

## What is intellectual property?

Intellectual property (IP) is an umbrella term used for human innovations and creativity that are capable of being protected under national law and international treaties. IP includes a diverse range of commercial assets from patents for new inventions through to copyright protected artworks. Use our general [Guide](#) to assist you in capturing your IP assets.

### 1. Automatic (copyright) protection

In New Zealand [copyright protection](#) automatically exists from the date of creation to written texts (such as books, poems and plays) music, films, software, artistic works (drawing paintings, sculptures, and architectural designs). There is no formal registration requirement in New Zealand, but it is always worth making others aware of your rights where possible through a copyright notice followed by the creation date, for example: ‘Copyright John Hopata, May 2008.

### 2. Protection that requires your action

The IPONZ website gives you information about how to register and protect your IP under these categories:

- [Patents](#)
- [Trade marks](#)
- [Designs](#)
- [Plant Variety Rights](#)

## Why register your property?

Developing and managing IP allows a business to align and focus its activities and enhance its competitiveness. IP protection helps in:

- preventing competitors from copying or closely imitating a business's products, technical processes, or business services,
- avoiding wasteful investment in research and development (R&D) and marketing,
- creating a corporate identity through a branding strategy,
- negotiating licensing, franchising, and other IP-based contractual agreements,
- increasing the market value of the business,
- acquiring venture capital and enhancing access to finance,
- obtaining access to new markets.

## The future value of protecting your property

It is always worthwhile considering the commercial or industrial potential of your intellectual property—even though the potential may not be immediately obvious.

For example, when you start a business, you may not consider your business name or logo to be of great value; you may think the ‘branding’ is only of interest to larger organisations. But from your first day of trading your distinct branding helps to establish your reputation in the market place and promote customer recognition of your products or services. Over time your branding can become a business asset that may substantially increase the value of your business.

Also, if you need to secure investment funding at any stage, investors will be interested in the steps you have taken to secure your intellectual property, as protection can make your business more valuable by creating barriers to competition that enhance the sustainability of your business.

## Why it's worth researching IP on our website

New Zealand government websites offer you a wealth of commercial intelligence in their online databases. In addition to this IPONZ website, the Companies Office website [www.companies.govt.nz](http://www.companies.govt.nz) allows you to search for registered company names and director details. These websites can help you:

- avoid wasted time and costs by viewing already registered company names, trade marks and logos that might conflict with your preferred trade mark choices
- view trade marks registered designs, patents or plant varieties to avoid infringing the rights of others
- learn how other inventors have solved the same or similar challenges
- find information on potential business partners or companies that may be interested in buying or licensing your product or intellectual property.

## Some mistaken beliefs about IP rights

### Doesn't my business or trading name automatically give me protection?

It's a common mistake to think that forming a company or securing a domain name automatically gives you the exclusive right to use 'your' name for branding. The best way to get nationwide protection for a new brand/ trade mark is to formally register your trade mark and logo with the Intellectual Property Office of New Zealand (IPONZ). For added protection from competitors or imitators trying to gain a free ride on your success, consider registering your company name as a trademark as well as your brand name for a product or service (if this differs from your business name).

### Don't I own the rights to any intellectual property I create?

With the exception of copyright protection which is automatic, you must register your rights to gain the benefit from legal protection. In some cases you may need to register your rights in several categories. For example, design rights can help protect the outward appearance of a product you design, but not its function. Patent rights cover the function and purpose of a product.

### Can I apply for a world wide patent or IP protection?

Every country has its own laws on IP protection, so there's no such thing as a "world wide patent." But there are treaties between countries that help IP owners to register and protect their IP elsewhere. IPONZ can help you with advice on these treaties (for example in the areas of patents, plant variety rights, trademarks and copyright protection) and you can also review the information on the World Intellectual Property website: [www.wipo.org](http://www.wipo.org). As international IP laws can be complex, it pays to get expert advice from a [patent attorney](#).