6 Tips For Protecting Websites & Apps In The UK

Background

As commerce becomes ever more digitally driven, the development of new and innovative software applications for desktop and mobile devices generates valuable intellectual property (IP) rights.

All too often though, the intangible nature of websites and apps has led to misconceptions surrounding whether and how those IP rights can be protected.

Whilst this can be a more challenging field for securing effective IP protection, e.g. compared to physical products and methodologies, a number of strategies are, in fact, available.

Here, at Cameron Intellectual Property, we pride ourselves on developing creative solutions for protecting IP in this field.

Below, we give **6 top tips** to help you protect your website or app in the UK.

1. Avoid relying solely on copyright

Copyright protection arises automatically in the UK upon creation of an original "literary work", including software code and screen content. There is no registration system, and no costs associated with securing copyright protection.

However, copyright can only be asserted where its ownership can be demonstrated and actual copying can be proven. Copyright protection is narrow in scope and, for example, does not protect general concepts which may underpin a website or App.

For these reasons, you should try to avoid relying solely on copyright protection.

2. Check if your website contains third-party content

It is essential to ensure that you actually own the copyright in all aspects of your website or app; or that you have the legal right to use any copyright owned by a third party, e.g. by way of a licence.

If a third party (e.g. a web-developer) has been commissioned to create aspects of your website or app then you should ensure that ownership of all IP rights are legally transferred to you.

The use of third party photographs within websites without permission is a very common and potentially expensive pitfall.

3. Consider patents

In many parts of the world, including the UK and Europe, it is only possible to obtain patent protection for software implemented inventions which have a "technical" effect and which solve a "technical" problem.

Even the most innovative websites and apps - which may employ sophisticated mathematical algorithms - tend to solve administrative or business problems and so, are excluded from patentability.

However, if software interacts with hardware to address a "technical" problem then it may be possible to patent an invention. We can help you ascertain whether patents may be applicable in your case.

## 4. Protect your graphic user interface (GUI)

Whilst the underlying software code may be considered to represent the most "clever" bits of a website or app, the most valuable aspects from a customer perspective may actually be the aesthetics of the graphical user interface (GUI).

For example, the design of individual icons and the overall screen layout can be important distinguishing features worthy of protection. Whilst copyright may play a part, more effective protection may be possible via the registered design system.

The legal definition of a "design" is: "the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation".

In the context of a website or App, the product may be an icon or overall screen layout. Protecting those features via the registered design system provides an exclusive monopoly right enforceable against any third party which uses the same designs (or ones which gives rise to the same "overall impression") without permission, irrespective of whether direct/ deliberate copying occurs.
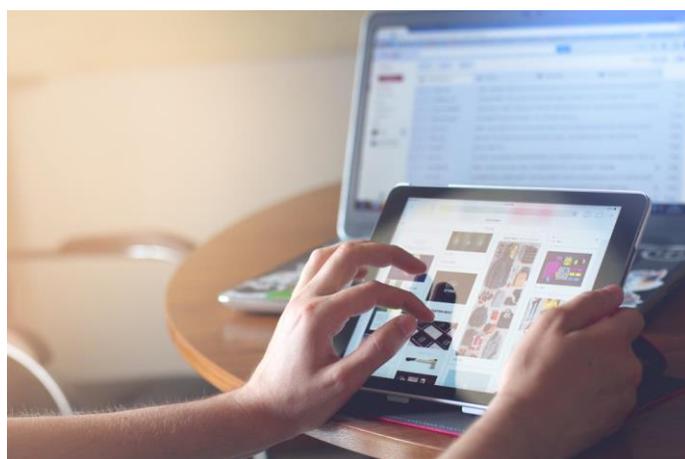
Importantly, intentional copying of a registered design is now a criminal offence in the UK, meaning that it is a more powerful form of protection than copyright.

We can help you to achieve the optimum protection for your GUI by considering the best options for your website or app.

5. Protect animations

It is often assumed that the registered design system may only protect static content on a website or app. However, a little known fact is that it is often possible to protect dynamic content by presenting successive images of, e.g. an animated on-screen icon.

6. Protect trade marks

The protection of brand names (e.g. including words and logos) associated with a website or app should be considered as part of an overall IP strategy. A trade mark registration provides a monopoly right on which can be legally enforced against competitors using the same branding, or branding which is confusingly similar. Please note that registering a web domain does not provide any trade mark protection.

Can we help you?

Please **contact Avir Patel, Meena Murrin or Steven McIlroy** for further information on how we can assist your business.

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