**Protecting Your Ideas**

**It is very likely that your business idea has some elements that you consider to be unique. These are sometimes called Unique Selling Points (USPs), and will serve to differentiate your product or service from your competitor’s**

Your business ideas will be commercially very important, and you should consider how these might be protected. Depending on the nature of your business, valuable ideas can be protected using patents, trademarks, and copyright legislation.

**Patents**

If you invent or design a new product, then patent protection will legally prevent others from copying your product. A patent will give you, for a limited period, the right to exclude others from exploiting (making, using, selling, importing) your patented invention, except with your consent.

Your patent is a form of ‘industrial property’, which can be assigned, transferred, licensed or used by you. Patents are territorial, so an Irish patent is only valid in Ireland.

Irish patents have a maximum life span of twenty years. Ireland also offers a ‘short-term’ patent, which is valid for a maximum of ten years. To maintain a patent in force, annual renewal fees must be paid each year from the third year.

Patent pending is used on products to alert competitors that an application has been made to protect the invention.

**Trademarks**

You can legally register a trademark or logo that uniquely distinguishes your business, service or product from those of your competitors. Registered trademarks are legally protected, and it is illegal for anyone else to copy them.

The Trade Marks Act, 1996 defines a trademark as ‘any sign capable of being represented graphically, which is capable of distinguishing the goods or services of one undertaking from those of other undertakings’. A trademark may consist of words, (including personal names), designs, logos, letters, numerals or the shape of goods or of their packaging, or of other signs or indications that are capable of distinguishing the goods or services of one undertaking from those of others.

**Copyright**

Copyright describes the rights given to authors/creators of certain categories of work. Unlike patents and trademarks, there is no formal requirement to register creative work. The responsibility for proving ownership rests with the creator in the event of a dispute over ownership.

Copyright protection extends to the following works: -

* Original literary, dramatic, musical or artistic works
* Sound recordings, and films
* Broadcasts, and cable programmes
* Typographical arrangement of published editions
* Computer programmes
* Original databases

The owner of copyright is the author, meaning the person who creates the work. For example a photographer is the owner in the case of a photograph. However, as copyright is a form of property, the right may be transferred to someone else, for example, to a publisher. Where an employee in the course of employment creates the work, the employer is the owner of the copyright in the work, unless an agreement to the contrary exists.

Copyright is a property right and the owner of the work can control the use of the work, subject to certain exceptions. The owner has the exclusive right to prohibit or authorise others to undertake the following: -

* Copy the work
* Perform the work
* Make the work available to the public through broadcasting or recordings
* Make an adaptation of the work.

Copyright takes effect as soon as the work is put on paper, film, or other fixed medium such as CD-ROM, DVD, Internet, etc. No protection is provided for ideas while the ideas are in a person’s mind; copyright law protects the form of expression of ideas, not the ideas themselves.

**Intellectual Property**

If you are thinking about starting a services business it could be that intellectual property is of greater importance than physical product. Intellectual Property, on the other hand, is the product of your mental efforts. Its value lies in its appeal to others who might wish to use it, or the goods it describes.

Your creativity and innovation can be owned in much the same way as physical property. Intellectual property rights allow originators to control access by others to the products of their creativity and, thus, benefit from it. It will often not be possible to control this access and benefit from it unless the intellectual property rights have been applied for and granted, but some intellectual property protection such as copyright arises automatically, without any registration, as soon as there is a record in some form of what has been created.

**Further Information**

Further information on all of the above can be obtained from: -

Patents Office, Government Buildings, Hebron Road, Kilkenny, Ireland.

Phone: 056 7720111

[www.patentsoffice.ie](http://www.patentsoffice.ie/)