

Your Own World of IP



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Contents

1. Introduction	4
2. Protecting artistic works	6
3. Protecting inventions	8
4. Protecting designs	10
5. Trademarks and places	11
6. Quiz	12
7. Quiz answers	14

Introduction

Intellectual property (IP) is all about the products of the human mind. IP is everywhere! There are many different types of IP.

In law, the products of the human mind are usually the intellectual property of the person who created them. But as with other types of property, the owners of IP can rent, give or sell it to other people.

Why does intellectual property matter? Because it helps our favorite designers, musicians, artists, writers, film-makers and inventors carry on creating the things they create, and that we enjoy. Without IP, those creators wouldn't be able to make a living from their work. Anyone else could immediately copy whatever they created.

So IP needs protecting. This protection happens in different ways:

- **Copyright** protects the works of artists, musicians and writers.
- **Patents** protect inventions.
- **Registered designs** protect the look, shape and feel of products.
- **Trademarks** protect logos, names and brands.

Let's find out more about how IP works.

DEFINITION:

Intellectual property refers to the products of the human mind.

ACTIVITY:

Look around you right now. Name all the things you can see that are the product of human creativity. They all contain intellectual property.

There is IP in

- the music you listen to
- the technology that makes your phone work
- the design of your favorite car
- the logo on your sneakers.



Protecting artistic works

Remember, the products of the human mind are generally the intellectual property of whoever created them. When we talk about creators we often mean writers, musicians, painters – people who make a living doing something artistic. The art they produce is protected by **copyright**, which means that only they have the right to decide who can make and sell copies of their work.

In most countries, the works of an artist, musician or writer are usually protected by copyright until at least 50 years after their death. In some countries protection lasts for more than 50 years after their death. This means that the creator can pass on the copyright to someone else, like a family member, who can also benefit from it.

DEFINITION: **Copyright** gives its owner the right to decide who can make and sell copies of their original work.

ACTIVITY: Write down the names of your favorite book, film and song. Can you find out who owns the copyright for each one?

Did you know?

When J.K. Rowling wrote the first Harry Potter book she was poor but she owned the copyright in her book. So she was the only person allowed to make copies of the book and sell them. Of course she didn't do this herself. She gave permission to a publishing company to do it in return for payment.

But she didn't just own copyright in the words, she owned copyright in the story and the characters. So her copyright also meant she was the only person with the right to produce and sell a film of her story. Again, she didn't do this herself. She gave permission to a film production company to make and sell the film in return for payment.

Without copyright, anyone else could have printed copies of the book as soon as it was published. And anyone could have copied the film or shown it in cinemas. Those people could have made money from the story without the author benefiting.



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Photo: Aeomone1112/CC BY-SA 2.0



Photo: B.jawhantbayr/CC BY-SA 4.0



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Once the period of copyright protection has expired, the creation is “out of copyright”. This means that anyone who wants to can make copies and sell them. So, for example, anyone who wants to can produce and sell their own edition of a Shakespeare play because Shakespeare died so long ago.

DEFINITION:

Out of copyright means that a creation is no longer protected by copyright – the copyright has expired.

Did you know?

- In the five years before Michael Jackson’s death in 2009, sales of his albums were around four million. In the five years after his death sales were over 13 million.
- Reggae superstar Bob Marley earns more money now, decades after his death, than he did when he was alive.
- Two of Ian Fleming’s 14 books featuring James Bond were published after the author’s death.

Because of copyright law, they are still earning money after their deaths!

Protecting inventions

Of course it's not just writers and musicians who create things – what about inventors? All over the world people have ingenious ideas for new tools, products, gadgets. If they invent something really original they can apply for a **patent**. Whoever holds the patent is allowed to decide who can make and sell things that include the invention. Sometimes this is an individual inventor, sometimes it may be a big company.

Why are patents a good thing?

1. Patents allow inventors to earn money from their inventions and be recognized for them.
2. Patents encourage businesses to invest in the research and development of new technologies.
3. Patents ensure that the science and knowledge behind an invention is recorded and made publicly available, because in order to get one, the inventor has to describe the invention in detail in the patent application document. So even during the time that the invention is protected, other inventors can still learn from the science to help them invent other new things.

Did you know?

One product may be covered by lots of different patents. For example, Apple hold over 1,000 patents relating to the iPhone.

These patents cover things like

- voice control
- camera functionality
- user interface
- battery/power technology
- synchronizing data across devices.



Photo: © iStock.com/5015181272

DEFINITION:

A **patent** describes an invention, states who owns the intellectual property in it and prevents anyone else from using, producing or selling it without the owner's permission.

ACTIVITY: Imagine that bicycles didn't exist, and that you invented the first bicycle. How many parts of it can you list that might need their own patent?

A patent usually lasts for 20 years. After that time, the invention becomes public property – anyone can use it or make and sell things that include it.

Some inventions become very popular immediately. Some never succeed. But others are ahead of their time. Douglas Engelbart invented the computer mouse in the 1960s. Unfortunately for him, very few people used a mouse until after the patent expired in 1987. Since then over a billion have been sold!

Did you know?

There are lots of examples of inventors who choose not to patent their inventions for various reasons.

World Wide Web – Sir Tim Berners-Lee invented the Web and built the first website in 1990. It is now used by billions of people around the world every day. But Sir Tim never patented the idea because he said it should be “for everyone”.

Matches – Chemist John Walker invented matches in the 1820s but did not patent his invention. He realized how useful matches would be to people and wanted the idea to catch on as quickly as possible. He didn't make much money from his idea.

Karaoke – Where would we be without the karaoke machine? It was invented in the 1970s by Japanese businessman Daisuke Inoue. Again, he didn't patent the idea and never profited from it.



Photo: © iStock.com/5019192086

Protecting designs

When a manufacturer launches a new product it may not be the technology that is original. Often the value and appeal of the product lie in its look and feel, shape and style – its design. This design element in all new products can also be protected as long as it is original and the designer or manufacturer registers the design.

Registered designs can cover anything from fashion to food packaging – anything that has been designed. This protection means that the owner of the design can stop anyone else from copying it.

Did you know?

When BMW launches a new model of car, all kinds of patents will protect the different functions of the engine, gearbox, dashboard display, etc. But the design of the car – the way it looks – will also be protected as an industrial design. Nobody is then permitted to design a new car that could be mistaken for the new BMW model.

DEFINITION:

A **registered design** protects the look and feel of a product and means that nobody can copy it without permission.



Trademarks and places

If a person, company or place has a reputation for producing something valuable, then where the product comes from and who made it become very important.

A **trademark** is a distinctive sign that identifies a product or the company that made it. Trademarks may consist of colors, numbers, shapes, sounds and even tastes and smells, but most are words, pictures or a combination of words and pictures. For example, Sony created the PlayStation computer game system and they trademarked the “PlayStation” name and logos. Anyone who produced a computer game system and called it “PlayStation” without Sony’s permission would be breaking the law.

Geographical indications tell you where in the world a product comes from when that place is famous for that type of product. For example, Colombian coffee is famous for its quality, so only coffee that genuinely comes from Colombia can be called “Café de Colombia”.



Photo above: © iStock.com/436691812; below: CCO 1.0

Did you know?

One of the best-known geographical indications is Champagne. Only sparkling wine that is made in the official Champagne region of France can be called Champagne. In recent years the French authorities have suggested new boundaries to expand the region. If the maps are redrawn, the land that is added to the Champagne region will be worth up to 200 times more overnight! So the value of “Champagne” as a geographical indication is huge.

DEFINITION:

A **trademark** is a logo, words or other distinctive sign that identifies a product or the company that made it.

DEFINITION:

A **geographical indication** tells you where in the world a product comes from when that place is famous for that type of product.

Quiz

Now that you've read all about the basics of intellectual property, why not complete this short quiz to see how much you remember? You can find the answers on page 14.

1. What protects the intellectual property created by artists?
2. What protects the intellectual property created by designers?
3. What protects the intellectual property created by inventors?
4. What is a geographical indication?
5. What is a trademark?
6. How long does copyright last for?
7. How long do patents last for?
8. Can you name a great invention that is not protected by a patent?
9. How many patents do Apple hold that relate to the iPhone?
10. What is intellectual property?
11. How do we all benefit from copyright and patents?
12. If Hyundai develop a new type of ball bearing to use in their wheels, what can they do to stop others copying their invention?
13. Imagine a footballer sets up his own company to launch and sell his own range of clothes. What can he use to prove that the clothes are made by his company?
14. Imagine an electronics company produce an MP3 player in the shape of a football boot. How can they stop somebody copying their design?
15. Which of the following protect the intellectual property in an iPhone?
 - patent
 - registered design
 - trademark
 - copyright
 - geographical indication.





Quiz answers

- QUESTION: What protects the intellectual property created by artists?*
ANSWER: Copyright protects the intellectual property created by artists.
- QUESTION: What protects the intellectual property created by designers?*
ANSWER: Industrial designs protect the intellectual property created by designers.
- QUESTION: What protects the intellectual property created by inventors?*
ANSWER: Patents protect the intellectual property created by inventors.
- QUESTION: What is a geographical indication?*
ANSWER: A geographical indication tells you where in the world a product comes from when that place is famous for that type of product. Only products from that place may be marked with the geographical indication.
- QUESTION: What is a trademark?*
ANSWER: A trademark is a distinctive sign that identifies a product or the company that made it.
- QUESTION: How long does copyright last for?*
ANSWER: In most countries, copyright in a creative work will last for at least 50 years after the death of the person who created that work.
- QUESTION: How long do patents last for?*
ANSWER: Patents usually last for 20 years.
- QUESTION: Can you name a great invention that is not protected by a patent?*
ANSWER: There are many possible answers. Inventions not covered by patents that are mentioned in this guide include the karaoke machine, the World Wide Web and matches.
- QUESTION: How many patents do Apple hold that relate to the iPhone?*
ANSWER: Apple hold over 1,000 patents relating to the iPhone.

10. *QUESTION: What is intellectual property?*

ANSWER: The products of the human mind are intellectual property.

11. *QUESTION: How do we all benefit from copyright and patents?*

ANSWER: Copyright and patents mean that artists and inventors can make a living, which means they go on creating art, music and literature and inventing things that improve our lives.

12. *QUESTION: If Hyundai develop a new type of ball bearing to use in their wheels, what can they do to stop others copying their invention?*

ANSWER: Hyundai can patent their invention, giving them the legal right to control who sells or uses it.

13. *QUESTION: Imagine a footballer sets up his own company to launch and sell his own range of clothes. What can he use to prove that the clothes are made by his company?*

ANSWER: He can brand his clothes with a trademark to prove that they are made by his company.

14. *QUESTION: Imagine an electronics company produce an MP3 player in the shape of a football boot. How can they stop somebody copying their design?*

ANSWER: They can protect their design by registering it.

15. *QUESTION: Which of the following protect the intellectual property in an iPhone?*

- *patent*
- *copyright*
- *registered design*
- *trademark*
- *geographical indication.*

ANSWER: The Apple logo is a trademark. The look and feel of the phone are a registered design. There are hundreds of patents protecting different elements of technology in the iPhone.

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