Protect Your Intellectual Property Essay, Research Paper

Like it or not, engineers are now responsible for much of the success of a product. You can expect this trend to continue in the electronics industry, so engineers must become more involved with documenting and promoting the protection of intellectual property (IP) associated with a given product. Intellectual property includes, among other things, designs, software listings, manufacturing techniques, and testing procedures.

Engineers need to think more about how they can help protect IP by using one or more legal means, patents, copyrights, trademarks, or trade secrets. Each type of protection offers its own advantages and disadvantages.

To start, you can think of the range of protection as forming a pyramid.

The intellectual-property protection “pyramid” illustrates the levels of protection from the lowest “trade secrets” to the highest “patents”.

Trade secrets provide broad protection, they have severe limits. The information must in fact be secret and the owner must take action to preserve this secrecy.

Moving up the IP pyramid leads to copyrights, which cover works of authorship in program listings, graphic designs, schematic diagrams, and so on. A copyright gives the copyright owner an exclusive right to:

• Reproduce the work,

• Prepare derivative work,

• Distribute copies of the work,

• Display the work in public.

Unfortunately for the electronics industry, copyright protection does not cover any idea, procedure, process, or concept described or illustrated in the copyrighted work. Thus, while copyrights may protect actual schematics, program listings, and so on, a copyright won’t protect the ideas in these documents.

If you can’t protect your ideas with a copyright, you might at least consider how to brand, or mark them, so people know they originate from your company. A copyright protects only direct copying of an original artistic work, whereas a trademark can protect names, symbols, or other indications of a product’s source or quality. By obtaining a trademark, the owner obtains the right to exclude others from using marks, which might tend to confuse the public. The use of a similar, deceptive, or misleading mark may lead to legal action by the trademark owner.

Unfortunately, most engineers in the electronics industry fail to recognise that a trademark may provide the distinction that helps customers recognise a product and thus push it to the forefront in a market

For the ultimate in protection of IP, you’ll need to rely on a patent. Patents represent the top of the IP pyramid because they provide for the prohibition of the sale, manufacture, import, or use of a device that is covered by the patent. To provide as much coverage as possible, a well-written patent stakes out as broad an area of product coverage as possible. The key to a broad patent is a properly written technical description, or disclosure, of the invention.

The disclosure should include sufficient detail for a person skilled in the pertinent art to make and use the invention, but the disclosure does not have to include a complete set of blueprints or source code. Flowcharts, block diagrams, and functional data-flow diagrams, along with text describing each step of the process or how the invention works, suffice to “enable” the invention in the patenting sense. For most inventors, writing the disclosure proves somewhat difficult, since they know too much about their invention. Assume that someone with a basic technical background will read the disclosure and write your disclosure at that level.

The patenting process begins with the preparation and filing of a patent application, which includes drawings and a written description of the invention as well as claims that distinctly point out what the invention includes.

The names on a patent, or the person or company assigned the patent, determine who has the rights to exclude others from infringing the patent. Without any agreement to the contrary, joint owners of a patent may make, use, or sell the patented invention without the consent of and without accounting to the other owners. Therefore, you should have a written agreement between individual inventors who collaborate on a patent to ensure that proceeds get equitably distributed to all the inventors.

Many people complain about the cost of the patenting process—in terms of time, effort, and expense. Remember, though, that the higher-cost patent generally provides more protection than the other methods. Carefully written technical disclosures and well-drafted claims require both technical and legal competence.

How do you get protection

The UK Patent Office accepts applications and grants rights in each of these areas, but patents valid in the UK can also be obtained from , The European Patent Office (EPO) and registered trade marks valid in the UK can be obtained from the Office for Harmonisation in the Internal Market (OHIM). You should note that for security reasons an application to the EPO has to be cleared by the UK Patent Office first. You will find the relevant forms in the appendix.

Contact Details

Trade mark enquiries should be made to our Enquiry Unit on:

Telephone

UK callers: 08459 500 505 (charged at local rate)

International callers: +44 (0)1633 813930

Text phone: 08459 222 250

Fax: +44 (0)1633 813600

In summary, the engineer of today is in the enviable position of being at the forefront of technology and simultaneously being more responsibility for the IP protection of the products, which are the product of his/her intellectual efforts. Whiles in the past engineers have shunned much of the sales/marketing areas connected with the product development cycle. The area of promoting the IP protection of a product line is one in which engineers can directly contribute to the bottom line, by ensuring that once a product is developed it is adequately protected from copying by competitors. This additional responsibility represents both a challenge and an opportunity to expand the intellectual frontiers of engineers.

References

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