

Intellectual Property - valuable advice for my readers

I have recently attended a three day course on Intellectual Property (IP) run by the UK's Intellectual Property Office and it really opened my eyes into the importance and potential value of the IP that exists in most companies. From my experience of working with many businesses IP is a subject that is often misunderstood, undervalued and frequently neglected by many business owners and directors. It is often considered to be a legal issue and not a commercial one that is potentially worth more than the traditional physical assets of a company.

"If this business were split up, I would give you the land and bricks and mortar, and I would take the brand, and I would fare better than you." John Stuart, former CEO of Quaker Oats

I urge all of you to visit the following link and undertake the IP health check that is available free of charge on the IPO website - <http://www.ipo.gov.uk/whyuse/business/iphealthcheck.htm> - alternatively give me a ring and we can arrange a meeting to discuss the matter of IP on a one to one basis.

Intellectual property rights are very valuable assets with research in the USA shows them to be worth over a third of the total value of all US public corporations. On this basis alone it is worth businesses taking a formal review of what IP they have and where appropriate take action to protect their assets by properly securing their IP rights, and/or avoiding infringing the rights of other businesses.

It makes commercial sense to secure your IP because:

- IP is an asset that that investors or business acquirers place real value and importance on (if you want proof remember to look at the eyes of the angels on Dragons Den and see how they light up when someone says that they have a patent on their product)
- IP rights provide unique selling propositions and set your business apart from your competitors
- They are a valuable commercial rights that can be sold or licensed, providing an important revenue stream

- They often form an essential part of your business branding
- They provide you with legal protection against infringement by others and ultimately provide you with the sole right to use, make, sell or import a product/service

A very brief summary of the different types of IP follows, but for more detailed information I encourage you to visit <http://www.ipo.gov.uk/> for some great articles, downloads and practical advice.

Patents: Protect inventions, including the features and processes that make things work. However the timing and the process of gaining a patent is often complicated. In this newsletter I can't even begin to cover a fraction of the patent grant process but I would like to bring to your attention the importance of secrecy. The biggest mistake made by people who have a new idea is to reveal their invention too early. You must not talk to anybody in any way (word of mouth, demonstration, PR, articles etc.) unless protected by a confidentiality agreement. Failure to comply with the strict rules could mean that your grant application will fail.

Copyright: Unlike most other forms of intellectual property, copyright is granted automatically when the work is first published and can protect material such as song lyrics, computer programmes, music recordings, artistic works, published material, books, articles etc.

Trade marks: Protect a sign which can distinguish your goods and services and can consist of words, logos, pictures or a combination of these. It is worth noting that you do not have to register your trade mark, you can use an unregistered trade mark and you will have certain rights under common law (if this is the case use the TM symbol) However, for companies which place great emphasis on their brand identity it is easier to enforce your rights if you register your mark and use the ® symbol to indicate that it is registered.

Design: Protects the visual appearance of a product, part of a product, or its ornamentation. This IP right gives no protection for how a product works but merely for its appearance.