

## PROTECTION OF INTELLECTUAL PROPERTY



Intellectual property refers to property of the mind or intellect. IP is legally protected and a designer must be aware of this. Protecting IP is essential if research and development is to remain the property of the designer. It is a means to ensure that the financial gain from the design goes to the creator of the intellectual property.

### ***Patents***

A patent is a temporary (20 year) monopoly granted to a patentee by the government once an application is approved. A patent is taken out on new or improved products or processes. A patent enables the owner to gain exclusive commercial advantage from their product or processes. The legal protection of intellectual property in the form of patents encourages people to continue to research, to develop new and innovative products, exploit new technology and promote the transfer of technology to Australia.

### ***Copyright***

Copyright protects written material, artist work, music, dramatic works, computer programs, compilations, films, sound recordings, broadcasts and published editions. In Australia copyright is protected under the *Copyright Act 1968*. Copyright protection is free and automatic. A work is protected automatically from the first time it is written down or recorded. Copyright lasts 50 years after the creator's death.



The copyright notice © does not have to be put on copyright material for it to be protected but it does serve the purpose of reminding people that the work is covered. Any person who wants to use copyright material needs the copyright owner's permission.

If a person uses copyright material for research or study they do not infringe copyright if the use is fair. There is no legal requirement, to acknowledge the source, but a person may be in breach of the law if they suggest the material is their own.

### ***Plagiarism***

Plagiarism occurs when a person presents another person's ideas, thoughts, images or material as their own. It is the theft of another person's intellectual property and it is against the law to plagiarize. Plagiarism can be avoided by acknowledging the source of the intellectual property.

