



British Promotional  
Merchandise Association Ltd

## PROTECTING YOUR IDEA – COPYRIGHT

There are basically three ways of protecting ideas.

1. The most effective, where the material is an invention which is novel and capable of industrial application is by means of a patent.

2. Copyright does not protect ideas but it does protect the expression of ideas in permanent form - such as a picture, diagram, essay, business plan, technical drawing etc. Copyright does not need to be registered and simply comes into being upon creation. It lasts for a long period (life of author plus 70 years). The traditional way of informing people that a work is copyright (and thus implicitly reminding them not to copy) is by a copyright notice such as "(c) Carl Rohsler 2004. All rights reserved. No part of this work may be reproduced without the author's permission" (or similar)".

3. Most pertinent of all, one can protect confidential information (including ideas and trade secrets) using a contractual mechanism often referred to as a Non-Disclosure Agreement or "NDA". This basically binds the other party not to reveal to any other party the information which is disclosed. One could say, for example, even orally at the beginning of a meeting "What we are about to reveal to you is confidential and, in consideration of our disclosing it to you now, we require that you agree not to disclose it to any third party. However, such protections, like all oral contracts are "not worth the paper that they're not written on", so it is usual to enter into some form of short form agreement (even a letter) which provides the parties with certainty about the confidential information itself (what is and what's not) and the terms on which it is to be dealt with.