



Intellectual Property

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Intellectual Property Protection

If you have intellectual property that is potentially valuable, it is important to ensure that you have appropriate protection to maximise your saleable assets and to deter

competitors from either accessing or using it. The best available method of protection will depend on the nature of the intellectual property.

A very simple description of the general types of protection available for intellectual property is:

- ♦ **Patents:** A monopoly grant in respect of an invention. It gives an exclusive right for up to 20 years to make, use, exercise and sell the claimed invention within the country for which the patent is granted.
- ♦ **Trade Marks:** Protection in any name, word, symbol or other mark

that identifies the goods or services of a business and that can distinguish them from the goods or services of others. Trade marks can be registered to maximise protection.

- ♦ **Copyright:** Automatic protection for original works of authorship. The forms of expression range widely, from computer software to songs, paintings, building designs or machinery.
- ♦ **Registered Designs:** A monopoly in a novel article. It gives an exclusive right to make, import and sell any article for which a design is registered. A design can cover any novel feature of shape, configuration, pattern, or ornament applied to an article by

any industrial process or means, so long as it "appeals to the eye".

- ♦ **Confidential Information:** Protection of information that is of value and which is unknown to competitors and the general public (eg, know-how or trade secrets).
- ♦ **Other specific forms of protection:** More specific forms of protection may apply to the intellectual property for which you are seeking protection. Examples are plant variety rights and rights in circuit layouts.

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“Careful consideration should be given to the markets or future markets in which any product is to be exploited. It may be necessary or prudent to register your rights in these other jurisdictions. International conventions can assist with registration for certain types of intellectual property such as patents and trade marks if registered in the appropriate time frame. ”

these other jurisdictions. International conventions can assist with registration for certain types of intellectual property such as patents and trade marks if registered in the appropriate time frame. However consideration must also be given to other matters such as the universal appeal or appropriateness of potential trade marks. Your great trade mark in New Zealand may translate into an offensive slur on your mother-in-law in a valuable Asian market.

It is essential to have the help of a skilled professional to give you advice and guidance on all areas of intellectual property that have an impact on your business.

On the reverse side, it is also critical that you do not transgress the intellectual property rights of others.

For More Information

If you wish to discuss any aspect of trade mark portfolio management or patent protection and strategy, please contact any member of our Intellectual Property Team.

For past editions of 'On Your Marks' and general Intellectual Property or Marketing Law material please see the Simpson Grierson website:

www.simpsongrierson.com under <Publications> / <FYI On Your Marks>

If you'd like to be alerted when new editions of 'On Your Marks' are published please email info@simpsongrierson.com and ask to be put on the mailing list for that publication.



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