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## Introduction to Intellectual Property Law

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## What is IP?

- Intellectual property (IP) includes certain creations of the human intellect:
  - Creations and expressions
  - Marks and signs
  - Ideas and inventions
  - Shapes and forms
  - ....etc.

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## What is IPR?

- Copyright
- Industrial property rights
  - Trademarks
  - Patents
  - Plant Variety Protection
  - Design Rights
  - Semiconductor Chip Protection

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### Examples of protected IP?

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### IPRs in the digital society

- Increasingly attracting political, economic and academic interests
- Businesses are paying closer attention to the substantial value of IPR
- Attention of the legislature
- IPRs are of great importance for market economies

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### The character of IPR

- Cumulative protection or overlapping protection
- Other rules
  - Market Law
  - Competition Law
  - Trade Secret Protection

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### How does the system work?

- IPRs are national (regional)
- International treaties
  - Agreements between states
  - Harmonisation

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### The international framework (1)

- World Intellectual Property Organization (WIPO)
  - The Paris Convention for the Protection of Industrial Property (1883)
  - The Berne Convention for the Protection of Literary and Artistic Works (1886)
  - Other treaties...
- Important principles
  - National treatment
  - Minimum standards/obligations: The level of protection, what should be protected and exemptions

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### The international framework (2)

- World Trade Organization (WTO)
  - Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1994)
    - A minimum protection level, incorporating principles from Paris and Berne Conventions
    - Possibility of trade sanctions

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### The regional framework

- European Union Law
  - Directives
  - Regulations

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### The IPR structure

- WHAT is protected?
- HOW to get protection?
- WHO is protected?
- EXEMPTIONS?

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### What is protected?

- Copyright
  - Literary and Artistic Works
  - Related Rights
    - Performing artists, producers of phonograms and films and radio corporations
- Industrial property
  - Patent/Models
  - Design
  - Trade marks

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### How to get protection?

- Copyright
  - Automatic protection
- Unregistered design protection
  - Publication of the design on the market
- Non-registered trademarks
  - Recognition by the relevant consumers
- Patents, registered trademarks and design
  - Application

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### Exemptions?

- Limited (legal) exemptions exist
  - Private use
  - Public interests (non-commercial)
  - Free movement (exhaustion)

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### Who is initially protected?

- Author (copyright)
- Inventor (patent)
- Designer or company (design)
- Company (trademark)

- The rights can be transferred, licensed, etc. to other persons or companies.

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Thank you!

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