

# Intellectual Property Information Sheet

## What is Intellectual Property?

"Intellectual Property" (or IP) is the body of legal rights, which protect creativity and innovation. The term is used to refer generally to patents, registered trade marks, registered designs, copyright and design right. The associated concepts of know-how, confidential information and packaging (or "get-up") can also be regarded as forms of intellectual property.

## What is a Patent?

A patent is granted by the state to the owner of an invention, and gives the owner an exclusive right to exploit the invention to the exclusion of others for a limited period (generally 20 years). A patent, like other forms of commercial property, can be bought, sold or licensed. Once a patent has been obtained, the owner has the right to take legal action against others to prevent the unlicensed (and therefore, infringing) manufacture, use, importation or sale of the patented invention and to claim damages from the infringer. Sometimes the mere existence of a patent may be sufficient to deter a potential infringer.

### Territorial Right

Patents are territorial rights; thus a UK patent only provides rights within the UK and rights to stop others from importing the patented products into the UK. We file and prosecute patent applications for our clients:

- At the UK Patent Office
- At the European Patent Office
- At the German Patent Office, and
- Throughout the world (via our international network of attorneys).

## What Can Be Patented?

Patents are intended for products or processes, which include new technical or functional aspects. In order to obtain patent protection, the invention in question must:

- Not have been made public in any way, anywhere in the world, before the date on which an application for a patent is filed
- Not be obvious to someone with knowledge and experience of the subject, when comparing the invention with what is already known
- Be capable of being made or used in some kind of industry (as opposed to purely intellectual or aesthetic activity).

### Costs Involved

Our basic charge for drafting a patent application suitable for filing at the UK Patent Office is likely to be between £3,000-£5,000 dependent upon the field of technology of the invention. Further substantial costs will be incurred during the prosecution of the patent application. These costs are hard to predict at the outset because they vary according to the volume and nature of queries raised by the Patent Office during the "examination" stage. Typically, these additional costs are likely to fall in the region of £1,000 to £2,000. If a patent application is granted, annual renewal fees are payable in order to maintain a valid patent.

Lisa Wells – For further information phone +49 (0) 117 910 3200 or email [lwells@haseltinelake.com](mailto:lwells@haseltinelake.com)

## What is a Trade Mark?

A trade mark is a sign, which distinguishes goods and services of one trader from those of another. Trade marks can comprise words, logos, pictures, or a combination of these. A trade mark is commercial property, which can be bought, sold or licensed. Once a trade mark is registered, the owner has the right to take legal action against others to prevent infringement and/or to claim damages from the infringer.

### Territorial Right

Trade marks are territorial rights. Therefore, a trade mark registered in the UK only provides rights to stop others from using the same or similar mark in relation to the same or similar goods in the UK. We file trade mark applications for our clients (NB: It is possible to obtain one trade mark registration to cover the entire EU):

- At the UK Trade Marks Registry
- At the Office for Harmonisation of the Internal Market (OHIM) responsible for Community Trade Mark registrations
- At the World Intellectual Property Organisation (WIPO), and
- Throughout the world (via our international network of attorneys).

## What can be registered as a Trade Mark?

To obtain registration a mark must:

- Be distinctive for goods and/or services for which registration is sought
- Not be deceptive as to the nature of the goods/services provided or contrary to public morality
- Not be similar or identical to any earlier registered marks for the same or similar goods/services
- Not be commonly used within the trade for which protection is sought.

### Costs Involved

Our charges vary depending upon the range of goods and services for which protection is sought. Preparing and filing an application in the UK for a single mark for goods that fall within one international class would generally cost in the region of £445. The same application with EU wide coverage is approximately £1,100. If the mark proceeds smoothly to registration then additional costs are not substantial (aside from the registration fees payable on an EC mark). Further costs will be incurred, however, if an objection to the mark is raised, by the Registry or a third party, to which we respond on your behalf. These costs, based on the number of hours of attorney time spent dealing with the objection, can be substantial. Renewal fees are payable periodically once a mark is registered. The cost and time between renewals varies from country to country.

Michael Conway – For further information phone +44 (0) 117 910 3200 or email [mconway@haseltinelake.com](mailto:mconway@haseltinelake.com)

# Intellectual Property Information Sheet

## What is a Registered Design?

A registered design is a monopoly right in the appearance of a product, which gives the registered owner the exclusive right to make, import, export, use or sell any product to which the design has been applied or incorporated, for a limited period (a max. of 25 years). A registered design is commercial property, which can be bought, sold or licensed. The owner has the right to take legal action against others to prevent infringement of the design and claim to damages. Sometimes, the fact that the design is registered may be enough to deter a potential infringer.

## Territorial Right

Registered designs are territorial rights, and so a UK registered design only provides rights within the UK and rights to stop others from importing relevant products into the UK. It is also possible to obtain a single registration covering the entire EC. We file registered design applications for our clients:

- *At the UK Designs Registry*
- *At the Office for the Harmonisation of the Internal Market (OHIM) responsible for European Community Designs Registrations*
- *At the German Design Office, and*
- *Throughout the world (via our international network of agents and attorneys).*

## What can be registered?

In order to obtain registration, the design in question must:

- *Be new*
- *Have individual character*
- *Not consist solely of features that are purely functional or are dictated by the need to fit to something else*
- *Be applied to a product which is visible in normal use, if the product is a component of a larger assembly*
- *Create an overall impression on an informed user that differs from the overall impression produced by any design already available to the public.*

## Costs Involved

Our charges for preparing and filing a British registered design application will generally fall in the range £400-£600 (a Community design application is about £300 more). In most cases, further costs during prosecution are not substantial unless objections to the design are raised by the Designs Registry to which we respond on your behalf. These further costs are based on the number of hours of attorney time spent dealing with the objections. After grant, renewal fees are payable every five years (up to a maximum of 25 yrs) in order to maintain a valid registered design.

**Gemma Rickman** – For further information phone +44 (0) 207 611 7900 or email [gerrickman@haseltinlake.com](mailto:gerrickman@haseltinlake.com)

Email [hl@haseltinlake.com](mailto:hl@haseltinlake.com)

Websites [www.haseltinlake.com](http://www.haseltinlake.com) [www.haseltinlake.cn](http://www.haseltinlake.cn)

London: Lincoln House, 5<sup>th</sup> Floor, 300 High Holborn, London WC1V 7JH  
Tel: +44 (0) 207 611 7900 Fax: +44 (0) 207 611 7901

Leeds: West Riding House, 67 Albion Street, Leeds LS1 5AA  
Tel: +44 (0) 113 233 9400 Fax: +44 (0) 113 233 9401

Munich: Theatinerstrasse 3, D-80333 München, Germany  
Tel: +49 (0) 896 227 1760 Fax: +49 (0) 89 485 686

Bristol: Redcliff Quay, 120 Redcliff Street, Bristol BS1 6HU  
Tel: +44 (0) 117 910 3200 Fax: +44 (0) 117 910 3201

The Hague: Bezuidenhoutseweg 161, 2594 AG The Hague, The Netherlands  
Tel: +31 (0)70 8200810 Fax: +31 (0)70 8200811

Guangzhou: Level 10, Skyfame Tower, 8 Linhe Zhong Road, Tianhe District, Guangzhou, P.R China, 510610  
Tel: +86 (0) 20 2831 7531 Fax: +86 (0) 20 2831 7000