

IP Glossary

Our IP glossary helps explain the most commonly used words and terms in Intellectual Property (IP)

Copyright

An intellectual property right allowing the holder to prevent copying of a work

Design

The visual appearance of an object, logo or icon

Design right

Sometimes called unregistered design right; an automatically arising right to prevent the copying of certain features of items

Distinctive

A characteristic of a trade mark needed to obtain registration – distinctiveness may be inherent, or it may arise as the result of prolonged use over a period of time

EPO

The European Patent Office (EPO)

EUTM

European Union Trade Mark – a trade mark registration covering the whole of the EU

Infringement

The unauthorised exploitation (e.g. production, use or sale) of an item that is covered by an intellectual property right belonging to another organisation or individual

Intellectual property

A generic term for a number of different rights, including patents, trade marks, designs, copyright and trade secrets

IP/IPR

Common abbreviation for intellectual property or intellectual property right

Madrid Protocol

An international trade mark system that allows trade mark owners to apply for trade marks in several countries simultaneously by submitting a single application to their own national or regional trade mark office

Monopoly right

A right which allows the owner to stop infringements regardless of whether the infringer copied deliberately

Non-disclosure agreement (NDA)

A legally enforceable contract that establishes a confidential relationship between the parties signing the NDA, to allow them to share information between themselves, while agreeing to keep the information secret from others

Original work

A document, drawing, photo, piece of music, etc. which is not itself copied from elsewhere and which can be protected by copyright

Passing off

Misrepresenting someone else's products or services as your own, thus misleading others into thinking that the products are yours and not the rightful owners

Patent

An intellectual property right giving a monopoly in a technical invention for up to 20 years

Patent pending

A patent application that has been filed but not yet granted as a patent, thus serving as a warning to potential infringers that they may be liable for damages once the patent has been granted

PCT

Patent Cooperation Treaty – a international system which allows centralised initial processing of a patent application before it is divided into separate countries

PTAB

Patent Trial and Appeal Board (of the USPTO - see definition below)

Registered design

An intellectual property right giving a monopoly in a design for up to 25 years

Registered Community Design

A registered design right that provides protection in the European Union for the appearance of a product through a single application that, once registered, can be enforced without having to prove that the design was copied by a third party

Specification

In patents this is a document describing the invention and the protection given by the patent; in trade marks it is a list of the goods/services for which a trade mark is registered

Trade mark

An intellectual property right giving the holder a monopoly in a sign that serves to distinguish his goods or services from those of other traders

Trade secret

Confidential information with commercial value owing to its secrecy, which is known only to a limited group of people and where reasonable efforts have been made to maintain its secrecy

Unified Patent Court (UPC)

A new supranational court in which cases relating to Unitary Patents (and some existing European patents) are to be heard, and from which judgments will apply to all of the European Union countries that have signed up to the new system

Unitary Patent

A new patent, obtained from a granted European patent, which provides a single patent right covering many European Union countries, as an alternative to the current system of having to “validate” a European patent in individual countries

Unregistered Community Design

A design right that arises automatically and provides protection in the European Union for the appearance of a product, following the design being made public and which prevents unauthorised copying of the design within the European Union

UPC Sunrise Period

The period before the UPC opens for business on 1 June 2023, during which existing European patents (bundles of national patents) and applications can be opted out of the UPC, to prevent them from falling under the UPC’s jurisdiction

USPTO

United States Patent and Trademark Office

Utility model

An intellectual property right available in some countries giving a monopoly in a technical invention, usually a product, and usually for 7-10 years

WIPO

The World Intellectual Property Organization (WIPO)

Work

From copyright – a document, drawing, photo, piece of music, software, etc.