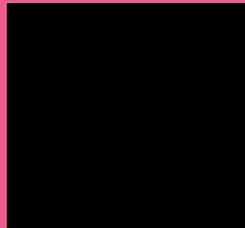


Learning Guide

Intellectual Property

How to value and protect your work



.....
Careers & Employability
Empowering UAL students and graduates to make a living doing what they love

arts.ac.uk/careers
.....

Jobs advice from UAL

arts.ac.uk/students/student-careers/freelance-and-business-advice/

For more resources

UAL's educational IP website

CreativeIP.org

CopyrightUser

copyrightuser.org

UK Intellectual Property Office

gov.uk/government/organisations/intellectual-property-office

QLegal IP Pro Bono

qlegal.qmul.ac.uk

City University Pro Bono

city.ac.uk/law/careers/pro-bono-professional/

British Library IP centre

bl.uk/business-and-ip-centre

Disclaimer: This Intellectual Property Learning guide is for guidance only and does not constitute legal advice. Please seek legal advice where relevant.

Creative Attributes Framework

This learning guide supports Resilience.
Search Creative Attributes to find out more.



Resilience

All information is correct at time of publication Nov 2018

What is Intellectual Property (IP)?

Legally Intellectual Property (IP) exists to help you manage and protect the way your work is represented and enjoyed.

It strikes a balance between making sure you are recognised for your contribution to society and equally represents the interests of society to benefit from your work.

- IP protects creative works (copyright), the design or look of your product (design rights), brand identity, reputation (trademarks), inventions, the way things work (patents).
- IP does not protect ideas. They have to be 'fixed' in some way. e.g. a sound recording, a digital file.
- Different types of IP last for different amounts of time. Copyright (life of creator + 70 years), Trademarks (10 years), Design rights (25 years), Patents (20 years) when registered.
- Automatic rights (no registration) applies to copyright works and unregistered design rights.
- Copyright generally protects: Artistic, Literary, Musical, Dramatic, Films, Sound Recordings, Broadcasts and published Typographical Arrangements.
- People can jointly own IP and one person can own more than one type of IP. Always make an agreement in writing.
- IP is owned by the creator unless created whilst employed, in which case it belongs to the employer.

Top Tips

Know your value

IP is your personal currency. It allows you to transform your creative ideas into ways to inspire, invest and make an impact. When working with and influencing others, remember that they should value you as much as you value them.

Know your legal rights

IP is a set of exclusive legal rights. Unless otherwise agreed in a contract, they belong to you as a creative and/or inventor.

Protect your rights

IP does not protect ideas alone, but expressions of an idea. Keep all your sketches, files, renders, photos, models, prototypes and name and date them. If necessary register your work (trademarks, design rights, patents). Use a non-disclosure agreement (NDA) if you need to share your idea before registration.

Manage your rights

IP is like owning physical property. You legally own it. You can sell it (Assign) give it away (Waive) or rent (License) it to someone else.

Respect your rights, and the rights of others

Always use a © credit line (for copyright works) and date to enforce your rights. Equally always attribute others who you work with, have inspired you or have given you permission to use their work. If in doubt, seek legal advice.

Four key steps to managing your Intellectual Property

From Netflix to knitting, vinyl to vlogging, AV to augmented reality, fashion to pharmaceuticals; IP underpins all innovation and creative practice. It's key to successful relationships, be it UAL and student agreements, independents working with social enterprise or global tech and pharmaceutical industries.

Think about the following steps in all areas of your creative process e.g research, prototyping, sharing your portfolio and in any paid/unpaid work e.g. ArtTemps, industry briefs, freelance work, selling product.

Consider the following areas to help inform your decision-making: your ideas, your input, your investment, your inspiration, how you influence, the impact you wish to make.

STEP 1: which intellectual property rights apply to the work (s)?

Copyright (Creative)



Design rights



Trademarks



Patents



! Remember: more than one type of IP can apply to one work e.g. copyright and trademarks in a logo.

STEP 2: who owns IP in the work (s)?

You



Someone else



I don't know



! Remember: IP ownership can be assigned to someone else, waived (allowing open free use) or licensed (some use allowed by the rights owner). Remember more than one person can own IP in one work. Remember if the rights owner is unknown, any use of a work will need to be decided depending on the risk involved. Always agree something in writing.

STEP 3: how have you protected your work?

Note: All of the following are good practice. Some/all may apply to you. Tick which ones apply to keep track of your progress.

- | | |
|--|--|
| <input type="checkbox"/> I've kept all versions of my creative process | <input type="checkbox"/> I've sought free legal advice to help decide whether to register my trademark/patent/design right |
| <input type="checkbox"/> I've signed and dated all copies of work | <input type="checkbox"/> I've registered or am in the process of registering my trademark/patent/design right |
| <input type="checkbox"/> I've obtained consent from anyone featured in my work | <input type="checkbox"/> I've used a non-disclosure agreement to ensure my idea/work remains confidential |
| <input type="checkbox"/> I've obtained permission where necessary from anyone whose work I have referenced directly in my work | <input type="checkbox"/> I've bought a domain name, watermarked my online content and added a credit line to my web pages |
| | <input type="checkbox"/> Other ----- |

STEP 4: how can others use your work?

I have sold/assigned my work

I have granted a licence

I have made my work free to use

Keep a note of your progress here:

What is your work being used for?

How much have you sold it for?

If assigned, what you can use your work for?

How long have you granted a licence for?

What are the benefits for you?

Note: these are very simple steps. For detailed guidance please refer to the Creative IP website: creativeip.org
Think about these steps whenever you work with anyone and/or want to use someone else's work.