

Introduction to Intellectual Property Law

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Key concepts, categories, and practical considerations

1. What Is Intellectual Property (IP)?

Aspect	Definition	Why It Matters
Intellectual Property Law	Legal rights that protect creations of the mind— inventions, literary and artistic works, symbols, names, designs, and confidential information.	Encourages innovation, rewards creators, and promotes economic growth.
	1. Grant creators a limited monopoly over use of their work.	Ensures a healthy flow of new ideas while preventing monopolies that stifle competition.
Purpose of IP Law	2. Balance private rights with public interest (e.g., fair use, compulsory licenses).	

2. Main Types of Intellectual Property

Type	Protected Subject Matter	Typical Duration	Core Statutes (U.S.)
Patent	New, useful, and non-obvious inventions (processes, machines, compositions of matter, improvements).	20 years from filing (utility); 15 years from grant (design).	35 U.S.C. §§ 101-105
Trademark	Words, logos, slogans, sounds, colors, or combinations that identify the source of goods/services.	Potentially perpetual, provided renewal fees are paid and use is maintained.	15 U.S.C. §§ 1051-1115
Copyright	Original works of authorship fixed in a tangible medium (literature, music, software, visual art, etc.).	Life of author + 70 years (most works); 95 years from publication for works made for hire.	17 U.S.C. §§ 101-106

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Type	Protected Subject Matter	Typical Duration	Core Statutes (U.S.)
Trade Secret	Confidential business information that provides a competitive edge (formulas, algorithms, client lists).	Indefinite, as long as secrecy is preserved.	Uniform Trade Secrets Act (UTSA) & Defend Trade Secrets Act (DTSA)
	Plant Variety Protection, Geographical Indications, Domain Names		Specific statutes (e.g., Plant Variety Protection Act).

3. Patent Law Basics

1. Eligibility Requirements

- **Novelty** – Not previously disclosed.
- **Non-obviousness** – Not an obvious improvement to someone skilled in the art.
- **Utility** – Has a specific, substantial, and credible use.

2. Patent Process Overview

1. **Pre-filing** – Conduct a freedom-to-operate search; draft claims.
2. **Filing** – Submit a provisional or non-provisional application to the USPTO.
3. **Examination** – USPTO examiner issues Office Actions; applicant may amend.
4. **Grant** – Issue of patent; begins 20-year term (subject to maintenance fees).

3. Key Concepts

- **Claims** – Legal definition of the invention's scope.
 - **Prior Art** – Anything publicly available before the filing date.
 - **Infringement** – Making, using, selling, or importing a patented invention without permission.
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4. Trademark Law Essentials

1. Elements of a Protectable Mark

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- **Distinctiveness** – From “generic” (no protection) to “arbitrary/fanciful” (strong protection).
- **Use in Commerce** – Must be used to identify goods/services in the marketplace.

2. **Registration Path