

Patents & Design Rights

Patents

A patent protects new inventions and covers how things work, what they do, how they do it, what they are made of and how they are made. It gives the owner the right to prevent others from making, using, importing or selling the invention without permission.

Your invention must:

- be new
- have an inventive step that is not obvious to someone with knowledge and experience in the subject
- be capable of being made or used in some kind of industry

Certain categories of work are not capable of being patented, including computer programs, animal or plant life, rules of a game and mathematical formulae. You do not need to have made a prototype but you should have a good idea of how to put your invention into practice.

Designs

A registered design is a legal right which protects the overall visual appearance of a product in the geographical area you register it. The visual features that form the design include such things as the lines, contours, colours, shape, texture, materials and the ornamentation of the product which, when applied to the product, give it a unique appearance. You can also register a design showing the ornamentation alone - e.g. a pattern to go on a product or a stylized logo.

A registered design can be a valuable asset, allowing you to stop others from creating designs which are too similar to yours within the same geographical area you have protected your design - registration gives you protection for the visual appearance of the product but not for what it is made from or how it works.

To be registrable, a design must:

- be new
- have individual character

Confused? Certainly, this is a sometimes complex area of law. Especially, as any one single item can be covered by more than one form of protection.