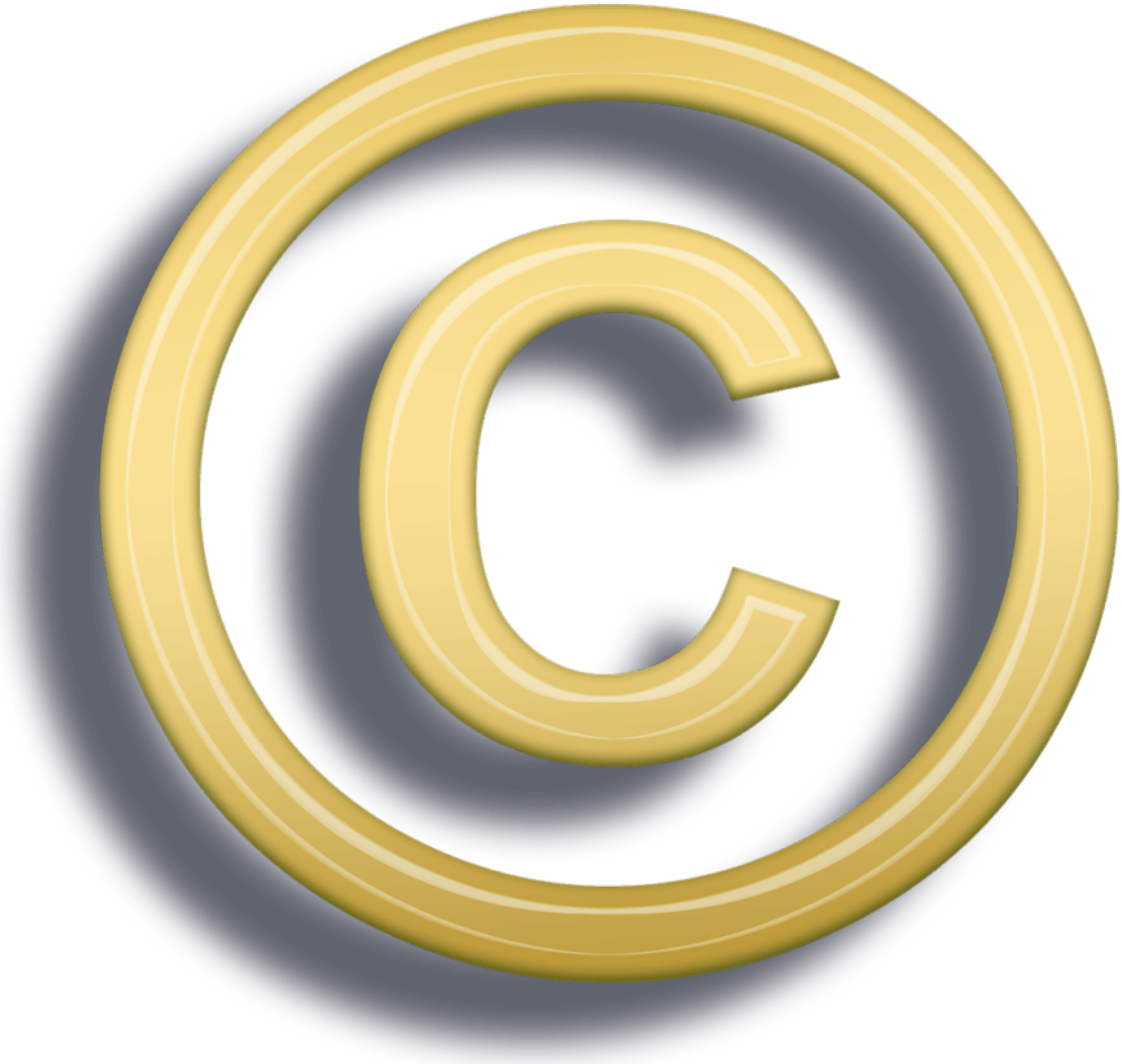
Intellectual Property Protection: What You Need to Know

When discussing intellectual property, we refer to a set of legal frameworks designed to grant exclusive rights over intangible assets. Intellectual property protection encompasses the legal norms aimed at safeguarding the fruits of human inventiveness and creativity.

According to these principles, the law grants inventors and creators a monopoly on the exploitation of their inventions or creations, providing them with legal tools to defend against unauthorized use.

How to Protect Yourself? What Legal Tools Are Available? This Article Has All the Answers You Need.



What is Intellectual Property?

Just like tangible assets, intangible assets can also be owned. This concept has gained increasing economic significance, becoming one of the most crucial areas of law.

Intellectual property refers to a legal protection system for intangible assets resulting from human inventiveness and creativity, such as industrial inventions, utility models, literary and artistic works, trademarks, and designs.

It is a set of legal principles aimed at protecting the competitive advantage gained by those who create something innovative, allowing them to exploit this innovation under a monopoly regime. Essentially, it can be seen as a reward for inventiveness and creativity. On one hand, it assigns ownership of the work to its creator; on the other hand, it allows the creator to economically benefit from their intellectual work.

Categories of Intellectual Property

Intellectual property is divided into three main categories:

1. **Industrial Property**: Includes trademarks, patents, utility models, semiconductor product topographies, industrial designs, and trade secrets.
2. **Copyright**: Covers literary and artistic works, theatrical works, music, films, choreographies, photographs, sculptures, drawings, paintings, architectural projects, software, and databases.
3. **Copyright**: Focuses on the economic benefits derived from holding rights to a particular product.

The Stockholm Convention of July 14, 1967, which established the World Intellectual Property Organization (WIPO), states that intellectual property rights concern:

- Literary, artistic, and scientific works
- Artistic performances, phonograms, and broadcasts
- Inventions in all fields of human activity
- Scientific discoveries
- Industrial designs and models
- Trademarks and service marks, commercial names and designations
- Protection against unfair competition

- Other rights resulting from intellectual activity in industrial, scientific, literary, or artistic fields.

How to Protect Intellectual Property

Intellectual property rights are exclusive rights packages related to various forms of artistic expression, ideas, and knowledge. Modern intellectual property includes three main areas:

1. **Patents**: Prevent third parties from selling, using, or making an invention for a certain period, following registration and publication of an application.
2. **Registered Trademarks**: Protect the distinctive signs of a product or service, preventing the use of identical or similar signs by third parties, following trademark registration.
3. **Copyright**: Protects intellectual works, preventing unauthorized use by third parties. Protection begins upon creation, without the need for registration.

Protection of these rights can be enforced through criminal, civil, and administrative measures aimed at preventing and penalizing unauthorized use of intellectual property and providing remedies for damages caused.

How to Register Intellectual Property for a Product

To protect the intellectual property of content or products, you can register or patent it with the Italian Patent and Trademark Office. It’s essential to check for the absence of similar or identical trademarks before registration.

For European protection, you can contact the EUIPO (European Union Intellectual Property Office) in Alicante, Spain. Once registered, the trademark is valid throughout the European Union.



Violations of Intellectual Property Rights

Violating intellectual property rights can have severe criminal consequences. Copyright violations include:

- **Piracy**: Unauthorized reproduction of copyrighted works.
- **Counterfeiting**: Manufacturing counterfeit goods, replicating original products with identical trademarks.

These violations are criminal offenses punishable by up to 6 years in prison and fines ranging from €30,000 to €150,000.

Legislative Decree 231/2001 incorporated industrial and intellectual property counterfeiting offenses into the corporate liability sanction system, providing preventive measures like Model 231 for companies.

The Importance of Protecting Intellectual Property

Protecting intellectual property is crucial for maintaining competitiveness. It allows for the development of a portfolio that can attract investments and provide a competitive advantage, such as access to public funds and bank financing.

An OECD study in 2016 found that global trade in pirated and counterfeit goods reached $509 billion, accounting for 3.3% of international trade, causing significant economic damage.

Intellectual Property Consulting: The Current Situation in Italy

In 2018, the International Property Rights Index, measuring intellectual property protection in over 125 countries, was presented in Johannesburg. Italy ranked 50th, highlighting a lack of awareness on the topic.