

Copyright & Trademarks

FACTSHEET*



COPYRIGHT



Audio recordings **Compositions** Photographs **Industrial designs** **Paintings** *Dances* *Literature* **Drawings** *Television broadcasts* **Software** **Graphic designs** *Radio broadcasts* *Plays* **Movies** *These* **Poems** **Sculptures** *Architecture*

- ▶ protects intellectual and artistic works that serve no practical purpose
- ▶ does **not** protect ideas, only the form and manner in which they are expressed
- ▶ does **not** protect names, claims, logos, titles and such
- ▶ originality excels uniqueness; e.g. 2 similar works can both be original
- ▶ is automatically recognized under the *Berne Convention*, no registration required, international
- ▶ use of “©” and “All Rights Reserved” is optional, but not necessary, although recommended for possible infringement lawsuits to avoid “innocent infringement” defense
- ▶ audio works, musical and sound recordings use “@” instead
- ▶ in case of conflict, evidence of first creation is necessary
- ▶ “sealed envelope” can be used as evidence, but is no substitute for registering with federal Copyright Office
- ▶ transfer of Copyright is possible (designer/artist to client/employer) via written forms from the Copyright Office
- ▶ duration: creator’s lifespan + 70 years; after that public domain

LINKS

- ▶ U.S. Copyright Office www.copyright.gov
- ▶ U.K. Copyright Office www.ipo.gov.uk/copy.htm
- ▶ Berne Convention for the Protection of Literary and Artistic Works www.wipo.int/treaties/en/tp/berne/index.html

INDUSTRIAL DESIGN RIGHTS

Jewelry **Cans & Bottles** **Product Packaging** **Furniture** **Typefaces & Fonts** *Automobile design* **Shoes** **Computer Icons** *Sunglasses* **Product Design** *Mobile phones* **Watches** *Lawn mowers* **Textiles** *Speedboats* **Laptops** **Pens** **Earplugs**

- ▶ in the **USA** (named design patents), last 14 years for registered work with the U.S. Patent and Trademark Office (only for US)
- ▶ in the **EU** registered with the OHIM (Office for Harmonization in the Internal Market) (only for EU)
- ▶ additionally to the EU right, the **UK** has 2 federal systems: *unregistered* design right exists automatically and lasts 15 years; *registered* design right lasts 25 years with the U.K. Intellectual Property Office (only for UK)
- ▶ additionally to the EU right, **Germany** has the *Geschmacksmuster* (aesthetic model) law, which protects registered designs for 20 years (only for DE) and can be filed at the DPMA (Deutsches Patent- und Markenamt)
- ▶ in **CA**, no protection without registration with the Canadian Intellectual Property Office (only for CA)

LINKS

- ▶ U.S. Patent and Trademark Office www.uspto.gov
- ▶ EU Office for Harmonization in the Internal Market oami.europa.eu
- ▶ U.K. Intellectual Property Office www.ipo.gov.uk
- ▶ Deutsches Patent- und Markenamt www.dpma.de
- ▶ Canadian Intellectual Property Office www.cipo.ic.gc.ca

- ▶ ICSID International Council of Societies of Industrial Design www.icsid.org
- ▶ IDSA Industrial Designers Society of America www.idsa.org
- ▶ UK Design Council www.designcouncil.org.uk

TRADEMARKS



Mercedes-Benz **Coca-Cola** **Dolby** **GE** **Megaperls** *Color Sync* **Carpet Fresh** **District of Columbia** **Fire Dept** **Hydralium** **Photodisc** *wave and groom* **1 800 Flowers** *Adobe* **Photoshop** **Kash N Karry** **Power Puff Girls** **Parker Pens**

- ▶ Trademarks can cover brands, products, branded product features, etc.
- ▶ © Registered trademarks must be registered with a country’s federal Patent and Trademark Office (for national use) or by using the WIPO (World Intellectual Property Organization) to file for use in more than one country. Use sign only after approval
- ▶ ™ Trademarks with pending registration or unregistered trademarks. Only in use in the U.S.
- ▶ ℠ Service Marks, similar to ™, only in the U.S.
- ▶ **Conventional trademarks:** name, word, phrase, claim, logo, symbol, icon, image, or a combination of these elements
- ▶ **Non-conventional trademarks:** visible signs (color, shape, moving images, holograms, positions) and non-visible signs (sound, scent, taste, texture)
- ▶ registration of non-conventional trademarks differs for each country; different rules apply

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LINKS

- ▶ WIPO World Intellectual Property Organization www.wipo.int
- ▶ INTA International Trademark Association (NFP) www.inta.org
- ▶ Webster’s Directory of Trade Names www.websters-online-dictionary.org/browse/tradenames