patents', 'Design rights', 'Plant breeder's rights', 'Manage my IP', and 'International IP', each followed by a dropdown arrow. The main content area features a large background image of a woman in a plaid shirt looking at a laptop in a workshop setting. Overlaid on the left side of this image is the heading 'Protect the value of your ideas' in a large, bold, black font. Below this heading is a paragraph of text: 'Intellectual property (IP) rights protect your ideas. We administer IP rights for trade marks, patents, designs and plant breeder's rights.' At the bottom left of the image area is a dark button with the text 'Learn more about IP' and a right-pointing arrow.

**Protect the value of your ideas**

Intellectual property (IP) rights protect your ideas. We administer IP rights for trade marks, patents, designs and plant breeder's rights.

[Learn more about IP →](#)

[www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

# Any Questions?