

FIND OUT WHAT CAN BE PROTECTED

TRULY ORIGINAL IDEAS HOLD GREAT VALUE. PROTECTING THOSE IDEAS ADEQUATELY IS VITAL.

Making sure an idea is protected is one of the first ACTIONS towards an entrepreneur's VISION. It shows COMMITMENT to taking that idea forward to fruition.

Vision, Action and Commitment are three of My 10 Golden Rules, the critical success factors I believe are required for true entrepreneurial brilliance. Committing to take action towards your vision by protecting your creative output is one of the first steps to take before starting up in business.

Fortunately, human creativity can be protected and managed to benefit the creator. Entrepreneurs harness the power of their imagination to create great ideas. But it is only once those ideas have been expressed that they become intellectual property.

Those creative 'outputs' can be transformed into tangible 'commodities'. This means you can licence, sell, trade, divide or retain your rights to those 'commodities'.

Intellectual Property is a hugely valuable commodity and a vital business asset. It enables the owner to control the product in the marketplace and exclude others from producing, using or selling without the owner's permission.

Consequently, in the competitive business landscape, your brand name, logo, product designs, manufacturing processes, software, literary works, sounds and even fragrances, need protecting. The 'smell of freshly cut grass' has even been trade marked by a Dutch perfume company that uses it to give tennis balls their aroma!

COMMITTING TO TAKE ACTION TOWARDS YOUR VISION BY PROTECTING YOUR CREATIVE OUTPUTS IS ONE OF THE FIRST STEPS TO TAKE BEFORE STARTING UP IN BUSINESS.

Ensuring you have your IP rights protected makes your idea far more investor-friendly and prevents others from trading off your creative efforts. As well as registering your company name with Companies House and buying the domain name for your business/brands, there are other methods of protection, as follows:

Patents protect inventions. Owners of a patented product, design or process essentially have a monopoly on the production, use and distribution of the patented item. This patent protection lasts for 20 years. To check an idea is a novel one, visit www.patent.gov.uk and view the patent database. All UK patents are filed via The Patent Office.

Copyright protects dramatic, artistic, literary and musical works. From books, paintings and films, to choreography, sound recordings and computer code, software, graphics and other digital media. Copyright owners can authorize others to use their work by granting them rights to do so and can prevent the copying, publication, broadcasting, or distribution, without permission. Copyright exists automatically, so there is no need to register it. Just add the universal © symbol, followed by the author/company name and year of creation. Copyright lasts between 50-70 years, depending on the type of creative work. As an employer, you own copyright to work employees have created in accordance with their employment.

Trademarks. Just by using your brand or product name, you automatically have unregistered trademark rights and are able to use the TM symbol. However, this is not enforceable under trademark law. For full protection you need a registered trademark, enabling use of the ® symbol. A registerable trademark must be distinctive and can consist of words, letters, numbers, images, drawings, symbols, smells and sounds, or a combination of these. Owners of a trademark have the exclusive right to use it and authorize others to do so. Protection lasts for 7-10 years and is renewable. To search to see if a potential trademark is already being used, visit www.patent.gov.uk. Trademarks are applied for via The Patent Office.

Design Rights. Designers can protect unique 2D and 3D designs, although the functionality of a design does not come under design right protection. Design rights protect the appearance of a product resulting from its features, lines, contours, colours, shape, texture, materials or ornamentation. Protection can last up to 25 years, renewable every five years. Unregistered design rights exist automatically, as with copyright, and this lasts for 15 years.

Moral Rights. These give you the right to be identified as an author or creator of intellectual property. Moral rights can be waived via a release form.