

Hill-IP

Patent & Trade Mark Attorneys

Intellectual Property

- General Information
- Ownership
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General Information

Intellectual property rights are generally national rights and therefore provide protection within one country only. This means that protection must be sought individually in each country required.

There are certain exceptions to this, such as the ability to obtain protection throughout all European member states. In addition, there are also agreements in place which aim to minimise the cost associated with obtaining protection in several countries.

Ownership

Intellectual property (IP) can be handled in much the same way as any other type of property, for example it can be bought/ sold (assigned), leased (licensed) and mortgaged.

Unlike with other types of property, ownership of IP can be complicated. The general rule is that the person who creates the IP becomes the first owner of any rights in it, but this can be affected by employment or other contractual agreements. The most effective way to manage this problem is to always ensure that ownership of any IP is agreed in advance and to seek appropriate professional advice if there is any doubt.

Monopoly of Protection

All IP rights provide some sort of monopoly to the owner – they allow the owner to prevent others from using the subject matter covered by the IP right. This monopoly may be:

- Absolute – i.e. the IP right owner can prevent all others from making use of the IP
- Limited – i.e. the IP right owner can prevent some others from making use of the IP, depending on the circumstances surrounding that use.

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