



Some basics...

- Creations of the human mind
- Intangible property
- Exclusive rights – what does that mean?
- Registration of the rights is needed in general
- Limits:
 - In time
 - To territory



Overview

- **1. Copyright**
- **2. Patents**
- 3. Trademarks
- 4. Geographical Indications
- 5. Unfair Competition
- **6. Industrial Designs**
- **7. Trade Secrets**

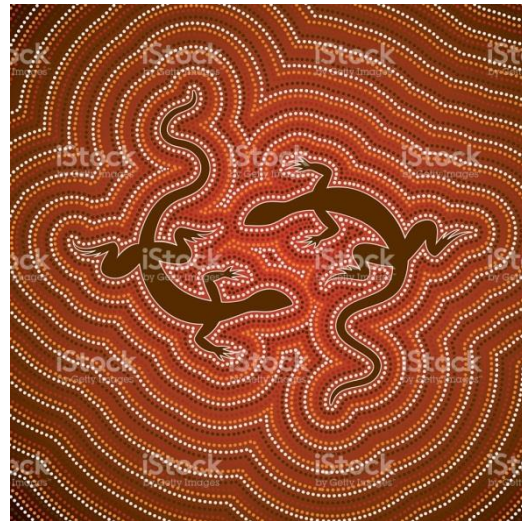


Copyright

- Works must be *original*
- Protects the *expression* of ideas [Romeo and Juliet pic] not knowledge per se
- Prohibits copying
- Automatic, no need to register the work (though it can be a good idea)

Examples

- Examples: books, songs, paintings, drawings, films, newspapers, magazines



Source: iStock



Patents

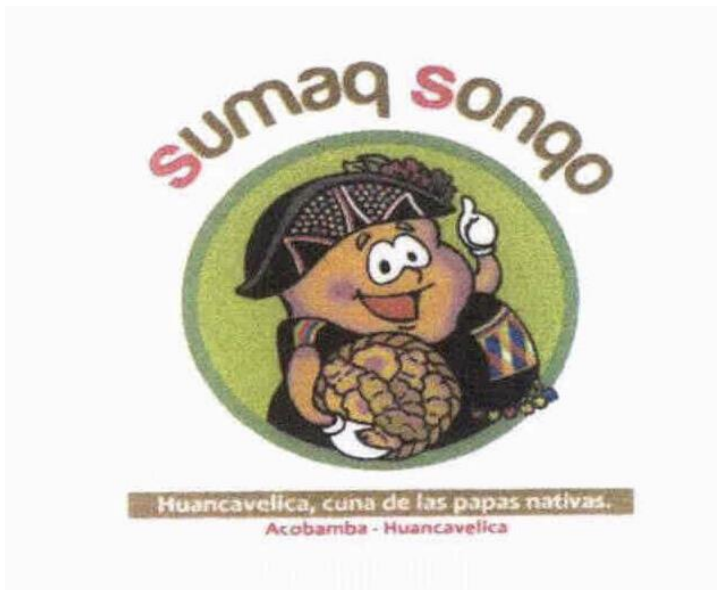
- Protects **inventions** – new and inventive products and processes. An invention is:
 - A technical solution to a problem (or product) or
 - A new way of doing something (a process)

Trademarks

- Sign that protects brands and reputations – important for marketing
- Consists of: words, letters, numbers, symbols, shape and packaging of goods, sounds or fragrances can be subject of a mark
- Elements: the mark
 - Must be distinctive
 - Cannot be generic, descriptive or deceptive
 - Should not be identical or confusingly similar
- Usually required to be registered
- Prevent others from using it in a certain territory for certain goods/services
- 10 years duration; renewable

Trademarks

- Examples: logos, drawings, packaging
- Collective (Peru) & certification (Cowichan) marks



Source: IP Office, Peru



Source: <http://www.ic.gc.ca/app/ops-cipo/trdmrks/srch/viewTrademark?id=0792174&lang=eng&tab=reg> (Canadian IP Office)

Geographical Indications

- Sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin
- Geographical origin may be important because:
 - Natural factors – i.e., local soil, climate etc
 - Human factors – i.e., skills, knowledge, practices/traditions
- **Examples: champagne, Darjeeling for tea from India**
 - **Other products: agricultural products, wines, spirits, handicrafts**



Industrial Designs

- Protect the aesthetic or ornamental aspect of a product i.e., how it looks rather than how it works or what it does (functionally)
- Only new designs are protected – must differ from existing designs
- Usually must be registered for protection - filing an application and paying a fee (though can be protected by copyright of unfair competition laws too)



Unfair Competition

- Prevents:
 - the false labelling of products
 - creating confusion discrediting other brands
 - *Passing off* your product as if it was something else
- Supplements other IP regimes
- No registration required



Trade Secrets (or Confidential Information)

- Protects secret knowledge, such as manufacturing processes, secret ingredients etc.
- Prevents someone from using the information if it is secret, indefinitely
- Will not protect where there has been incidental / independent discoveries
- No registration required
- Has protected tribal secrets in the past (*Foster v Mounford*)

