

## Intellectual Property Advisors and Protectors

### Museum of Brands worksheet

#### General definition of Intellectual Property:

When anything original e.g. a drawing, a tune or a design, or something new and inventive e.g. a mechanism, product or industrial process is created so is Intellectual Property. There are ways to protect the Intellectual Property in original or new innovations and inventions, creating an Intellectual Property (IP) Right which you can keep, commercialise or sell on. Owning the IP Right means you can stop other people using it without your permission. Brands like Virgin, Dyson, Coca-Cola, Nike and Tetrapak have become incredibly valuable companies through protecting and exploiting their Intellectual Property Rights over many years.

**COPYRIGHT** – arises automatically and can be used to protect your original work from being copied by others. Copyright can protect a wide range of subject matter including photographs, films, writing, software and sound recordings.

**PATENTS** – you apply for and invest in this protection to stop other people copying and commercially using your new and inventive process, mechanism or inventive product.

**DESIGN RIGHT** – the individual character of new designs can be registered but, like copyright, can also afford an automatic right, in original designs, which are protected without registration throughout the European economic area for three years.

**TRADE MARK** – Allows you to protect names, logos and even advertising jingles, slogans, shape of goods or packaging. This is the only type of IP that can last indefinitely if registered and renewed.

To learn more about the detail of Intellectual Property, how to apply to register your IP, how long it lasts, what it costs, which countries offer protection, etc. please go to [www.ipo.gov.uk](http://www.ipo.gov.uk)

#### Objectives

##### At the end of your visit to the Museum you will

- Appreciate the purpose of different IP rights
- Appreciate the role of IP in securing brand survival
- Have greater awareness of IP in building UK plc.

### On the way to the Museum

IP protects the products all around us.

**1. Look at your phone, Apple iPod or MP3 player.** Think about how you use it, how it works and looks. Consider the different Intellectual Property Rights described above. **Which of these might apply to this product? How do you know which company made it?**

**IP FACT: Nokia claimed the first identifiable musical ring tone on a mobile phone as a sound trade mark. Nokia could use the 13 note phrase as this was composed back in 1902. By now copyright in the music has expired. Sing It!**

**2. Drop into a Starbucks and pick up a disposable beaker sleeve** (on Pembridge Road near Notting Hill Gate tube station). **What Intellectual Property Rights are protecting the sleeve?**

**Why do you think they advertise their Intellectual Property Rights in this way?**

What story featuring an Intellectual Property Right have you read recently in the news?

## At the Museum

Head into the museum's 'time tunnel'. Look for decade signs and red numbers above the cases to answer questions 4 to 13. Answer question 3 as you move through the museum. You can go through the tunnel as many times as you need. This exercise will take 40 to 50 minutes.

**3. Whole museum** – The Trade Marks Act 1994 sets out what signs can be registered as trade marks. As you walk through the exhibits try to identify an example of each of these types of trade mark.

We've given you one already:

- a) word/s:
- b) personal name:
- c) designs:
- d) letters:
- e) numerals: **Pimms no 1 / Heinz 57**
- f) shape of goods:
- g) shape of packaging:
- h) Other – choose something we haven't mentioned!

**4. Victorian** – If you had enough money to buy a brand in Victorian times, which would you buy? Why choose that one? (you would be buying the Intellectual Property that comes with this brand).

**IP FACT:** the first UK registered trade mark was the Bass red triangle and it is still in use today as a trade mark

**5. Edwardian** – If you were launching the new brand 'Perrier' back in 1903, what aspects of the product might you think about protecting?

**IP FACT:** the name 'Perrier' is a protected trade mark, allowing this company to stop the manufacture of spoof water brand 'Pierre Eh!' in Canada in 1983.

**6. 1930s** – This Toblerone pack has hardly changed in 80 years. What aspects of 'Toblerone' do you think might be registered as trade marks?

Why is it important for a brand owner to protect their Intellectual Property in this way?

**7. 1940s** – Why do you think applications to protect Intellectual Property were much lower during World War II?

**IP FACT:** Undersea Oil Pipelines were invented and patented in 1942 by the British as a war tactic.

**8. 1950s** – Rowntree’s patented the process of putting bubbles into chocolate back in 1939 for their brand Aero, giving them 16 years as the only company who could use this process. Why was this good for the brand owner?

**9. 1960s** – What features of the Heinz Baked Beans tin have made this a strong brand? What type of Intellectual Property covers these features?

**IP FACT:** Cadbury have successfully registered a dark shade of purple as a trade mark in the UK, but only for use on chocolate bars or similar confectionary. Write down another brand and the colour you associate with it. Visit [www.ipo.gov.uk](http://www.ipo.gov.uk) to see if this is a registered trade mark.

**10. 1970s** – Pick two similar soap powder packs and list the visual elements that are the same and those that differ. If you owned one of these brands, why would you want the power to stop other people copying your packaging?

**11. Branding** – pick a product from these brand timelines with a distinctive shape. Sketch the outline and see if you can guess one another’s chosen brand just by the silhouette.

What IP rights might be infringed when one company copies another’s product design?

**12. Intellectual Property case** – What are the disadvantages and benefits, if any, of Own Brands? (Own Brand is a product that looks similar to manufacturer’s brand, but which carries the trade mark or label of the shop that sells it). If you were a supermarket owner, why would you want your pack to look similar to the manufacturers brand packaging?

Who faces what risks from counterfeits and rip-off products?

**IP FACT:** Jif Lemon was able to stop a competitor selling lemon juice in an identical plastic lemon – read the comments in the Packaging Innovation case.

**13. Historical Perspectives** – What were the first examples of IP?

Why did marketing brands only begin to emerge and grow in Victorian times?

#### After your visit

Now you know more about IP and the benefits and advantages it brings to consumers, companies and society can you think of at least one example where IP has presented these three groups with challenges? These challenges are often reported in the media. Find examples through internet research and discuss in groups.

**Note:** Many of the brand names contained within this worksheet are registered trade marks. Registered trade marks have ® Unregistered trade marks might have TM (which has no legal significance) For more information on trade marks please visit [www.ipo.gov.uk](http://www.ipo.gov.uk)