

10 Common Myths About Intellectual Property Law — Devesh Maharajaa

Intellectual Property (IP) law is an essential aspect of protecting creative and innovative works. However, despite its significance, numerous myths and misconceptions surround IP law. These misunderstandings often lead to costly mistakes for individuals and businesses. As an advocate with 20 years of experience in the field, I, Devesh Maharaj, aim to debunk ten of the most common myths about intellectual property law.

Myth 1: If You Change 10% of Someone Else's Work, It's Not Copyright Infringement

One of the most pervasive myths is the belief that altering a work by a certain percentage — often claimed to be 10% — makes it original and legally permissible to use. In reality, copyright law protects original expression, not just exact copies. Even minor modifications can still constitute infringement if they retain the essence of the original work.

Myth 2: You Automatically Own an Idea If You Thought of It First

Many people believe that merely thinking of an idea grants them legal ownership. However, IP law protects tangible expressions of ideas, not ideas themselves. To claim ownership, one must document and legally protect the idea through patents, copyrights, trademarks, or trade secrets.

Myth 3: If It's on the Internet, It's Free to Use

A common misconception is that anything found on the internet is free to use. In reality, most online content is copyrighted, and using it without permission can result in legal consequences. Proper attribution does not always equate to lawful use; explicit permission or licensing is often required.

Myth 4: Registering a Business Name Grants Trademark Protection

Simply registering a business name with the relevant authorities does not automatically confer trademark protection. A trademark must be registered with the appropriate trademark office to gain exclusive rights and protection against infringement.

Myth 5: Copyright Protection Requires Registration

In many jurisdictions, including the United States and India, copyright protection is automatic upon the creation of an original work in a tangible medium. While registration strengthens enforcement rights, it is not a prerequisite for copyright protection.

Myth 6: Patents Last Forever

Some people mistakenly believe that once they obtain a patent, they hold exclusive rights indefinitely. In reality, patents have a limited duration, typically 20 years from the filing date. After this period, the patented invention enters the public domain and can be freely used by others.

