11.5 Intellectual property and data

Name: _____ Class: _____ Date: _____ **Total: 14 marks**

KEY WORDS trade mark • trade secret

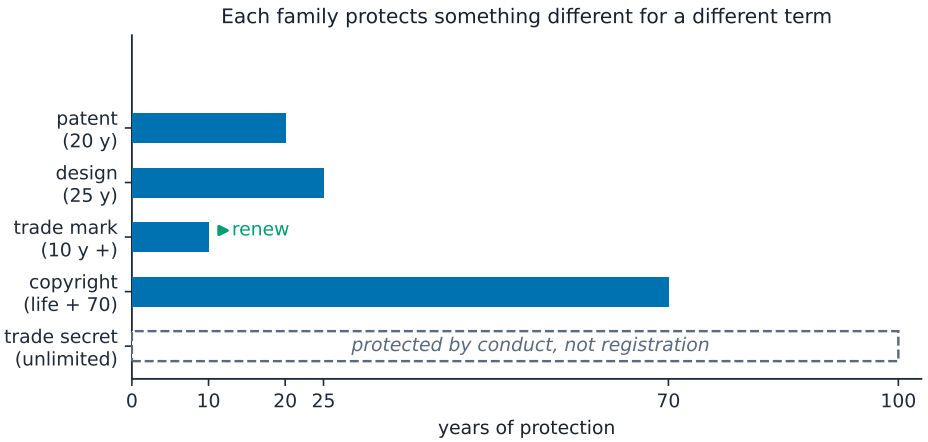
Objective

Map assets to the IP families, price protection, and place the data duties beside them.

1 Key knowledge and worked examples

■ Families and terms

Patent 20 years (with disclosure), registered design 25, trade mark 10 renewable for ever, copyright life + 70 automatic, trade secret indefinite while protected by conduct.



Each family protects something different for a different term

■ Worked example. The Bloomer

Name and logo: register the mark. Artwork: copyright, keep dated originals. Recipe: NDA and exit checks, not a patent. The allergy field: special-category data. ✓

2 Practice

2.1 The terms: patent; trade mark before renewal; copyright beyond the author's life; registered design. [3]

2.2 A rival launches an identical name on identical goods and your mark is registered. The claim, and the evidence burden. [4]

2.3 The recipe, again: patent or secret? State the trade each offers and the conduct the second demands. [4]

2.4 Licensing the sponsor: three terms that keep the mark yours. [3]

Solutions

2.1

- Patent 20 years; trade mark 10 then renewable.
- Copyright life + 70; registered design 25 years.

2.2

- Infringement of a registered mark: identical on identical - no confusion argument needed.
- Evidence: the registration certificate; the burden barely moves.

2.3

- Patent: 20-year monopoly, but the application publishes the recipe.
- Secret: indefinite, but only while conduct protects it - NDA, named holders, exit interviews.

2.4

- Exclusive only as to festival sites, for named seasons.
- Quality control retained, reversion on breach - and Nimbus, never the sponsor, owns any registration.

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