

TYPE OF INTELLECTUAL PROPERTY INTEREST

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Intellectual property (IP) is a term applying to a number of distinct types of creations of the mind for which a set of exclusive rights are recognized—and the corresponding fields of law. IP, in particular copyright, is highly valuable to the development of a forward thinking society.

IP confers a form of ownership interest in human intellectual output. IP law developed to regulate the ownership of such interests, and is a system of laws that confers enforceable rights upon the person responsible for the intellectual output, so that the creator or owner of IP can exercise a measure of control over its future use. In addition, market forces dictate the overall value of the intellectual output, potentially granting the person responsible for having created it an opportunity to generate revenue. Finally, IP law grants the creator an exclusive opportunity to exploit their creations by granting others the rights to use it.

A trade mark, or mark, needs to be registered at the Patent Office to be protected. A trade mark is a territorial. It can be a sign including words, symbols, or pictures, or a combination of all these elements. Its function is to represent the goods graphically and distinguish them from other goods. It is essentially a badge of origin enabling customers to recognize a brand. A service mark is the same as a trade mark but it identifies the source of a service.

To be capable of registration, a trade mark must be original and sufficiently distinctive from any other marks for the same or similar goods or services. The mark must be specific to the goods or services to which it is to apply and must not be misleading or contrary to law or morality. In the UK, a trade mark can be enforced to protect the mark's proprietor under the Trade Marks Act 1994, which implements the EC (European Community) Trade Mark directive.

Application to the Trade Mark Registry at the UK Patent Office for a national trade mark; or for a CTM (Community Trade Mark) valid throughout the EU (European Union), to OHIM (the Office for Harmonisation in the Internal Market – Trade Marks and Designs); or to the Patent and Trademark Office for granting of a trademark in the USA.

Not all trade marks are registerable, for example where the shape results from the nature of the goods, such as an umbrella. The mark may be licensed for authorised use.

Domain names are unique Internet addresses which distinguish one computer from all others connected to the Internet, for example yandex.ua

Top level domains (TLD) include two letter country codes (ccTLD) such as .uk and .nl. Generic TLDs (gTLD) include .com, .org, .biz, and .coop. Below these are the second level domain names, for example “McDonalds” in McDonalds.com

Disputes may arise when:

- two or more people are entitled to use the identical trademark in different countries and each claim the same domain name; or
- a third party registers a domain name the same as, or very similar to, a famous name or trademark, hoping to sell it to use the business value of a well-known name—a practice known as cybersquatting, or net name piracy.

Domain names can be registered directly at accredited registrars, that is, Internet name licensing authorities, or by buying them from the Internet naming companies. Names are registered for one or more years, often with annual renewal. Disputes, may be referred to accredited dispute resolution providers, such as the World Intellectual Property Organization (WIPO), or country registrars.