

Solar powered owl systems
Lucy B. Thomas,
U.S. Patent 9,072,288 B1 [Link]

# Intellectual Property Law for the Rest of Us



## Class schedule

Class	Topic
9/9	Introduction
	A ridiculously fast history of intellectual property in America
Note: no class meeting on 9/16 in observance of Yom Kippur	
9/23	Copyrights
9/30	Trademarks
10/7	Patents
10/14	Digital futures



#### Course resources

- Copies of these slides and other notes will be available on https://queenlake.com/wise-2021/ip4us/
- Presentations for each class will be available within 15 minutes of the start of the class.



## About yours truly

- kh@queenlake.com
- **▶** 508 829 5825





#### Recommended resources:

- United States Copyright Office A Brief Introduction and History
- Trademark basics
- Process for Obtaining a Utility Patent



## A few thoughts before we start

- I may contradict some things that you've heard from other people.
  - Wise people will disagree.
  - We'll try to separate what's useful from what's not.
  - Ultimately, you need to learn things in a way that help you the most.
- ▶ This is your class



## I am not a lawyer

- If you have legal questions that related to your business or personal life, contact an attorney who specializes in intellectual property law.
- Of course, every lawyer, when asked a question, will give a standard first response:
- "It depends."





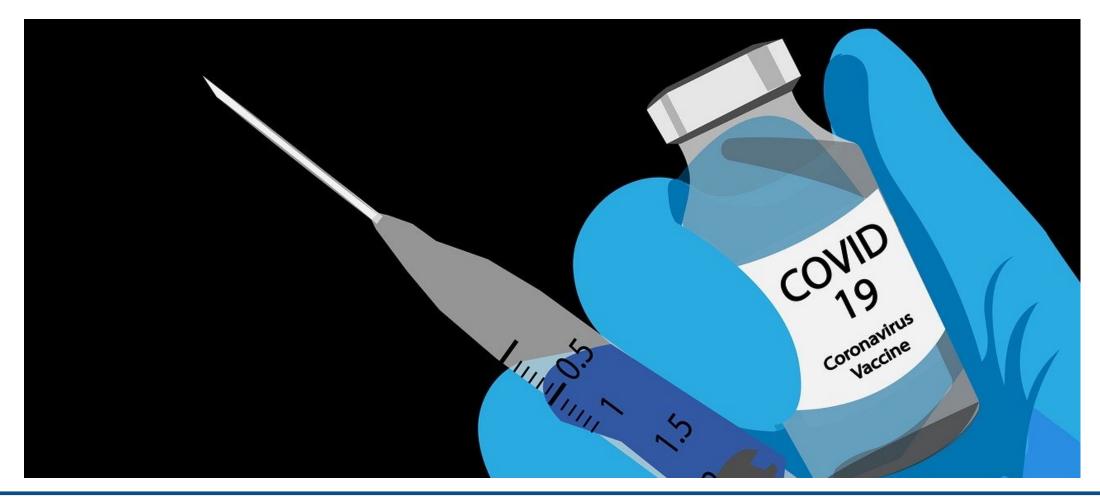
Law Enforcement Officer Openly Admits He's Playing Copyrighted Music To Prevent Citizen's Recording From Being Uploaded To YouTube | Techdirt [Link]





# How 'Zoom' became the 'Kleenex' of video calling [Link]





The growing fight over coronavirus vaccine patents [Link]





# Who owns this picture?

Monkey's selfie cannot be copyrighted, US regulators say





## Introduction



# Today's class

- About this course
- What is Intellectual Property?
- ▶ A 15-minute history of IP in the United States
- As Seen on TV
- **▶ USPTO**
- Questions



# World Intellectual Property Organization (WIPO) definition

#### What is Intellectual Property?

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.



#### Intellectual Property

Creations of the mind - creative works or ideas embodied in a form that can be shared or can enable others to recreate, emulate, or manufacture them. There are four ways to protect **intellectual property** - patents, trademarks, copyrights or trade secrets.

# U.S. Patent and Trademark Office definition [Link]



#### What is what?

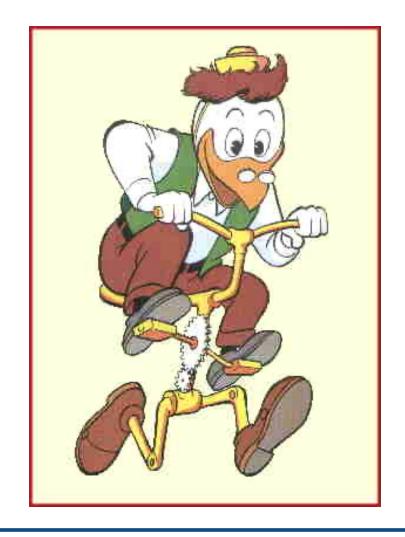
- A **trademark** is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. A **service mark** identifies and distinguishes the source of a service rather than goods. The term "**trademark**" is often used to refer to both trademarks and service marks.
- A **patent** is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention.
- A copyright protects works of authorship, such as writings, music, and works of art that have been tangibly expressed.
- ▶ Source: US Copyright Office definitions



## Themes to keep in mind

- Copyright
  - When you create something, you own the copyright.
  - Fair Use
- ▶ Trademark
  - Likelihood of confusion
  - Right of publicity
- ▶ Patents
  - Is it new?
  - Does it work?
- You can search for patents and registered trademarks; copyrights are more complicated.





# The Myth of the Sole Inventor [Link]



# Article 1, Section 8 The Congress shall have Power

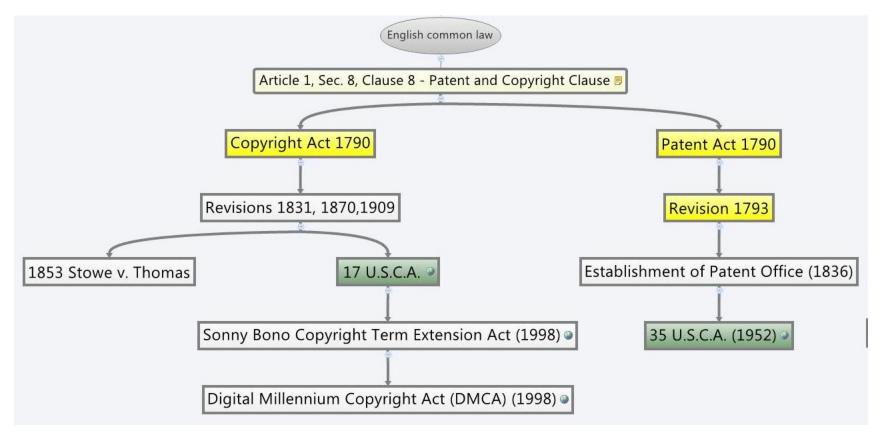
• • •

 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;

# A 15-minute history of IP in the United States

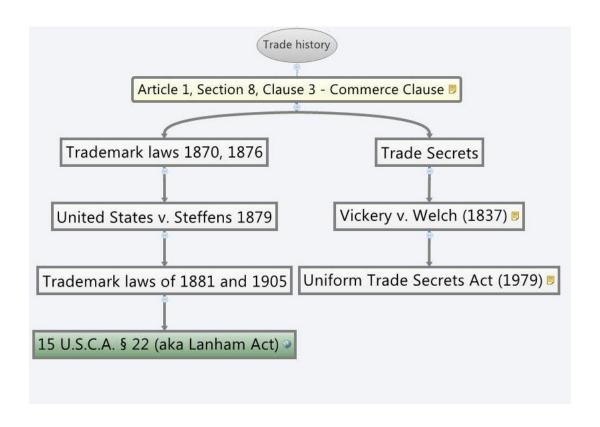


# **Copyrights and Patents**





#### **Trademarks and Trade Secrets**





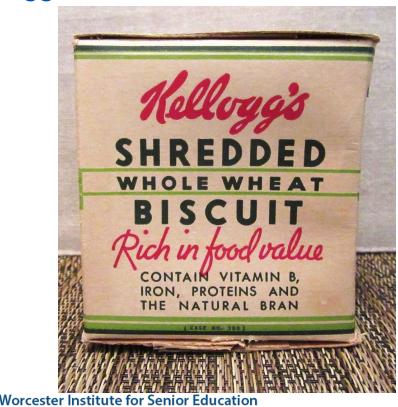
#### 1853 Stowe v. Thomas

Harriet Beecher Stowe claimed that a German translation of Uncle Tom's Cabin infringed on her copyright. The court said that it did not that, that the translation was a new, derivative work. This led to changes in the copyright law which extended protections to translated works.



# Kellogg Co. v. National Biscuit Co., 305 U.S. 111 (1938) [Link]

#### Kellogg's



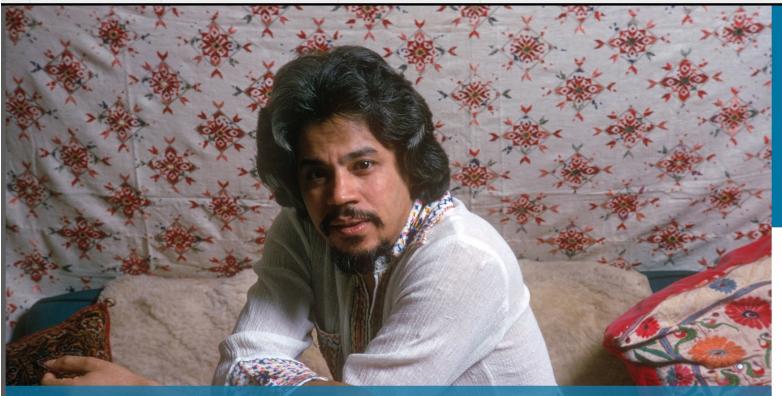
#### National Biscuit Co. (Nabisco)



#### Article 1, Section 8, Clause 3 - Commerce Clause

Gives Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."





#### **Inventing salsa**

Johnny Pacheco founded Fania Records in 1964 and created the Latin music and dance sensation that came to be known, simply, as "salsa" FULL STORY>

#### **Find It Fast**

Quick links to applications and tools.

Patents -

Trademarks -

#### New to IP?

Learn the basics of intellectual property.



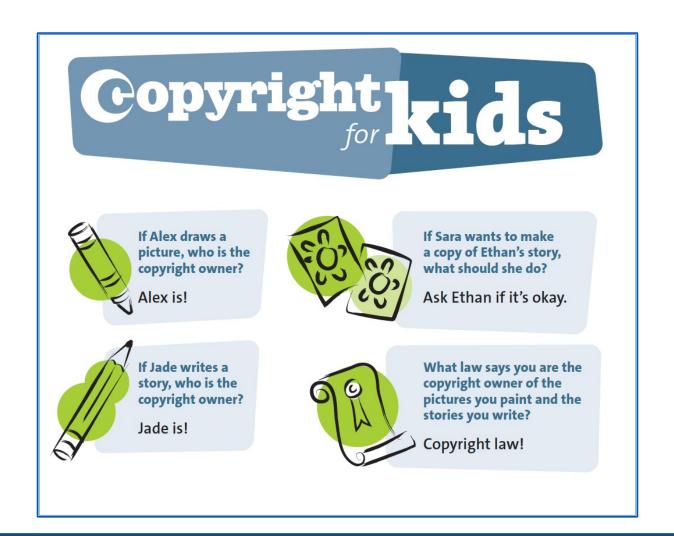
Patent basics >

Trademark basics >

Inventor & entrepreneur resources

#### The USPTO web site - <a href="https://www.uspto.gov/">https://www.uspto.gov/</a>





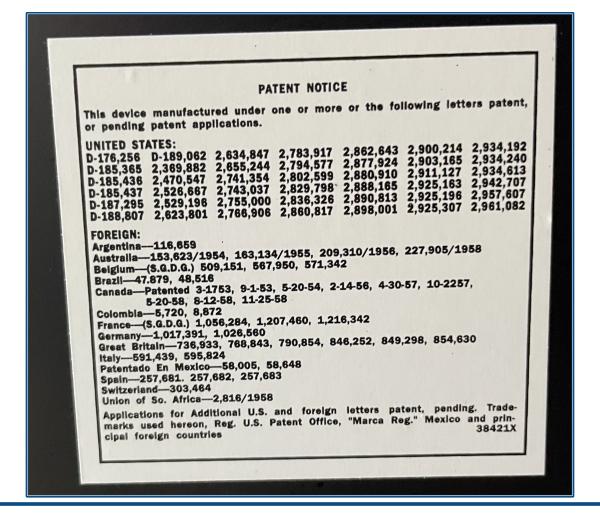
#### And for the kids ... [Link]





### A study in Intellectual Property in the world of Coke®





#### **Patents**

Patent #2,961,082 Coin-operated electrically-controlled cup dispensing machine <a href="[Link]">[Link]</a>



# Trade secrets and branding





### **Questions?**





#### Next week

The who, what, when, where, why, and how of copyright

