From Article I, Section 8 of the U.S. Constitution:

"To promote the Progress of
Science and useful Arts,
by securing for limited Times
to Authors and Inventors
the exclusive Right to their respective
Writings and Discoveries."

Four types of Intellectual Property Protection

(@'LectricLawLibrary)

* Copyright law, which protects original "works of authorship."

* Patent law, which protects new, useful, and "nonobvious" inventions and processes.

* Trademark law, which protects words, names, and symbols used by manufacturers and businesses to identify their goods and services.

* Trade secret law, which protects valuable information not generally known that has been kept secret by its owner.

Copyright: Works Protected

Copyright protection is available for "works of authorship." The Copyright Act states that works of authorship include the following:

Literary works. Novels, nonfiction prose, poetry, newspaper articles and newspapers, magazine articles and magazines, computer software, software manuals, training manuals, manuals, catalogs, brochures, ads (text), and compilations such as business directories.

Musical works. Songs, advertising jingles, and instrumentals.

Dramatic works. Plays, operas, and skits.

Copyright: Works Protected cont'd.

Pantomimes and choreographic works. Ballets, modern dance, jazz dance, and mime works.

Pictorial, graphic, and sculptural works. Photographs, posters, maps, paintings, drawings, graphic art, display ads, cartoon strips and cartoon characters, stuffed animals, statues, paintings, and works of fine art.

Motion pictures and other audiovisual works. Movies, documentaries, travelogues, training films and videos, television shows, television ads, and interactive multimedia works.

Sound recordings. Recordings of music, sounds, or words.

Obtaining Copyright Protection

Copyright protection arises automatically when an "original" work of authorship is "fixed" in a tangible medium of expression. Registration with the Copyright Office is optional.

Originality: A work is original in the copyright sense if it owes its origin to the author and was not copied from some preexisting work.

Fixation: A work is "fixed" when it is made "sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration."

A copyright owner has five exclusive rights:

Reproduction Right.

Modification Right.

Distribution Right.

Public Performance Right.

Public Display Right.

Traditional ”Fair Use'' Purposes

Criticism
Comment
News reporting
Teaching
Scholarship
Research

Fair Use Considerations

1: Purpose and character of use.

2: Nature of the copyrighted work.

3: Amount and substantiality of the portion used.

4: Effect on the potential market for or value of the protected work.

Copyright Timeline

(@Association of Research Libraries)
http://www.arl.org/info/frn/copy/timeline.html

Patents

Inventions (eg: microwave oven)

Processes (eg: method for curing rubber)

Ornamental designs (eg: sole of a running shoe)

Patent Requirements

http://www.bitlaw.com/patent/requirements.html

Statutory

New

(not already patented, described or described)

Useful

Non-Obvious

(to an ordinary skilled person in the field)

Trademarks and Service Marks

Words, names, symbols, or devices,
Used to identify and to distinguish
goods and services

Eg: PGP

Trade Secrets

Information of any sort that is:

valuable to its owner,

not generally known, and that

has been kept secret by the owner.

Trade Secrets Examples

Customer Lists

Manufacturing Processes

Recipes

Software Development Methods