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3HR Legal Weekly

Commercial

Intellectual property rights: making them work for your business

Intellectual property rights will allow you to protect the brand that you have developed for your business, inventions that you or your business creates and the goodwill that your business has generated. Goodwill can often be priceless; it is essentially the association of quality goods and services with a brand name – which can be your business name.

Every business, be it small and local or large and international, should be taking advantage of these rights – some of which can arise without the need for registration.

You should be considering the following rights in your business:

Copyright: this right arises automatically and protects original works, including entrepreneurial works, which are recorded in some way. The work need not have any artistic merit; something as simple as a brochure describing business services can be protected by copyright as long as it is original. Copyright can be used to stop the unauthorised copying of work for a period of up to 70 years. For businesses that use original, written documents or pictures/images, copyright is an indispensable right.

Trademarks: these rights protect marks that distinguish a business' goods and services from those of others – essentially, a 'brand name'. Trademarks must be registered but after registration, can last in perpetuity.

Design rights: the novel and individual character of the visual appearance of a product or part of a product can be protected by both registered and unregistered design rights. These rights can last for up to 25 years.

Patents: inventions can be few and far between and are often not easy, or cheap, to come by. It is prudent to take all the necessary patent-registration steps as swiftly as possible to ensure that the idea is kept for the benefit of the inventor. Patents grant a 20 year monopoly to the inventor and are available for inventions that are new and involve an inventive step.

Confidential information: this is not protected by intellectual property rights in the classic sense but can sometimes be the most important and valuable asset to a business. As long as the information remains a secret, the right arises automatically. It also protects information that has been disclosed in circumstances that impose obligations of confidence and can stop ex-employees from disclosing information without authorisation.

Valuable assets like brand and goodwill are vital components for commercial success. They should be made a business priority; 3HR can help you identify what rights you and your business have and take the steps needed to ensure you are protected.

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Employment

New Year, New Laws - Employment Law Updates for 2015

There are a number of changes coming into force in Employment Law in 2015.

There are favourable changes from April 2015 for new parents who will benefit from statutory pay rates for maternity, paternity, adoption and shared parental leave, increasing to £139.56 per week.

Also, statutory adoption leave and pay will no longer have the 26-week qualifying period, and adoption pay will be brought in line with maternity pay, which will be 90% of normal earnings for the first six weeks.

Both parents (including adopters) will also be entitled to take unpaid time off to attend two antenatal appointments with the expectant mother.

Previously, parents of children up to the age of 5 (or 18 if the child is disabled) had the right to unpaid parental leave for up to a total of 18 weeks, but from April this will be extended to parents of any child under the age of 18 years.

Surrogate parents will also be eligible for adoption leave, provided they meet the eligibility criteria. Parents who have a child through surrogacy will be permitted to take ordinary paternity leave and pay, adoption leave and pay and shared parental leave and pay.

Other changes include that statutory sick pay (SSP) rates will increase to £88.45 per week.

There will also be final changes for younger staff with the Education and Skills Act 2008 being finalised. From this year all young people in England will need to be in education or training, at least part-time until the age of 18.

Finally, the upper age limit for jury service will increase from 70 to 75 (England and Wales) (dates to be announced).

It is important that businesses review their Staff Handbooks and policies to ensure that they are in line with these changes when they come into force. If you have any queries, please contact our Employment team.

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