

DS-650 assignment 5

intellectual property:

Laws pertaining to "intellectual property," or the rights of inventors and owners of inventions, writing, music, designs, and other works, are referred to as "intellectual property law." Intellectual property covers a wide range of topics, including copyright, trademarks, patents, and trade secrets.

The interaction between "Big Data" and IP is important due to the impact of IP rights on Big Data as well as the possibility that IP rights may obstruct the creation, analysis, and use of Big Data. With an emphasis on many IP rights, including copyright, patent, data exclusivity, and trade secret/confidential information, this article examines both sides of the interface debate. The paper does not go into great length about trademarks, but it seems like a subject worth exploring further given the possible application of Artificial Intelligence (AI) leveraging Big Data corpora for designing and choosing trademarks.

Copyrights

The rights of creators in their literary, artistic, entertainment and software creations are safeguarded by copyright laws. If someone copies, presents or displays the owner's work without permission, the owner is protected by the law.

Trademark

A word, phrase, symbol, or design that a company uses to distinguish its goods or services is protected under trademark law. Examples are the three stripes of Adidas and the apple emblem from Apple. Owners of trademarks have the option of prohibiting the usage of their marks or marks that are identical or similar so that customers cannot distinguish the source. Trademarks are governed by both federal and state laws, but the Lanham Act is the main source of trademark protection.

Patent

New inventions, whether they be products, processes, or designs, are protected by patent law, which also offers a mechanism for the invention's protection. The goal of patent law is to encourage innovation by encouraging the dissemination of new discoveries. The owner of a patent could restrict others from producing, using, distributing, or importing the object protected by the patent. The patent can successfully be licensed, sold, transferred, mortgaged, or assigned as a property right.

United States Intellectual property system:

A brand, invention, design, or another type of production that a person or company has legal rights to is referred to as intellectual property (IP). Almost all companies have some kind of intellectual property, which may be a valuable asset.

US Copyright law

Your creative work is only physically protected by copyright; the concept itself is not protected. The copyright protection of, say, a commercial for your business does not stop rivals from adopting the same idea to create their own commercial.

A patent is a license from the government that enables someone to safeguard innovation. Three different types of patents are granted in the USA by the United States Patent and Trademark Office (USPTO):

Utility patents are used to protect new and innovative technologies. This lasts for at least 20 years from the application date.

Design patents are available for brand-new, unique product designs. The term for this is 14 years.

Plant patents are granted for the creation of novel plant types that have been asexually reproduced through grafting or careful cuttings (without seed manipulation). The protection offered here is distinct from plant variety protection, which is handled by the US Department of Agriculture. This has a 20-year duration starting on the application date.

Trademark law, in contrast to copyright, isn't always secured and usually requires registration in the USA. The majority of nations create trademark rights by registration, a process known as "First to File." However, the person who first uses a trademark in commerce obtains ownership of the mark in the USA as well as the UK. For your registered trademark to be protected under this "First to Utilize" scheme, you must actually use it in connection with goods or services. As a result, even if they did not register it, however, using the registered trademark first for commercial purposes will own the right if you and another party disagree about it.

Patents

You must file a patent application for your innovation with the United States Patent and Trademark Office (USPTO), frequently with the aid of a patent attorney, in order to receive patent protection. You may do one of the following:

Utility patents are available for new technology.

fresh and unique designs are eligible for design patents.

For unique and novel plant varieties, a plant patent is available.

European Union Intellectual property system:

The effective protection of intellectual property (IP) rights in the European Union depends on a number of general concepts. Having a comprehensive plan to safeguard your intellectual property is crucial. Second, IP protection may differ between the United States and the European Union. Third, under local legislation, rights must be recorded and upheld in the European Union. European Union controls the law, including three different independent scenario laws, primary, secondary, and law in the case.

Patent:

Being innovative, using an inventive technique, having an industrial use, and not be otherwise disqualified from patentability are all things covered by EU patent law.

If an innovation is considered a product in the EU, the patent holder may be able to bar others from producing, selling, destroying, and utilizing the invention.

Copyrights

Original literary, dramatic, musical, or artistic works, sound recordings, motion pictures, and the typographical layout of published editions are all protected under EU copyright law.

Trademark

Any symbol that can be graphically represented, especially words, such as a person's name, a design, letters, or numbers, or the shape or packaging of a good, is considered a trademark as long as it satisfies the requirement of distinguishing the good or service, as well as undertaking commitments made by other businesses.

References:

<https://www.law.georgetown.edu/your-life-career/career-exploration-professional-development/for-jd-students/explore-legal-careers/practice-areas/intellectual-property-law/#:~:text=Intellectual%20Property%20law%20deals%20with,%2C%20patents%2C%20and%20trade%20secrets.>

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