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Intellectual Property

Copyrights, Trademarks and Patents



LaunchPad

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What is Intellectual Property (“IP”)?

Intellectual property is a broad description for intangible assets owned by individuals or companies that can be legally protected from unauthorised use. IP can consist of many kinds of assets including business names, product names, product designs, logos, slogans, illustrations, photos, architectural designs, literary works, music, movies, and computer software.

What are IP rights?

IP rights are legal rights given to persons over their original works or creations for a period.

IP rights available under Ghanaian law

1. Copyrights
2. Trademark protections
3. Patents
4. Industrial Design protections

Is it important to register my IP?

Yes, if you want to prevent others from using your work or creation without your consent. Most IP rights need to be registered to be enforceable against persons who use protected work without permission from their owners.

Copyright

What kind of work can be protected by copyright law under Ghanaian law?

In Ghana, textbooks, novels, story books, film scripts, articles, paintings, drawings, logos, sculptures, architectural drawings, music and sound recordings, films, computer software and mobile apps are examples of work can be protected by copyright.

What kind of protections are granted to copyrighted work?

A copyright gives the owner of the work the exclusive right to reproduce, change, showcase, distribute or rent out originals or copies of the work, or to authorise others to do these things. The owner also has the exclusive right to claim ownership of the work, to demand that they are given credit for the work, and to sue anyone who misuses the work or uses it without their permission.

Can I copyright an idea that I have not fully developed yet?

No, copyright does not protect ideas, concepts or methods of doing something.

Trademark

What is a Trademark?

A trademark is a recognisable mark, symbol or expression, which identifies and distinguishes products or services of one company or individual from others.

What kind of trademarks can be registered under Ghanaian law?

Brand names, logos, slogans, jingles, etc. Trademarks may be in the form of words, personal names, designs, letters, colours, numerals, shapes, holograms, sounds or a combination of any of these elements.

Do I need to register my trademark?

Yes, if you want to protect your brand and prevent others from using signs, symbols or expressions similar or identical to those your brand uses.

Will my trademark registration be recognised globally?

No, trademark registrations are restricted to the country of registration. However, you may register your trademark with the trademark office of each country in which you are seeking protection or use the World Intellectual Property Organisation's Madrid System to register in multiple countries, through the African Regional Intellectual Property Organisation office in Accra.

How do I register my trademark?

To register a trademark, you must submit completed application forms and copies of the trademark to the Registrar-General's Department and pay the required fee.

What kind of protections are granted to registered trademarks?

No person is permitted to use the registered trademark or a similar sign in relation to any goods or services in a country where the trademark has been registered, without the consent of the owner.

Does the law protect unregistered trademarks?

No, the law does not protect unregistered trademarks.

How long is a registered trademark valid for?

A trademark registration is valid for 10 years from the date of filing the application. However, registration may be renewed.

Can I transfer ownership of my trademark?

Yes, but the transfer must be in writing and filed at the Registrar-General's Department.

Patent

What is a Patent?

A patent is a right granted to an inventor to prevent his invention from unauthorised use for a period.

What kind of invention can be patented under Ghanaian law?

To qualify for a patent, the invented product or process must be new, innovative, and capable of use in an industry. Inventions that cannot be patented in Ghana include discoveries, scientific theories, mathematical methods, rules, or methods of doing business, and surgical treatment methods.

Who can apply for a patent?

The inventor of the product is entitled to apply for a patent. A person who is not the inventor may apply if they can justify their right to the patent.

What kind of protections are granted to patented work under Ghanaian law?

No one is permitted to make, import, sell, or use a patented product or a product that has been obtained using a patented process without the consent of the owner. The owner of the patent may sue any person who uses the patent without his permission.

How do I register my patent?

To register a patent in Ghana, you must submit completed application forms to the Registrar General's Department and pay the prescribed fees.

Are there any other fees involved?

Yes, to maintain the patent, an annual fee must be paid in advance for each year, starting one year after filing the application.

How long is a registered patent valid for?

A registered patent is valid for 20 years from the date of filling the application.

About us

ND&C LaunchPad is an educational platform providing free legal education to all, and access to subsidized legal services for businesses founded, controlled and generally run by women.

Launchpad's primary purpose is to help early-stage businesses meet regulatory and compliance standards necessary to grow without breaking the bank. We do this by providing free educational material and discounted advisory services to deserving young businesses.

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