

Overview of Intellectual Property

Overview of Intellectual Property (IP)

A concise, structured guide for quick reference

1. What Is Intellectual Property?

Definition	Core Idea
Intellectual Property (IP)	Legal rights that protect creations of the mind— inventions, artistic works, symbols, designs, and confidential information.
Purpose	Encourage innovation and creativity by granting creators exclusive control over the use of their works for a limited time.

2. Main Categories of IP

Category	Protected Subject	Typical Rights	Typical Duration
Patent	New inventions, functional improvements, processes, machines, compositions of matter	Exclusive right to make, use, sell, import, or license the invention	20?years from filing (subject?to maintenance fees)
Trademark	Words, logos, slogans, sounds, colors, shapes that identify the source of goods/services	Exclusive use in commerce; prevent confusingly similar marks	Potentially indefinite (renewable every 10 ?years)
Copyright	Original literary, musical, artistic, audiovisual, software, architectural works	Reproduce, distribute, publicly display, perform, create derivative works	Life of author +?70? years (varies by jurisdiction)
Trade Secret	Confidential business information (formulas, processes, customer lists)	Protection against improper acquisition, use, or disclosure	As long as secrecy is maintained
Industrial Design	Visual appearance of a product (shape, pattern, ornamentation)	Exclusive right to reproduce the design	10–25?years, depending on jurisdiction

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Category	Protected Subject	Typical Rights	Typical Duration
Geographical Indication (GI)	Products linked to a specific region (e.g., Champagne)	Prevent use of the name by non-originating producers	Indefinite, as long as the link remains

3. How IP Rights Are Obtained

Right	Acquisition Process
Patent	1. Conduct prior-art search 2. Prepare a detailed application (specifications, claims, drawings) 3. File with national or regional patent office 4. Undergo substantive examination 5. Pay issue and maintenance fees
Trademark	1. Search existing marks (trademark databases) 2. File an application (identifying goods/services, representation of the mark) 3. Examination for conflicts & compliance 4. Publication for opposition 5. Registration upon clearance
Copyright	Automatic upon creation (fixation in a tangible medium). Registration (optional but beneficial) can be done with the national copyright office to obtain statutory damages & evidence of ownership.
Trade Secret	No formal registration. Protection relies on: • Confidentiality agreements (NDAs) • Internal security measures (access controls, employee training) • Reasonable efforts to keep information secret
Industrial Design	File a design application (illustrations/photos, description) with the relevant office; may be examined for novelty & originality.
GI	Application by a group of producers or a government body, demonstrating the link between product quality and geographic origin. Often administered by a national authority and protected under WTO's TRIPS Agreement.

4. Key International Treaties & Systems

Treaty / System	Scope	Notable Features
Paris Convention (1883)	Patents, trademarks, industrial designs	National treatment & right of priority (12-month for patents, 6-month for trademarks)

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Treaty / System	Scope	Notable Features
Berne Convention (1886)	Copyright	Automatic protection; minimum term life?+?50? years (