



www.gov.uk/ipo


The Intellectual Property Office is the official government body for intellectual property rights within the UK.


Copyright, patents, designs and trade marks are all types of intellectual property (IP) protection.

Having the right type of protection can help you take action against people stealing or copying the names of your products/brands, your inventions, the design/look of your products, and things you write, make or produce.

It also helps you gain value from your ideas - turning inspiration into sustainable business success.

@The_IPO 

TheIPO.UK 

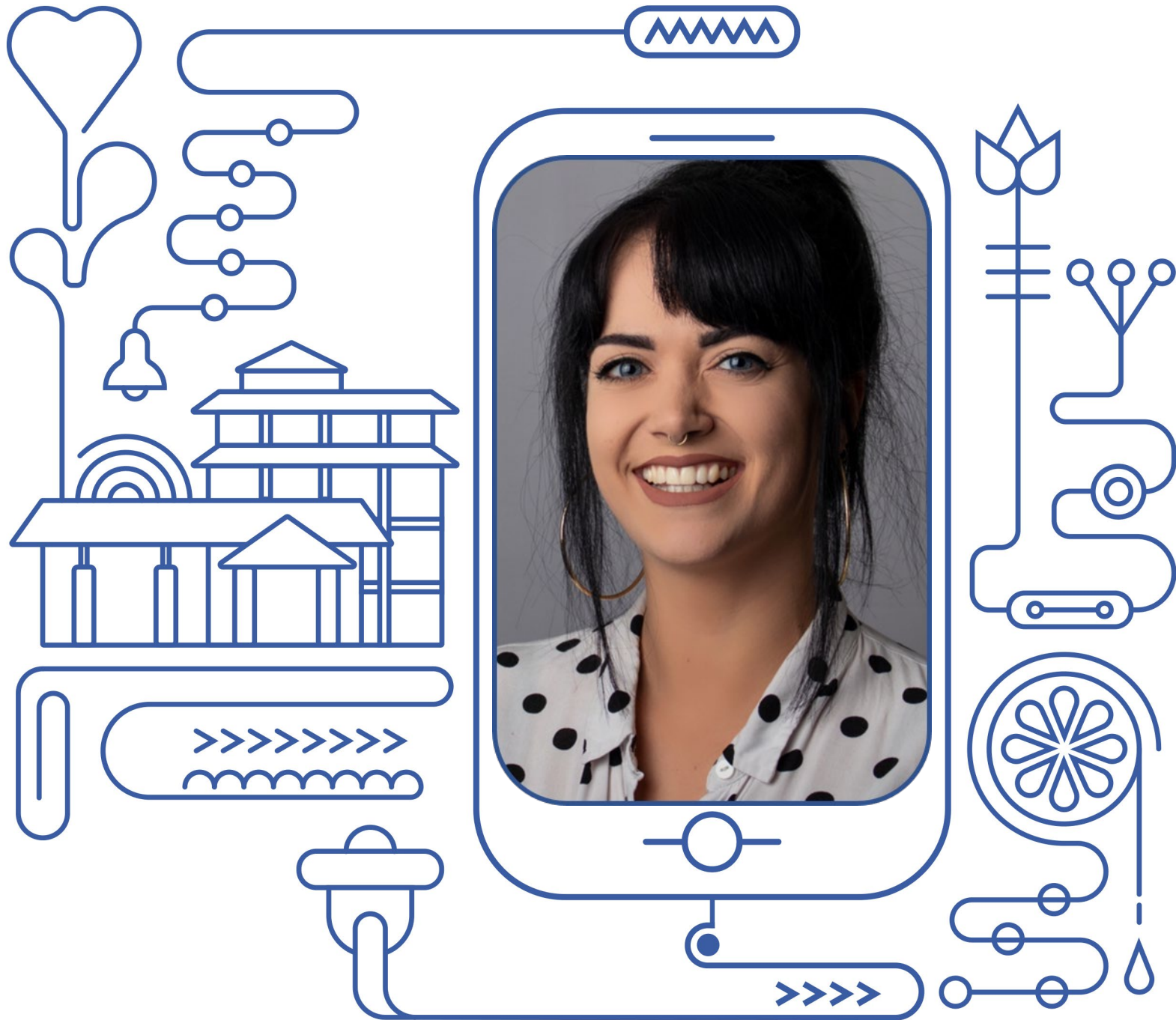
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Meg Pascoe

Business Engagement
Manager





Intellectual
Property
Office

What is Intellectual Property (IP)?

Patents • trade marks • copyright • registered designs

Meg Pascoe – Business Engagement Manager

IPO | Making life better through IP

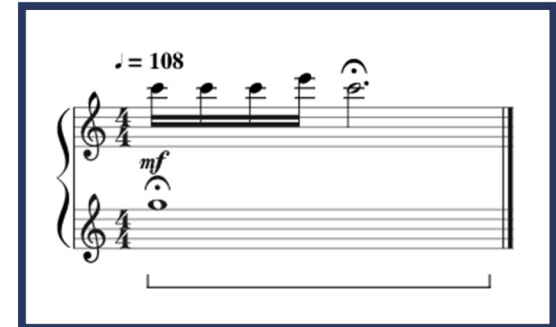
Intellectual Property Office is an operating name of the Patent Office

Trade marks

What can be registered?

- Name
- Logo
- Domain name
- Slogan
- Colour theme
- Shape theme
- Action
- Music

The mark must be **distinctive** for the goods and services you provide.



What can't be registered?

Your trade mark cannot

- Be offensive
- Be descriptive or use words/shapes in common usage in the class of goods in question.
- Use “laudatory terminology”
- Use protected emblems
- Be non-distinctive

Trade marks

Why search before you register?

- Avoid expensive mistakes
- Become aware of competing marks
- Early resolution of potential problems

[View shortlist\(0\)](#)

Search for a trade mark

by word, phrase and/or image

Search by

Word ▾

▶ [Help with 'and' and 'or' search by options](#)

Trade mark word

Search type

Similar ▾

▶ [Search types explained](#)

Search word(s)

All words Any words

▶ [Help with 'all' and 'any'](#)

Trade mark costs

UK (Intellectual Property Office)

- £170 application fee (1 class included)

EUIPO (European Intellectual Property Office)

- €850 application fee (1 class)

WIPO (World Intellectual Property Office)

- Madrid protocol (fee calculator available online)

Need professional advice?

- CITMA (Chartered Institute of Trade mark Attorneys)

Citma.org.uk

Apply to register a trade mark

At least one of the trade mark owners, or their representative, must have a postal address within the [European Economic Area \(EEA\)](#).

Who is completing this application?

- The trade mark owner or authorised person within their business
- An attorney, solicitor, in house trade mark department or third party representative

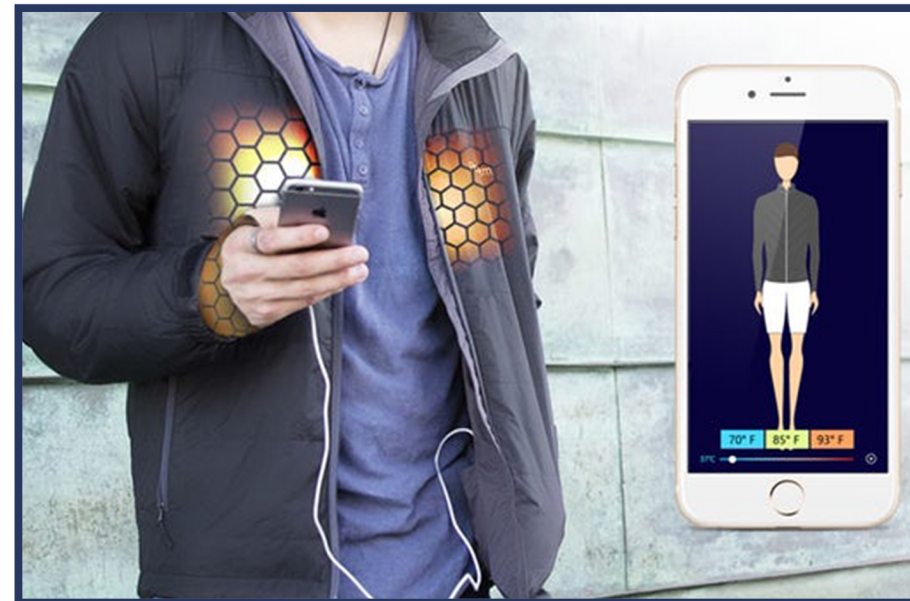
Continue

Patents

Patents

Patents protect

- New inventions
- How products work
- Technical function
 - What they do
 - How they do it



Criteria for patentability

- Must be new and novel
 - Prior disclosure will invalidate your application
- Must be an invention or have an inventive step
- Must have a technical effect



Patent fees in the UK

Applications contain separate parts:

- Application fee
 - £90 paper
 - £60 online
- Search fee
 - £180 paper
 - £150 online
- Examination fee
 - £130 paper
 - £100 online
- Renewals
 - start in year 5 and end in year 20

Apply for a patent

Use this service to apply for a UK patent through the Intellectual Property Office (IPO).

Patents are expensive and difficult to get. Read the guide to [patenting your invention](#) if you've not applied before.

Start now >

on the Intellectual Property
Office service

Copyright

Copyright

Copyright protects literature and artistic works:

- Books
- Films
- Music
- Songs/Sound recordings
- Photographs
- Paintings
- Manuals
- Databases
- Dramatic works

Who first owns copyright?

Usually the **first creator** or **author**

- An employer might own the work if it was produced in the **ordinary course of employment**
- A contractor will retain ownership unless their **contract states otherwise**
- Moral rights are still retained even if the creator sells their copy rights

What if there is more than one creator?



How long does copyright last?

Published editions
(typographical layouts) - 25 years

TV & radio broadcasts - 50 years

Sound recordings - 70 years

Literary works, films, music, dramatic, artistic - Death



plus 70 years

Knitting and sewing patterns

Knitting patterns are essentially a set of instructions on how to make something

- protected under UK copyright law as a “literary work”
- may be accompanied by charts, illustrations or photographs and would likely be protected by copyright as ‘artistic works

Sewing patterns may also be protected as a literary work as they will likely contain written instructions

- UK courts have also considered a sewing pattern (which typically includes cut out templates, illustrations or photographs) to be an artistic work

Work of artistic craftsmanship

A finished item may be protected as a “work of artistic craftsmanship”

Courts have adopted various approaches to assessing whether that craftsmanship is sufficiently “artistic” to give rise to copyright protection

- For example, considering aspects such as aesthetic appeal and the intention of the creator

Where an item succeeds in meeting the threshold for a “work of artistic craftsmanship”, then drawing or taking a photograph of it could potentially infringe copyright in that three dimensional artistic work

- However, copyright law allows people to include a copyright work in a photograph or film if inclusion is **incidental** and they are not the main focus of the resulting image or film

Using patterns

In most cases if you have lawfully acquired a pattern you will have either an express or implied permission to make the item, as long as the creator of the pattern had permission to use any copyright works within it

- Consequently it will not generally infringe copyright to make the item according to the pattern

It's often the case that the designer/author of the pattern will have included terms and conditions with the pattern, limiting what use may be made of a finished article

- These terms commonly specify that the pattern is licensed/sold on the basis that it is only for personal or non-commercial uses

Copyright

- Record your work
- Keep proof
- Use contracts
- Licencing opportunities
- There are no **official** registers
 - There are unofficial registers you can register with and upload your work for third party proof
 - Registration does not prove ownership, only that the work existed at the point it was uploaded

Registered designs

“The appearance of the whole or part of a product resulting from the features of the lines, contours, colours, shape, texture or materials of the product or its ornamentations”

Registered Designs Act 1949

Registered Designs

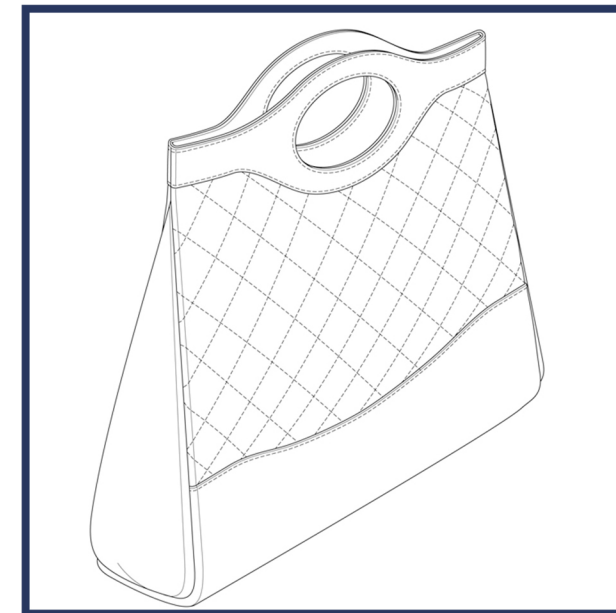
A Registered Design protects the overall visual appearance of a product:

- Physical shape
- Configuration
- Decoration (e.g. patterns, ornamentation, colour)



Registered designs don't protect

- How a product functions
- What material it is made from
- How it's manufactured
- A form dictated by its function or where there is no design freedom
 - Must fit or must match like a key or universal/standard attachments



Registered and unregistered designs

Registered Design	Design Right (Unregistered Design)
Application to be made to IPO/EUIPO/WIPO	Automatic right
Lasts for up to 25 years	Lasts between 10 and 15 years (UK only – European Unregistered Design lasts 3 years)
Onus on other party to prove they haven't infringed your rights	Onus on you to prove intentional copying
You receive a certificate proving your design your rights	You have to show evidence of the existence of your rights
Rights are exclusive to you and licenses would need to be authorised by you	License of Right automatically granted to other parties in the last five years (UK only)
Criminal sanctions	No criminal sanctions
2D and 3D protection	Only protects 3D shape (EU covers 2D & 3D)

Registered design application

Illustrations should:

- Show design as it appears to the eye
- Show design against plain background
- Not contain measurements or technical information
- Not include anything that isn't part of the design
- Be the same type (e.g. all line drawings or all photos)
- Include the complete pattern and enough to show pattern repeats (if registering a surface pattern)

Registered design costs

£60 for 1 design (paper application)

£50 for 1 design (online application)

£60 for first and £40 for each additional design in the same application

£70 for up to 10 designs in the same application

- Additional £20 up to and including every further set of 10 designs in the same application

Designs do not have to be related to each other, just filed at the same time

Tips

Tips

- Respect other people's IP
- Decide if you want to protect and register your IP assets
- Check if your brand is already registered as a trade mark
- Check you have the correct licences for playing music or radio
- Check you have the right software licences
- Ask before using other peoples photographs
 - Images from the internet may still be covered by copyright
- Check counterfeit products don't exist in your supply chain
- Keep your inventions secret
- Make sure you know who owns the IP
- Seek professional advice if applying for patents

Questions