

Combined Use of IP

My name is Tamara O'Connell. I'm an intellectual property lawyer, patent agent trademark agent, and patent portfolio manager at the University of Toronto.

CAPTION: Combined Use of IP

It is important to note that different intellectual property rights protect different aspects of products and services. You don't need to limit yourself to one single form of intellectual property. In fact, in many cases you shouldn't, as there are limits to the scope of each.

Every company uses a variety of different intellectual property to protect their goods and services. Companies such as Apple, Nike, and Coca-Cola use various combinations of intellectual property, such as patents, industrial designs, trademarks, copyright, and trade secrets to build and protect their business.

This way if one form of intellectual property should fall, there may still be protection elsewhere.

CAPTION: Industrial Design vs Patent?

As an example, an industrial design can cover the novel visual elements of a mobile device, but not its functionality. To capture that utility, you would need to seek patent protection over the unique functional aspects of the device. Patent protection can be costly and take significant time to obtain, especially as compared to an industrial design. So, while seeking out patent protection, in the meantime an industrial design can provide additional layers of protection and helping to exclude competitors from the marketplace.

CAPTION: Trademarks vs Trade Secret?

Trademarking a slogan or logo can be used to protect your brand and prevent imitation. Trademarks can be used to build brand recognition and reputation before any patent issues. And in combination with brand loyalty, can extend market positioning and exclusivity, even after a patent expires.

Trademarks can also be used in combination with trade secrets, as we've seen with Coca-Cola, an example of a trademark, the brand name Coca-Cola, used in combination with a trade secret, the confidential soft drink formulation.

CAPTION: Copyright vs Patent?

As another example, for an original software program, the written source code may be copyrighted as a creative work, and the functionality of the software protected by way of a patent. The modest cost and lengthy term of copyright make it a valuable addition to the bundle of intellectual property rights.

For the most comprehensive protection, consider a variety of intellectual property rights to obtain legal protection for as many different elements as possible.