

INTELLECTUAL PROPERTY

Do You Have Any Protection?

A **patent** guarantees the exclusive right to commercialise and license a new invention for up to 20 years. Patents cover products, processes, improvements and testing methods related to manufacturing. To qualify, an invention must be new (novel), not obvious, and previously undisclosed. Patents only apply to the country in which they are granted. Upon filing a provisional patent application you will obtain a 'priority date', which gives you priority protection over other applicants. You then have 12 months to work on the development, financing and marketing of your invention before filing a complete specification. Once a patent application is accepted, IPONZ will publish summary details of it. If, after three months, there is no opposition to the application, a patent will be granted.

Often referred to as a brand or logo, a **registered trademark**, recognised by the symbol ®, is a unique identifier and a valuable business asset. Trademarks can identify words, logos, colours, sounds and smells. Registering your trademark helps protect the goodwill and reputation associated with your brand and gives you exclusive rights to the logo and/or name. Each country has its own trademark laws and practises and you can only use the ® symbol in countries where the trademark is registered.

You can do a free search of the trademark database on the IPONZ website to ensure that you won't be infringing someone else's rights. Registration (\$112.50) lasts 10 years and is renewable every 10 years (\$281.25), indefinitely. Your application will be refused if the trademark has no distinctive character; could cause confusion or offend, is made in bad faith, or is identical or similar to other registered trademarks. Only trademark recognition can grant exclusive rights to the use of a trading name; registering with the NZ Companies Office does not provide the same protection.

Copyright automatically protects original expression including literary, dramatic, musical and artistic works, films, broadcasts, sound recordings and typographical arrangements. Under the Copyright Act – 1994, the author can control certain activities relating to the use and dissemination of copyright works. While a patent may not be held for a new product design, copyright law is very powerful in NZ and can protect product sketches by industrial designers.

Like a patent, a **registered design** is a valuable business asset that protects the external appearance of a manufactured article, allowing the owners exclusive rights to make, import, sell or hire that article for up to 15 years. A number of designs in NZ are automatically protected by copyright.