

## **INTERNATIONAL ASPECTS OF INTELLECTUAL PROPERTY**

Intellectual property rights are generally limited to the relevant country in which they are registered or created. Therefore if a business is established and has protection in Ireland, it will not necessarily have the same protection in the United Kingdom.

It is generally necessary to register a trade mark overseas in order to gain protection. It is possible to apply for a trade mark in each of the separate countries of the European Union or alternatively one can apply for a Community trade mark. This gives protection in all EU countries including the exclusive right to use the trade mark and take action against anyone infringing it. There are also mechanisms for applying for protection for international trade marks in a number of countries under the so called Madrid Protocols.

Patent protection on a pan European basis can be secured in European countries that have signed the European Patent Convention it may be worth by filing an application to the European Patent Office. Once the European Patent has been granted a European Patent, the patent will be afforded protection and becomes a number of national patents that can be maintained in separate national offices.

It is also possible to make a Patent Corporation Treaty application to the World Intellectual Property Organisation. This allows a single initial application for patent protection in more than 100 countries, including the countries that have signed the European Patent Convention.

Copyright protection on literary, artistic, musical and dramatic works is automatically protected under national law and in the vast majority of countries worldwide. There is no international copyright registration system although some countries do have copyright registers. Registration can help in the event of a dispute.

In the European Union, automatic design right apply on the appearance of an original item. This lasts for three years from the time the design beingis made public. It is possible to apply for a product to be a registered as a Community design. This gives the exclusive right to use the design in all European countries.

The EU is a memberparty ofto the Geneva Convention on the aAct of the Hague Agreement forconcerning the international registration of industrial design. This enables designers in the European Union to use a single route throughto ensure international design registration because of the European Union Communities membership of the Geneva Act. . It is possible to thereby gain protection in all European Union countries as well as other countries covered under this Geneva Act.

Outside the area covered by the Geneva Act, design protection is less straightforward. Particular applications must be made on a case by case basis.

.

---

This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.

This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken due care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.