



Section 2 - What is IP and what IP do you already own?

Most creative practitioners are aware that IP (intellectual property) forms some part of what they do through their practice. But many are uncertain as to what IP actually is and how it can be a secret weapon to aid the growth of their business and the revenues it makes.

This section explains what IP is, the different types of IP and once you've grasped the outline details, how you can use IP to benefit your business.

(Please note: there is a section about IP in the Simple Tips, Smart Ideas book pdf pages 68-82. The book was published in January 2019 so does not include any references to the debate around AI and copyright.)

• • • • • What exactly is IP?

• This is the question that I get asked most, with the questioners quickly assuming it is to do with lawyers and that as creatives they needn't think about it. But that couldn't be further from reality.

• The IP protections and laws are there to ensure that those who create original work are both recognised and can earn from their creativity.

• The best and simplest definition is from the World Intellectual Property Organisation. It reads:

• *'Intellectual property (IP) refers to creations of the mind such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.'*

• *IP is protected in law by, for example copyright, trademarks and patents, which enable people to earn recognition or financial benefit from what they invent or create.*

• *By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.'*



There are **four** main types of IP – copyright, trademarks, design right and patent. The Government's Intellectual Property Office website has a lot of helpful information on it, as does the British Library site. You can also get advice from an IP attorney, some of whom may be prepared to give you some initial advice for little cost.

i. Copyright

When you create something original which has not been copied, you own the copyright to it. Copyright is a free, automatic right in the UK protecting the creation only when it is written down, recorded or made. It protects the actual **output**, not the idea but the actual expression of the idea. Whether what you produce is literary, dramatic, musical, artistic, aural, film, tv, code or whatever. It can cover decks, presentations, proposals as well as the artistic output itself.



You do not need to register copyright in the UK but can show ownership by putting the internationally recognised © symbol followed by your name and year e.g. © Bert Flax 2026.

Copyright is a property right, owned by the originator unless a contract of employment, buyout or whatever says otherwise. Owning the copyright of a creative work means you can sell it, licence it or use it to generate income in a range of ways.

Copyright covers the whole of a work but also its constituent parts too.

Copyright protection in the UK lasts for 70 years after the death of the creator, or 70 years after the death of the longest living person in a joint creative endeavour where the copyright is shared.

ii. Trademark

A trademark is words or symbols that differentiate one venture or company and its products from those produced by another.

By registering its trademark, the trademark laws protect a company from another company 'passing off' their products as original, when they might be of inferior materials or design, thereby losing income.



A trademark can be just words, a graphic symbol or both together, and it can be 2- or 3- dimensional. A registered trademark last for 10 years and can be extended indefinitely if in use.

When a trademark is registered, you need to decide which of 45 different classes you want to register in – 1-34 relate to different goods, 35-45 are for services. Depending on your work, you may want to register in several. There is an initial fee for the first class then an additional fee for each class registered at the same time.

A trademark can be owned by an individual or a company. And it can be linked to a company name, a product or a service.

A trademark owner can choose whether to licence their trademark for earn additional revenues, to sell it or to bring some other commercial benefit such as franchising. For example, if you have an original work/creative methodology, you can give it a name, protect it with a trademark and offer workshops or courses to others.

iii. Design Right

- Design right protects the shape and appearance of an item – its aesthetic. A design right can be in 2D or 3D. It has to be new, not copied from elsewhere and have its own characteristics.



- Unregistered design right gives 10 years protection after an item has first been offered for sale, but by registering your design right with the IPO, your design can be protected for 25 years, but needs renewing every 5 years.

iv. Patent

- A patent registration protects the concept behind an idea – for example the process, formula, programme or system. But there are some key aspects critical to being able to start the patent registration process:

- The concept **has** to be new i.e. undisclosed to the public before filing
- It has to involve an inventive step
- It has to be capable of being made/used in some kind of industry



- Patent registration can be lengthy and expensive. If you think you have some invention that is worthy of being patented, it is best to work with a patent attorney.

Map the copyright material that you already own - exercise 3

Most creative individuals and companies own a vast amount of IP they have never audited or mapped. All your presentation decks, the ideas clients have rejected, proposals, your designs, illustrations and drawings, musical works, songs, game ideas, films, sketches, sculptures, dance and so on. All of this is already copyright that belongs to you.

By doing a copyright audit, you can see exactly what you own, begin to see where there might be opportunities for some of the myriad ideas in today's marketplaces and think what you might be able to do with it.

Please note:

I'm aware that I have not touched on the knotty subject of AI.

During the in-person Salford Artists Development Programme Growth School we discussed this at length.

As I write this (May 2026) the realities of how AI will impact IP is still very much open to debate with different responses to AI output IP varying around the world.

The latest thinking seems to be that if you use highly creative prompts which are individual to you and your artistic vision, outputs are likely to have copyright protection in the same way an artwork would. But please check with the Government's Intellectual Property Office for updated information.

