Intellectual Property and Copyright
In this session:

• What is Intellectual Property?
• The different types of IP
• Copyright
• Creative Commons
• Google Images
• Where to find help
What is Intellectual Property?

Intellectual property (IP) is something unique that you physically create. An idea alone is not intellectual property. For example, an idea for a book doesn’t count, but the words you’ve written do.

You own intellectual property if you:
• created it,
• bought IP rights from the creator or a previous owner,
• have a brand that could be a trade mark, eg a well-known product name.
Intellectual Property

- Patents
- Trade Marks
- Designs
- Copyright
- Confidential Information
Patents

Patents apply to industrial processes and inventions.

- Inventions must be new – not known anywhere in the world prior to the filing date
- Inventions must have an ‘inventive step’ – not obvious, a simple adaption or combination
- Must be industrially applicable and have a ‘technical effect’

Prevents unauthorised exploitation of ideas or inventions

Application is examined by the Patent Office
Patents typically take 2 to 3 years to be granted.

Strict requirements:

- Absolute novelty – no prior public disclosure
- Not an obvious solution to the problem the invention overcomes
Trademarks

Trade Marks are used to distinguish products and services
A good Trade Mark will be:
• Not descriptive of product
• Distinctive

Any sign which is capable of distinguishing the goods and services of one trader from those of another

A trademark can be a name, word, slogan, design, symbol or other unique device that identifies a product or organisation.

Registered trademarks may be identified by the abbreviation ‘TM’, or the ‘®’ symbol. (it is illegal to use the ® symbol or state that the trademark is registered until the trademark has in fact been registered).
Designs

The appearance of a product, in particular, the shape, texture, colour, materials used, contours and ornamentation. To qualify as a new design, the overall impression should be different from any existing design.

Protects aesthetic appearance – **not** the underlying idea

**Registered** design
- Shape or appearance inc surface decoration
- Max 25 years

**Unregistered** design “Design Right”
- For 3D articles only
- 3D shape and appearance (not surface decoration)
- Max 15 years
Confidential information/ Trade secrets

• Company “know how”

• The law of confidentiality protects trade secrets.
• To keep trade secrets protected, you must establish that the information is confidential, and ensure that anyone you tell about it signs a non-disclosure agreement (NDA).

• **But!** - No protection against independent creation by 3rd party
Copyright

- Copyright applies to literary and dramatic works, artistic and musical works, audio and video recordings, broadcasts and cable transmissions.

- Copyright is also the usual way of protecting software, although some software may be patented if it is a functional part of an invention.

- Copyright arises automatically – it does not need to be applied for – and lasts 70 years after the death of the author.

- It gives the author specific rights in relation to the work, prohibits unauthorised actions, and allows the author to take legal action against instances of infringement or plagiarism.
IP in Action

- Designs – Shape of product
- Trade Mark
- Patent protection
- Copyright software
Copyright legislation

• Copyright, Designs and Patents Act (1988)
• Digital Economy Act (2010)
• Hargreaves Review of Intellectual Property and Growth (2011)
• The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014
• The Copyright and Rights in Performances (Disability) Regulations 2014
  *  
• Digital Economy Act 2017
• The Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018
  *  

* indicates recent updates
Copyright ownership

The creator of a work is the owner of copyright in that work.

Only they can:

• copy a work
• issue copies of a work
• rent or lend the work to the public
• make an adaptation of the work
• perform, show or play the work in public
• communicate the work to the public
Copyright ownership

Assignment

• Copyright is transferable by assignment.

• So an author may assign the copyright in their book to a publisher.

• A director may assign the copyright in their film to a distributor.
Fair Dealing

There are exceptions in the legislation which allow limited use of copyright works without the permission of the copyright owner.

The main exception for individuals is: “Fair Dealing”

Fair dealing is the right to reproduce limited portions of copyrighted works without permission. It covers reproduction of published material for:

- non-commercial research and private study
- criticism and review
- reporting of current events

It applies to literary, dramatic, musical, artistic or typographical works, and not just text-based works. It does not apply to printed music or song lyrics.
Fair Dealing

You can use material under fair dealing as long as you do not infringe upon the interests of the creator or copyright owner.

You should consider the following:

- Financial benefit: Are you depriving them of revenue?
- Acquisition: Have you acquired the material fairly and legally?
- Quantity: Have you used only what is needed?
- **Acknowledgement**: Have you acknowledged the author or creator?
The Copyright, Designs and Patents Act does not clearly define the amount of original material that can be copied, but it has been agreed that you can copy:

- one article from any one issue of a journal
- one chapter or up to 5% (whichever is greater) of a book
- up to 10% of a short book of up to 200 pages
- one poem or short story of up to 10 pages from an anthology
- one legal case report.

You may make a copy for yourself or make a single copy for another person.

Fair dealing does not cover multiple photocopies, which can only be done within the limitations of the University CLA license or with the permission of the copyright owner.
Copying from the internet

All material on the internet is protected by copyright in the same way as books and journals. You must reference everything you use from the internet.

Check the terms of use on individual websites to see if specific conditions are applied.

It is possible to find free-to-use content online. Some websites make material available for free-use under specific licences.
Creative Commons

https://creativecommons.org/

Creative Commons licences give creators the power to retain copyright while allowing others to copy, distribute, and make some uses of their work — at least non-commercially. Every Creative Commons license also ensures licensors get the credit for their work they deserve.
Google Images

Always check that the creator of the image has given permission to re-use their work

Always correctly reference where you got the image from - even if it is copyright free!
1:1 support

Book a 1:1 with an Information Skills Librarian

go.lsbu.ac.uk/askalibrarian
• Database Searching e.g. Journal articles
• Referencing
• Using RefWorks

Email queries: askalibrarian@lsbu.ac.uk
IP queries: copyright@lsbu.ac.uk

Research Helpdesk (from 7th October)
3 Bridge
Mon-Fri 12.00-4pm
Any questions?