

- Since each international application is published, along with its international search report, any member of the public can formulate a well-founded opinion about the patentability of the invention described.

## **INDUSTRIAL DESIGN**

In Canada, an **industrial design** that can be registered is any original shape, pattern, configuration or ornamentation applied to an article of manufacture that appeals to, and is judged solely by, the eye, such as the shape of a table or the ornamentation on the handle of a spoon. Functional or utilitarian features may not be the subject of an industrial design but may be the subject of a patent application.

The term of an industrial design is five years. It is renewable for an additional five years but no longer. If the design has been published in Canada, it must be registered if at all within 12 months of the publication date.

Since the Copyright and Industrial Design Office must process, search and examine the application before it can be registered, it is important to allow enough time for these processes when filing. Most applications for industrial design registration are done through registered patent agents.

## **TRADEMARKS**

A trademark is a word, symbol or picture, or a combination of these, used to distinguish the wares or services of a person or organization from those of others in the marketplace.

A registered trademark gives its owner the exclusive rights to its use in Canada for 15 years from the date of registration. It may be renewed every 15 years without limitation.

Although it is not mandatory to register a trademark, it is advisable to do so. A registered trademark is prima facie evidence of ownership of the mark and extends national protection. Unregistered trademarks provide only local protection. If your products or services are sold in other countries, you should consider registration of your trademark in those countries as well.

Applications for registration of trademarks in Canada are filed with the Registrar of Trademarks. Anyone may file an application for registration of a trademark. However, since preparing a trademark application may be complex and since it involves the granting of a legal right, applicants should consult a trademark agent trained in this specialized practice and registered to practise before the Canadian Trademarks Office. If you intend to register marks in other countries, the use of a trademark agent is strongly recommended.

## **COPYRIGHT**

**Copyright** — the right to produce or reproduce a work — means that an owner is the only person who may produce or reproduce his or her work or permit someone else to do so. It generally includes the sole right to publish, produce, translate, reproduce and perform a work in public. If you are employed by someone to create a work for them, and there is no agreement to the contrary, the employer is automatically the owner of the copyright.

The laws of almost all countries provide that protection is independent of any formalities that is, copyright protection starts as soon as the work is created. However, it is often advisable to register your copyright. A registration certificate provides evidence that the person registered is the copyright owner. It can be used in court to establish ownership.

In Canada, the term of a copyright is generally for the life of the author plus 50 years, with some exceptions. Copyright