

Patent Notes from Lecture – Mr. Orler

Three main types of intellectual property law:

1. Copyright - creative works
 - a. Lasts the lifetime of the author plus 90 years.
 - b. Covers the description, meaning or expression of your idea
 - c. Covered immediately upon creation in a fixed, tangible medium
 - d. Ex. Your presentation
 - e. **COPYRIGHT INFRINGEMENT:**
 - i. Substantially similar as a whole then you are an infringer.
 - ii. Who gets to decide if there is infringement?
 1. A judge or a jury
 2. The person who is the plaintiff – the person who made the original – gets to decide whether a jury or a judge decides.
2. Patents - inventions, processes, things of use, business products (embodiment of ideas).
 - a. Lasts 20 years from the date that you file for a patent
 - b. Provides a function – it is used
 - c. Protection for utility – how it is used
 - d. Ex. Your inventions that have use
3. Trademarks – how things look, source identifiers
 - a. Lasts forever
 - i. Must be in continuous use or it is considered **abandonment.**
 - ii. For example, aspirin.
 - b. Covers how things look, ex. Starbuck's logo
 - c. Source identifiers – helps you identify a product all over the country so you know that the items came from the same place.
4. Trade Secrets – not used often

Public Domain

- Works that are not protected by copyright
- Free use without permission
- How are items put into the public domain?
 - Can originally be copyrightable
 - Expired copyright
 - Authored by the Federal Government
 - Specifically in the public domain

Fair Use

- What is copyright?
 - An exception to the exclusive rights of copyright holder
- How can it be used?
 - Persons in education (teachers and students)
- How can the materials be used?
 - For instruction only
- Where can the materials be used?
 - Educational institutions, “sticks ‘n bricks”
- What triggers the exception?
 - Purpose and character of use: commercial OR educational
 - Nature of the copyrighted works
 - Amount and substantiality used (how much)
 - Effect on market for, or value of, copyrighted work

What can be used?

- 10% or 3 minutes, whichever is less, of a motion picture clip
- 10% or 30 seconds, whichever is less, or a musical work, whether audio or audiovisual
- No more than 5 images of a single artist or photographer
- 10% or 1000 words, whichever is less, of text materials

Web Citations

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