# INTELLECTUAL PROPERTY

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# What is Intellectual Property?

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce – *World Intellectual Property Organisation (WIPO)*

# Reasons for protection?

### Intellectual Property Rights (IPRs)

Intellectual property rights (IPRs) are the rights given to persons (by statue) over the creation of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time – *World Intellectual Property Organisation (WIPO)*

### What are the exclusive rights?

The right to exclude others from **producing**, **using** or **selling** the IP

# Acts on Intellectual Property

**01** Trade Marks Act 1976

**02** Patents Act 1983

**03** Copyright Act 1987

**04** Industrial Designs Act 1996
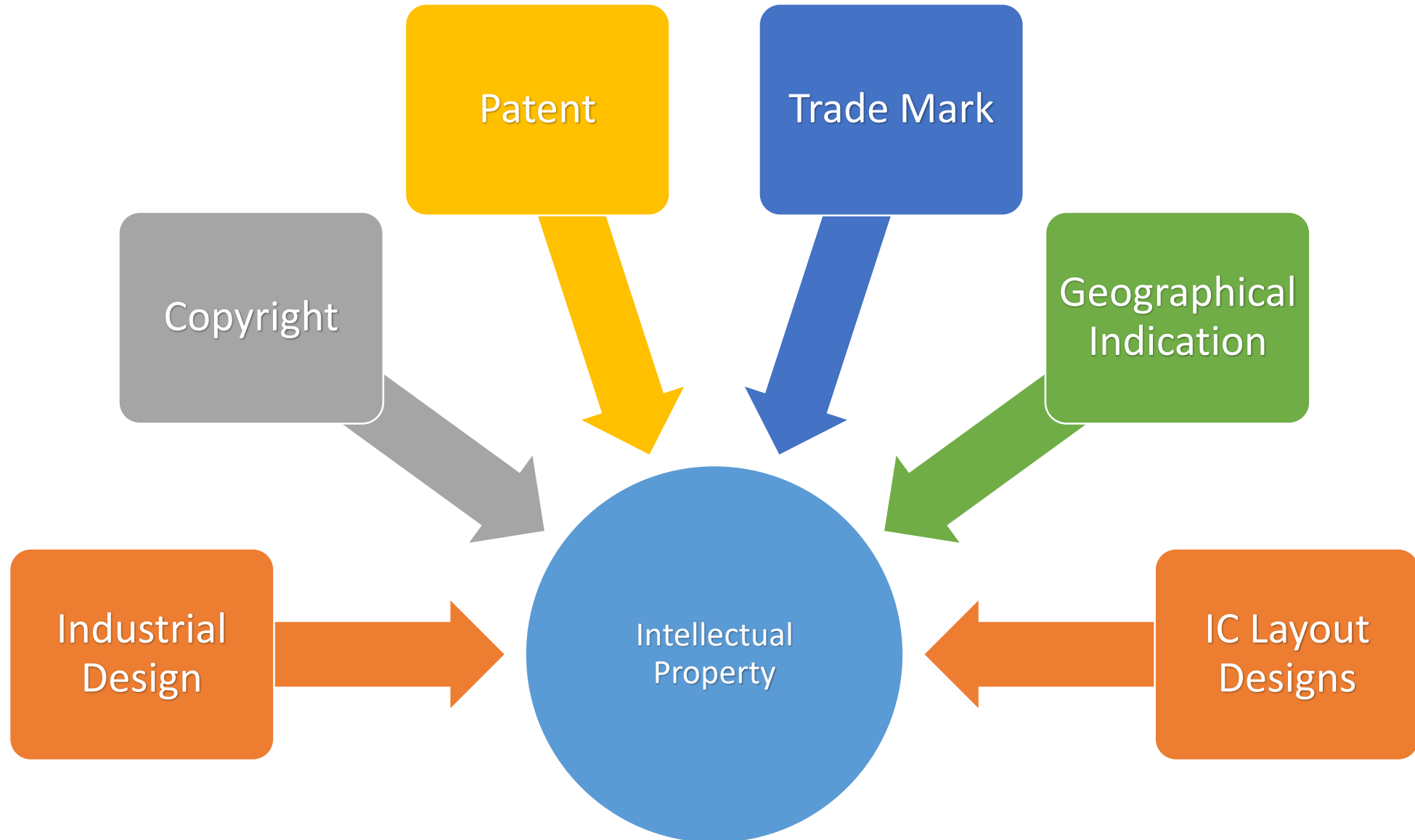
**05** Layout Design of Integrated Circuits Act 2000

**06** Geographical Indications Act 2000

Type of Intellectual Property

# PATENT

❖ **PATENT**
- Exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem.
- Maximum duration of protection is 20 years.

❖ **UTILITY INNOVATION**
- Exclusive right granted for a "minor" invention which does not require to satisfy the test of inventiveness as required of a patent.
- Duration of protection is 10 + 5 + 5 years.

**Patentability Criteria**

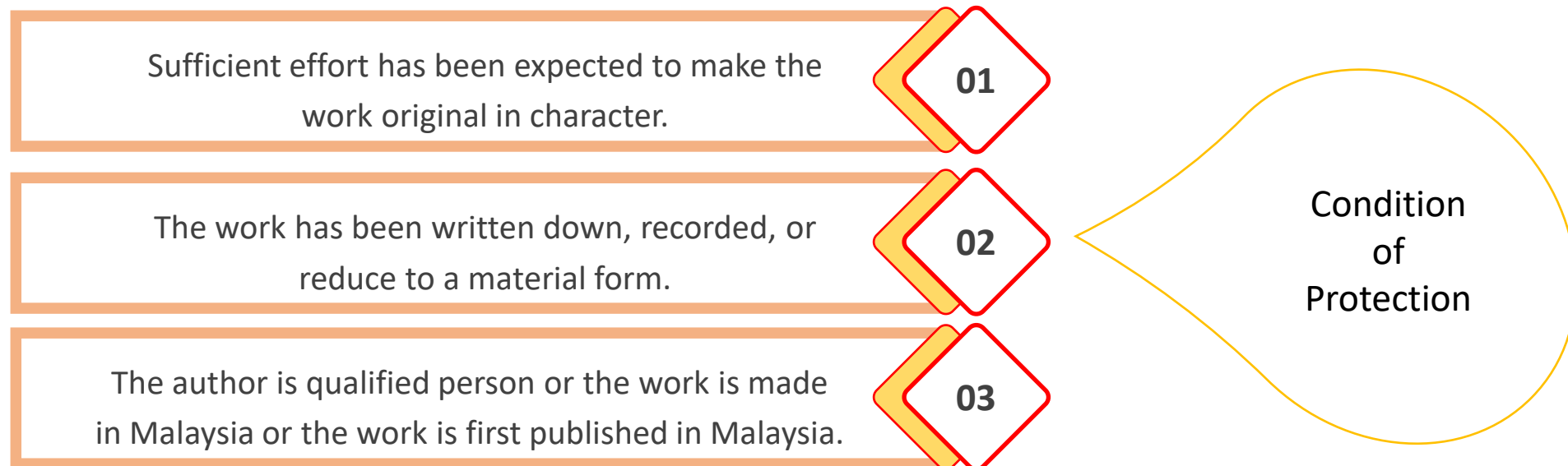| Novel/New |
|---|
| • New in the world. |
| • Must not have been disclosed before the filing date to the public, anywhere in the world by written publication, oral disclosure, by used or in any other way. |

| Involves an inventive step |
|---|
| • Must not be obvious to someone with knowledge and experience in the technology field of the invention. |

| Industrially applicable |
|---|
| • Can be mass produced and use in industry. |

# COPYRIGHT

❖ Copyright is the exclusive right to control creative works (Literary, Artistic and Musical Works as well as Film, Sound Recording and Broadcasts) created by the author, copyright owner and performer for a specific period governed under the Copyright Act 1987.

❖ Duration of protection:
   a) Literary, Art and Musical Works: Life of the author plus 50 years after death.
   b) Other Work: 50 years after a work was made.

| | |
|---|---|
| Sufficient effort has been expected to make the work original in character. | 01 |
| The work has been written down, recorded, or reduce to a material form. | 02 |
| The author is qualified person or the work is made in Malaysia or the work is first published in Malaysia. | 03 |

Condition of Protection

# TRADEMARK

❖ Trademark is a sign which can distinguish the goods and services of one trader from those of another.

❖ It can be words, logos, pictures, names, letters, numbers or combination of those mentioned.

❖ Duration of protection is 10 years and is renewable for every 10 years.

## Functions Of Trademark

**Origin** | A trademark helps to identify the source and those linked for the products and services trade in the market.

**Choice** | A trademark assists consumers to choose goods and services with ease.

**Quality** | Consumers define a certain trade mark for its known quality.

**Marketing** | Trade mark play a significant role in promoting. It's common for consumers to make purchases based on continuous effect of advertising.
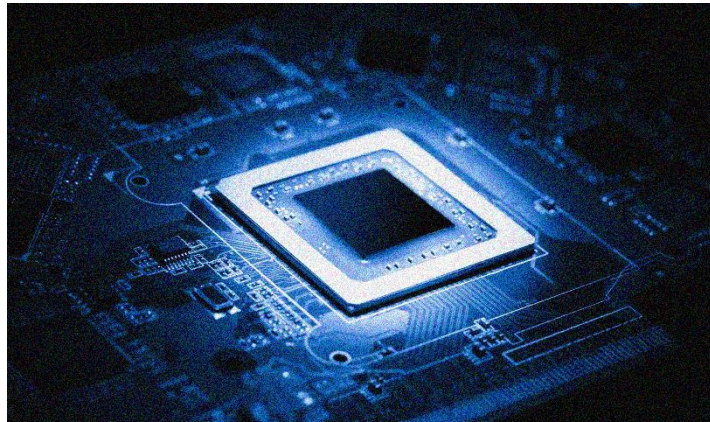
**Economic** | Recognized trade mark is a valuable asset. Trade marks may be licensed or franchised.

# INDUSTRIAL DESIGN



❖ Industrial design means **features** of shape, configuration, pattern or ornament **applied** to **an article** by any **industrial process** or means, being features which in the finished article **appeal to the eye** and judge by the eyes.

❖ Maximum duration of protection is 25 years. *(Initial protection period of 5 years from the date of filing. Extendable for a further four consecutive terms of 5 years each).*

❖ Owner of a registered design has the exclusive right to make, import, sell or hire out any article to which the design has been applied.

# INTEGRATED CIRCUIT (IC) LAYOUT DESIGN



❖ A layout-design of an integrated circuit is the three-dimensional disposition of the elements of an integrated circuit and some or all of the interconnections of the integrated circuit or such three-dimensional disposition prepared for an integrated circuit intended for manufacture.

❖ Maximum duration of protection is 15 years. (*Initial protection period of 5 years from the date of filing. Renewable for a further two consecutive terms of 5 years each*)
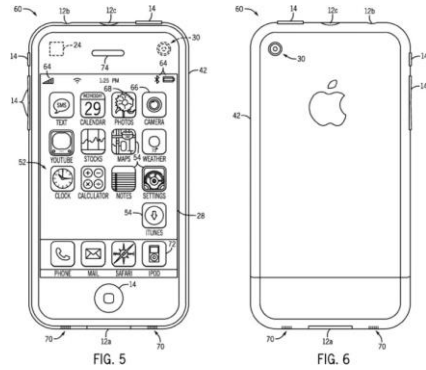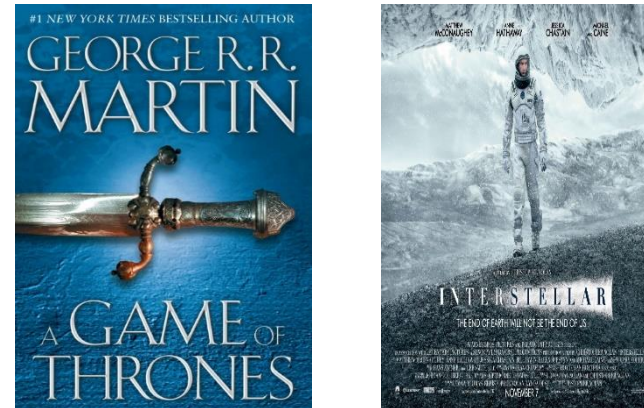
# GEOGRAPHICAL INDICATION (GI)



❖ A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.

❖ Duration of protection is 10 years and is renewable for every 10 years.
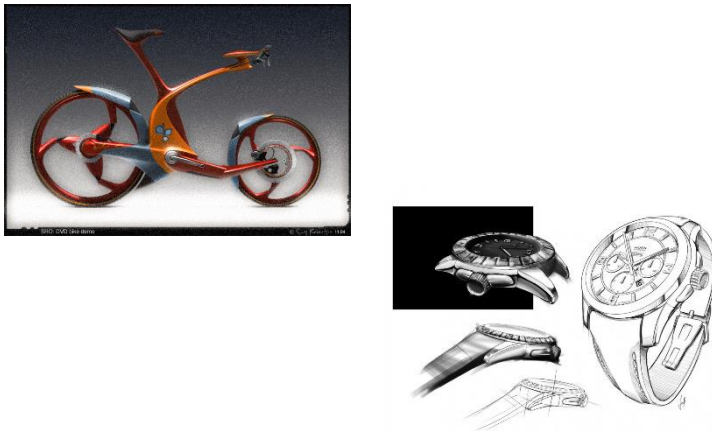
# Example

| Patent | Copyright | Trademark |
|---|---|---|
|  |  |  |

| Industrial Design | Integrated Circuit (IC) Layout | Geographical Indication (GI) |
|---|---|---|
|  |  |  |
| | | Kek Lapis Sarawak          Harumanis |

THANK YOU