

Importance of industrial and intellectual property for smes and entrepreneurs

[Business](#), [Strategy](#)



When we have an idea, being able to obtain an economic advantage is fundamental so that our business can go ahead and our effort is rewarded, since many hours are used in a creation, whether intellectual and industrial, and it is not fair for a person to appropriate of the fruits of our work without contributing anything in return. It is surprising, but many freelancers and entrepreneurs do not know that they have the right to the exclusive of what they have invented during a certain period of time; and, if other people want to take advantage, they will have to contact them and pay them an amount in compensation for the use. In many cases, this protection of rights covers the life of the creator and even that of his heirs. In the global economy, it is fundamental to create in order to be competitive. Not in vain, we speak of a knowledge economy. This logic means that ideas are valued more than ever and protecting access to them becomes a first level weapon for companies. In fact, the legislation on copyright and industrial property already began to develop in the second half of the nineteenth century and we should not be surprised, because this is the daughter of industrial development that occurs then.

During the twentieth century, the globalization of the economy has made these issues are fundamental, given that the commercialization in several countries of the same literary work, the same brand or the same Industrial Design forces to shield their marketing rights. Therefore, the registration of Intellectual or Industrial Property is a very valuable tool so that entrepreneurs or SMEs can count on a source of income, for years, that allows them to capitalize and be competitive in a global economy like today's. and occupy, in addition, a niche market. Property rightsIn Spain,

<https://assignbuster.com/importance-of-industrial-and-intellectual-property-for-smes-and-entrepreneurs/>

there are two public entities that are responsible for registering Intellectual Property and Industrial Property.

Intellectual Property

The Intellectual Property must register with the Ministry of Education, Culture and Sports Intellectual Property area, which has territorial delegations in all the Autonomous Communities. There are fees to be paid and, in case of registering our creation, we will have legal protection throughout our lives and 70 years after our death (for the heirs). Normally, under this formula, books, photographs, drawings, plans, musical melodies, audio-visual recordings and lyrics are recorded. On the other hand, there is the possibility of protecting Intellectual Property rights through a simple ACTA that is made before a Notary Public or Notary, having the same effects as before the Ministry of Education and being the latter formula, the fastest and most convenient way to be able to protect our intellectual property rights, especially in relation to the protection of Software or computer programs, web pages or any other computerized right.

Industrial Property

Industrial Property must be registered with the Spanish Patent and Trademark Office (OEPM), under the Ministry of Industry, Energy and Tourism. This is where we have to register any Brand, Commercial Name, Invention Patent, Utility Model, Drawing, Model or Industrial Design, all by means of the previous payment of Official Fees. In case of registration, the legal protection will vary depending on the modality chosen

- Trademarks and Trade Names, has an indefinite duration, having to be renewed every 10 years for identical periods.
- Patent of Invention has a duration of 20 years.
- Utility Model, has a duration of 10 years.
- Industrial Model has a duration of 25 years, having to renew every 5 years.

When making the Industrial Property registration, it must be taken into account that these protections are only valid within the territory of the Kingdom of Spain, since, in the case of desiring European or International Patents, called PCT, they must be protected in other Organisms, such as:

- European Patent Office (EPO), to protect European Patents.
- Patent Cooperation Treaty (PCT), to protect International Patents in any country in the world.

Why register machinery designs or their parts
When someone develops a machine or a new piece, it invests a large amount of time and money in it. It often takes many years until everything works as it should. Therefore, it is not pleasant to find that just leave the factory a competitor takes the product and marketed a replica of it, taking advantage of the resources of others, both intellectual and economic, here we could use the phrase so lapidary Don Miguel de Unamuno Let them invent! Obviously it is a situation of unfair competition that can be solved with the precaution of protecting or registering each and every one of the brands and innovations that are made, to protect the effort that has been required. Let's see what are the reasons

why you need to register the designs of parts or machinery that will later be developed.

Design

The registration of a Design provides a right over it, just as it happens when a Trademark registration is made, making no one else can use it for any purpose. When a machine or a piece of equipment has production plans registered, nobody else can do something identical, so the competition can never copy anything that is registered. And in case you do, you can take legal action deemed appropriate. A registered design facilitates the demonstration of who has been the creator of something. This, in the world of industrial design, is essential both at a competitive and business level.

Why? Because the records have an official date of deposit or registration, and therefore in case of litigation over who was the one who created the machine or piece in question, you only have to resort to the registry Oficina, to determine who is right. That is why it is so important to register the designs as soon as the plans are complete. Otherwise, it could be the bitter surprise that someone has gone ahead and will not be able to carry out the work to which they have devoted so much time. Is the registration of a design expensive? In Spain, making a design registration is a figure with which you can save money. And with the same application you can get to register up to 50 different designs, whether machines, parts or a mixture of both. Therefore, it involves a much lower cost than what would have to be done if one had to register each machine or part of it.

For all this, if you are an industrial designer or have developed some ingenuity that you think can bring something interesting to a business sector, you should consider this information protecting your design through the corresponding registration. In this way, you will have full control of your invention, being able to sell the idea to someone, looking for investors to help you get it going or anything else that you can think of. Of course, you should bear in mind that the process takes a while. Similar to what happens with a trademark registration, there is a period of study in which it is verified that nothing is registered, that it does not violate certain norms, etc. The ideal is to be advised by professionals who know well how this system works. Every day thousands of designs are registered, especially those that have to do with manufacturing processes of clothes, shoes, furniture, machinery, etc. What do you want us to help you register?