

What are intellectual property rights?

Watch the video lecture on YouTube: https://youtu.be/l-cX63EAWtA?si=A_9LPn5DL7WL_e4P

In this short video, Ornamo's lawyer Iiris Adenius provides a concise overview of what IP rights are all about.

Transcript

Let's start with the very basics. What does intellectual property (IP) even mean? So, let's say you design and manufacture chairs, and your name is globally known for the great quality chairs you design and make. Now, if someone breaks into your storage and steals your chairs, that's property theft. But if someone copies the design of your chairs and starts manufacturing the chairs themselves, that's intellectual property theft. The same applies to a situation where someone starts marketing their chairs with your name on them, even if they use a different design for the chair's tangible property.

The chairs in this example can be protected physically, such as by keeping them in locked storage with camera surveillance and an alarm system, for instance. However, intangible property is typically easily accessible by anyone, anywhere in the world, which is why we have intellectual property legislation. IP legislation is society's way of setting up rules for the use of intellectual property. What do we consider to constitute intellectual property? What do IP owners have to do to obtain their IP rights? What do those rights include? And what can the right owners do if someone steals their intellectual property?

Different societies regulate things differently, and it's important to understand that intellectual property legislation varies from country to country. Therefore, please check with a local IP attorney or solicitor for legislation specific to your country. This also means that you need to comply with local IP legislation in each country or area where you seek protection. The rules discussed in this mini-lecture are based on EU legislation.

Intellectual property legislation has always been linked to how easy it is to copy creative and innovative work. Early forms of copyright legislation, for example, were created to grant authors exclusive rights for a limited period after the printing press was invented. Before that, such exclusive rights were not granted by legislation, but at the same time, copying a book had to be done by hand, and so the threshold for copying was naturally quite high. Furthermore, design, creativity, and innovation were inseparable from craftsmanship, but the Industrial Revolution changed this significantly. Copying innovative and creative works and products became easy and cheap, which is when much of the early forms of modern IP legislation were developed.

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The purpose of intellectual property legislation is to protect and incentivise innovation and creativity. Without IP legislation, product or service markets would only be focused on commercialisation power. Sometimes, people mistake the use of intellectual property legislation as meaning very restrictive, closed, and controlled methods of utilising intellectual property rights. This is a common way to use intellectual property rights: using the innovation yourself and prohibiting others from doing so. However, it is only one strategy.

You can also utilise intellectual property rights in a very open and communal way, while still allowing yourself to prohibit use of the innovation that does not align with your values. For example, only allowing ethical and sustainable manufacturing, and having the ability to prohibit counterfeit products produced with potentially harmful materials in dangerous working conditions.

As a society, we have IP legislation to protect creativity and innovation, allowing creators to make a living from their work. From a company's perspective, we want to incentivise investments made into innovative and creative works. However, as with most legislation and policies, it is a balancing act. On one hand, we have the protection of creativity and innovation, and on the other hand, we have the protection of free competition. This is why IP legislation typically grants exclusive rights only for a limited period, and often, exclusive rights only apply to commercial and professional use. Additionally, some things are categorically left outside of the scope of IP protection, such as ideas, concepts, and recipes.

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