protecting your ideas: intellectual property explained

SIMMONS MEGLAUGHLIN & ORR
A MEMBER OF THE LAW GROUP

Client briefing · October 2026 · copyright, designs, patents, trade marks and making money from ideas

UK, Ireland, Europe and worldwide

A good idea is valuable only if you can stop others from copying it. Intellectual property is the set of legal rights that lets you own, protect and earn money from what you create: a brand, a design, a piece of writing or software, or an invention. This briefing explains, in plain terms, the four main rights, how each is obtained, what it costs, and how we and a specialist attorney work together to protect you, from first idea to first royalty cheque.

The four main rights at a glance

	Copyright	Designs	Patents	Trade marks
Protects	Original written, artistic, musical and dramatic work, software, photographs, recordings	The appearance of a product: shape, lines, colours, texture, ornament	Inventions: how something works, is made or does something new	Brands: names, logos, slogans and other signs that identify your goods or services
How you get it	Automatically, on creation. No registration in the UK	Some protection is automatic; stronger protection by registration	Only by application and examination	Some rights by use; full protection by registration
How long	Usually the author's life plus 70 years	Registered up to 25 years; unregistered 3 to 15 years	Up to 20 years, with yearly renewal fees	10 years, renewable forever
UK official fee	None	From £60	£405 to file, search and examine	£205 for one class, £60 per extra class
Who registers it	Not applicable	UK IPO	UK IPO or European Patent Office	UK IPO, EUIPO or WIPO

The golden rule: protect before you disclose

A patent is lost if your invention is made public before you file, even by you. A demonstration at a trade fair, a post online or a pitch to an investor without a confidentiality agreement can destroy the right for ever. Talk to us before you show your idea to anyone.

Ideas alone are not protected

The law protects how an idea is expressed, designed, built or branded, not the bare idea itself. That is why written agreements, careful records and timing matter so much, and why confidentiality is often your only protection in the early days.

Confidential information

Know-how, recipes, customer lists and processes that are kept secret can be protected indefinitely by contract and the law of confidence, as long as they stay secret.

Domain names and social handles

Register your name as a domain and on social media as soon as you choose it. They are not trade marks, but losing them to someone else is costly.

Passing off

Even without registration, the law stops others misrepresenting their goods as yours, if you can prove an established reputation. It is a valuable backstop, but slow and expensive.

Copyright and designs under the Copyright, Designs and Patents Act 1988

Copyright

Copyright arises automatically when original work is recorded in some form, on paper, in a file or on film. It protects books, articles, reports, website text, software code, drawings, plans, photographs, music, films and broadcasts. There is nothing to file in the UK or Ireland.

- What it stops: copying, issuing copies, performing, adapting or communicating the work to the public without permission.
- What it does not stop: someone else creating something similar independently, or using the underlying idea.
- How long: literary, artistic, musical and dramatic works last for the author's life plus 70 years. Sound recordings and broadcasts last for shorter fixed periods.
- Moral rights: the author can insist on being named and can object to derogatory treatment, unless those rights are waived in writing.

Who owns it? The trap with contractors

Work created by an employee in the course of employment belongs to the employer. But work created by a freelancer, a web designer, a photographer or a consultant belongs to them, even though you paid for it, unless there is a written assignment. Many businesses discover too late that they do not own their own logo or software. We prepare assignments that fix this.

Software and databases

Computer code is protected by copyright as a literary work. Databases may also have a separate database right where there has been substantial investment in obtaining or presenting the contents. Neither protects the functionality or the underlying idea, so software businesses rely heavily on licence terms and confidentiality.

Earning from copyright

You can sell copyright outright by written assignment, or keep it and grant licences for particular uses, territories and periods in return for fees or royalties. Licences can be exclusive or non-exclusive. We draft both, and make sure you keep what you mean to keep.

Designs

Design law protects how a product looks. There are three layers in the UK:

Right	How obtained	Protection
Registered design	Application to the UK IPO, from £60	Up to 25 years in five-year renewals. Protects against copying and independent similar designs
UK unregistered design right	Automatic, for the shape of an original article	Up to 15 years from creation, or 10 years from first sale. Copying only
Supplementary unregistered design	Automatic, on first disclosure in the UK	3 years. Copying only

A design must be new and have individual character. There is a 12-month grace period, so you can test the market before registering, but registering early is safer. For the Republic and the rest of the EU, an EU registered design from the EUIPO gives protection across all member states.

Keep a record

Because copyright and unregistered designs are not registered, you must be able to prove what you created and when. Keep dated drafts, sketches, source files and emails. A copy lodged with us, or a signed and dated file, can be decisive evidence in a dispute.

Copying is not always obvious

Infringement does not need an exact copy. Taking a substantial part, judged by quality rather than quantity, can be enough. Equally, two works can look alike without either being a copy. Take advice before accusing anyone, as unjustified threats can themselves lead to a claim.

Patents: what can be patented, the process, and the cost

The tests for a patent

Under the Patents Act 1977, an invention can be patented only if it is:

- New: not made public anywhere in the world before the filing date, in any form, including by the inventor.
- Inventive: not obvious to a skilled person in that field, given what is already known.
- Industrially applicable: capable of being made or used in some kind of industry, including agriculture.
- Not excluded: not one of the things the law says cannot be patented.

What can and cannot be patented

Usually patentable	Not patentable as such
New machines, tools and devices	Discoveries and scientific theories
New products, materials and chemical compounds	Mathematical methods
New manufacturing processes	Artistic, literary or aesthetic creations (these get copyright)
Improvements to existing products	Business methods, schemes, rules for games
Software that produces a real technical effect	Computer programs as such, and presentations of information
Medical devices and new uses of known drugs	Methods of treating or diagnosing people or animals; plant and animal varieties

From idea to granted patent

1 Search and draft
A patent attorney checks earlier patents and publications, then drafts the specification and claims, the precise wording that defines your monopoly.

2 File: your priority date
The UK application fixes your date. From then you can talk more freely, still preferably under NDA.

3 Search report, about 6 months
The UK IPO reports the closest earlier material.

4 Decide on abroad within 12 months
File an international (PCT) or European application, claiming your UK date.

5 Publication at 18 months
The application becomes public.

6 Examination and grant, 2 to 4 years
Objections are answered and the claims amended. Once granted, renewal fees are paid yearly from the fifth year, for up to 20 years.

Europe and Ireland

A single European patent application to the European Patent Office can cover the UK, Ireland and over 35 other countries, then splits into national rights. A unitary patent covers participating EU states in one right, but not the UK.

What a patent costs

UK official fees are £405 to file, search and examine, plus renewals of £90 to £810 a year. The larger cost is the patent attorney's work drafting and prosecuting the application: typically several thousand pounds for a UK patent. Protection in several countries commonly runs to tens of thousands of pounds over the life of the patent. Budget for this before you file abroad.

Who owns an employee's invention?

Under section 39 of the Patents Act 1977, an invention made by an employee in the course of their normal duties usually belongs to the employer. Anything else belongs to the employee. In exceptional cases an employee may claim compensation where the patent is of outstanding benefit. Contracts should make the position clear.

The Patent Box

A company that owns, or exclusively licenses, a granted patent can elect for profits from it to be taxed at an effective 10% corporation tax rate, instead of up to 25%. For a successful product this can be worth far more than the cost of the patent.

Trade marks: what can be registered, and where

The elements of a registrable trade mark

A trade mark is a sign that tells customers who your goods or services come from. To be registered in the UK it must be:

- A sign that can be shown clearly and precisely on the register: a word, logo, slogan, shape, colour, sound or a combination.
- Distinctive: able to distinguish your goods or services from others. Invented words, such as KODAK, are strongest.
- Not descriptive of the goods, their quality, purpose or origin. "Fresh Bread" for a bakery will be refused.
- Not deceptive, generic or contrary to public policy.
- Not in conflict with an earlier identical or similar mark for the same or similar goods, which the owner can oppose.

Registering with the UK IPO

- Search the register for earlier marks; ideally have an attorney carry out a clearance search.
- Choose the classes. There are 45 classes of goods and services, and you pay for each one.
- File online: £205 for one class and £60 for each extra class.
- Examination takes about a month, then the mark is published for a two-month opposition period, extendable to three.
- If there is no opposition, the mark is usually registered in four to six months. Renew every 10 years, at £245.

™ and ®

You can use ™ with any brand. Using ® for a mark that is not registered is a criminal offence. Unregistered brands can sometimes be protected by an action for passing off, but this is expensive and requires proof of goodwill. Registration is far simpler and cheaper.

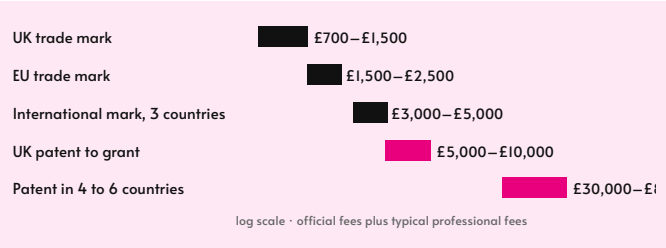
UK, Europe or worldwide?

Register	Covers	Approximate official fee
UK IPO	England, Wales, Scotland and Northern Ireland	£205, plus £60 per extra class
EUIPO (EU trade mark)	All 27 EU states, including the Republic of Ireland, but not Northern Ireland	€850 for one class, €50 for the second, €150 for each further class
Irish national mark	The Republic only	Modest national fee
WIPO (Madrid system)	One application designating any of over 130 countries, based on your UK mark	A basic fee of about 650 Swiss francs, plus a fee for each country

Trading on both sides of the border

Since Brexit, an EU trade mark no longer covers any part of the UK, and a UK mark does not cover the Republic. A business selling in Newry and Dundalk normally needs both a UK mark and an EU or Irish mark.

Typical total cost to obtain protection



Broad indications only, including typical professional fees. Every case is different, and we obtain a written quotation from the attorney before any work begins.

How strong is your brand name?

Type	Example	Strength
Invented word	KODAK, XEROX	Strongest
Real word, unrelated meaning	APPLE for computers	Strong
Hints at the product	NETFLIX	Usually registrable
Describes the product	QUICK CLEAN for a cleaner	Usually refused
The product's name	BREAD for bread	Never registrable

Before you launch a new brand

Search the UK, EU and Irish registers and Companies House. Check domain names and social handles. Have an attorney run a clearance search for similar marks. File your application before you spend on signage, packaging or advertising. Then put a written assignment in place for the logo from whoever designed it.

Worked example

From idea to income: Ciara's new farm gate latch

Ciara, a farmer near Newry, has designed a gate latch that a dog cannot open but a person can with one hand. She wants to manufacture it, sell it in both jurisdictions and license it to a larger company. This is how we would work together.

Stage	What happens	Who	Typical cost
1 Keep it secret	Ciara does not post the idea online, show it at the agricultural show or demonstrate it to anyone without a written non-disclosure agreement	Ciara, with our NDA	Fixed fee
2 Set up the business	We form a company, with Ciara and her investor as shareholders, a shareholders' agreement, and a written assignment of the invention to the company	Us	Fixed fee
3 Patent search and filing	A patent attorney searches for earlier latches, drafts the specification and files a UK application, fixing the priority date	Patent attorney	£405 official, plus attorney fees
4 Brand	The name LATCHSAFE is cleared and filed as a UK trade mark, and as an EU trade mark for sales in the Republic	Trade mark attorney	£205 UK and €850 EU, plus fees
5 Talk to manufacturers	Every manufacturer signs our NDA before seeing the drawings. Prototypes are made under a development agreement confirming Ciara's company owns all improvements	Us	Per agreement
6 Decide on abroad	Within 12 months of filing, Ciara decides whether to file a European or international application, based on the interest she has received	Attorney, with us	Thousands, rising over time
7 License and earn	We negotiate an exclusive licence for Ireland and Britain with a royalty of a percentage of net sales, minimum annual payments, audit rights, quality control and termination if sales targets are missed	Us	Per agreement
8 Grow and protect	Renewal fees are diarised, copycats receive properly framed letters, and patent profits may qualify for the Patent Box lower corporation tax rate	Us, attorney and accountant	Ongoing

Patents and trade marks: the real differences

	Patent	Trade mark
Protects	How a thing works	The name or sign it is sold under
Test	New, inventive, industrial	Distinctive, not descriptive, not conflicting
Secrecy before filing	Essential	Not needed, but file before launch
Time to register	2 to 4 years or more	4 to 6 months
Cost	Thousands to tens of thousands	Hundreds to low thousands
Duration	20 years maximum	Indefinite, with renewals
Complexity	Technical drafting essential	Simple; many file themselves

Why the order matters

If Ciara had shown the latch at the Balmoral Show before filing, her patent would be lost, however good the invention. If she had paid a freelance designer without an assignment, the designer might own the drawings. If she had launched under a name already registered by someone else, she could be forced to rebrand. Each of these mistakes is easily avoided at the start, and very expensive to fix later.

How we work with you

Our role and the attorney's role: from inception to income

Protecting and exploiting an idea needs two kinds of specialist. Registered patent and trade mark attorneys handle searching, drafting and filing at the registries. We handle the legal structure and the agreements through which an idea is protected, owned, shared and turned into income. We work with independent attorneys, and coordinate both sides for you.

What we do

- Non-disclosure agreements, one-way or mutual, for investors, manufacturers, developers and potential partners.
- Assignments of intellectual property from founders, contractors, designers and developers into your business.
- Joint venture agreements setting out who contributes what, who owns the results, and how profits are shared.
- Licence agreements, exclusive or non-exclusive, by territory and field, with royalties, minimum payments, audit rights and quality control.
- Profit and royalty share agreements between inventors, investors and family members.
- Manufacturing, distribution and franchise agreements that protect your rights when others make or sell your product.
- Company formation and shareholders' agreements, including holding intellectual property in a separate company.
- Employment and consultancy contracts with confidentiality and IP ownership clauses.
- Enforcement: letters before action, passing off and infringement claims, and settlements.
- Sale and investment: IP due diligence when you sell the business or raise funds.

What the attorney does

- Searches the registers and earlier publications.
- Advises whether an invention is likely to be patentable, or a brand registrable.
- Drafts patent specifications and claims, and settles trade mark and design applications, including the choice of classes.
- Files at the UK IPO, EUIPO, EPO and WIPO, and answers the examiners' objections.
- Manages oppositions, renewals and international filing deadlines.

Working together

We introduce you to an appropriate attorney and obtain their quotation. We make sure the NDAs are in place before anything is disclosed, and that ownership is in the right name before anything is filed. When rights are granted, we put the licences and agreements in place that let you earn from them.

Talk to us first

The cheapest and most effective protection is put in place before you tell anyone about your idea. A short meeting at the start can save the right itself.

What a good NDA covers

A clear definition of the confidential information; the permitted purpose and nothing else; who within the other business may see it; a ban on reverse engineering and on filing their own patents; return or destruction of materials; how long the duty lasts; and Northern Ireland law and courts. A one-page download from the internet rarely covers these properly.

Simmons Meglaughlin & Orr

20 Northland Row, Dungannon, BT71 6BL · T +44 28 8772 2016

A member of The Law Group

The law is rarely one size fits all. While the same legal principles apply, every case turns on its own facts. This guide is reviewed and updated as the law and tax rules change. This briefing is general information based on the law and official fees in force in October 2026. Cost figures are broad indications only. Please take advice before acting.

THE LAW GROUP

INCLUSIVE LEGAL SERVICES