

1

Intellectual property

■ Lead-in

Discuss these questions with a partner.

- 1 What is intellectual property?
- 2 How can intellectual property be protected?
- 3 What particular problems are there in protecting intellectual property today?

Reading

1 Read the first paragraph of an article about intellectual property below and answer these questions.

- 1 What two reasons are given for ensuring intellectual property protection?
- 2 What are the two legal categories mentioned?
- 3 Why does the article mention these two categories?

Domestic legislation enacted within countries ensures intellectual property protection for two reasons: firstly, to give statutory expression to the moral and economic rights of creators in their creations and to the rights of the public in accessing those creations; and secondly, to promote creativity and the dissemination and application of the

results and to encourage fair trade, thereby contributing to social and economic development. The division of intellectual property into two distinct legal categories, namely industrial property and copyright, results in different rights, duties and obligations, giving rise to varying degrees of protection and enforcement.

2 Explain the difference between *rights*, *duties* and *obligations*. Give an example of each.

3 Find words and phrases in the paragraph that mean the same as these.

- 1 encourage 2 separate 3 causes 4 legal 5 passed 6 which are

4 Decide whether these terms relate to industrial property or copyright.

commercial names designations disclosure infringement
layout designs licence patents performance register
reproduction trademarks translation

5 Read the rest of the article on the next page to check your answers to Exercise 4.

6 Read the whole article again and answer these questions.

- 1 What is the difference between the expressions *authors' rights* and *copyright*?
- 2 Does an invention have to exist to be protected?
- 3 Why does the duration of protection for industrial property and copyright differ?
- 4 How is the public made aware that an invention is protected?
- 5 Why is there no need for a register of copyright?

Industrial property, in broad terms, protects inventions and includes patents to protect inventions and industrial designs. In addition, it covers trademarks, service marks, layout designs of integrated circuits, commercial names and designations, as well as geographical indications and protection against unfair competition.

Copyright, also known as authors' rights in most European languages, relates to artistic creations, such as books, music, paintings and sculptures, and films and technology-based works, such as computer programs and electronic databases. While the expression *copyright* refers to the main act, that act is the making of copies of the work, whereas the expression *authors' rights* relates to the creator of the artistic work, namely its author. The author has certain specific rights in his creation which only he can exercise, such as the right to prohibit or authorize its reproduction, distribution, performance, communication to the public, translation or adaptation, and these are recognized in most laws. Other rights, such as the right to make copies, can be exercised by other persons where permission or a licence has been obtained from the author. A created work is regarded as protected as soon as it comes into

existence. Copyright ensures the protection of the authors' rights and provides remedies for the author in the event of any infringement.

Essentially, copyright protects the form of expression of ideas, whereas in the context of industrial property, inventions can be considered as new solutions to technical problems, and these solutions are ideas and are protected as such. In fact, protection of inventions under patent law does not require the invention to be actually physically in existence. The difference between inventions and literary and artistic works gives rise to different degrees of legal protection. As protection for inventions gives a monopoly over the right to exploit an idea, the duration of such protection is usually about 20 years, which is quite short. On the other hand, the protection of literary and artistic works prevents unauthorized use of the expression of the ideas, so the duration of the protection can be much longer. Furthermore, the public must be made aware of the fact that the invention is protected, and this is done publicly through disclosure in an official register, whereas a created work is considered protected as soon as it exists, and a public register of copyrights is not required.

7 Complete these phrases with words from both sections of the article.

- | | |
|------------------|--|
| 1 in broad _____ | 4 two _____ legal categories |
| 2 _____ an idea | 5 make someone _____ of the fact that ... |
| 3 obtain a _____ | 6 _____ to different degrees of protection |

Language work

8 What are the verbs that relate to these nouns? Mark the stressed syllable in each word.

- 1 competition 2 permission 3 remedy 4 monopoly
5 solution 6 disclosure

9 Work in pairs. Each of you should talk for one minute about your subject. After each talk, your partner will ask you a question about it.

Student A: The need for intellectual property to be protected

Student B: The legal situation regarding protection of intellectual property in your country

USEFUL LANGUAGE

- | | |
|--|---|
| I should like to start by mentioning ... | Firstly, ... secondly, ... finally, ... |
| To begin with, I must say that ... | I should also point out that ... |
| We must also consider ... | Following on from that, ... |
| An important point regarding ... is ... | I should add that ... |
| There are many points to consider. | In conclusion, ... |

Research

10 Find out about the problems involved in protecting intellectual property on the Internet and discuss in class.

Listening

www.CartoonStock.com



'This call may be monitored for training purposes or just to keep our staff amused.'

1 Imagine that a new client contacts you by phone. Rank these responses 1–5 according to what you would generally do (1 = never, 5 = always).

- 1 Listen sympathetically and advise a meeting.
- 2 Give advice over the telephone.
- 3 Immediately put the client through to your secretary to make an appointment.
- 4 Tell the client your hourly rate at the beginning of the conversation.
- 5 Ask the client to write out the problem with the facts and send it to you.

2 Work in pairs. Discuss the reasons for your ranking.

3 Would your response change according to the type of problem the client has, or who the client is? How?

4  **2** 1.1 Listen to a telephone conversation between a lawyer, Mr Howard, and a new client, Professor Daykin. Decide whether these statements are true or false.

- 1 Mr Howard has met Professor Daykin before.
- 2 Professor Daykin is upset because she has been cheated.
- 3 The conversation is angry.

5  **2** 1.1 Listen again and answer these questions.

- 1 How does Professor Daykin know Mr Howard?
- 2 Why doesn't Professor Daykin want to make an appointment?
- 3 Why have the course packs been put together, and what do they contain?
- 4 What have the authors given their permission for?
- 5 Who is Professor Daykin angry with, and why?
- 6 What does Mr Howard think should happen next? Why?

Language work

6 a Match the verbs in the left column (1–8) with the words and phrases in the right column (a–h) to make collocations from the conversation.

- | | |
|---------|-------------------|
| 1 give | a it at that |
| 2 get | b me know |
| 3 go | c a quick outline |
| 4 talk | d in touch |
| 5 let | e into the matter |
| 6 look | f it through |
| 7 leave | g ahead |
| 8 be | h back to you |

b Who uses each of the above collocations, Mr Howard (H) or Professor Daykin (D)? Read the audio transcript on page 96 to check.

c Write five sentences using five of the collocations above. Remove the collocations to create gap-fill sentences for your partner to complete.

7 Read the audio transcript on page 96 and underline eight words you would like to check the meanings of. Compare your words with your partner's. Can you explain any? Use your dictionary for the other meanings.