

# Legal Aspects of Information

## Intellectual Property

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# Intellectual Property

- Products and services produced by applying the mind, intelligence, talent, creativity through innovation or innovation or discovery of any material object for the promotion of culture such as a book or for the promotion of industrial productivity such as patents, designs, a trademark and a utility model.
- It is concerned with the creators/producers and consumers rights originating from intellectual creativity in artistic, literary, industrial and scientific works.
- It is any product of creative, intellectual endeavor such as an innovation, design, trading style, artistic work or literary work including computer notation.
- Intellectual property refers to creations of the mind; inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.





# Intellectual Property cont..

- Intellectual property refers to creations of the mind; inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.
- It is any product of creative, intellectual endeavor such as an innovation, design, trading style, artistic work or literary work including computer notation.
- It is a creation of the intellect that has commercial value, including copyrighted property such as literary or artistic works, and ideational property, such as patents, appellations of origin, business methods, and industrial processes



# Categories of Intellectual Property

- Industrial Property
  - Patents
  - Trademarks
  - Utility Models
  - Designs
  - Copyright

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# Patents

- The purpose is to encourage inventions and innovations by promoting their protection and utilization and thereby contribute to the development of the industry.
- The monopoly protection of patents is between 16-20 years and varies from country to country.
- In order for an invention or innovation to be patented, they must be novel meaning that there must be no similar invention already existing i.e. it must be new.
- An invention also has to be useful.
- It must serve a particular purpose

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# Trademarks

- These are brand names for goods and services, although not all brand names are registered as trademarks.
- Trademarks are the most valuable forms of intellectual property as the reputation of the brand (e.g. Coca-Cola, KFC) gives it its niche in the market.
- It includes characters, letters, figures or signs, or any combination of these and color which a person who as a business produces, processes, certifies or assigns goods on such goods.
- It protects the goodwill of trademarks owners as well as the interest of the consuming public.
- Not all names can be registered as trademarks.

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# Utility Models

- It refers to working tools.
- It promotes the protection and utilization of devices relating to the configuration or structure or combination of both, of goods with a view to encouraging creating such devices and thereby to contribute to the development of the industry.

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# Designs

- Refers to shape, pattern or color decoration, appearance or combination of these of an article that through the sense of sight arouses aesthetic sensation.
- The law promotes the protection and utilization of designee (novelty, utility and creativity) and thereby to contribute to the development of the industry.
- Decisions on whether to protect aesthetic objects (e.g. lamps, chairs, and tables) or non-aesthetic objects (e.g. electric plugs) vary from country to country.





# Copyright

- It protects the moral and material rights of authors/producers of literary (novels, poems, plays), scientific (monographs and textbooks), and artistic (music, cinematography/dance, craftsmanship, paintings) works.
- The economic rights include the copy or otherwise reproduce a work, they also include the right to translate the work, to transform, to perform it in public or broadcast it.
- The moral right generally include the right of paternity, which is the authors right to claim authorship of his work.
- Copyright protects the presentation of information in one particular form from being copied.

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# Copyright cont...

- Copyright is a body of legal rights that protect creative works from being reproduced, performed, or disseminated by others without permission.
- The owner of copyright has the exclusive right to reproduce a protected work; to prepare derivative works that only slightly change the protected work; to sell or lend copies of the protected work to the public; to perform protected works in public for profit; and to display copyrighted works publicly
- These basic exclusive rights of copyright owners are subject to exceptions depending on the type of work and the type of use made by others.

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# Copyright cont...

- There are two main sets of rights, authors rights and neighbors rights
- Authors Rights- protects the use of one's own creation
- Neighbors Rights- Protects the investment into converting the author's output into saleable products, it is the producers right and the producer is neighbor to the author hence the designation "neighboring Rights"
- Copyright is about control rather than money.
- Like any other rights copyright may be infringed.



# Copyright Infringement

- Infringement involves engaging in one of the practices that are exclusively reserved for a copyright owner, without a license to do so.
- It is the unauthorized use of copyrighted material in a manner that violates one of the copyright owner's exclusive rights.
- Copyright can be infringed through the following;
  - Plagiarism
  - Bootlegging
  - Counterfeiting
  - Piracy

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# Piracy

- It is an unauthorized use of copyright or patented material/work for one's own profit without permission or without paying fees.
- It normally occurs when an authors work is illegally sold cheaply or lower than the market price for enrichment at the expense of either the author or the publisher.

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# Plagiarism

- It happens when one assigns himself/herself the work of someone else's as own work without the consent of the author/producer and without acknowledging or paying tribute to the source.
- This is an infringement of the moral right of the author.
- This type of infringement is most common with students when doing assignments.
- They present information as their own without acknowledging or paying tribute to the author.

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# Counterfeiting

- It is a material right infringement where the packaging, trademark and general appearances of a product e.g. book, are reproduced with the aim of duping/cheating the buyer/purchaser into thinking that they buying a particular prestigious brand.
- A substandard product/ e.g.. Painting may be copied and sold with a prestigious label for original.



# Bootlegging

- It is the illegal sale or smuggling of copyrighted materials/information products

