

INTELLECTUAL PROPERTY

Duku work closely in collaboration with our sister company Albright IP to help protect your innovations. Albright IP can advise on all aspects of IP protection and enforcement, including Patents, Registered Designs, Trademarks and Copyright.



PATENT

Patents cover innovative (but feasible) ideas and concepts. The main purpose of a patent is to protect a technical innovation, which provides an advantage over what's been done before. The invention has to be new at the time that the patent is filed and has to have some inventive



REGISTERED DESIGN RIGHTS

A registered design protects the appearance of a product or part of a product. The scope of the registered design is determined by the overall impression that it creates for someone looking at it.



TRADEMARK

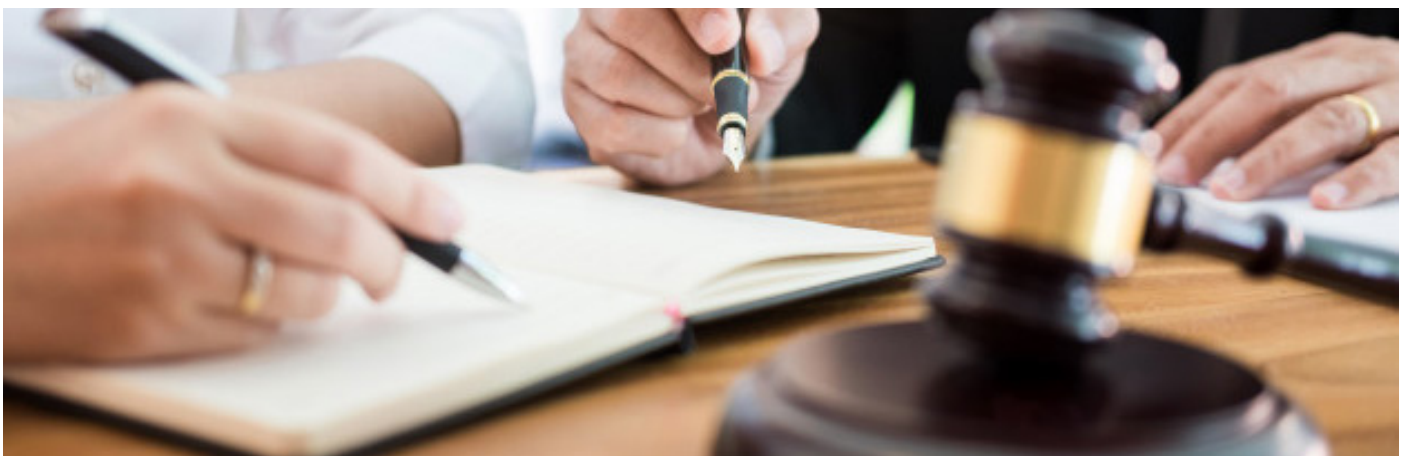
Trademarks cover a brand so become valuable as that brand gains recognition, e.g. Coca Cola. A trademark or brand name can be used to protect:

- A business name
- A product name
- A logo for a business or product
- The name of a service



COPYRIGHT

Copyright covers original artistic work. It can cover everything from a poem, drawing or song, through to an instruction manual, computer program or database rights.





FAQs

WHAT IS INTELLECTUAL PROPERTY?

- Intellectual property is a generic term that covers intangible legal rights which protect products, designs, literature and artistic works.

DO I NEED A PATENT?

- Patents are generally the strongest rights because they attach to a concept or the features of a concept, which provide you with the advantage. Any competing company which has a similar product is then unable to add those same features.
- Obtaining a patent, then, protects your innovation and stops others from copying it and using it. Customers view products which have a patent attached to it as having additional, intrinsic value, seeing them as clever, different or innovative.
- A patent can give you a great commercial and competitive advantage.
- Companies can benefit from the UK Government's Patent Box tax relief – which provides an additional incentive for companies to retain and commercialise existing patents, and to develop new, innovative patented products. It has the potential to almost halve a company's Corporation Tax bill, reducing the rate to just 10% on any profits attributable to qualifying patents.

WHEN SHOULD I APPLY FOR A PATENT OR IP?

- You should start thinking about applying as soon as you have finalised the technical features which deliver the advantages of the invention and when you've been able to reasonably test that these work.
- Some people start with a patent and then start designing. Once a patent application is filed, you have 12 months to file back-up applications with improvements if you then update the design, attaching the data to the earlier application. However, if you find that during the design period that the product changes considerably, then you will likely need to file a completely new patent application.
- If you work in an area where there's a lot of commercial competition, then it makes sense to be 'first to file', even if the design is going to change along the way as long as you have developed the design sufficiently to support your application.

FAQs

HOW LONG WILL MY PATENT LAST?

- A patent lasts for 20 years starting from the date of filing. However, it will also expire if the renewal fees charged by the IPO are not maintained.
- All patent applications are published and in the public domain after 18 months which means your invention can be viewed by other companies. If you don't make any improvements or changes to the product, your competitors can produce their own versions of the product, using your ideas and applications, after expiry.

SHOULD I APPLY FOR REGISTERED DESIGNS AT THE SAME TIME?

- No. Typically, registered designs should be filed at the latest possible moment, once the design is finalised, but before it's publicly disclosed.
- For example, there would be no point filing a registered design on a concept car, because by the time it reaches production, the wheels get smaller, the windows get bigger and all sorts of major styling details change.
- Making a minor tweak is fine, because you will still have the same overall impression, but if you change the shape or appearance of a major feature, then you may move substantially away from original look. There was classic example of this - when Apple sued Samsung over its iPad. Apple's pre-production model design registration didn't cover its own iPad 'look' and the case was lost, enabling Samsung to copy the production model and get away with it.



Albright IP
excellence in intellectual property

For more information on IP and how to protect your product get in touch with us or visit our sister company website.

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