

Introduction to Intellectual Property Law

Introduction to Intellectual Property (IP) Law
Key concepts, categories, and practical considerations

1. What Is Intellectual Property?

Aspect	Description
Definition	Legal rights that protect creations of the mind – inventions, artistic works, symbols, names, and designs.
Purpose	• Encourage innovation and creativity by granting exclusive rights. • Provide a framework for commercial exploitation and fair competition.
Scope	Covers both tangible (e.g., a patented device) and intangible (e.g., a trademark) assets.

2. Main Types of IP Rights

Type	Subject Matter	Typical Duration	Core Rights
Patent	New inventions, processes, machines, compositions of matter	20?years from filing (subject to maintenance fees)	Exclusion of others from making, using, selling, importing, or offering the invention.
Trademark	Words, logos, slogans, sounds, colors that identify goods/services	Potentially perpetual (renewable every 10 ?years)	Exclusive use of the mark in commerce; ability to prevent confusingly similar marks.
Copyright	Original literary, musical, artistic, and software works	Life of author?+?70? years (varies by jurisdiction)	Right to reproduce, distribute, perform, display, and create derivative works.
Trade Secret	Confidential business information (formulas, algorithms, client lists)	Indefinite, as long as secrecy is maintained	Legal protection against improper acquisition, use, or disclosure.

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Type	Subject Matter	Typical Duration	Core Rights
Industrial Design	Visual design of objects (shape, pattern, ornamentation)	10–25?years, depending on jurisdiction	Right to prevent copying of the appearance of a product.
Geographical Indication (GI)	Indication that a product originates from a specific place (e.g., Champagne)	Varies; often renewable indefinitely	Protection against misuse of the name that misleads consumers about origin.

3. Fundamental Principles

1. **Territoriality** – IP rights are granted by individual nations or regional blocs; protection does not automatically extend worldwide.
 2. **Exclusivity vs. Public Domain** – Rights are exclusive for a limited time, after which works enter the public domain and can be freely used.
 3. **First?to?File / First?to?Invent** – Most jurisdictions award patents to the first applicant who files (first?to?file), whereas the U.S. previously used a first?to?invent system.
 4. **Balance of Interests** – Law seeks a middle ground between rewarding creators and ensuring societal access to knowledge and culture.
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4. The Patent Process (Overview)

1. **Idea Evaluation** – Determine novelty, non?obviousness, and utility.
2. **Search** – Conduct a prior?art search (patent databases, literature).
3. **Drafting** – Prepare claims, specification, drawings.
4. **Filing** – Submit application to the national office (e.g., USPTO, EPO) or via the PCT for international filing.
5. **Examination** – Office examiner reviews for compliance; may issue office actions.
6. **Grant / Publication** – Upon approval, patent is published and enforceable.
7. **Maintenance** – Pay periodic fees to keep the patent in force.

Key Documents: Patent application, claims, abstract, specification, drawings.

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5. Trademark Registration Steps

1. **