

# Samsung is like a skinny kid

Apple v Samsung is like Goliath v his slightly skinner classmate. Like all skinny kids we can understand why Samsung wants to be like Goliath. Goliaths get all the girls. So Samsung wants to be almost as cool as Apple.

Technology companies having a crack at each other is a regular event these days. Why is that?

It's because intellectual property is valuable, very valuable and because determining whether a piece of technology infringes someone else's IP can often be a matter of very subjective opinion.

Before we get onto the detail of Apple v Samsung stoush, a little bit of law: intellectual property does NOT protect an idea. Ideas are great . . . but unless the idea turns into something you can protect, then it's just that . . . an idea.

If you come up with an idea and turn that idea into a new and exciting invention, then it can be protected through patents.

Some ideas can also be protected as a registered trade mark or design, or by copyright, but they all protect the *form* of the idea, not the idea itself.

Given that most ideas can't be protected, companies like Apple seek relief in trademark, design and copyright protection. This is what the latest stoush is about.

Apple, for example, has this shape and design trademarked:



Samsung's device looks like this:

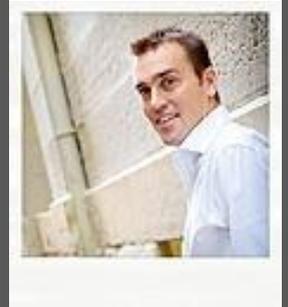


The ultimate question is whether the products produced by Samsung are deceptively similar to the trademarks or designs held by Apple. We don't think so, but Apple is renowned for aggressively protecting its interests and rightly so. It recently had a go at Woolworths' new logo because it looks like an, umm, apple. That's aggressive.

If you'd spent a few hundred million on thinking up an idea and then implementing it, you'd also try to protect it. But the law won't always give you what you want. This case will be an interesting example of how hard it is to protect an idea.

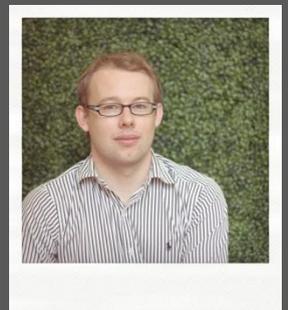
On this one, we're betting that Samsung wins. But the odds are skinny.

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