

OVERVIEW TO INTELLECTUAL PROPERTY

	TRADEMARK	COPYRIGHT	PATENT	TRADE SECRET
What is it?	An identifier: it's the name, mark, or symbol you put on your product to identify it. It's also the same thing customers will look for when they want to get your product again.	Your exclusive right to exploit your composition as it is written or recorded – that particular expression.	Patent is the exclusive right to make, use or sell your invention.	Trade secrets are pieces of information that have value to your business because they are secrets.
It is NOT / It does NOT	<ul style="list-style-type: none"> o It is NOT your product itself. o It does NOT make it illegal for others to copy and reprint your trademark for as long as there is no confusion. 	<p>It does NOT:</p> <ul style="list-style-type: none"> o Protect the idea contained in what you wrote or drew o Does not protect the name or goodwill. <p><i>If you have the copyright to a blueprint to an invention– no one else can make money off of that blue print but they can build whatever is on that blueprint without violating your copyrights.</i></p>	<p>It does NOT:</p> <ul style="list-style-type: none"> o Keep the steps for how to make your invention secret o Protect the name or the brand 	<p>It does NOT make it illegal to use the secret if they figured it out on their own (i.e. reverse engineering) or got it through legal means</p>

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What can be protected	<p>This is the name on the box, your logo or signature tagline. It can even be as simple as colors or design – although it's hard to trademark that. As long as people see the mark and know it means that it's either your product or coming from you.</p>	<p>Works of Authorship, meaning written, composed, drawn, painted, illustrated, recorded etc. Can be:</p> <ul style="list-style-type: none"> o Literary, Musical, Dramatic, Choreographic, Graphic, Sculptural, Pictorial, Audio-visual, Architectural, Collective and Derivative Works o Accompanying words or music o Pantomimes o Motion Pictures o Sound Recordings o Compilations 	<p>Inventions and innovations like:</p> <ul style="list-style-type: none"> o Processes o Machines o Technology 	<p>Information that needs to be confidential to be advantageous like:</p> <ul style="list-style-type: none"> o Client lists o Pricing structures o Marketing strategy o Recipes o Formulas o processes <p>But generally, it's anything that's both secret and gives you an economic advantage.</p>
Nature of Protection	<p>It protects your reputation, your goodwill. When people buy something based on a trademark, they do it because they expect that product to possess certain characteristics or to be of a certain quality that they associate with that mark</p>	<p>It protects the particular expression fixed on the medium. If you own the copyrights to something, you're the only one who can copy, publish, sell, distribute, publicly display or perform your piece – it makes it illegal for others to do these things without your permission</p>	<p>It protects the idea or innovation itself from being made or copied or otherwise exploited without your consent.</p>	<p>Your right here is to have the economic advantage of having the secret information. You get this by protecting the information using things like an NDA.</p>

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Requirements to be protected	To be protected you have to have used it to identify your goods in commerce and to distinguish your products from the rest.	To be protected the work must be original and fixed in a tangible medium a.k.a. written, captured, or recorded somehow	<p>To be protected you must register with the USPTO, and only those that meet the following requirements are granted the patent:</p> <ul style="list-style-type: none"> o Invention was neither available before nor obvious to an average person in the field. o Provided a written description that would enable an average person in the field of the invention to make the invention o Invention has some useful purpose 	<p>To be protected (by law) as a trade secret your info must:</p> <ul style="list-style-type: none"> o NOT be generally known to people outside your company o Be valuable because of the fact that is not known to other. o You maintain reasonable efforts to preserve its secrecy.
Owner	Whoever is the first to use the mark in commerce owns the trademark.	The owner of the copyright is the author of the piece, except that if the author made it specifically under a work-made-for-hire (WMFH) contract then the owner is the person who hired him.	First to file the patent.	Company that has the secret information.

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Duration of protection	From first use until use ends, registration renewable every 10 years	Protection starts from the moment the work is written, recorded, drawn, painted or saved until 70 years after the author's death or, in case of WMFH, 150 years after it was created or 95 years after publication.	Generally 20 years	Indefinite: as long as you are able to keep it a secret
You need this if you want to:	Keep others from using the same mark with respect to their goods.	Keep others from copying or publishing your work.	Keep others from making or using your invention even if they figure it out on their own	Keep others from using or disclosing your secret.