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Intellectual Property. Patents, Trademarks. International Business Law. Notes for non-jurists Lesson 4 (3)

(As a supplement to classroom notes and other course materials)

UNDER CONSTRUCTION

Patents

- **Definition**

- *A patent is an exclusive right granted for an invention (**inventive activity**), which is a product or a process that provides, **a new product or procedure for doing something (novelty)**, and offers a new technical solution to a problem (**industrial application**). To get a patent, technical information about the invention must be disclosed to the public in a patent application.*

- **Rights**

- *The patent owner/ right holder has the exclusive right to prevent or stop others from commercially exploiting the patented invention. In other words, patent protection means that the invention cannot be commercially made, used, distributed, imported or sold by others without the patent owner's consent*
- *Patents are territorial rights. In general, the exclusive rights are only applicable in the country or region in which a patent has been filed and granted, in accordance with the law of that country or region*
- *The protection is granted for a limited period, generally 20 years from the filing date of the application*

- Searches (Spain) [OEPM search engine](#)

- **More EU Patent Law**

- [About the Unitary Patent Protection](#). European Union protection
- [About Supplementary Protection for Pharmaceuticals](#)
- [About Biotechnological inventions' protection](#)

- **More International Patent Law**

- [Patents at WIPO](#)
- [European Patent Office](#);



Trademark

- **Definition**

- A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights

- **Rights**

- a trademark registration will confer an exclusive right to the use of the registered trademark. This implies that the trademark can be exclusively used by its owner, or licensed to another party for use in return for payment.

- **Registration**

- At the national/regional level, trademark protection can be obtained by filing an application for registration with the national/regional trademark office and paying the required fees.
- **International registration.** At the international level ([Trademark Law Treaty 1994](#)) provides for International registration procedures. There are two options: either country by country applications or using the [Madrid System](#), administered by WIPO (See Madrid [«Monitor»](#) simplified registration system)

The national and EU systems are complementary to each other and work in parallel with each other.

- **EU TRADEMARK**

- EU Trade Mark allows protection in all EU Members. It is granted by EUIPO, in Alicante
- Here, more contents about [Trademark](#) (European Countries and EU Trademark, general aspects)
- [EUIPO Guidelines on applications and governance of European Trademarks](#)

- **INTERNATIONAL GOVERNANCE OF TRADEMARKS**

- [Trademark WIPO](#);

See also, for further details and clarifications, entries about trademarks in Spain

- [Marcas. Apunte](#)
- [OEPM \(search for trademarks\)](#)