

Intellectual Property Cheat Sheet

<u>Type of IP</u>	<u>What's Protected</u>	<u>Requirements</u>	<u>Rights Conferred</u>	<u>Process and Cost</u>	<u>Duration</u>
COPYRIGHT	<p>Any original work of authorship fixed in a tangible medium of expression.</p> <p>Examples: books, articles, films, songs, sculpture, software</p>	<p>Must be:</p> <ul style="list-style-type: none"> - Original - Creative rather than utilitarian - Written, recorded, printed, photographed, or drawn (must be "fixed" in a tangible form, not just living in your mind) 	<p>Exclusive right to copy, perform, display, and distribute work, and to create derivative works</p> <p>Not protected:</p> <ul style="list-style-type: none"> - Ideas - Facts 	<p>Attaches automatically upon creation. Formal registration with the United States Copyright Office can be obtained for \$35.</p> <p>Registration only required if you want to sue someone for</p>	<p>Depends on whether it has been published, and, if so, when. Generally, protection lasts for the life of the author plus 70 years.</p>
TRADEMARKS AND SERVICE MARKS	<p>A word, name, phrase, or logo that identifies the source of goods or services and distinguishes the goods or services from those provided by competitors.</p>	<p>Must be distinctive, actually used in commerce, and unlikely to be confused with existing marks used on the same or similar goods.</p>	<p>Ability to exclude others from using the mark on the same or similar goods or services.</p> <p>Not Protected: Words that are generic or merely describe the goods/services.</p>	<p>Common law rights attach automatically upon first sale.</p> <p>Can register in one or more states or federally for greater protection. Filing fee is \$275 per</p>	<p>Potentially forever, as long as the goods or services continue to be used in commerce. Registration requires periodic reports and fees.</p>

<p>TRADE SECRET</p>	<p>Any valuable commercial information that provides a business with an advantage over competitors that do not have the information.</p> <p>Examples: recipes, algorithms, marketing plans, customer lists</p>	<p>Must have value because of its secrecy, and must be protected by reasonably secure methods.</p>	<p>Right to use the secret for commercial advantage over competitors.</p> <p>Independent development of the trade secret or discovery of a trade secret by reverse engineering are allowed.</p>	<p>No registration required but protection only available if kept secret.</p>	<p>Potentially forever, as long as it is kept secret.</p>
<p>TRADE DRESS</p>	<p>Physical appearance, including size, shape, color, design and texture of a product or product packaging.</p> <p>Examples: iPhone shape, McDonalds restaurant colors and appearance</p>	<p>Must have achieved sufficient commercial use that the trade dress has become a recognizable and effective indicator of the product's source.</p>	<p>Same as trademark</p>	<p>Same as trademark</p>	<p>Potentially forever, as long as it is still being used in commerce.</p>

UTILITY PATENTS	<p>Useful inventions. Can be objects, processes, machines, devices, or any new & useful improvement to the same.</p> <p>Examples: pharmaceuticals, new and novel products</p>	<p>Must:</p> <ul style="list-style-type: none"> - Serve a utilitarian purpose (contrast with copyright) - Be new to the field - Not have been publicly disclosed more than one year prior to application - Be a substantial inventive step 	<p>Right to exclude others from making, using, selling, or offering invention for sale and from importing the invention into the U.S. from a foreign country.</p> <p>Not protected:</p> <ul style="list-style-type: none"> - Abstract ideas - Laws of nature - Natural phenomena 	<p>Can cost \$10,000+ depending upon the type of technology and its complexity. Unlike most other forms of IP protection, patent drafting and registration almost always requires a specialized attorney, which considerably drives up the cost.</p>	<p>20 years. Requires periodic reports and fees.</p>
DESIGN PATENTS	<p>The ornamental appearance of an object or an ornamental design applied to an object.</p> <p>Examples: Designs applied to the exterior of products, computer icons</p>	<p>Same as utility patents except that subject matter must be purely ornamental; functional parts of the invention are not protected under a design patent.</p>	<p>Same as above</p>	<p>Typically same as above, though many design patents are less complex, and therefore less costly, than utility patents.</p>	<p>15 years. Requires periodic reports and fees.</p>