Types of intellectual property

If identified and used correctly, intellectual property (IP) can be a small business’s most valuable asset. There are two basic types of IP – registered and unregistered. It’s important to recognise their differences because this knowledge can inform what steps you want to take.

Registered IP is only protected in – and recognised by – the country it’s been registered in.

Registered IP

As its name implies, this is a form of IP that’s been registered with a national IP office like the Intellectual Property Office of New Zealand (IPONZ).

IPONZ website has more detail on each IP type.

It includes:

- Registered trade marks — A brand name or logo with the ® symbol, eg Trade Me®
- Designs — The appearance or shape of a product design, eg Flight Plastics’ food and horticulture containers.
- Patents — Typically a new product, process or material. The easiest way to think of these is an invention, eg Fisher & Paykel Healthcare’s respiratory devices.
- Plant variety rights — A new type of plant, eg a gold kiwifruit or new apple variety.

You do not need to file an application to use the ™ symbol.

Unregistered IP

Although not registered with a national agency like IPONZ, these still offer legal protection and can help protect secret information.

It includes:

1. Unregistered trade mark – A word or logo with the ™ symbol. This offers limited protection, but can be a useful option to help establish your presence in a fast-moving industry.
2. Trade secrets – Examples include recipes and customer databases. The most famous example is probably the recipe for Coca Cola. An urban legend says only two Coke executives know the secret recipe.
3. Secrecy agreements – Contracts that keep valuable information safe. These may also be called confidentiality agreements or non-disclosure agreements (NDAs). When developing a new technology, a company will ask staff and contractors to sign an agreement not to steal their idea.
4. Copyright – This applies to owners of original work, such as paintings, songs, lyrics, writing and film. In New Zealand, as soon as a work of this type is created, copyright is automatic. Even so, it’s a good idea to stamp your work with the © symbol, the owner’s name and date.

The IPONZ website has more detail on each IP type.

Case study

Whose photos?
Freelance photographer Dana plans to update her online gallery of wedding shots and food photography — a mix of commissioned and contract work. She checks her business files for client copyright or permission agreements. After hearing horror stories from fellow photographers, Dana has recently been very careful about documenting these.

But in her first few years, she didn’t always do this. This is important because it’s generally assumed the person who pays a photographer is the first copyright owner.

Where Dana finds agreements — which give the client ownership — she asks permission to use the photos and files the correspondence. Where no agreements are in place, Dana checks with these previous clients to see if they’re OK with her intended use of the photos.

To prevent unauthorised use of the images, Dana publishes only lower resolution photos and watermarks each one with a copyright indicator.

Ways to protect your name, brand and ideas

- (/assets/Uploads/Visualisations/Ways-to-protect-your-name-brand-best-ideas.pdf) Explore full visualisation PDF 329 KB (/assets/Uploads/Visualisations/Ways-to-protect-your-name-brand-best-ideas.pdf)

The steps below are text versions of the visual guide. It’s aimed at people who use screen readers, or who prefer to take in information by reading.

Here are examples of ways you can protect your intellectual property (IP). Use several forms of protection to keep your IP even safer. Contact IPONZ if you have any questions.

Trade mark

- low registration effort
- low registration cost
- high protection level

A registered trade mark is the best way to protect your name and brand. The protection can last forever if you renew every 10 years.

- Protects your brands in the marketplace.
- Most commonly a word or a logo.
- Register with IPONZ.

Helpful hint: You can’t register a word that is common in your industry. You could register the name ‘Milk’ as an architecture firm, but not for a milk product.

Trade marks (external link) (https://www.iponz.govt.nz/about-ip/trade-marks/) — IPONZ

Helpful hint: Use ONECheck to check the availability of business names, web domains, trade marks, and social media usernames in one search.

ONECheck (/onecheck/)

Trade secret

- medium protection level

Best practice is to not tell anyone about your secret recipe or process.

Helpful hint: Have good measures in place, such as confidentiality agreements and limiting staff access.

Copyright and other IP (external link) (https://eab.business.govt.nz/employmentagreementbuilder/generalprovisions/copyrightOtherIp) — Employment Agreement Builder

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Copyright

- high protection level

For original works, including images, song lyrics and digital content.

- You don’t have to register it.
- Can protect for up to 50 years after your death, depending on the type of work.

Helpful hint: Keep records when you create the work. Use the copyright symbol ©, the name of the owner and the year the work was created.

Copyright (external link) (https://www.iponz.govt.nz/about-ip/copyright/) — IPONZ

Copyright and other IP (external link) (https://eab.business.govt.nz/employmentagreementbuilder/generalprovisions/copyrightOtherIp) — Employment Agreement Builder

Company name registration

- low registration effort
- low registration cost
- low protection level

Your brand name is a big asset. Think about using it as your registered company name.

- Register with Companies Office.
- Renew annually.

Helpful hint: Use ONECheck to check the availability of business names, web domains, trade marks, and social media usernames in one search.

ONECheck (/onecheck/)

Design

- medium registration effort
- medium registration cost
- medium protection level

For new and different visual appearance of a product.

- How things look.
- Register with IPONZ.
- Can protect for up to 15 years.

Helpful hint: You can’t register a design if you’ve already gone public with your product, so watch your timing.


Patent

- high registration effort
- high registration cost
- high protection level

For inventions of functionality or process.

- What things do, how they do it, or how they’re made.
- Register with IPONZ.
- Can protect for up to 20 years.

Helpful hint: You can’t get a patent if you’ve already gone public with your invention, so watch your timing.
Web domain and social media

- low registration effort
- low registration cost
- low protection level

Your name is a big asset.

- Use it in a web address and on social media platforms so people can easily find you.
- License through a private supplier.

Helpful hint: Use ONECheck to check the availability of business names, web domains, trade marks, and social media usernames in one search.

ONECheck (onecheck)

Choosing a business name (getting-started/building-a-brand/choosing-a-business-name)

Plant variety rights (PVR)

- high registration effort
- high registration cost
- high protection level

For new types of plant.

- Register with IPONZ.
- Can protect for up to 23 years.

Plant variety rights (external link) — IPONZ

Vote Form

Do you export goods or services overseas?

We would like to know more about the people who use our site. This will help us continue to develop useful tools and content to save our customers time and money.

- Yes
- No

Vote

Related content

More More
(onecheck)

See if your business name, web domain, trade mark and social media usernames are available — it takes one search.

(onecheck)

Start your search
(onecheck)

When to think about intellectual property


Find out more

Research your market
Knowing about your market and rivals is crucial, whether you’re starting, growing or well established.

Here’s how

Protecting your IP overseas

Many small businesses mistakenly think registering IP in New Zealand automatically protects them overseas.

Nail your business planning

Make sure you work on the right things for your growing business with our quick-focus planning template.