

# What's the difference? Intellectual property overview



Patents



Trade Marks



Design Rights



Plant Breeder's Rights



Copyright



Trade Secrets

<b>What is protected?</b>	Provides exclusive rights for the functions or features of a device, substance, method, or process that is new, inventive, and useful.  Your patent must be 'granted' to be a legally enforceable right to commercially exploit the invention for the life of the patent.	Provides protection for a sign used to distinguish goods or services from one trader from those of another.  You can add a TM (for trade mark) to your product labels. This is not illegal, but such trade marks have no registered, intellectual property (IP) protection. Only registered trade marks can carry the ® symbol.	Provides the protection of the overall visual appearance of new and distinctive products.  Australia has a two-step process for securing design right protection: registration and certification. Both steps are necessary to enforce your design right.	Provides exclusive enforceable right to produce or reproduce, sell, or license the plant material.  Applying for a plant breeder's rights (PBR) is a staged application process, including a growing trial and guidance from a Qualified person.	Protects the owner's original expression of an idea. Copyright is free and automatic and exists the moment you express your creation in 'material form'. E.g. record a video on a smart phone, paint a picture, draw a sketch, or write a story.  The Attorney General's Department is responsible for copyright law and policy. The Australian Copyright Council provides free information and advice.	Protect proprietary knowledge, usually by way of confidentiality agreements. It is up to you to protect that knowledge.
<b>How long does protection last?</b>	A maximum of 20 years (up to 25 years for a pharmaceutical patent).	10 years initially with infinite renewals.	An initial 5 years + 5 years on renewal, equaling a maximum of 10 years.	A maximum of 25 years for trees or vines and 20 years for other species.	Generally copyright lasts for 70 years after the death of the author for works, 70 years after being made public for sound recordings and films, and 50 years after being broadcast for television and radio broadcasts. Copyright duration can differ depending on the type of copyright material and if it has been made public.	Potentially forever, so long as you can keep it a secret.
<b>How much does it cost to apply?</b>	You can start your patent journey with a provisional patent for \$110, with further fees if you continue with a standard patent application.	Trade mark fees are calculated from how many classes you apply for. A single class application starts from \$250* depending on how you file.	The application fees start at \$250*. If you chose to certify your registration, there is a fee of \$420*. Other fees may apply.	The initial application fee starts at \$345* and the subsequent examination from \$1610*. Other fees may apply.	In Australia, protection is automatic, and no fees apply to copyright.	There are no fees to keep trade secrets, but costs may apply to setting up any contracts used to maintain secrecy.
<b>Do others know about it?</b>	Your patent should be a secret before you apply. Be aware that if you demonstrate, sell, or discuss your invention in public before filling an application with us, you may not get a patent.	Your trade mark doesn't have to be a secret before you apply. In fact, in some cases it can be beneficial to have a history or trading with the trade mark.	Your design should be a secret before you apply. If your design is already visible to the public, even if you published it yourself, it may no longer be considered 'new'.	Doesn't have to be a secret but must be applied within 12 months after using in Australia.	There is no need for a formal application or registration for copyright in Australia.	There is no formal application or registration for trade secrets in Australia. However, contracts and non-disclosure agreements can be used to maintain secrecy.
<b>What are some examples?</b>	Vaccines Appliances and mechanical devices Computer hardware and software* Isolated bacteria and proteins Therapeutic goods Consumer goods	Words or phrases Logos or pictures Aspects or packaging Colours Slogans Smells Sounds Any combination of the above	Clothing Tyres Toothbrushes Kitchen appliances Furniture	Essentially derived varieties Trees Flowering plants Fungi Algae Vines Farm saved seed (FSS)	Books Artwork Software* Films and sound recordings	Secret recipes Confidential commercial processes Algorithms

# Education and resources



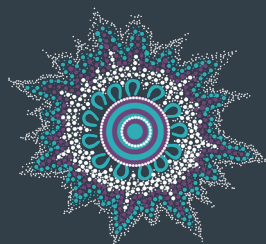
IP stories



On demand webinars



Choosing the right IP



IK and IP video FAQs



International IP — Going global



TM Checker