

## Intellectual Property Cheat Sheet

### IP Australia

IP Australia is the federal government body responsible for the examination and registration of trade marks, patents, designs and plant breeders' rights.

IP Australia offer an assisted filing service called TM Headstart, which may assist with self-filing. To access IP Australia, you will need to sign up for an IP Australia eServices account.

IP Australia - [ipaustralia.gov.au](http://ipaustralia.gov.au)

Trade Mark Search - [search.ipaustralia.gov.au/trademarks](http://search.ipaustralia.gov.au/trademarks)

### .au Domain Administration (auDA)

auDA is the policy authority and industry self-regulatory body for the .au domain space.

One of its chief functions is the resolution of domain name disputes through the .au Dispute Resolution Policy (auDRP). So, if there is a dispute regarding a .au domain, it is the auDRP that will guide the resolution of the matter. The actual complaint is submitted to either of the approved auDRP providers – the Resolution Institute and the World Intellectual Property Organisation (WIPO). They act as arbitrators in accordance with the auDRP.

auDRP information - [auda.org.au/policies/audrp](http://auda.org.au/policies/audrp)

### International Corporation for Assigned Names and Number (ICANN)

ICANN is a not-for-profit, public-benefit organisation. Its staff operates the Internet's Domain Name System, coordinates allocation and assignment of the Internet's unique identifiers, such as Internet Protocol addresses and accredits generic top-level domain (gTLD) name registrars. In other words, it deals with most non-country level domains (e.g. domains not ending with .au).

One of its chief functions is the resolution of domain name disputes through the Uniform Domain-Name Dispute-Resolution Policy (UDRP). So, if there is a dispute regarding a .com, .org, or other non-country level domain, it is the UDRP that will guide the resolution of the matter. The actual complaint is submitted to an approved UDRP providers – for example the World Intellectual Property Organisation (WIPO). They act as arbitrators in accordance with the UDRP.

UDRP information - [icann.org/resources/pages/help/dndr/udrp-en](http://icann.org/resources/pages/help/dndr/udrp-en)

### Intellectual Property Reference Guide

Take a look on the back of this page for our Intellectual Property Reference Guide. The Guide will give you a run down on the different types of IP, and how they are protected.

- WORKPLACE ■ LITIGATION + DISPUTE RESOLUTION ■ COMMERCIAL + PROPERTY ■ CONSTRUCTION ■ INTELLECTUAL PROPERTY ■
- TAX, STRUCTURES + PLANNING ■ RESOURCES ■

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# Intellectual Property Reference Guide

| Type of Intellectual Property (IP)                                    | Patent   | Trade Mark  | Design   | Plant Breeder's Rights   | Copyright  | Circuit Layouts   | Trade Secrets/Confidential Information  |
|---|--|---|--|--|--|---|---|
| <b>What it means</b>  | The owner has exclusive rights to commercially exploit the invention for the life of the patent. The owner can use, sell or license the invention and can also stop others from manufacturing, using, copying and/or selling the invention | A trade mark is used to distinguish the goods and services of one trader from those of another. The owner has exclusive rights to use, sell or license the trade mark | The overall visual appearance of a product is protected, but not the way it works or how it is made. The owner has exclusive rights to use, sell or license the design | Plant Breeder's Rights protect new plant varieties by giving exclusive commercial rights to exploit a new plant variety or its reproductive material | The owner's original expression of ideas is protected, but not the ideas themselves. The owner has exclusive rights to use, sell or license the copyright work | These types of IP give certain rights depending on the type of IP protection regime, but generally, the owner has exclusive rights to use, sell or license the IP |   |
| <b>What is protected</b>  | Products, processes, inventions  | Business identities, reputation, brands   | 2 and 3 dimensional product designs  | New plant varieties  | Original works of authorship   | Original layout designs for integrated circuits and computer chips  | Secret process, technique, method, etc used to advantage in a trade, business or profession |
| <b>Typical items that may be protected</b>                            | Functional items like machines, toys, games, computers, software programs, processes, methods, tools, and other items of utility   | Letters, names, symbols, figures, numbers, words, colours, phrases and slogans, sound, smell, logo, shape, picture, or any combination of these                       | A fabric pattern, the shape of a chair   | Orchids, trees, vines  | Art, photographs, books, literature, sculptures, plays, drawings, music, film, broadcasts, computer programs and other items of original authorship            |   |   |
| <b>Is registration required</b>                                       | Yes  | Recommended   | Yes  | Yes  | No   | No  | No  |
| <b>Duration</b>   | 8, 20 or 25 years if annual fees paid  | Initially 10 years, renewable every 10 years if fees paid and still in commercial use   | 5 years, renewable up to 10 years from date of application   | 20 or 25 years if fees paid  | Life of author + 70 years  | 10 years from creation, and another 10 years from first commercial exploitation   | Until no longer a secret  |
| <b>Renewable (payment of fees and commercial use may be required)</b> | No   | Yes   | No   | No   | No   | No  | Not applicable  |