

Intellectual property

Intellectual property (IP) is a rapidly changing area of the law that deals with protecting the rights of creators of original works. Its purpose is to encourage new technology, artistic expressions and inventions while promoting economic growth. There are strict laws to protect intellectual property rights and, when they are violated, lawyers **sue** the accused person, **charging** them for damages and lost **royalties**.

■ Patents

A **patent** is the grant of a property right to the inventor that gives him a temporary monopoly on the manufacturing and sale of the object of the invention, thus forbidding others from making, using, selling, exporting and importing the objects which fall within the patent protection. • The Italian law provides for three main different patent types:

- **industrial invention:** patents used to protect devices, tools, manufactures and methods that represent a new original solution of a technical problem, capable of industrial application;
- **utility model:** patents used to protect inventions that give special efficiency or easiness of use and application to machines or parts of machines, instruments, tools and other objects in general;
- **new plant varieties:** used for invented or discovered and asexually reproduced distinct and new variety of plant species.



■ Trademarks

A **trademark** is a company's identification name, word, logo or symbol that makes it easy for consumers to recognise the company and its products from competitors. Trademark rights are used to prevent others from using a confusingly similar mark, but not to prevent them from making and selling the same goods under a different mark.

■ Copyrights

Copyright is the form of legal protection provided to authors of "original works of **authorship**", including literary, dramatic, musical, and any other kind of artistic creation ••. Copyright is not registered in a government office but is secured automatically by using the copyright symbol © and the author's name, within the year of first publication or creation. Copyright holders are given economic rights to financially benefit from their work and prohibit others from doing so without their permission.

■ Trade secrets

Trade secrets are IP rights on confidential information which may be sold or licensed.

In general, to qualify as a trade secret, the information must be:

- commercially valuable,
- be known only to a limited group of persons,
- be subject to reasonable steps taken by the rightful holder of the information to keep it secret, for example confidentiality agreements for business partners and employees.

A European directive issued in 2016 regulates trade secrets, protecting them against unlawful acquisition, use and disclosure.

authorship: paternità,
l'essere autore di
to charge: addebitare,
far pagare
to issue: rilasciare

royalties: diritti
d'autore
shallow: poco profondo
to sue: citare in giudizio
trade: commerciale

Inventors need to apply for a patent at the Patent and Trademark office, which can **issue** or refuse it.

An artistic creation could be, for example, a photo, a software program, cartoons, etc.


- 1  Read the text and fill in the blanks with the words given below.

canoeing • copyright • idea • intellectual • invention • patent • purchase • rights • shoulders • trademark

Copyright, Patent, and Trademark in Use

In order to better understand the different forms of 1. property, let's consider this simple practical example: suppose you are fond of 2. down rivers, but you always grow frustrated and tired when you have to carry your canoe on your 3. around the shallow spots of the river, so you come up with an original 4. for a machine that lifts your boat automatically

over the shallow spots, without any physical effort. You can get a 5. to protect your 6. to your invention. Later, you decide to market your 7. calling it the "Boat-lifter." The name "Boat-lifter" can be a 8. If you make a demo DVD, which you want to include with each 9. called "Getting the Most from Your Boat-lifter," that DVD will be protected by 10.

- 2  **PAIR WORK** Use the Internet to search for an original invention which has become a patent and then present it to the class.



Magnetic levitating trains, patented in 1968