







The Power of Intellectual Property




Summary of the Key Types of IP

Please note: not all IP is covered below, just the types that you are most likely to have in a business

Trade Marks	
What:	Protection for your brand (including your name and logo) that you use for your products or services
Examples:	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Logo Nike swoosh</p> </div> <div style="text-align: center;">  <p>Colour Cadbury purple</p> </div> <div style="text-align: center;">  <p>Shape Coca-Cola bottle</p> </div> </div>
Requirements:	<ul style="list-style-type: none"> • Name • Logo • Phrase • Colour • Sound • Smell • Picture • Movement
How:	IP Australia
Time:	10 years protection
Renewable:	Yes
Cost:	Average between \$1,000 - \$2,000
Source:	https://www.ipaustralia.gov.au/trade-marks/what-are-trade-marks

Patents	
What:	Protection for your new inventions such as devices, substances, methods and processes
Examples:	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Technology Google Maps</p> </div> <div style="text-align: center;">  <p>Device Cochlear implant</p> </div> <div style="text-align: center;">  <p>Substance Polymer (plastic) bank notes</p> </div> </div>
Requirements:	<ul style="list-style-type: none"> • New – must be novel • Useful – it can be made or used in an industry • Inventive – it's different enough to what already exists • Suitable subject matter known as 'manner of manufacture'
How:	IP Australia
Time:	Up to 20 years for standard patent or 25 years for pharmaceutical patent
Renewable:	No
Cost:	Cost for searches average between \$4,000 - \$6,000

	Provisional applications average between \$4,000 - \$7,000 (plus government fees of \$110) Standard applications average between \$4,000 - \$8,000 (plus government fees of \$370)
Note:	Provisional Application – a placeholder application that allows you to establish a priority date and indicates to competitors that you intend to apply for a standard patent within 12 months. However, this alone does not provide enforceable patent protection. Standard Application – once the details are finalised and you are ready to lodge, you can convert your application into a standard application for full patent protection. For more on this, see here: https://www.ipaustralia.gov.au/patents/how-to-apply-for-a-patent/provisional-patents
Source:	https://www.ipaustralia.gov.au/patents/what-are-patents

Designs	
What:	Protection for your product's overall visual appearance
Examples:	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Dress Zimmerman dress</p> </div> <div style="text-align: center;">  <p>Car Audi car model</p> </div> <div style="text-align: center;">  <p>Sofa King Furniture sofa</p> </div> </div>
Requirements:	<ul style="list-style-type: none"> • Has physical and tangible form • Is manufactured or handmade • Is produced on a commercial scale
How:	IP Australia
Time:	5 years
Renewable:	Yes, up to 10 years
Cost:	Average between \$3,000 - \$4,000
Note:	Registered Design – an application that provides you with the exclusive right to use your design and authorise others to use it in Australia. However, this alone does not provide enforceable design protection. Certified Design – once you have registered your design, you have the option to request examination by IP Australia so your design can be certified for full design protection. For more on this, see here: https://www.ipaustralia.gov.au/designs/how-to-apply-for-a-design-right
Source:	https://www.ipaustralia.gov.au/designs/what-are-design-rights

Copyright	
What:	Protection for the original way an idea or information is communicated
Examples:	A novel, song, photograph movie, painting, computer software application, software code for a website, written content on a website, business proposals, marketing plans, annual reports, letters and emails sent by a business
Requirements:	<ul style="list-style-type: none"> • There must be an expression of ideas in a literary, dramatic, musical or artistic work, or in subject matter other than works, such as in an audio-visual performance • The work must be original • The work must be recorded in a 'material form' for example: <ul style="list-style-type: none"> ○ Written down on paper or something else ○ Recorded by keystrokes saved on a computer ○ Recorded on film ○ Recorded on tape ○ Recorded as a software code saved on a computer ○ Recorded digitally onto a device • There must be an author or artist
How:	Automatic, provided the above requirements are met. However, you should also use copyright and confidentiality notices on all materials to provide notice to others that they cannot copy or reproduce your materials.
Time:	70 years for works after the death of the author 70 years from publication for sound recording and films after being made public 50 years for television and radio broadcasts after being broadcast
Renewable:	No
Cost:	No cost for protection, however specialised copyright and confidentiality notices can be developed for a small legal fee
Source:	https://business.gov.au/planning/protect-your-brand-idea-or-creation/copyright