

1. Are you involved in a creative process, such as design or IT?
2. Have you considered the protection of your intellectual property, or that of your business?
3. Are you sure you own your IP?
4. Should you consider registering your trade marks, designs or patents?

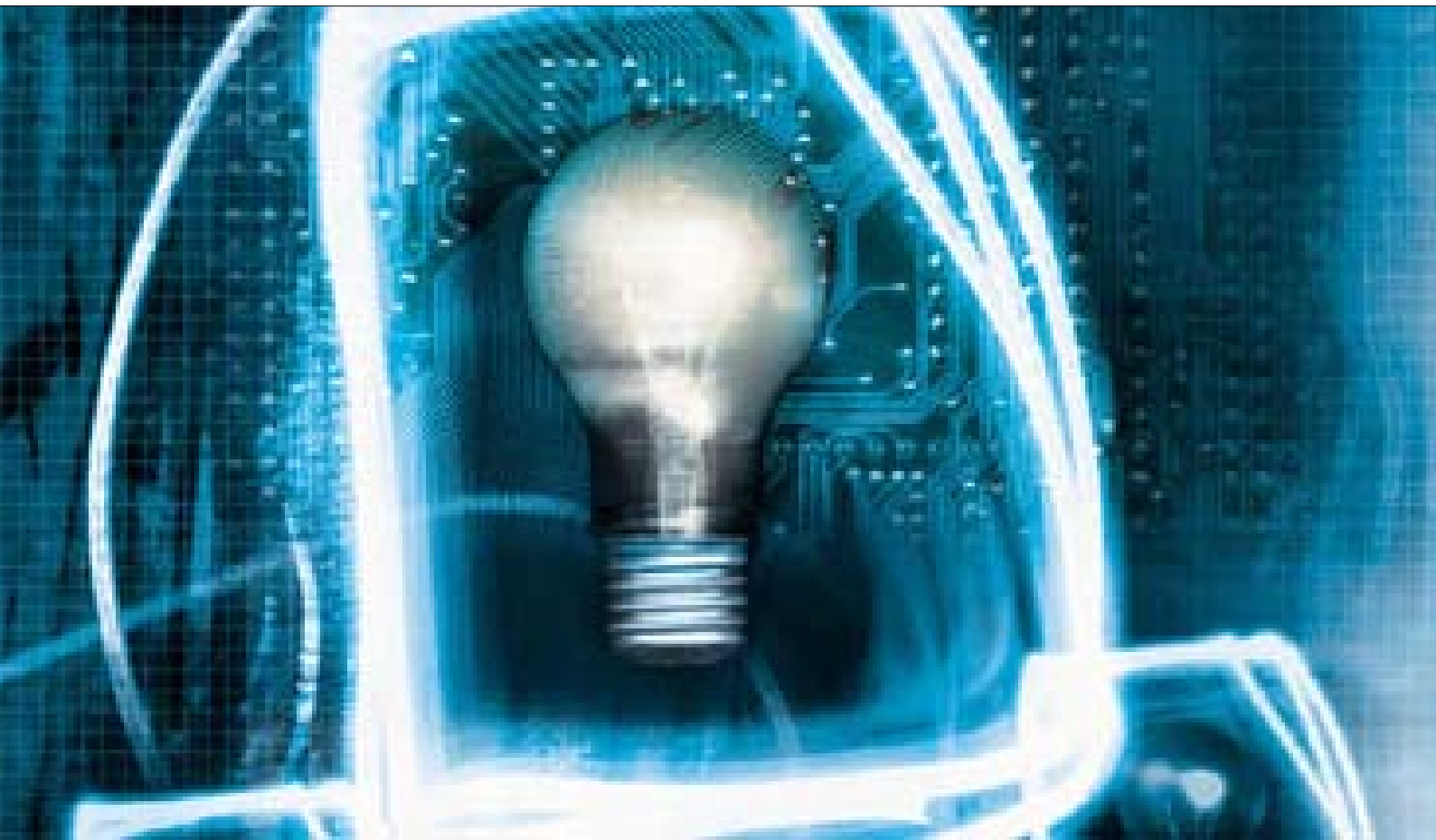
Intellectual property ("IP") is the name given to the results of the creative process, such as inventions, brands, works of art, books and music. It is an expression used to describe the bundle of intangible property rights which protect these intellectual efforts and includes copyright, trade marks, designs and patents.

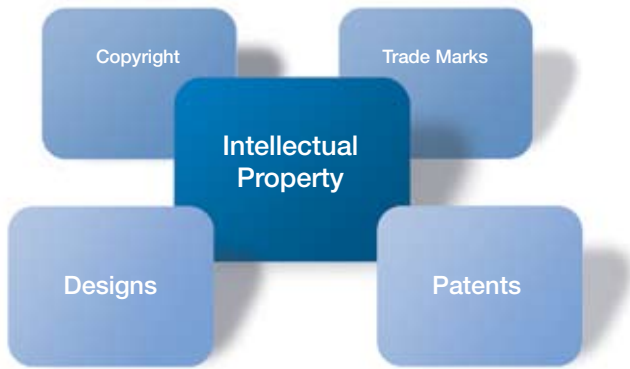
IP is a crucial part of protecting your business but is not often considered on the same level as other assets. An appreciation of the importance of IP is necessary to ensure your business is protected and valued as it should be.

This is particularly the case for start-up companies where the main asset is often intangible and in all cases adequate levels of IP protection will be expected by potential investors or purchasers of that business. For some industries, such as the IT, pharmaceutical and biotech industries, IP will remain the most significant asset.

Intellectual property is not just about companies protecting their business assets, as IP can affect all of us. In particular, designers, authors, musicians and artists should bear in mind that what they create is IP and they should consider protecting it in the most appropriate and cost-effective manner.

The IP group at Mason Hayes+Curran is experienced in assisting businesses and creative professionals with advice on all aspects of IP. The group regularly advise clients on protecting and enforcing their IP and can ensure that you and your business are prepared should an infringement of your rights occur. With a dedicated group of lawyers and trade mark & design attorneys, Mason Hayes+Curran has acted in many high profile cases to protect and enforce the intellectual property rights of our clients.





### Copyright

Copyright protects original works such as literary, dramatic, music and artistic works, sound recordings, films, broadcasts, software and original databases. There is no need to register copyright in Ireland as it arises once a work has been written down. It is good practice however, to include the © symbol and the month and year of creation on a work.

Copyright is a property right and gives the owner the right to prevent others from copying the work, making copies available to the public, or making adaptations of it. The usual term of copyright is 70 years from the date of the death of the author, although this does vary. Ireland has introduced specific moral rights for authors and the Artists' Resale Royalties Regulation ensures that artists are entitled to a royalty each time their work is re-sold.

### Trade Marks

A trade mark or 'brand name' is any sign used in trade in relation to goods or services to indicate the origin of the goods or services. It a guarantee to the customer of the origin of a product or service and indicates the quality of the product or service.

Trade mark rights are territorial and as such should be registered in each of the countries in which you trade. Alternatively, you can apply for a Community Trade Mark which, if granted, results in one single registration applying across the EU, or an International Trade Mark which, if granted, results in separate national registrations in any of the countries designated.

Trade mark registrations usually last for an initial period of 10 years and may be renewed indefinitely for further periods

of 10 years. The registration of a trade mark generally grants the owner the exclusive right, in that territory, to prevent others from using an identical, or confusingly similar, mark in relation to similar goods and services.

### Designs

Like a trade mark, it is possible to register designs. As they are also territorial, you can apply nationally or apply for a Community Design which, if granted, results in one single design registration across the EU.

A design registration generally grants the owner the exclusive right, in that territory, to prevent others from using the design. A registration lasts for an initial period of 5 years from the date of filing and may be renewed for further periods of 5 years to a maximum of 25 years.

### Patents

An invention which is new, involves an inventive step and is capable of industrial application may be registered as a patent. As for trade marks and designs, patents are territorial. In Ireland you may apply for a short-term, or long-term patent, although you may also apply for an EU patent or an international patent which, if granted, result in separate national registrations in the countries designated.

Generally, patents last for a maximum period of 20 years but in Ireland, a short-term patent lasts for 10 years. A patent generally grants the owner the exclusive right to prevent others using the invention claimed in the patent.

### Conclusion

As you can see, there are a number of important issues that need to be considered in order to protect your IP and your business from IP infringement. It is important that you consider these steps as early as possible. With a dedicated IP group, Mason Hayes+Curran can advise you on the best course of action for protecting your IP and can assist you if your rights are infringed.

If you would like to speak to the IP group, please do not hesitate to contact one of the team members shown below.



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