

INTELLECTUAL PROPERTY PROTECTION FOR BOARD GAMES

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Intellectual Property consists of three types which you register

- **Patents** - How something works or the method of making it.
- **Designs** - Protects the overall visual appearance of a product or a part of a product
- **Trade Marks** - The sign by which you distinguish your goods or services from those of your competitors.

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- **Copyright** - Artistic or literary expression.
- **Know How** - Valuable information not readily available to the public. Highly confidential Know How is known as a **Trade Secret** and should be protected by legal agreements.

Board Games

Board games can be protected by a number of different types of intellectual property:

- Registered designs can protect the appearance of part of the game e.g. the board or an original game piece.
- Registered trade marks can protect the name or logo under which you sell your game e.g. Scrabble which is protected by both a UK and a Community trade mark.
- The exact wording of the instructions on how to play the game (not the ideas behind the rules of the game) as well as any original initial drawings for the board or the games pieces can be protected by copyright.

The new game board and the new game pieces may also be protected by unregistered design right, which is similar to copyright but applies in the UK only.

Both copyright and design right can be infringed by someone copying an article protected by these rights.

- Patents, on the other hand, are more suited to machines and technical processes. For something to be patentable it has to have a function, it has to do something and whilst the idea behind a game cannot be patented, if the game includes the use of objects or technical devices these may be patentable in their own right separate from the game itself.

Some things to bear in mind

A patent can take up to four years to get to grant from the date you file your patent application. You need to bear this in mind when deciding whether or not you are going to file for a patent as the life of the majority of board games is short and whilst a large number of new games are created every year the vast majority of them get nowhere. Even for those board games that do succeed the market is a very fickle one and this year's 'must have' game is often soon replaced by the next new and novel board game to arrive on the scene.

Obtaining patent protection with the assistance of a patent attorney can cost in the region of £3,000 or more.

Finally, if you are not going to make more in sales than the total cost of getting your board game onto the market you will need to decide on whether or not the cost of registering your intellectual property is worthwhile.

Confidentiality

It is important with all intellectual property to keep your ideas confidential until you have decided how best to protect them. If you need to discuss your board game with anyone before you protect it you should do so using a Non-Disclosure Agreement (NDA) or a Confidential Disclosure Agreement (CDA). You should be aware that some manufacturers are reluctant to sign binding agreements like these.

When discussing your idea with a patent or trade mark attorney or other legally qualified person you do not need an NDA or a CDA, but the majority of attorneys will be happy to sign one if asked to do so.

Further Information

The Business & IP Centre Manchester

The BIPC Manchester holds a monthly IP Clinic & Commercial Legal Clinic, offers access to resources and regularly runs IP workshops.

T: +44(0)161 234 1990

E: patlib@manchester.gov.uk

The British Library Business & IP Centre

The British Library holds the national collection of intellectual property not only from the United Kingdom but also from a large number of countries throughout the world.

The Business & IP Centre has extensive collections of business and Intellectual property information, plus databases. Manuals on Intellectual Property law are on the open access shelves.

T. +44(0)20 7412 7454

E. bipc@bl.uk

W. bl.uk/bipc

Workshops

The Business & IP Centre runs regular workshops on intellectual property and business. A full list can be found, and bookings made, via the British Library website at bl.uk/bipc under the heading Workshops and events.

The Intellectual Property Office

The IPO UK is the official government body responsible for granting intellectual property rights in the United Kingdom. The website of the IPO UK contains a vast amount of information on all forms of intellectual property including what the different types of intellectual property protect, how to apply for the various intellectual property rights and the necessary forms and lists of relevant fees.

T. 0300 300 2000 (local rate number)

E. information@ipo.gov.uk

W. ipo.gov.uk

Chartered Institute of Patent Attorneys

The Chartered Institute of Patent Attorneys holds regular clinics at a number of sites around the UK to provide free basic advice to unrepresented innovators who are at the early stages of developing an idea. The clinics are all given by a Registered Patent Attorney who is a Fellow of the Institute see cipa.org.uk/need-advice/ip-clinics/

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Chartered Institute of Trade Mark Attorneys

CITMA also offer free advice clinics and details can be found at citma.org.uk/trade_marks/free_advice_clinics

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