Intellectual Property

* Definition
  + Of the Intellect, created in the mind
  + Intangible, value derived from concepts not the physical existence
  + Article I, Section 8
* Copyrights
  + Register a written document, work or art, performance, recording, software, etc
  + Copyright is inherent at the time of creation
  + Prevents unauthorized replication for commercial use
  + “Fair Use” permits limited copying for non-commercial use
  + Persists 70 years after author’s death or 120 years, whichever is longer
  + Owner has the right to:
    - Reproduce the work
    - Prepare derivative works
    - Distribute copies for sale, rental, lease, lending
    - Perform the work publicly
    - Display the work publicly
  + Individual = Year of Creation
  + Company = yearS of creation
    - Includes all versions of the copyrighted material
* Digital Millennium Copyright Act of 1998 (DMCA)
  + Attempts to bring copyright up to date with innovation
  + Internet Service providers are not infringing when moving information
* Copyright Term Extension Act of 1998
  + AKA Mickey Mouse Protection Act
  + Extends copyright term from 50 years after death to 75
    - 75->120 years
* Technology, Education, and Copyright Harmonization Act of 2002
  + AKA TEACH
  + Covers use of copyrighted material in distance education
  + Limits access of copyrighted material to enrolled students
* Trade Secrets – Covered by the States
  + Generally Processes
  + Only protected of its existence is declared
  + Employment agreement
    - Prohibits working for a competitor for a period of time
    - Prohibits leaking information to competitors
* Patents
  + Legal monopoly that grants rights to make, use, sell, and offer a protected device or method
  + Statutory classes
    - Processes
    - Machine
    - Manufactures
    - Compositions of matter
    - New uses of any of the above
  + Patentable requirements
    - Novel
    - Useful
    - Non-obvious