

Getting Started: Intellectual Property Research

Intellectual Property (IP)

- **Intellectual property** refers to the creations of the mind used in commerce, such as:
 - inventions
 - literary and artistic works
 - designs
 - symbols, names, and images
- **Four types of intellectual property:**
 1. Patents
 2. Trademarks
 3. Copyrights
 4. Trade secrets

Patents

- **A patent is:**
 - a property right granted to an inventor to exclude others from making, using, offering for sale, or selling or importing the invention in the U.S.
- **What can be patented?**
 - (1) A new, nonobvious and useful: process, machine, article of manufacture, composition of matter, or improvement to any of these. (2) Ornamental design of an article of manufacture. (3) Asexually reproduced plant varieties.
- **Examples:**
 - Method of treating foodstuffs (microwave oven) [2,495,429], Hass avocado [PP139], Fender guitar [D164,227], Spatial Logical Toy (Rubik's Cube) [4,378,116].

Trademarks

- **A trademark:**
 - identifies the source goods or services.
 - is how customers recognize you in the marketplace and distinguish you from your competitors.

- **What can be trademarked?**
 - A word, phrase, slogan, symbol, design, sound, color, scent/smell, motion, hologram, configuration/shape, or a combination of these.
- **Examples:**
 - Coca-cola bottle (shape), Nike's "Just do it" (slogan) and swoosh (symbol), the McDonald's golden arches (design), Home Depot orange (color).

Copyrights

- **A copyright protects:**
 - original works of authorship fixed in any "tangible medium of expression."
 - the exclusive right to reproduce, distribute, and perform or display the created work.
 - only the *expression* of an idea, not the idea itself.
- **What can be copyrighted?**
 - Literary, dramatic, musical, and artistic works such as books, plays, music, lyrics, photographs, paintings, sculptures, video games, movies, sound recordings, and software code.
- **Examples:**
 - Lyrics to "Let It Go" from *Frozen*, *Top Gun Maverick*, *Where the Crawdads Sing*, *All Too Well (Taylor's Version)*.

Trade Secrets

- **A trade secret is information that:**
 - has value by virtue of not being generally known.
 - has value to others who cannot legitimately obtain the information.
 - is subject to reasonable efforts to maintain its secrecy.
- **What can be a trade secret?**
 - Chemical formulas, food recipes, product designs, customer and contact lists, pricing schedules, manufacturing techniques, marketing strategies, etc.
- **Examples:**
 - Google's search algorithm, recipe for Coca-Cola, Listerine, WD-40, New York Times Bestseller List, KFC's original recipe ingredients.

Intellectual Property's Role in Business

- **Patents** are considered an “asset” that can attract investors, be used to market unique aspects of a product, or generate revenue through sale or licensing.
- **Trademarks** provide protection for a brand and help customers distinguish between competitor products/services.
- **Copyright** law aims to foster the creation and dissemination of works for the benefit of the public. By granting authors the exclusive right to authorize certain uses of their works, copyright provides economic incentives to create new works and to make them available in the marketplace.
- **Trade secrets** can play a big role in a business' financial health and competitiveness. Trade secrets foster innovation and provide competitive advantages.

Sources

- <https://www.uspto.gov/help/patent-help#patents>
- <https://www.uspto.gov/ip-policy/copyright-policy/copyright-basics>
- <https://www.uspto.gov/ip-policy/trade-secret-policy>
- <https://www.uspto.gov/trademarks/basics/basic-facts-about-trademarks-videos>
- <https://www.uspto.gov/trademarks/basics/trademark-patent-copyright>
- <https://www.uspto.gov/trademarks/basics/what-trademark>
- <https://www.wipo.int/about-ip/en/>

Questions? Ask a Librarian!

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