

INTELLECTUAL PROPERTY AND TRADEMARKS

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Intellectual Property

- What is Intellectual Property?
 - Intellectual Property (IP)-refers to the creations of human mind.

Intellectual Property

- IP is divided into two branches:
- **Industrial Property**, which includes patents for inventions, trademarks, traditional knowledge, industrial designs and Utility Model Certificate.
- **Copyright**, which includes books, movies, music, poems, drama, art and photography.

Trademark Protection

Definitions of a trademarks:

- By the IP Act: any visible sign capable of distinguishing the goods or services of an enterprise.
- Trademark is a distinctive sign that distinguishes the goods and services of one business from those of another business.
- A trademark may consist of words, logo, letters, numerals or packaging, slogans, devices, symbols, etc or any combination thereof.

Examples of trademarks

Word mark



ORANGE

Coca-Cola

Logo



Letters



HP

Numerals



Combination



Symbol



CIPA COMPANIES
AND INTELLECTUAL
PROPERTY AUTHORITY
PROTECTING BUSINESS INTERESTS

Examples of Marks contd..






AIR BOTSWANA
Going Your Way






Value of the Global brands

VALUE OF THE GLOBAL BRANDS (2014)

| BRAND | VALUE (billions USD) |
|---|-------------------------|
|  | 119 |
|  | 107 |
|  | 82 |

VALUE OF THE GLOBAL BRANDS (2017)

| BRAND | VALUE (billions USD) |
|---|-------------------------|
|  | 170 |
|  | 108 |
|  | 87 |

Marks not fit for registration

- Determined through substantive examination
- Non-distinctive marks. Examples; Descriptive or generic marks.
 - Contrary to public order and morality.
 - Identical or confusingly similar to existing trademark for similar goods/services.
 - Mark identical to well-known trademarks

Duration & renewal of a mark

- Registered mark is protected indefinitely provided is renewed every 10 years from the date of filing.
- Failure to renew = mark falls into public domain

Importance of TMs Protection

- Aims at taking position in the market place and create customer loyalty.
- Valuable assets to companies because consumers value TMs, their reputation and image and desired quality they associate with the mark and are always willing to pay more , for a product bearing the mark, which meets their needs.
- The very ownership of TM with a good image and reputation provides a company with a competitive edge over its competitors.

Importance cont'

- Without protection of a registered TM, other businesses may free-ride on the company's reputation and goodwill.

Ownership of IP

- In the case of community owned IP rights members should have a clear policy guidelines and rules on the management of the rights.

Conclusion

- Adequate and strong intellectual property regime diversify the economy growth, creates new jobs, industries and enhances the quality of life and enjoyment.
- Therefore if we ensure that right-holders are rewarded for the “sweat of brow” they will be encouraged to create and innovate more.

How do I get more information

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