

Understanding Intellectual Property

Prepared for NINE

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Paul M. Smith

**IP Management, Alliances,
and Licensing Department**

(505) 845-8007

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Agenda

- What is IP?
- Recognizing IP
- How IP is created and protected
- How IP can be used

Ask your friendly attorney!





What is IP?



Intellectual Property (IP)

- A form of ownership
 - “Any product of the human mind that is protected under law”
 - (from the Coastal Patent website)
- Patents
 - Exclude others from making, using, selling, or offering to sell anything that “needs” an invention or discovery
- Copyrights
 - Exclude others from copying, selling, performing, displaying, or making derivative versions of works of authorship (including software)
- Other
 - Trade Secrets
 - Trademarks and Service Marks
 - Other



Excluding Others...

- Others can't use your property
 - Patented ideas are your property (your employers?)
 - Others must get owner's permission
 - Who will enforce your rights?
- However, you may not be able to use it either
 - Improvement patents don't allow use of the base patent(s)
- Excluding others is a “Negative Right”



How do I recognize IP?



Patents

- US Patents must be
 - Novel
 - Useful
 - Non-obvious
- The U.S. gives priority to the first to invent
- Ideas in the public domain aren't patentable
 - With certain, time-limited exceptions for inventors
 - Publishing can be used as a defensive tactic
- Talk to your friendly attorney, if in doubt

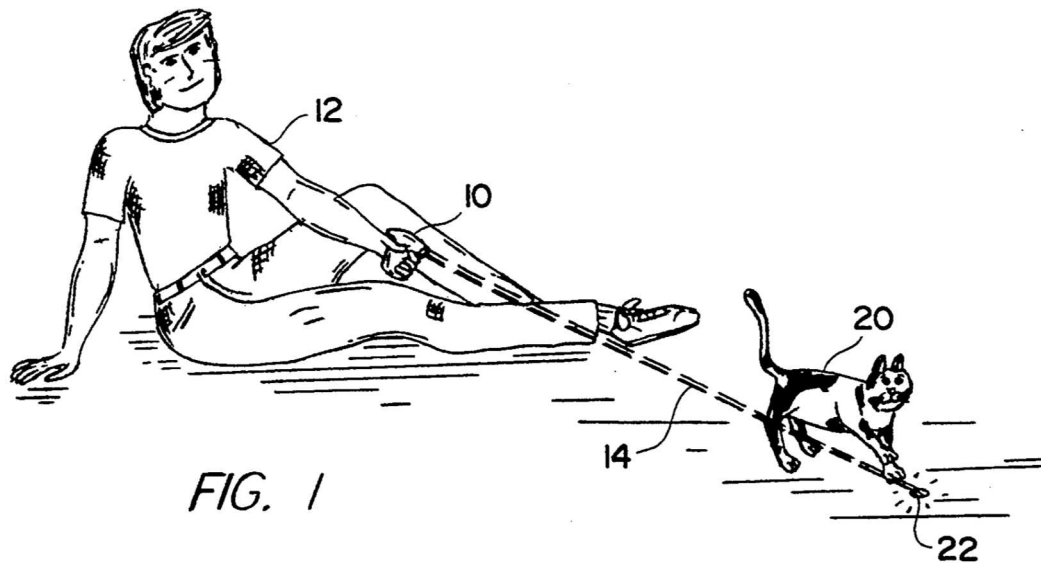
A Silly Patent, Novel?

Method of Exercising a Cat

U.S. Patent

Aug. 22, 1995

5,443,036



Another Silly Patent, Useful?



US006368227B1

(12) **United States Patent**
Olson

(10) **Patent No.:** **US 6,368,227 B1**
(45) **Date of Patent:** **Apr. 9, 2002**

(54) **METHOD OF SWINGING ON A SWING**

5,413,298 A * 5/1995 Perreault 248/228

(76) **Inventor:** **Steven Olson**, 337 Otis Ave., St. Paul,
MN (US) 55104

* cited by examiner

(*) **Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

Primary Examiner—Kien T. Nguyen

(74) *Attorney, Agent, or Firm*—Peter Lowell Olson

(21) **Appl. No.:** **09/715,198**

(57) **ABSTRACT**

(22) **Filed:** **Nov. 17, 2000**

A method of swing on a swing is disclosed, in which a user
positioned on a standard swing suspended by two chains
from a substantially horizontal tree branch induces side to
side motion by pulling alternately on one chain and then the
other.

(51) **Int. Cl.**⁷ **A63G 9/00**

(52) **U.S. Cl.** **472/118**

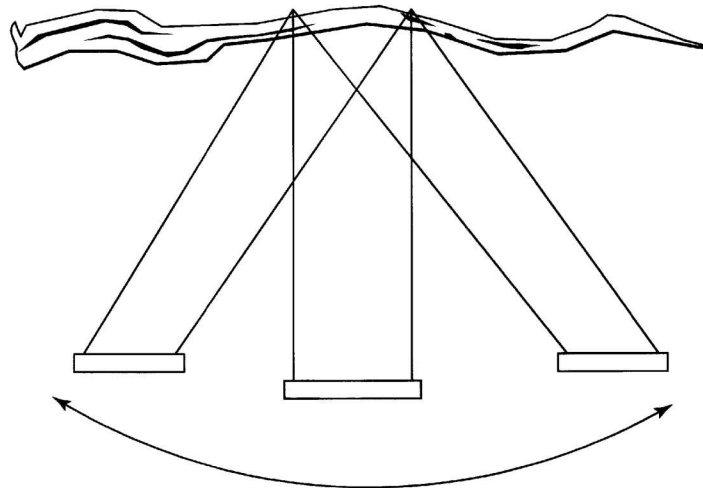
(58) **Field of Search** 472/118, 119,
472/120, 121, 122, 123, 125

(56) **References Cited**

4 Claims, 3 Drawing Sheets

U.S. PATENT DOCUMENTS

242,601 A * 6/1881 Clement 472/118



Copyrights

- Created by authors, composers, or playwrights
- Different rights compared with patents
 - Copy
 - Distribute
 - Make derivative works
 - Perform or display
 - Import or export
- Creative works covered at time of creation
- Registration provides documentation





How is IP created and protected?

The IP Lifecycle (Patents)



Discover

Develop an idea that becomes an invention



Document

Capturing the idea in a lab notebook, memo, etc.

Keep invention secret



Decide

Protect IP?

Form of protection?

What does it cost?

Who will pay for it?

How long will it take?



Disclose

Publish?

File for patent

USPTO Office Actions



Defend

License

Protect

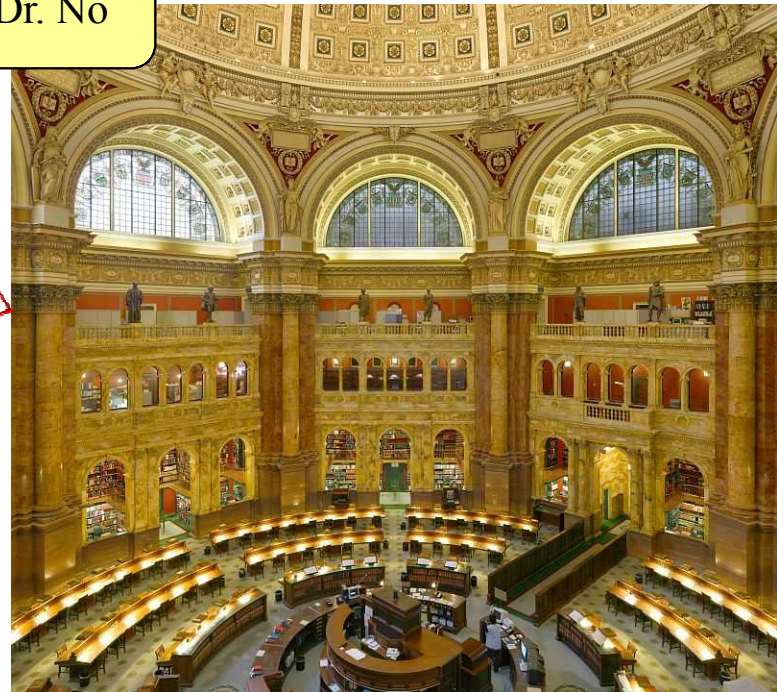
Maintain

Pursue Infringers

Copyright Lifecycle

- Create document
 - Mark it properly
 - The symbol ©
 - Year of 1st publication
 - Author's name
- Document creation
 - Registration gives
 - Ability to being suit

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How Long IP Survives

- US Patents
 - 20 years from the date of patent application
 - Thanks to Lemelson
- US Copyrights
 - 95 years from publication or 125 years from creation
 - Thanks to Mickey Mouse





How is IP used?



By Governments

- Mutually beneficial for society and inventors
 - Legal monopoly for a period of time
 - Ideas are widely disseminated
 - Allows ideas to compete, while being protected
- In the Constitution, it states
 - The Congress shall have power...to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries



By Companies

- It depends on the business model
 - Manufacturers
 - Publishers, electronic and the dinosaurs
 - Software
 - Documents
 - Universities, National Labs, and etc.
 - Start-ups
- What's common is that they all use IP
 - Understand how your organization uses IP
 - Ask your friendly attorney

By You

- IP can increase your value to an employer
- IP can help you start a company
- IP can help you fund research
- IP can protect your ideas
- IP can also get you into a lot of trouble
 - The rules change (it's not a physical system)
 - Ask your friendly attorney





Questions?