

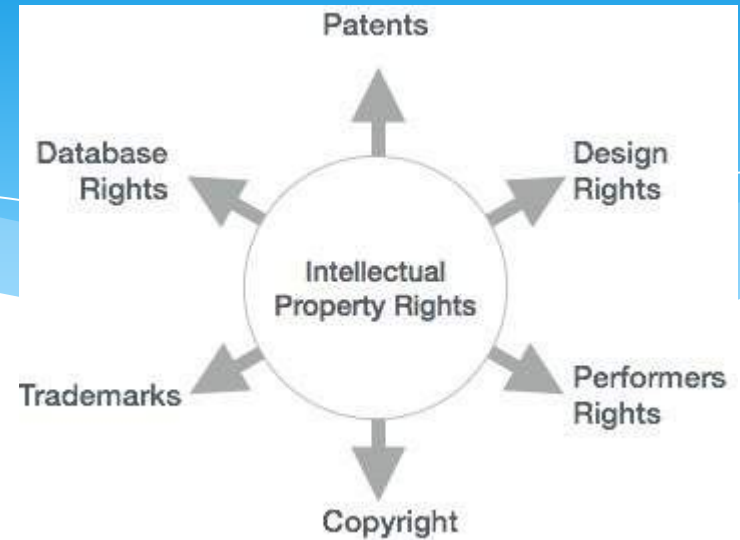
# The Definition of Intellectual Property Rights

Anna Balashova

# The legal Term

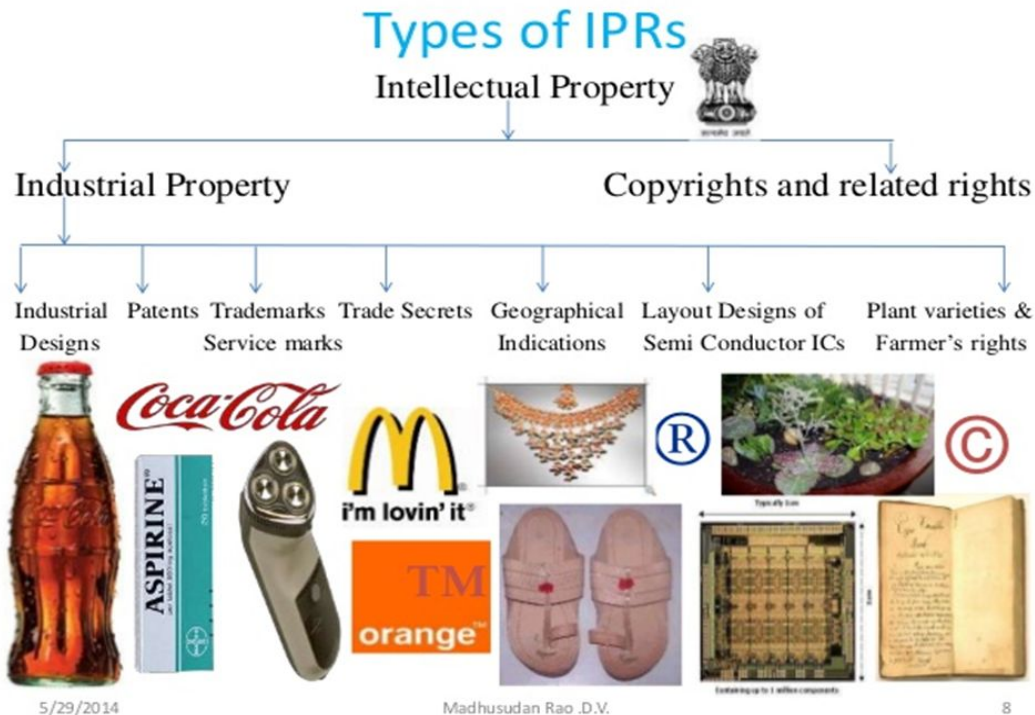
- \* A right that is had by a person or by a company to have exclusive rights to use its own plans, ideas, or other intangible assets without the worry of competition, at least for a specific period of time. These rights can include copyrights, patents, trademarks, and trade secrets. These rights may be enforced by a court via a lawsuit. The reasoning for intellectual property is to encourage innovation without the fear that a competitor will steal the idea and / or take the credit for it.

# The Content of Intellectual Property Rights



- \* Intellectual property refers to creations of the mind:
- \* inventions;
- \* literary and artistic works;
- \* symbols, names and images used in commerce.

# Intellectual property is divided into two categories:



- \* **Industrial Property** includes
- \* patents for inventions, trademarks, industrial designs
- \* geographical indications.

- \* **Copyright** covers
- \* literary works (such as novels, poems and plays), films, music, artistic works (e.g., drawings, paintings, photographs and sculptures), architectural design.
- \* Rights related to copyright include those: of performing artists in their performances, producers of phonograms in their recordings, and broadcasters in their radio and television program



# Trademarks



- \* A trademark is a distinctive sign that identifies certain goods or services produced or provided by an individual or a company. Its origin dates back to ancient times when craftsmen reproduced their signatures, or “marks”, on their artistic works or products of a functional or practical nature.
- \* The system of trademark registration and protection helps consumers to identify and purchase a product or service based on whether its specific characteristics and quality – as indicated by its unique trademark – meet their needs.

# What do they do?



- \* Trademark protection ensures that the owners of marks have the exclusive right to use them to identify goods or services, or to authorize others to use them in return for payment
- \* Trademarks promote initiative and enterprise worldwide by rewarding their owners with recognition and financial profit.
- \* Trademark protection also hinders the efforts of unfair competitors, such as counterfeiters, to use similar distinctive signs to market inferior or different products or services.
- \* The system enables people with skill and enterprise to produce and market goods and services in the fairest possible conditions, thereby facilitating international trade.

# A geographical indication is a sign

- \* used on goods that have a specific geographical origin and possess qualities or a reputation due to that place of origin.
- \* Most commonly, a geographical indication consists of the name of the place of origin of the goods.
- \* Agricultural products typically have qualities that derive from their place of production and are influenced by specific local geographical factors, such as climate and soil. Whether a sign functions as a geographical indication is a matter of national law and consumer perception.
- \* “Tuscany” for olive oil produced in a specific area of Italy, or “Roquefort” for cheese produced in that region of France.
- \* “Bordeaux” for wine produced in the Bordeaux region of France, “Prosciutto di Parma” – or Parma ham – for ham produced in the Parma province of Italy or “Habana” for tobacco grown in the Havana region of Cuba.



# What is the difference between a geographical indication and a trademark?

- \* A trademark is a sign used by a company to distinguish its goods and services from those produced by others. It gives its owner the right to prevent others from using the trademark
- \* A geographical indication guarantees to consumers that a product was produced in a certain place and has certain characteristics that are due to that place of production. It may be used by all producers who make products that share certain qualities in the place designated by a geographical indication

# How is WIPO funded?

- \* Established in 1970, the World Intellectual Property Organization (WIPO) is an international organization dedicated to helping ensure that the rights of creators and owners of intellectual property are protected worldwide, and that inventors and authors are therefore recognized and rewarded for their ingenuity
- \* WIPO is a largely self-financed organization, generating more than 90 percent of its annual budget through its widely used international registration and filing systems, as well as through its publications and arbitration and mediation services. The remaining funds come from contributions by Member States.