

5 Ways of Protecting Your Intellectual Property

Your **intellectual property** is the product of the creativity of your business. Like any other property it can be bought, sold or licensed. Because it is valuable it is worth protecting.

Moving your business into overseas markets requires you to review the protection of your intellectual property. You are exposing yourself to wider risk and the protection you enjoy in the UK may not extend abroad.

Copyright

Copyright does not require any formal registration. It becomes yours as you produce it. Most countries internationally have signed up to international laws which recognise copyright, although the strictness with which these are enforced can vary.

What you can do about Copyright

- Check that any country you will be dealing with has signed up to the international conventions. If doubtful find out about local practice. The British Embassy may be able to help with this.
- Mark all your copyright material (including website pages) with a © and the legal name of the owner e.g. the full name of your company including 'Ltd.'
- Copy all valuable material when it is produced and post it to yourself in a sealed envelope as a way of dating it in the event of a dispute.

Trademarks

Trademarks do need to be registered. Trademarks protect graphical symbols and designs and therefore your brand. Any trademark is attached to a particular category of goods or services. You can choose your category (or categories if you are looking for wider protection) and provided you are not infringing someone else's Mark it will be granted.

You may wish to consider protecting product/service brands as well as your company brand.

Protection lasts for ten years at which point it has to be renewed.

The following modules offer a deeper insight into this topic:

Protecting Your IP

Legal Considerations

You can find them either in the SavvyAcademy or in the 'Shape Your Offer' area of 'Create Your Plan'.

Information you complete as part of the Module will be automatically entered into your Plan. The more modules you complete, the more your Plan will build.

Your UK Trade Mark will not cover you abroad. You can extend to the EU by applying for a Community Trade Mark and then you have to register separately for each country.

What you can do about Trademarks

You can do your own Trade Mark registration online on the Intellectual Property Office website or use a legal specialist. It is relatively simple and the cost is relatively low (although it can mount up). Registration is a commercial decision to protect your brand. Cost up the exercise and make a commercial decision.

Make sure you are not infringing the Trade Mark of someone else when you enter a market by checking the relevant local Trade Mark Registration system.

Patents

Patents protect new ideas and inventions by giving a 20 year monopoly to the patent holder.

Patent application is a complex and formal process, and as with Trade Marks **your UK coverage will not protect you internationally.** You will need to apply to the European Patent Office for EU protection and to every other country where you want protection.

Patents are expensive to achieve and very expensive to defend.

What you can do about Patents

Evaluate the business criticality of your invention. If it is not business critical you may decide against protection. Consider also how confident you are of maintaining a leading edge in your market by simply innovating faster than competitors.

Consider whether a patent will add value to your company and evaluate it as an investment.

Detailed further advice can be found at the [Innovate Design](#) website and the [D2M](#) website

Contracts and Non-Disclosure Agreements

Contracts and Non-Disclosure Agreements can provide a simple and effective way of guarding against misuse of information by international partners. An NDA requires both parties to agree that information will not be disclosed, but be aware that if the information is leaked your NDA will not enable you to prevent unauthorised use by a third party, irrespective of how they got the information.

What you can do about Contracts and Non-Disclosure Agreements

- Make sure that Intellectual Property Protection forms part of your international contracts. Use a lawyer with relevant experience to draft your contract.
- Pay especial attention and make clear arrangements where 'shared' IP is likely to develop.
- Use NDAs to cover sensitive negotiations with partners wherever possible.

Employment Contracts

Employment Contracts also form part of your protection and can limit the potential damage through employee actions, intellectual property breaches or sudden departure.

What you can do about Employment Contracts

Employment Contracts also form part of your protection. If there are people working in your business who have access to critical business know-how, you may seek to limit the damage resulting from their departure by including restrictive covenants in their contract. Whilst these may have restricted force in practice if they constitute a restraint of trade, they do have some value and allow you to 'set out your stall' clearly.