# Introduction to Intellectual Property

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Intellectual property (IP) is a category of legal rights that covers intangible things created by an individual or organisation. IP rights can be used to prevent others from using these intangibles without your permission. Permission is granted through explicit and implicit licenses that allow the use, rent, or transfer – in whole or in part - of the intangible asset in question. There are a range of different types of intellectual property that may be relevant to researchers and research organisations. This factsheet aims to provide an overview of the main uses of each form of IP protection. It is important to emphasise that IP rights are created and administered at the national level. While the types of IP rights are largely the same across the world, there are important local differences in their implementation, and they must be registered in each relevant jurisdiction where protection is desired (with the exception of copyright, which is automatic).

## Types of Intellectual Property

Some contributors are included to increase credibility rather than reflect contribution (honorary authorship). Others are excluded despite significant involvement.

Early-career researchers may accept unfavourable positions to avoid conflict Decisions may be made informally, without open discussion. These dynamics can affect both recognition and accountability.

- **Copyright** protects creative expressions, including writing, images, and computer code. Copyright automatically covers original creative works, until 70 years after the death of the author.
- **Patent** protects inventions which are novel, useful, and which contain an inventive step. They provide strong protection for a period of 20 years, but are expensive and complex.
- **Trade marks** protect signs indicating a brand or commercial origin.
- **Trade secrets** protect confidential information about a business.
- **Design rights** protect the overall visual appearance of a physical product.
- **Plant breeder's rights** protect new varieties of plants.


**Trade secrets** protect confidential information, like a chocolate recipe
**Patents** can cover new production technologies for making chocolate, or new types of chocolate
**Design rights** can protect the overall visual appearance of the product
75%
ZESTY ORANGE DARK CHOCOLATE
MASON & CO
CRAFTSMEN OF CHOCOLATE
SINGLE ORIGIN
CACAO BEANS FROM INDIA
ORGANIC·VEGAN
MADE IN AUROVILLE
70 g
MASON & CO
**Trade marks** can cover registered symbols, words, colours, or other signs used to show the commercial origin of the product
**Copyright** *automatically* covers the specific expression of text and images
**Plant breeder's rights** can protect new varieties of plants (such as a new type of cacao tree or orange)

| Type of IP | What is Protected | Cost | Timeline for Grant | Duration | Strategic Considerations |
|---|---|---|---|---|---|
| Copyright | Specific creative expressions | Free | No grant required | 70 years after the death of the author | Only protects the specific expression (only prevents direct copying) |
| Patents | Inventions which are novel, useful, and non-obvious. | $10,000 - $20,000 | 6 months to several years | 20 years | Provides strong protection over an invention |
| Trade marks | Distinctive symbols (including words, sounds, colours, etc.) associated with a brand | Minimum $250 filing fees (not including lawyer fees) | Minimum 7 months | 10 years per registration, can be renewed indefinitely | Provides powerful and indefinitely<br>Only protects within categories of goods or services for which it is registered |
| Trade secrets | Confidential information<br>Breach of confidence is a legal action which provides protection when secrets are leaked | Practical costs of secrecy | No grant required | No limit, unless secret becomes public | For legal protection to be available, secrecy measures must be in place |
| Design rights | The overall visual appearance of a whole physical product | Minimum $250 filing fee; lawyer fees ~$1000 | Within 6 months | 5 years, with the option of renewal for an additional 5 years | Provides quite limited protection over a specific design |
| Plant Breeder's Rights | New varieties of plants | $3000+ | 2 to 3 years | 20 years (25 for trees and some vines) | Only covers plant varieties |