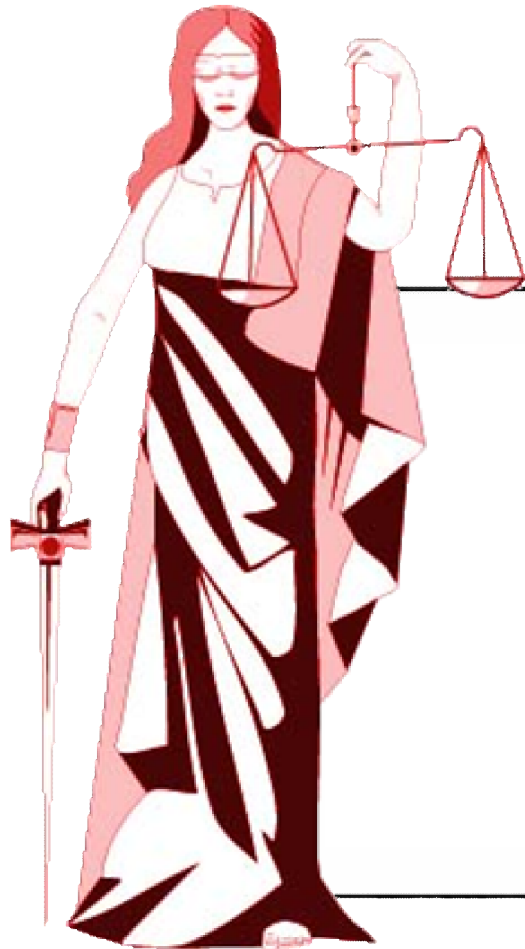


# ® Intellectual Property and © Patents

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# Overview

- Intellectual Property – What is it?
- Types of Intellectual Property.
- Focus of Patents.
- Patent Basics / Types
- Advantages / Disadvantages of Patents
- Importance of Technical Communication to the fields of Intellectual Property and Patents.



# Intellectual Property ( IP )

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- “Creations of the mind - creative works or ideas embodied in a form that can be shared or can enable others to recreate, emulate, or manufacture them.” – United States Patent and Trademark Office
- Ownership of ideas.
- Pertains to an entire legal field.
- Entitlement to certain defensive rights
- Can be broken into several sub-categories.

# Controversies Regarding IP

- Name Controversy → “Intellectual Protectionism.”
- Questionability of benefits to public
- Questionability on punishments for infringement
- Questionability to actually use IP as property
  - Can be rented, licensed, used as security

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# Where is IP?

- Everywhere

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**From:** Altenkirch, Robert **To:** kjk34@NJIT.EDU

**Subject:** Re: Question from a student

Kenneth

Thanks for the feedback.

I think your assessments a right on the mark.

The new logo is trademark protcted. In fact we are going through a licensing selection ptocess now for clothing. I know that the logo graphics are available on Pipeline. I will check tomorrow to see if access is limited to faculty and administrators (I'm on a blackberry now, so difficult to work on it from here).. I thought it was generally available so that all would have acces to the correct logo. I'll let you know.

Thanks

Bob

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# Types of Intellectual Property

- **Copyright** - creative and artistic works covered with right to reproduce and adapt
  - Infringement is breach of these rights

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## Types of Intellectual Property

- **Trademark** – A trademark is a word, name, symbol or device which is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others.

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## Intellectual Property types continued...

- Industrial Design Rights – coverage of appearance of product
- Trade Secret – private information regarding commercial practices or knowledge
- Patents, trademarks, and design rights – Industrial Property

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- Patent – creation of new or innovative use of pre-existing invention.

Exclusivity for period of time



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# PATENTS

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# FOCUS OF PATENTS

- A **patent** is a set of *exclusive rights* granted by a *state* to a patentee (the inventor or assignee) for a *fixed period of time* in exchange for the regulated, public disclosure of certain details of an *invention*.

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# EXCLUSIVE RIGHTS

- The right conferred by the patent grant is, in the language of the statute and of the grant itself, “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States.

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# STATE

- Patents are only issued by an individual country.
  - A patent issued in the US cannot be used in the UK or any country in the European union.

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# TIME PERIOD

- The term of a new patent is 20 years from the date on which the application for the patent was filed in the United States or, in special cases, from the date an earlier related application was filed, subject to the payment of maintenance fees.

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# INVENTION

- device, method, process or composition of matter is new, and useful or industrially applicable.
- A patent cannot be obtained upon a mere idea or suggestion. The patent is granted upon the new device, method, etc.
  - A complete description of the invention for which the patent is sought for must be available.

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# TYPES OF PATENTS

- Utility Patent
- Design Patent
- Plant patent

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# Advantages and Disadvantages of Patents



# Advantages of Patents



- One can exploit his/her patented invention.
- A patent provides the right to exclude others from making, using, selling, offering to sell, or importing the patented invention for the term of the patent.
- Patents encourage the exposure of inventions and innovations.

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## Advantages of Patents continued...

- The general public can research and develop on the patented invention after the patent expires.
- A patent can be licensed to someone for an agreed fee.
- It is also transferable, so it can be sold.
- It is a strong market barrier.

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# Disadvantages of Patents



- The very basic condition of having a patent is to reveal all the details about it. In some cases keeping it a trade secret can be beneficial. Example: Coca-Cola
- It is expensive to obtain and retain a patent.
- It is a time consuming and complex procedure.
- Patent litigation is extremely expensive and very complicated.

