

USING OF INTELLECTUAL PROPERTY RIGHTS IN A CREATIVE INDUSTRY IN A GLOBAL DIMENSION

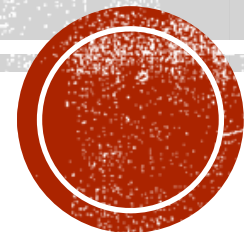
Ing. Monika Raková PhD.

University of Economics in Bratislava

Faculty of Business Management

Department of Business Economy

monika.rakova@euba.sk



Object, subject and content of intellectual property

- **Object of intellectual property**
 - as an element of a legal relationship consists of a direct and an indirect object
 - a direct object - active or passive human
 - an indirect object - things, rights or other property values.
- **Subject of intellectual property**
 - natural and legal persons
 - only a natural person can be the creator of the object of intellectual property
 - a legal person is an entity that creates favorable conditions for the development of a person's intellectual creative activity
- **Content of intellectual property**
 - Objects of intellectual property can only be disposed of (intellectual property does not expire, as it is not tied to the existence of a material substrate) and their use (transferability of intellectual property applies only to property rights, not personal rights)



Classification of intellectual property rights in a global sense

- **Patents** - it is an exclusive right awarded to an inventor to prevent others from making, selling, distributing, importing or using their invention, without license or authorisation, for a fixed period of time.
- **Industrial Designs** - protect the aesthetic aspects (shape, texture, pattern, colour) of an object, rather than the technical features. TRIPS requires that an original design be eligible for protection from unauthorised use by others for a minimum of 10 years.
- **Trademarks** provide exclusive rights to use distinctive signs, such as symbols, colours, letters, shapes or names to identify the producer of a product, and protect its associated reputation. In order to be eligible for protection a mark must be distinctive of the proprietor so as to identify the proprietor's goods or services. The main purpose of a trademark is to prevent customers from being misled or deceived. Trademarks represent an important driver of firm profitability and brand awareness and, as such, are of growing interest to many businesses.



RESULTS AND DISCUSSIONS

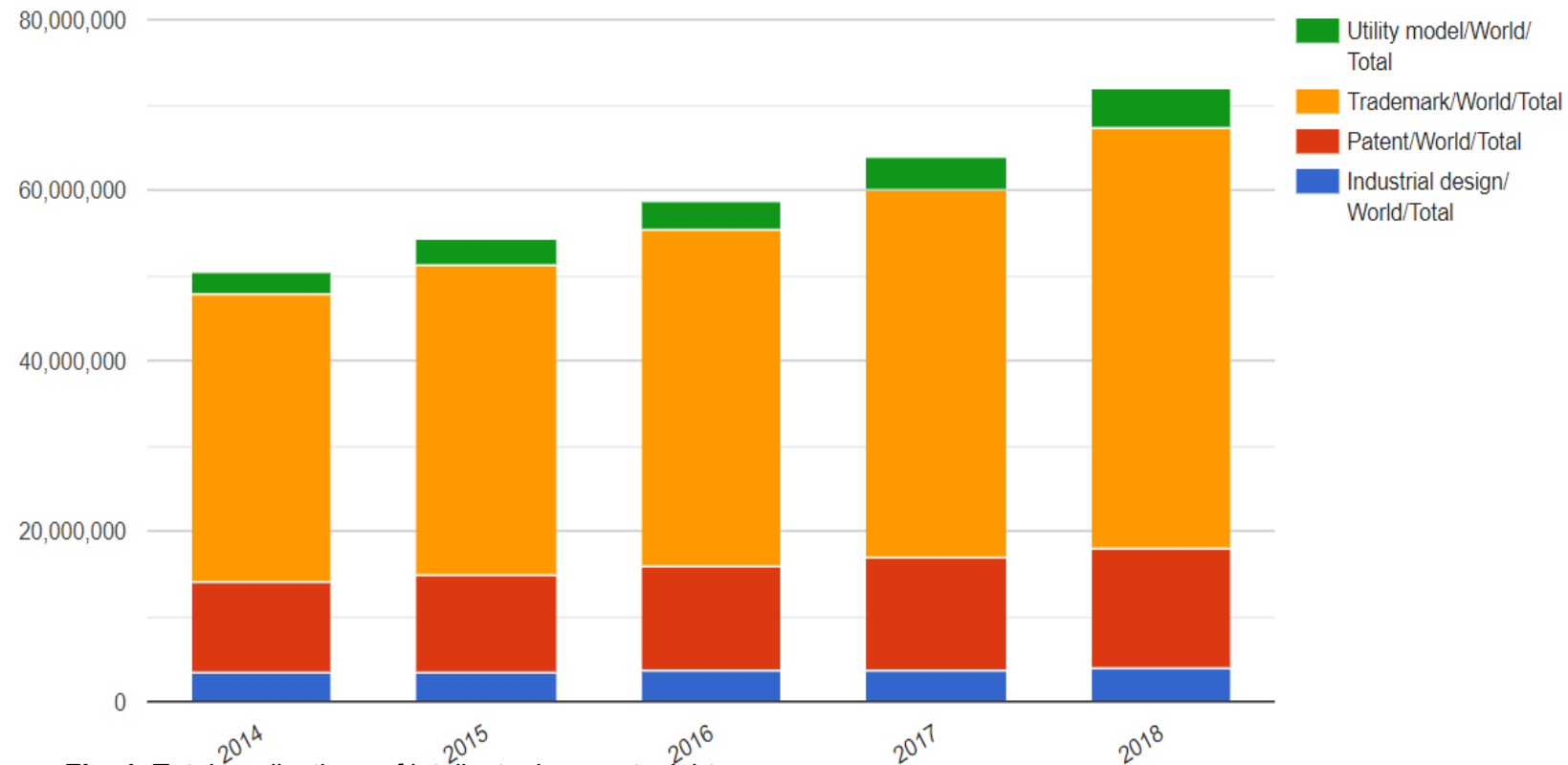
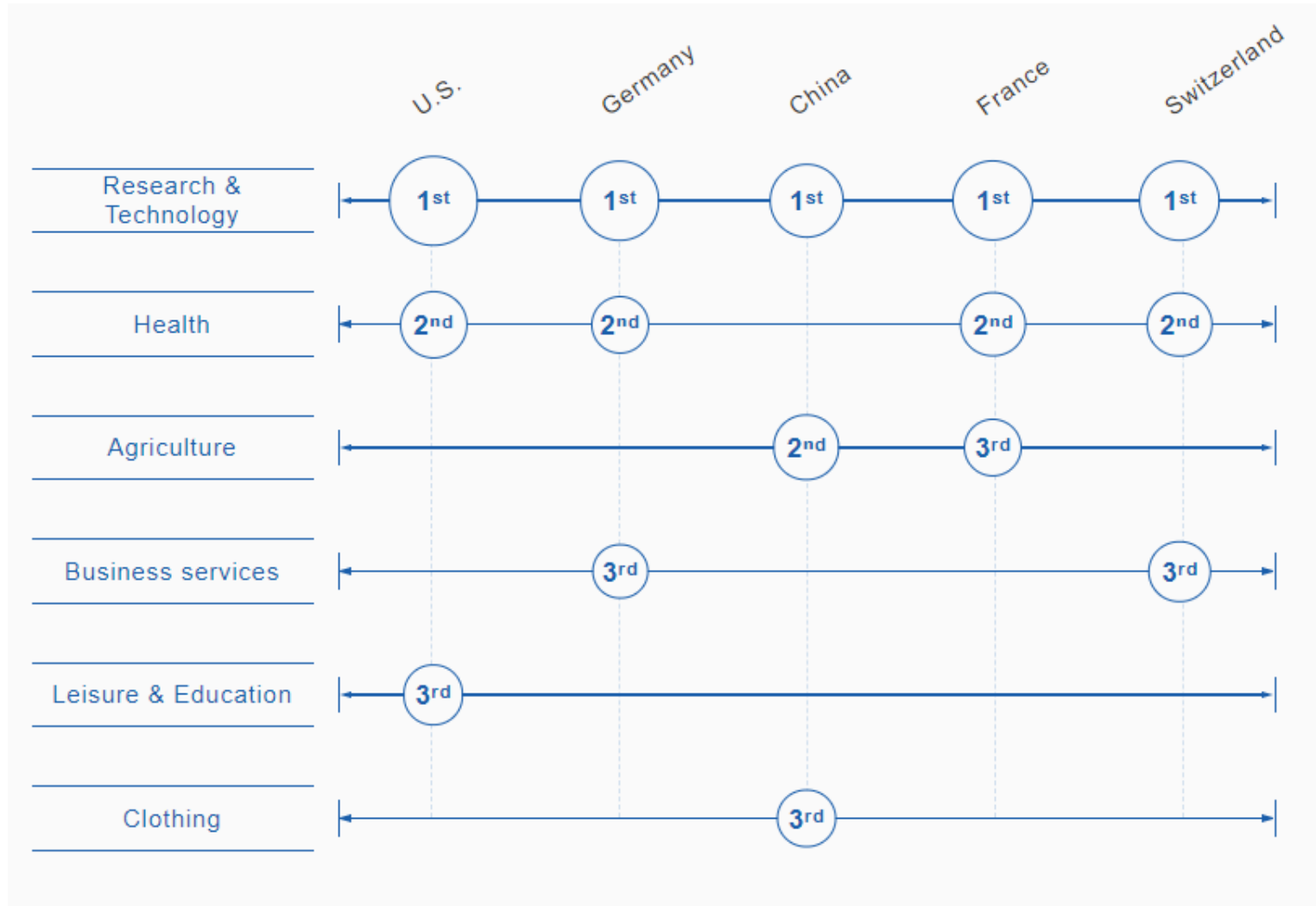


Fig. 1: Total applications of intellectual property rights

Figure 1 shows the total number of applications of individual intellectual property rights in the world. As can be noticed, the most frequently used intellectual property tool is trademarks, used in 2018 in up to 68% of cases). The second most used form of protection of intellectual activity is patents, which are experiencing modest growth. The least used rights are industrial designs and then utility models.



RESULTS AND DISCUSSIONS



As Figure 2 shows, it is most commonly applied in the US, followed by Germany, China, France and Switzerland. From the point of view of the industry, it can be argued that research and technology fall under the creative industries, and thus that it is this industry that benefits from trademark protection. The cultural and creative industries can to some extent also include education, which is in the 3rd place of use of trademarks.

Fig. 2: Top 6 industries sector for trademark



RESULTS AND DISCUSSIONS

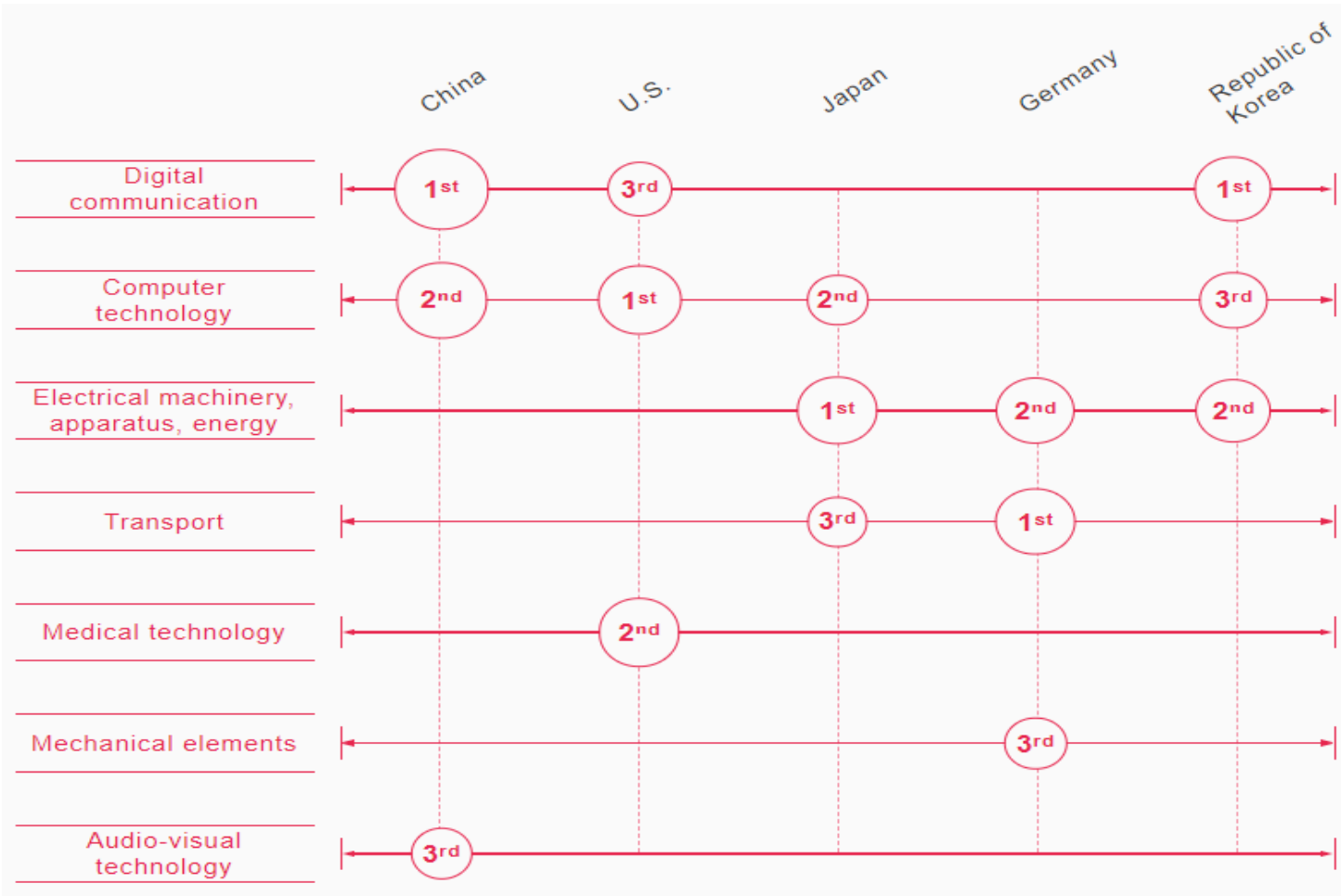
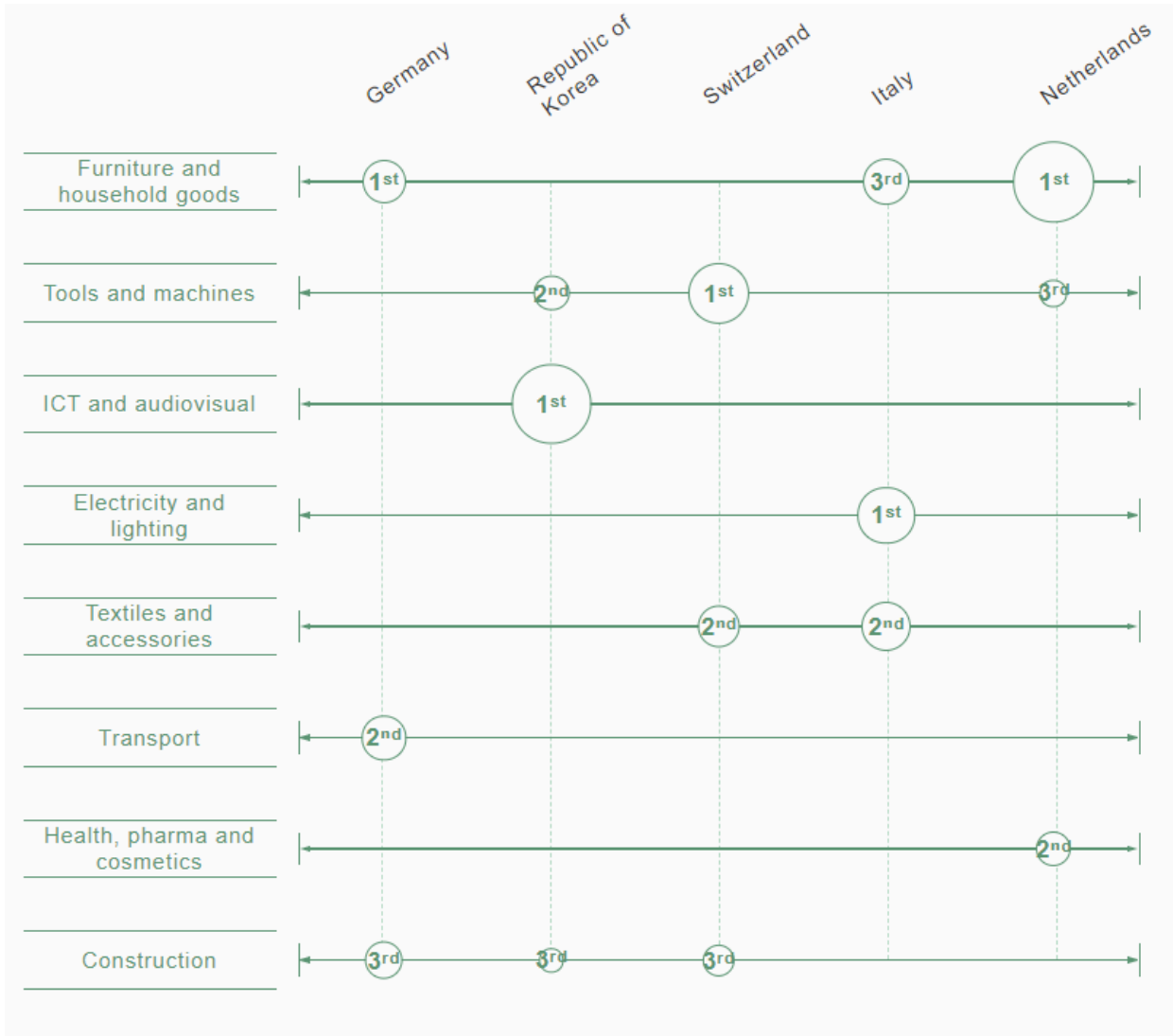


Fig. 3: Top 7 industries sector for patent

As Figure 3 shown, applicants from China and the Republic of Korea filed intensively for patents related to digital communication, while those from the U.S. filed most in the field of computer technology. For Japan, the top technology field was electrical machinery, and for Germany it was transport.



RESULTS AND DISCUSSIONS



As figure 4 shown, companies from Germany and the Netherlands filed most in furniture and household goods, while those from the Republic of Korea filed most intensively for designs related to ICT and audiovisual. The tools and machines sector accounted for the largest share for Switzerland and the electricity and lighting was the top sector for Italy. ICT and audio-visual can be considered as cultural and creative industries from these sectors.

Fig. 4: Top 8 industries sector for design



RESULTS AND DISCUSSIONS

The small and medium-sized enterprises of the European Union, which do not have a single intellectual property right registered, give several reasons why they have chosen not to register these rights, namely:

- *lack of knowledge (38 %),*
- *information on innovation should be available to everyone (21 %),*
- *insufficient innovation potential (20 %),*
- *no benefits from registration (15 %),*
- *registration is too expensive (11 %),*
- *registration conditions not met (5 %),*
- *other reasons (4 %)*



THANK YOU FOR YOUR ATTENTION!

