

IP True or False Quiz

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1. Once the client pays for creative work, they own it:
FALSE – The author owns the IPR's unless they are otherwise assigned.
2. It is OK to use images downloaded from the internet as they are 'Public Domain'.
FALSE - Just because images are on the internet does not mean they are free from protection.
3. Ideas an ad agency presents in a new business pitch belong to the agency.
FALSE - If the agency doesn't have an ownership and nondisclosure agreement in place before it pitches concepts to a client, the agency does not own the rights to the ideas it presents.
4. If an ad agency commissions an illustrator to create work for a campaign, the agency automatically owns the IPR's.
FALSE - Be aware that without direct language about transfer of intellectual property and a signed document, the work is owned by the freelancer regardless of agency payment. As a result, your agency could be selling work to a client without possessing the rights to it. On the other side of the issue is the freelancer's use of the work in their portfolio. Agencies must clearly spell out whether freelancers can include a client's work or name in their portfolios, as well as whether they can personally solicit these clients for future work.
5. My copyright work created in the UK is not protected in the USA unless I register it with the US Patents Office.
FALSE – The US is bound by the Berne Convention, adopted in 1886, which deals with the protection of works and the rights of their authors. It provides creators such as authors, musicians, poets, painters etc. with the means to control how their works are used, by whom, and on what terms.
6. You can use quotations as long as you acknowledge the source.
TRUE - You can use quotations provided such use is 'fair and proportionate' and you acknowledge the source (use is not 'fair and proportionate' if it loses the creator money or you've used more of the work than is reasonable).
7. You cannot use material protected by copyright for the purpose of caricature, parody or pastiche without the permission of the copyright owner.
FALSE - You can use material for these purposes without the permission of the copyright owner, but only if your use is fair and proportionate.
8. It is OK for trade marks to be deceptive.
FALSE - This could give a misleading message and be potentially damaging to customers and the business.

9. You can register a place name as a trademark.

FALSE - A place name cannot be protected if the goods or services could reasonably come from there, or already do. A place name can be used if it is coupled with a distinctive word, e.g. Rimmel London.

10. Trademarks cannot be offensive or use unacceptable language or images.

TRUE - If it would offend the religious beliefs of some to allow a term to be protected, it will be refused registration. The same applies to words which are just rude or offensive to anyone.