

COPYRIGHT & DESIGN RIGHT

The advertisement features a background of large, light-colored gears. In the center, there is a smaller inset image showing a globe surrounded by several interlocking gears in shades of blue and green. Below this inset is a larger, semi-transparent globe with the text 'Bailey Walsh & Co. LLP' curved around it. At the bottom of the advertisement, the text 'Cost effective protection for your ideas™' is displayed, followed by a row of four small blue squares, each containing one of the following terms: PATENTS, TRADE MARKS, DESIGNS, and COPYRIGHT.

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COPYRIGHT

Copyright protects original works of art, music, literature, films, broadcast or cable programmes, sound recordings and/or typographical arrangements of published editions. Protection subsists automatically once an original work has been produced in some permanent form. Copyright protection prevents third parties from reproducing the work in a substantially similar form, issuing copies of the work to the public, perform, show or play the work in public or make an adaptation of the work without permission from the owner of the original copyright work.

UK COPYRIGHT REGISTRATION

There is not an official process for registering copyright works in the United Kingdom and therefore it is important that the owner of a copyright work provides their own evidence of when the copyright work was created. The copyright work should be dated and can be either posted back to the owner via registered post and left unopened to prove the date on which the copyright work was first produced, or the copyright work can be lodged with us to allow us to testify the date of lodgement.

TERM OF COPYRIGHT PROTECTION

The term of copyright protection varies depending on the type of work in question. As an example, copyright protection subsists in original literature works for 70 years from the end of the year in which the author dies or, if the author is unknown, 70 years from the end of the year in which the work is first made available to the public. Copyright protection subsists in computer generated works for 50 years from the end of the calendar year in which the work is first made.

EXEMPTIONS TO COPYRIGHT PROTECTION

In some cases copyright works can be used without permission being obtained from the owner of the copyright work. For example, if the copyright work is to be used for the purposes of research or private study, the



copyright work in question will not be infringed. In addition, copyright works can be reproduced for the purposes of criticism or review provided it is accompanied by sufficient acknowledgement.

COPYRIGHT PROTECTION IN FOREIGN COUNTRIES

The United Kingdom is a member of the Berne Copyright Convention to which a large number of foreign countries are also members. The Berne Copyright Convention allows owners of copyright works to have protection for their copyright in other member countries. However, some member countries, and also non-member countries, require copyright works to be registered at the National Intellectual Property Office before the copyright subsisting in the work can be enforced against a third party in that country.

UNREGISTERED DESIGN PROTECTION

In general, copyright protection does not normally subsist in novel three dimensional articles which are purely functional in nature or design. Such articles may be protected by unregistered design right in the UK and Europe. Unregistered design right subsists automatically in any original aspect of shape and configuration of a whole or part of an article once the design in question has been recorded in some permanent form or an article has been made to the design.

Unregistered design right does not subsist in the following:

- a) A method or principle of construction of an article;
- b) Three dimensional features which allow the article to be placed in or around another article;
- c) Three dimensional features of an article which are dependent on the appearance of another article to which it is intended to form an integral part; and
- d) Surface decoration (only in UK).



DURATION OF UNREGISTERED DESIGN PROTECTION

In the UK, unregistered design right lasts for 15 years from the end of the calendar year in which the design was first recorded or, if an article made to the design is made available for sale during the first 5 years of this term, unregistered design right lasts for 10 years from the end of the calendar year in which this occurred.

In countries of the Europe Union, unregistered design right subsists for three years from the date of the first public disclosure of the design within the European Union.

LICENSES OF RIGHT

In the UK, a third party wishing to use a design in which design right subsists is entitled to a “license as of right” in the last five years terms of protection of the design and, if such a license is taken, this does not result in infringement of the design right.

OUR SERVICE TO YOU

We offer a free, no-obligation consultation to discuss whether copyright and/or design right is likely to subsist in your designs and/or whether there is any other form of protection which is better suited to protect your designs.

A summary of some of the other services we offer are:

- General Advice on Intellectual Property Matters
- Filing, Prosecution and Management of Intellectual Property Rights
- Management of Intellectual Property Portfolios
- Advise on Entitlement Issues
- Maintaining Copyright and Design Right Works on our Files
- Registering Copyright Abroad
- Licensing
- Assignments



- Infringement Assessments
- Send letters Before Action

Please do not hesitate to contact one of our advisors if you have any queries relating to our services and/or would like to arrange a meeting or to instruct us to undertake work on your behalf. Further information can also be found on our website at www.bailey-walsh.com.

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