

(1)THE FIVE MAJOR TYPES OF INTELLECTUAL PROPERTY ARE:

- **Copyrights**
- **Trademarks**
- **Patents**
- **Trade Dress**
- **Trade Secrets**

1. COPYRIGHT

Copyright Definition: Copyright is a form of legal protection that protects “original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.”

[Zappos](#) is a popular e-commerce retailer that sells many different brands. Their copyright notice includes the full company name as well as the date range of years to show that they continually update their copyright notice for the parent company and affiliate companies.

2. TRADEMARKS

Trademark Definition: A trademark is a word, slogan, phrase, symbol, or design that helps to identify and distinguish you/your business as the source of your products and/or services from products and services provided by someone else.

For example, the logo and brand name of "Coca Cola," is owned by the [Coca-Cola Company \(KO\)](#).

The Nike® logo with the swoosh is a combination of a word and a design that is a registered trademark.

Facebook® in standard characters with no design or stylization is in multiple registered trademarks owned by Facebook, Inc.

3. PATENTS

Patent Definition: A patent is a government-issued property right given to an inventor to exclude others from making, selling or using their invention for a set period of time.

For example, the patent for the personal computer was [filed in 1980](#) by Steve Jobs and three other colleagues at Apple Inc.

King C. Gillette patented the razor in 1904 and was dubbed a "safety razor." Garrett Morgan was granted a patent for the traffic light in [1923](#). The patent for the television was issued in 1930 to Philo Taylor Farnsworth for the "first television system."

4. TRADE DRESS

Trade Dress Definition: Trade Dress is the visual appearance, characteristics, and overall “look and feel” of a product or its container, packaging, or design, that uniquely signifies the source of the product to consumers.

Examples of trade dress include the configuration of a product (Nutter Butter cookies or Converse shoes), product packaging (the fluted Coca-Cola bottle), the interior of a restaurant (McDonald’s), color (Louis Vuitton red soled shoes) possibly even flavor.

Some common examples of trade dress are the design of soda bottles, the colors on candy wrappers, or the shape of a cookie or cracker. For instance, the shape of Coca-Cola bottles or Hershey Kisses candies, and the style of a restaurant all constitute.

5. TRADE SECRETS

Trade Secret Definition: A trade secret is confidential proprietary knowledge that is not generally known or reasonably ascertainable by others that gives you and your business a competitive and economic advantage

Coca-Cola made a choice to brand the recipe a trade secret instead of patenting it, which would have led to the disclosure of the ingredients. Since one of those ingredients may have been cocaine, Coca-Cola decided to keep the recipe as confidential information.

This trade secret has spawned rumors of its own. One is that the recipe contains bugs or insects. Another is that two employees each know only half the recipe or that only two people know the combination to the safe where it is stored.

In case you doubt it, corporate espionage is real. In 2006, an employee and two accomplices stole the formula and tried to sell it to Pepsi. Pepsi blew the whistle and let Coke officials know what was happening. The employee and friends were arrested.

(2) Explain the possibility of protection by trade secrets or by patentability for computer programs and business methods. In which cases one intellectual property/asset could be protected by patent or by trade secret? (05 points)

The most common types of types of intellectual property protection for computer software are patents and trade secrets:

A business secret is information obtained from financial and intellectual investment activities

undisclosed and available for business use. For example, the formula dispensing, contract categories, customer relationships, business practices, and more.

General conditions for protected business secrets

According to Article 84, Law on Intellectual Property, a business secret is protected if it meets the following requirements:

the following conditions:

a) It is not common sense and is not easily obtained;

b) When used in business will give the holder a secret

business advantages over those who do not hold or use trade secrets that business;

c) Be kept confidential by the owner by necessary measures to keep the business secret

that business is not disclosed and is not easily accessible.

Subjects not protected in the name of business secrets

According to Article 85, IP Law, the following confidential information is not protected

in the name of a trade secret:

a) Secrets of identity;

b) Secrets of state management;

c) National security and national security secrets;

Computer programs penetrates nearly all areas of our life, not only in business environments but also in daily surroundings. But a computer cannot operate without instructions. These instructions, so-called computer programs or software, may be incorporated in the computer or any other apparatus, but are often stored, reproduced and distributed on portable media such as CD-ROMs or transmitted on-line.

Once created, it is often possible to reproduce software easily at very low cost, and in unlimited quantities. Although copyright protection is available for “literal expressions” of software, it does not protect the “concept” behind the software, which often is a core part of its commercial value. Since such concepts frequently fulfil technical functions, such as controlling machines or processing data, the patent

system is often available to protect software-related inventions that involve such technical functions.

Generally, several approaches have been taken in protecting software by means of patents. While some countries grant patents for all types of software, computer programs are expressly excluded from patentable subject matter in many countries. However, in many of those latter countries, computer programs are only not patentable “as such” thus making it possible to obtain patent protection for computer program-related inventions with a technical character. As justification for excluding software from patent protection, it is often said that innovation in this field typically involves cumulative, sequential development and re-use of others' work, and that the need to preserve interoperability between programs, systems, and network components does not fit with the mechanisms of the patent system because the range of options available to the second-comer may be constrained. On the other hand, some argue that patent protection of computer software is necessary in order to provide adequate incentive for investment in this field and to support innovation in various technological areas, which are increasingly developing hand-in-hand with computer technology.

Business methods

In recent years, another similar issue has arisen: namely the question of the patentability of business methods. Traditionally, business methods have been either in the public domain or protected under trade secret law. Today, however, information technology offers possibilities for new business models, using information technology as a tool for processing and transmitting various data, such as technical, commercial and financial data. Due to the high economic stakes associated with such new business methods and the expansion of e-commerce in our society, the debate on the feasibility of patenting business methods has continued at various fora.