

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Understanding the Basics of Intellectual Property

Office of Innovation Outreach

Office of the Chief Communications Officer

UNITED STATES
PATENT AND TRADEMARK OFFICE



Objectives

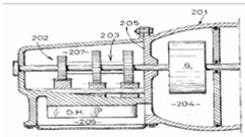
- Overview of Intellectual Property (IP)
- Resources

Overview of IP: Types

- **Trademarks**
 - Protects marks in commerce that indicate the source or origin of goods or services
 - Source: Federal, State, and Common Law
- **Copyrights**
 - Protects original (art) works fixed in a tangible medium
 - Source: U.S. Const., Art. I, Sec. 8
- **Trade Secrets**
 - Protects commercially valuable information
 - Source: State and Common law
- **Patents**
 - Protects inventions
 - Source: U.S. Const., Art. I, Sec. 8

Overview of intellectual property

	Utility/Plant patent	Design patent	Trade secret	Copyright	Trademark
What's protected?	Inventions — process, machine, or composition of matter	Ornamental characteristics embodied in, or applied to, an article of manufacture.	Commercially valuable information (e.g., formulas, techniques, processes)	Art, in an all-encompassing sense — original works fixed in a tangible medium	Marks in commerce that indicate the source or origin of goods or services.
Protects against...	Making using, selling, offering for sale, and importing into the U.S.	Making using, selling, offering for sale, and importing into the U.S.	Stealing or unauthorized disclosure	Copying, performing, displaying, and creating derivative works	Using a mark in a way that causes likelihood of confusion
Endures until...	Generally, from the patent grant date to 20 years from the earliest effective U.S. filing date.	15 years from issuance of patent for applications filed on or after May 13, 2015	Publicly disclosed	The life of the author + 70 years for works created on or after January 1, 1978	Abandoned or loss of distinctiveness or secondary meaning
Rights of independent third party creators	None	None	Full	Full	None



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Overview of IP: What is a patent?

- A property right
 - Right to **exclude others** from making, using, selling, offering for sale, or importing the claimed invention
 - Limited term
 - Territorial: protection only in territory that granted patent;
NO world-wide patent
- Government grants the property right in exchange for the disclosure of the invention

The role of the patent system

- Protect inventions
- Encourage inventions
- Promote commercialization and application of invention
- Accelerate the commercialization of invention to the whole society

Overview of IP: Trade secrets

- Any information that derives economic value from not being generally known or ascertainable
- Can be formulas, patterns, compilations, programs, devices, methods, techniques or processes
- Protection stems from common law dating to the 1800's
- All states have some sort of trade secret protection
- Most laws based on the Uniform Trade Secrets Act
- Defend Trade Secrets Act of 2016
- In 2014 Congress considered, but did not pass, federal versions of the UTSA



Why are trade secrets useful?

- Protects commercially valuable proprietary information, e.g., formulas, recipes, or business information that gives a competitive advantage
 - Customer lists
 - Product formulations
 - Search algorithms
- Trade secrets are not generally known and must be subject to reasonable efforts to preserve confidentiality
- No set term for protection

How to lose a trade secret?

- Failure to take adequate steps to prevent disclosure
- Owner or owner-authorized disclosure
- Reverse engineering
- Independent development

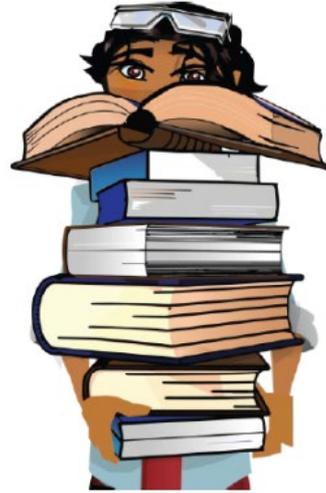
Overview of IP: Copyright

- Protects “original works of authorship” including literary, dramatic, musical, artistic and other works fixed in a tangible medium
- Library of Congress administers registration; USPTO advises the Executive branch on intellectual property issues including copyright
- © symbol can be used without registration

Examples of things protected by copyrights



Songs



Books



Movies



Sculptures



Copyright registration

- Copyright protection is secured automatically upon creation (fixation)
 - A work is “created” when it is fixed in a copy for the first time
- No publication or registration is required
 - There are, however, advantages to registration

Overview of IP: Trademarks

Key purposes:

- Allow consumers to identify and distinguish the source or producer of different products and services over competitors – **helps their buying decisions**
- Encourage trademark owners to provide goods and services of consistent quality and to build goodwill in the trademark
- TM symbol can be used without registration



Examples of trademarks

Trademarks can be **WORDS**

STARBUCKS

NIKE

TARGET

Trademarks can be **DESIGNS**



Federally registered trademarks

- Right to enforce nationally and bring legal action in federal courts
- Use of federal trademark registration symbol ®
- Right to record mark with customs
- Serve as basis for foreign filing
- Publication in U.S. trademark database

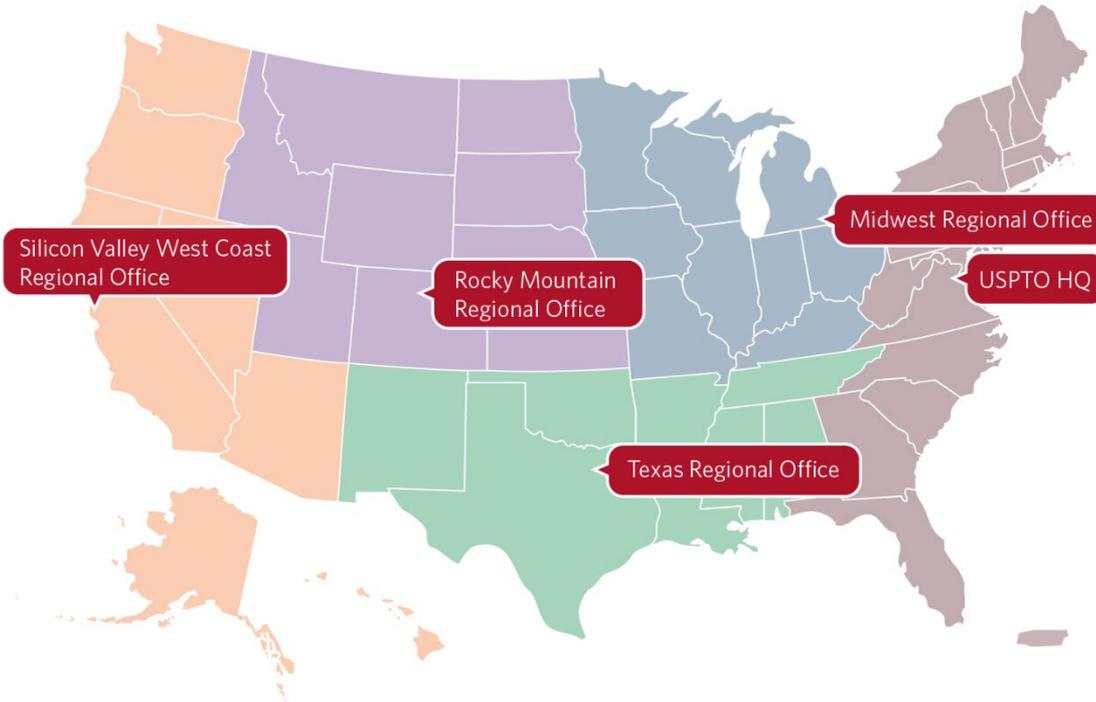
USPTO resources for independent inventors, small business owners, and entrepreneurs

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USPTO offices



[East Coast Regional Office](#)

Alexandria, VA

- USPTO Headquarters

Midwest Regional Office

Detroit, MI

- Stroh Building
- www.uspto.gov/Detroit

Rocky Mountain Regional Office

Denver, CO

- Byron G. Rogers Federal Building
- www.uspto.gov/Denver

Silicon Valley Regional Office

San Jose, CA

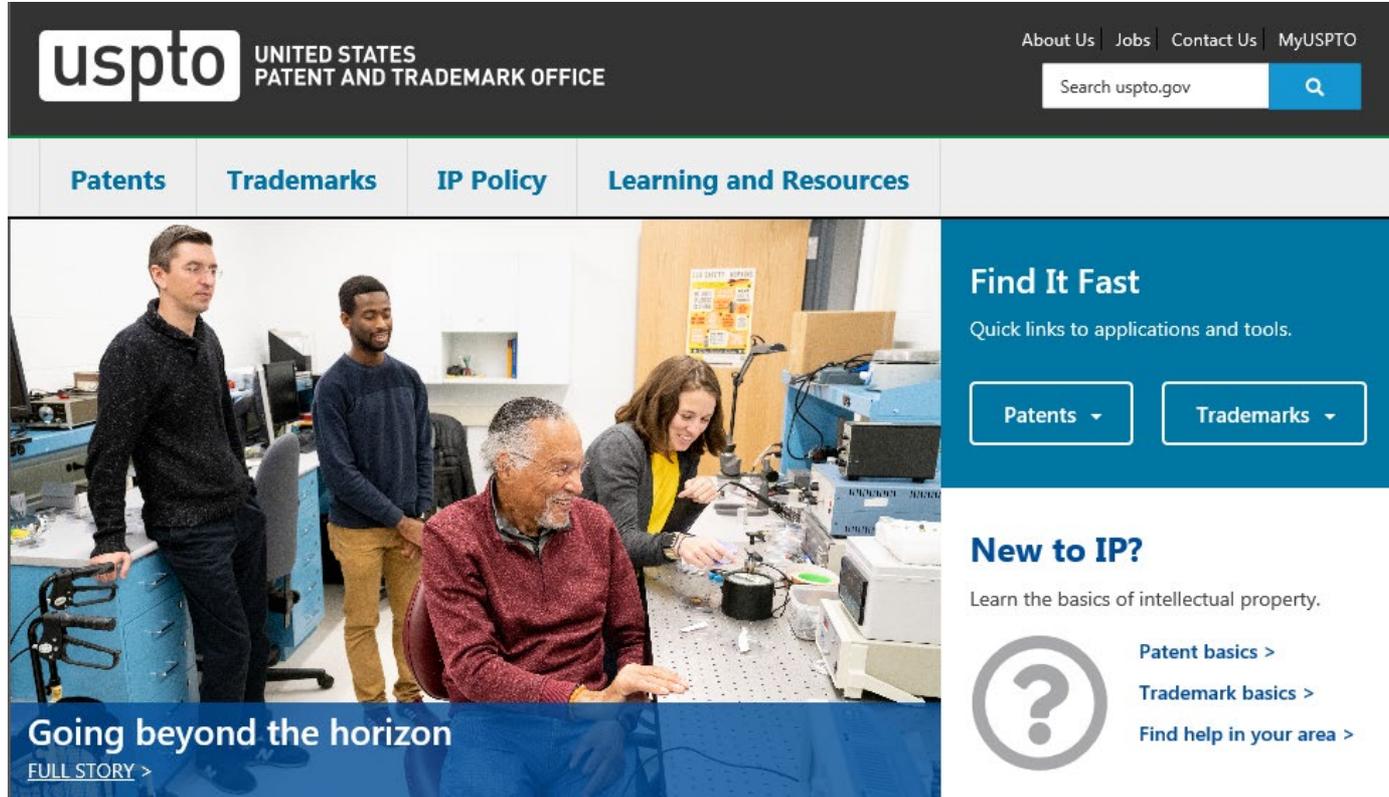
- San Jose City Hall Building
- www.uspto.gov/SiliconValley

Texas Regional Office

Dallas, TX

- Terminal Annex Federal Building
- www.uspto.gov/Texas

New to IP? Visit us at www.uspto.gov



The image shows a screenshot of the USPTO website homepage. At the top left is the USPTO logo and the text "UNITED STATES PATENT AND TRADEMARK OFFICE". To the right are navigation links for "About Us", "Jobs", "Contact Us", and "MyUSPTO". Below these is a search bar with the text "Search uspto.gov" and a magnifying glass icon. A horizontal menu below the search bar contains four items: "Patents", "Trademarks", "IP Policy", and "Learning and Resources". The main content area is split into two columns. The left column features a large photograph of four people in a laboratory setting. Below the photo is a blue banner with the text "Going beyond the horizon" and "FULL STORY >". The right column has a blue header "Find It Fast" with the subtext "Quick links to applications and tools." Below this are two buttons: "Patents" and "Trademarks", each with a downward arrow. Further down is a white section titled "New to IP?" with the subtext "Learn the basics of intellectual property." To the left of the text is a large question mark icon. To the right are three links: "Patent basics >", "Trademark basics >", and "Find help in your area >".

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Patents Trademarks IP Policy Learning and Resources

Find It Fast
Quick links to applications and tools.

Patents ▾ Trademarks ▾

New to IP?
Learn the basics of intellectual property.

Patent basics >
Trademark basics >
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Going beyond the horizon
FULL STORY >

Find help in your area

- Resources and assistance in your state for filing for a patent or registering a trademark
- Free patent and trademark legal assistance
- Learn to search inventions and trademarks
- Attend events in your region
- Network with inventor and entrepreneur organizations in your state
- Accessible via uspto.gov homepage
 - New to IP? Find help in your [area](#)

There are lots of resources and assistance to make filing for a patent or registering a trademark easier, more affordable, and ultimately result in strong legal protection for your invention or brand. For example, if you can't afford an attorney, there are several programs that provide free legal representation. Use the map below to find out what is available in your state.

And remember, our [Inventor and entrepreneur resources page](#) is the USPTO hub for resources and information for inventors, entrepreneurs, and small businesses.

Select your state below to find resources



This map derived from commons.wikimedia.org

List of State Names					
Alabama	Georgia	Maryland	New Jersey	Rhode Island	Wisconsin
Alaska	Hawaii	Massachusetts	New Mexico	South Carolina	Wyoming
Arizona	Idaho	Michigan	New York	South Dakota	
Arkansas	Illinois	Minnesota	North Carolina	Tennessee	
California	Indiana	Mississippi	North Dakota	Texas	
Colorado	Iowa	Missouri	Ohio	Utah	
Connecticut	Kansas	Montana	Oklahoma	Vermont	
Delaware	Kentucky	Nebraska	Oregon	Virginia	
District of Columbia	Louisiana	Nevada	Pennsylvania	Washington	
Florida	Maine	New Hampshire	Puerto Rico	West Virginia	

Inventor and entrepreneur resources

- USPTO's hub for resources and information for inventors, entrepreneurs, and small businesses.
- www.uspto.gov/inventors



Inventor and entrepreneur resources



Welcome to the USPTO's hub for resources and information for inventors, entrepreneurs, and small businesses. This page provides you centralized access to a variety of products and services available from the USPTO and encourages active participation in the innovation ecosystem.



Patents

Get started

Are you an inventor? Learn how to apply for a patent, how your application will be examined, and



Trademarks

Get started

Do you have a creative name or logo to set your product, service, or business apart?



Assess your IP

Guard your valuable work

Your need to know the value of your IP if you want to attract investors, and you must know how to protect it if you



Protect yourself

Avoid scams

Don't be misled and pay thousands of dollars to unscrupulous private companies that have made false

Pro Se Assistance Program

- Hours of operation
 - 8:30 a.m. to 5 p.m. ET
 - Monday through Friday
- Email
 - innovationdevelopment@uspto.gov
- Phone
 - (866) 757-3848
- Webpage
 - www.uspto.gov/ProSePatents



- Intellectual property legal assistance programs
 - Patent pro bono program
 - Pro Se Assistance Program**
 - Scam Prevention
 - Law school clinic program

Pro Se Assistance Program

The Pro Se Assistance Program is the United States Patent and Trademark Office's comprehensive pilot to expand outreach to inventors who file patent applications without the assistance of a registered patent attorney or agent (also known as "pro se" filing). On this page, you will find information about the program and how it works, and guides and resources for some of the most common issues that pro se applicants encounter.

If you've got a great idea for an invention but you're not sure what a patent is or why you might need one, watch the animated video below.



- [Getting started with pro se assistance](#)
- [Application checklist](#)
- [Nonprovisional Utility Patent Application Checklist](#)

Trademark Assistance Center (TAC)

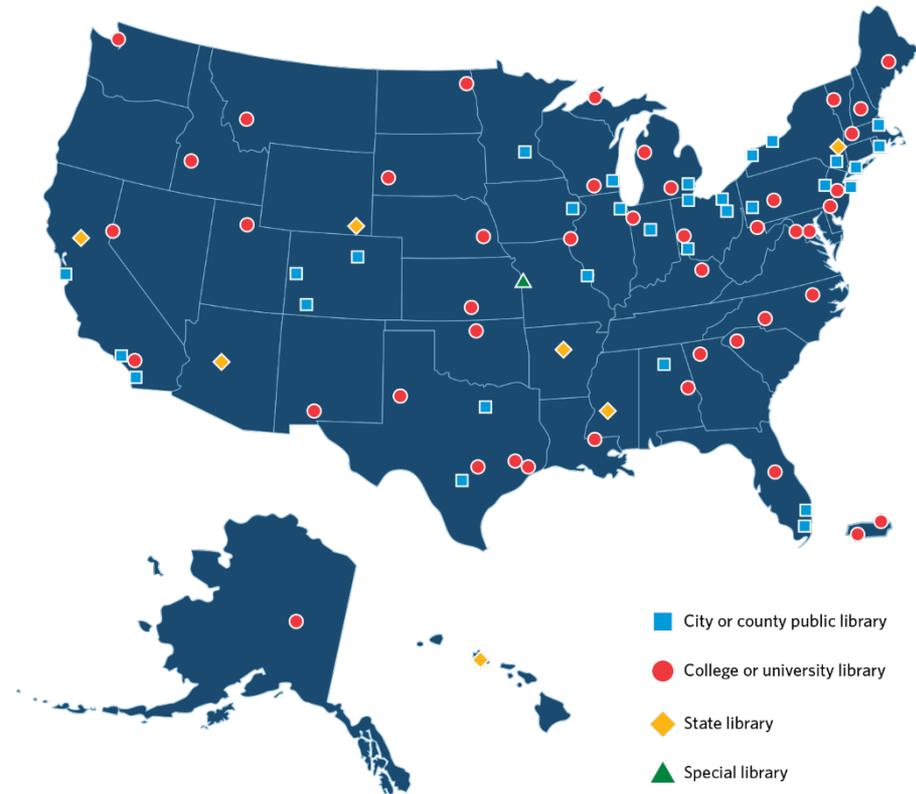
- Provides general information about the registration process
- Responds to your status inquiries
- Hours of operation
 - 8:30 a.m. to 8 p.m. ET, Monday through Friday
- Phone
 - (571) 272-9250 or (800) 786-9199
- Email
 - TrademarkAssistanceCenter@uspto.gov
- Webpage
 - www.uspto.gov/TrademarkAssistance



Patent and Trademark Resource Centers (PTRC)

Nationwide network of public, state, and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support intellectual property needs of the public.

www.uspto.gov/ptrc



Free legal assistance*

- Patent Pro Bono Program
- Law School Clinic Certification Program



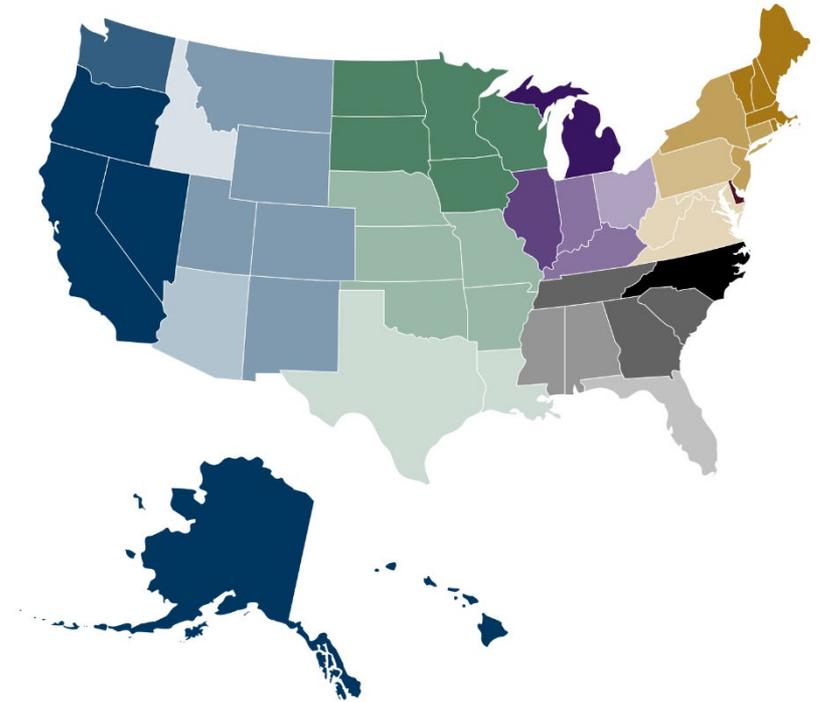
**Applicant(s) must pay for all USPTO fees*

Patent Pro Bono Program

This program matches financially under-resourced inventors and small businesses with registered patent attorneys.

Learn more about how to apply for patent pro bono assistance:

www.uspto.gov/probonopatents



USPTO law school clinic certification program



www.uspto.gov/LawSchoolClinic

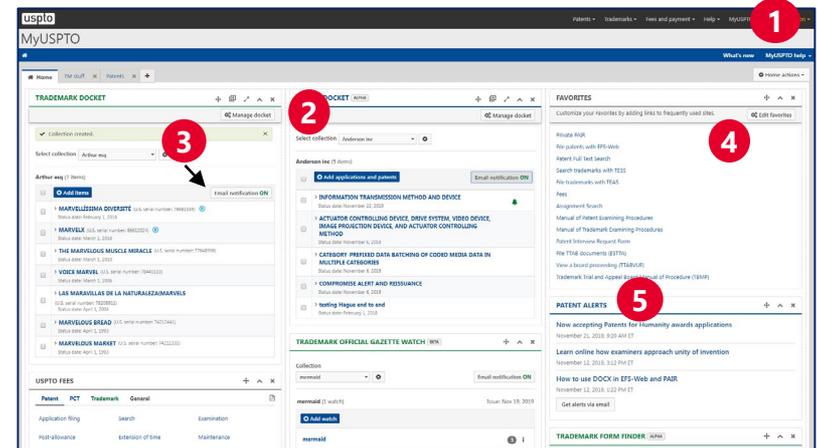
Prioritized Patent Examination Program



- Fast track your **utility and plant patent applications**
- Final disposition within about **12 months** of status being granted (fiscal year 2019 average: 7.8)
- **Special status** with fewer requirements than accelerated examination program and without having to perform a pre-examination search

MyUSPTO

- 1 Access content and applications with our header
- 2 Create docket to track public patents and trademarks
- 3 Receive email notifications on status changes of patents and trademarks
- 4 Create links to commonly used items
- 5 Read latest USPTO information
 - Use uspto.gov account to access MyUSPTO and other USPTO applications (e.g., Public Pair, EFS-Web, Financial Manager, Certified Copy Center, TEAS, etc.)



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Thank you



Thank you!

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