

Zenas Digest



Intellectual Property: Protecting your ideas



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Intellectual property defines your product or service. Many people today do not protect their intellectual property rights and in so doing do not protect their businesses. IP protects more than just your idea or concept, it protects the long-term viability of the business/ company. If another person uses the ideas or creation without permission from you then the organization or the creativity suffers. Persons become disadvantaged because their ideas have been stolen, sold or duplicated. IP protects any form of business whether small or big.

What is Intellectual Property

If you have any creation of the mind, inventions; literary and artistic works; and symbols, names and images used in commerce that is IP. Did you know that Intellectual property is divided into two main areas which are Industrial Property and Copyright. Industrial Property includes patents for

inventions, trademarks, industrial designs and geographical indications. Copyright consists of literary works (such as novels, poems and plays), films, music, artistic works (e.g., drawings, paintings, photographs and sculptures) and architectural design. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and broadcasters in their radio and television programs.

The importance of Intellectual Property

Intellectual property rights allow creators, or owners, of patents, trademarks or copyrighted works to benefit from their own work or investment in a creation. You can protect yourself or your business from competitors that may want to profit from your ideas. IP rights are given to a person of the creation of their work or minds. IP rights basically give the creator exclusive rights over use of the creation over a certain period of time for instance 20 years. These rights are outlined in Article 27 of the Universal Declaration of Human Rights, which provides for the right to benefit from the protection of moral and material interests

resulting from authorship of scientific, literary or artistic productions. IP should be promoted and protected for three reasons which are:

1. The progress and well-being of humanity rest on its capacity to create and invent new works in the areas of technology and culture
2. The legal protection of new creations encourages the commitment of additional resources for further innovation
3. The promotion and protection of intellectual property spurs economic growth, creates new jobs and industries, and enhances the quality and enjoyment of life.

Why is it important to protect your IP

Have you ever asked yourself why it is important to protect your IP? This is the most important question for any form of business. There are three reasons which are:

1. To deter counterfeiters - A product can be made in exact imitation of the original with the intention to deceive, defraud or for commercialisation. The manufacturing of goods or

distributing under someone's name is a bigger problem than what most people realise. Nomatter the scale of your business any bad experience can have a negative impact.

2. To have exclusive control- To have exclusive possession or control of your IP gives you the right to keep others from making, using selling or profiting from your product or idea.
3. To protect the name or brand- A name or brand conveys the goodwill of your product or services. Goodwill is the established reputation of a business that can include trademarks and patents, employees, brandname, logo, relationships etc. It is very important to establish a strong brand for the success of the business and protecting that brand is equally important.

In Zimbabwe Intellectual property can be registered by two entities which are The African Regional Intellectual Property Organization (ARIPO) an intergovernmental organization (IGO) that facilitates cooperation among member states where

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Zimbabwe is a member. Secondly the Zimbabwe Intellectual Property Office (ZIPO) which is a section of the Department of Deeds and Intellectual Property. The difference between the two is that ARIPO has a wider scope of recognition for one's Intellectual Property rights as compared to ZIPO.

In conclusion, it may seem difficult or time consuming but protecting your IP is worth the time. If you want to apply for a patent, registered design or trademark this can be done without any difficulties. It is important to engage a lawyer for you to know more about all the individual areas of intellectual property, which areas of your business you need to protect, and how to go about it.

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