

TYPES OF INTELLECTUAL PROPERTY

- **PATENTS**

- “Anything under the sun made by man” is patentable subject matter
- Requires creation of a patent application “from scratch” and is therefore somewhat time-consuming and expensive
- Must be examined against relevant prior art in the Patent Office
- “Bargain” with the government is that the inventor completely describes the invention to the public in return for patent protection
- Term is 20 years from filing date

- **TRADEMARKS**

- Must identify a “source of origin” of goods or services “in commerce”
- Usually a word, phrase or logo. but can (rarely) be more esoteric such as a color or shape
- Relatively simple and inexpensive to obtain
- Lasts indefinitely as long as the protected goods or services are being sold

- **COPYRIGHTS**

- Protects any physical expression of an abstract idea - any type of text compilation, sculpture, architectural drawings, artwork, software in printed form, printed circuit masks etc.
- Protection starts by simply marking item with © and year
- Easy to register - fill out a form and send to Copyright Office with copy of item
- Lasts for life of the author plus 50 years (may be different for “works for hire”)

- **TRADE SECRETS**

- Encompasses anything that has value by virtue of being known only to a limited, authorized group
- Can last indefinitely - becomes lost if and when it becomes publicly known, even if not by actions of owner
- Protected by state law and thus details can vary from state-to-state
- Usually memorialized by some type of NDA (non-disclosure agreement) when disclosed to "new" persons
- Since a patent necessarily involves public disclosure, must choose between patenting or maintaining trade secret