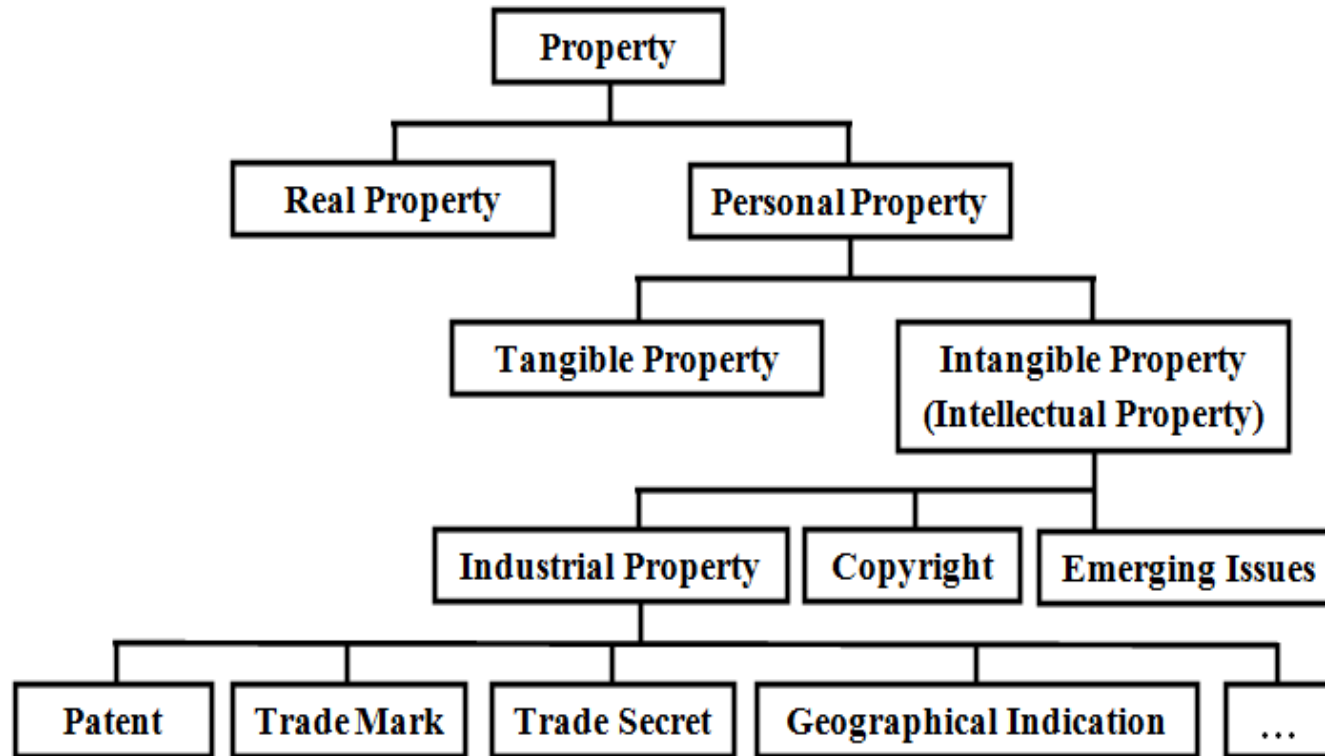


SI 311:
**PROFESSIONAL ETHICS
AND CONDUCT**

LECTURE 05
PROPERTY OWNERSHIP

PROPERTY



❖ Property is any item that a person or a business has legal title over.

❖ **Two basic kinds of property are:**

1. **Real** (land), involving a degree of geographical fixity.
2. **Personal** (anything other than real property) which does not involve geographical fixity.

Intellectual Property

- ❖ Property can be tangible items, or intangible items
 1. **Tangible property:** Any physical animate or inanimate object
 - ✓ Houses,
 - ✓ Cars,
 2. **Intangible property (or Intellectual property):** Intellectual property is any unique product of the human intellect that has commercial value.
 - ✓ Intellectual Property, Very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields.
 - ✓ A product (creations and innovations) of the human mind and intellect.
- ❖ Examples of Intellectual Property
 1. **Inventions, literary and artistic works;** books, songs, movies, paintings, websites, TV/Radio programs, and computer programs
 2. **Symbols, names, images;** logos, pictures
 3. **Designs used in commerce;** industrial designs

Intellectual Property Right (IPR)

- ❖ **Intellectual Property Right (IPR):** Entitled rights to the creators of **original** creative works.
 - ✓ Rights derived from exploitation of one's Intellectual protected works in industrial, scientific, literary and artistic fields.
 - ✓ The essence of Intellectual Property regime is to give the creators the **statutory exclusivity rights** to exploitation of the protected creations.
- ❖ Countries have **laws** to protect intellectual property for two main reasons.
 1. To give statutory expression to the **moral and economic rights** of creators in their creations and such rights of the public in access to those creations.
 2. To encourage fair trading which would contribute to economic and social development
- ❖ IPR **do not** apply to the physical object in which the creation may be embodied but instead to the intellectual creation.

Natural right to property



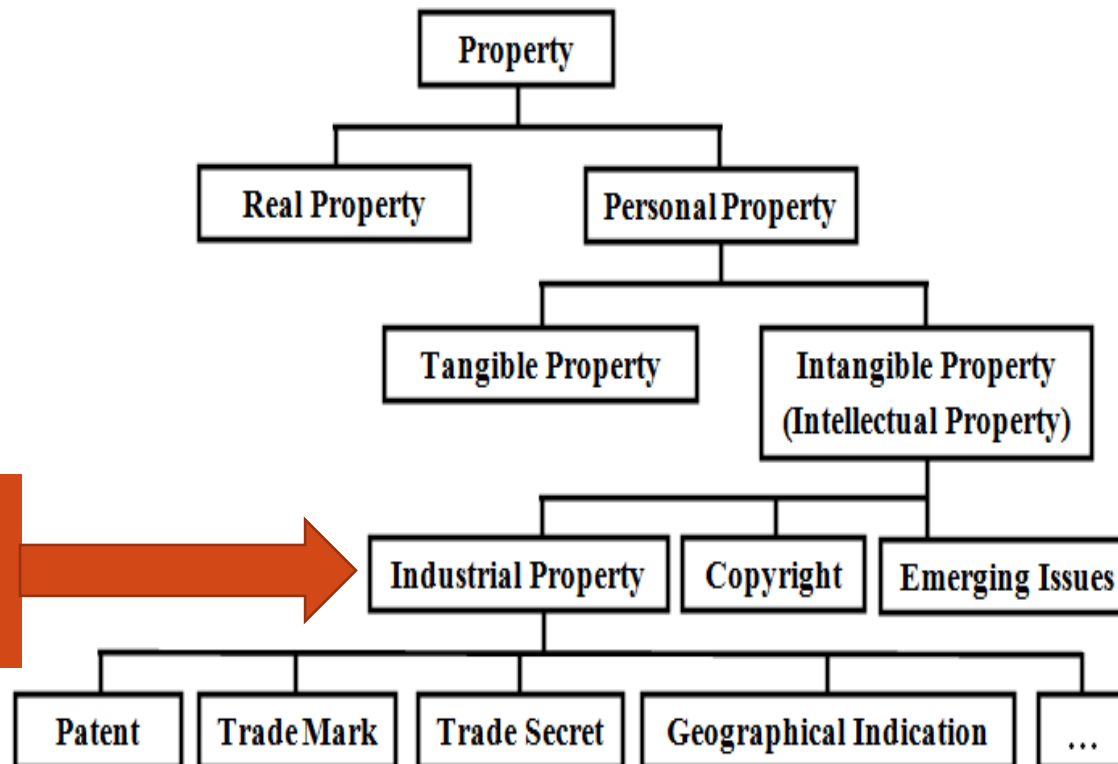
- ❖ **Natural right to property** (John Locke 1632–1704)
- ❖ “...Every man has a property in his own person: this nobody has any right to, but himself. The labour of his body [and mind], and the work of his hands, we may say, are properly his.”
- 1. **First**, people have a right to property in their own person. Nobody has a right to the person of anybody else.
- 2. **Second**, people have a right to their own labor. The work that people perform should be to their own benefit.
- 3. **Third**, people have a right to those things that they have removed from nature through their own labor.
- ❖ According to John Locke, people have a natural right to the things they have removed from nature through their own labor.



Intellectual Property: Industrial Property

A subset of intellectual property that has distinct subject matters that are protected or could be by corresponding legislation.
Protection against unfair competition

1. Patents
2. Trade Marks
3. Trade Secrets
4. Geographical Indications...



Industrial Property consist of:

INDUSTRIAL PROPERTY: (1) PATENT

- ❖ **Patent:** Exclusive rights granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem
- ❖ An inventor is protected against unauthorized use of his/her invention if that invention is **registered** and has been **granted** with a patent.
- ❖ Patents give the owner a **monopoly** on the use of an invention.
- ❖ **Life of a Patent**
 - ✓ The protection is granted for a **limited period**.
 - ✓ A patent is protected for **twenty (20) years** from the date of grant after that it fall in the **public domain** free to be used by anyone interested.
 - The term is for **ten (10) years** renewable for **two terms of 5 years each** on application to the Registrar by the patentee.

PATENT

- ❖ What kind of inventions can be protected?
 - ✓ The invention should be new (non obvious)
 - ✓ Should be of practical use
 - ✓ Should have inventive step
- ❖ **What kind of protection does a patent offer?**
 - ✓ A Patent restricts commercial use, distribution or sale of goods made out of the invention without the consent of the owner.
 - ✓ Any person using or exploiting the patented invention without the consent of the owner is infringing these rights and may face a legal action and will be liable to compensate the owner for the wrong acts.

Rights of the patent owner

- ❖ The patent owner has the right to work on his/her invention without fear of his/her invention being infringed or being subjected to unfair competition.
- ❖ The owner has the right to decide on whom to license, or assign on terms to be agreed upon by both parties.
 - ✓ This right is only valid during the life time of the patent.
 - ✓ When this time expires, the patent falls in the public domain and it can be used by anyone for commercial purposes or any other purpose.

INDUSTRIAL PROPERTY: (2) TRADE/ SERVICE MARKS

- ❖ **Trade or Service Mark:** A distinctive sign (words or images or sound or any combination) which is used to distinguish similar goods or services of various manufacturers or those rendering such services.
- ❖ A **trademark** is a sign used by an enterprise to distinguish its goods and services from those of other enterprises.
 - ✓ Phrase, word, letter, name, signature, numeric, device, logo, colour, symbol, picture, shape, and even a scent or sound in some jurisdictions
- ❖ Help the owner of the Services or products to market their products/Services
- ❖ Helps the consumers to identify, choose and finally purchase a product or Service because of its quality as has been displayed by the Trade/Service Mark over the years.
- ❖ The main features of trade or service marks:
 - ✓ Must be distinctive and lawful

TRADEMARKS

- ❖ Registration of a Trade and Service Mark is not a mandatory requirement, provided in using an unregistered mark one does not interfere with the rights of the registered Trade and Service Mark owned by another.
- ❖ Registration of a mark gives exclusives rights of use to the applicant of that Mark, and this **exclusive right is extended for the period of seven (7) years and renewable ten (10) years consecutively.**

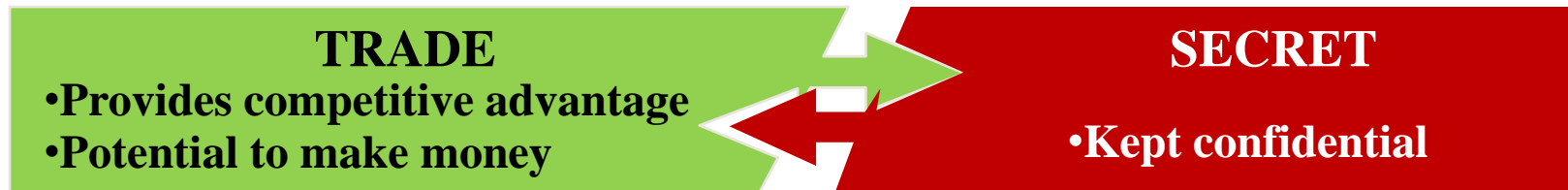
| | |
|----|--|
| ® | • Registered trademark |
| ™ | • Intent to use application filed for product |
| SM | • Intent to use application filed for services |

Google™

YAHOO!®

INDUSTRIAL PROPERTY: (3) Trade Secrets

- ❖ A **trade secret** is a confidential piece of intellectual property that provides a company with a competitive advantage.
 - ✓ Trade secrets provide a mechanism for a company to keep ideas secret.



❖ Trade secrets must be:

- ✓ A novelty
- ✓ Represent an economic investment by the owner.
- ✓ Provide a value opportunity.
- ✓ The owner must show that effort has been made to keep the information secret.

- ❖ Examples of trade secrets include computer program source codes, formulas, processes, proprietary designs, strategic plans, customer lists, and other collections of information.
 - ✓ Computer hardware and software can qualify for trade secret protection

Trade Secrets

- ❖ The right of a company to protect its trade secrets is widely recognized by governments around the world.
- ❖ In order to maintain its rights to a trade secret, a company must take active measures to keep it from being discovered. Information is only considered a trade secret if the company takes steps to protect it.
 - ✓ Greatest threat to loss of company trade secrets is **employees**
 - ✓ Companies typically require employees with access to a trade secret to execute a **confidentiality agreement**.
 - ✓ Trade secrets is protected using **Nondisclosure agreement** clauses in employee's contract
- ❖ **Non-disclosure Agreement (NDA)**: Is a signed formal agreement in which one party agrees to give a second party confidential information about its business or products and the second party agrees not to share this information with anyone else for a specified period of time.

Trade Secrets (Advantage)

❖ Advantage

1. An advantage of trade secrets is that they do not expire.
2. A company never has to disclose a trade secret.
 - ✓ Coca-Cola has kept its formula secret for more than 100 years.

Unlimited
duration if
properly
protected

❖ Challenges

1. The value of trade secrets is in their **confidentiality**.
 - ✓ Hence trade secrets are not an appropriate way to protect many forms of intellectual property.

Can a company make a movie a trade secret?

BSc. MTA ?

- ❖ It would make no sense for a company to make a movie a trade secret, **because** a company can only profit from a movie by allowing it to be viewed, which would make it no longer confidential.
2. While it is illegal to steal a trade secret, there are other ways in which the confidentiality may be broken.
 - ❖ Reverse engineering
 - ❖ Employees move from one company to another: Some “leakage” of confidential information may be inevitable.

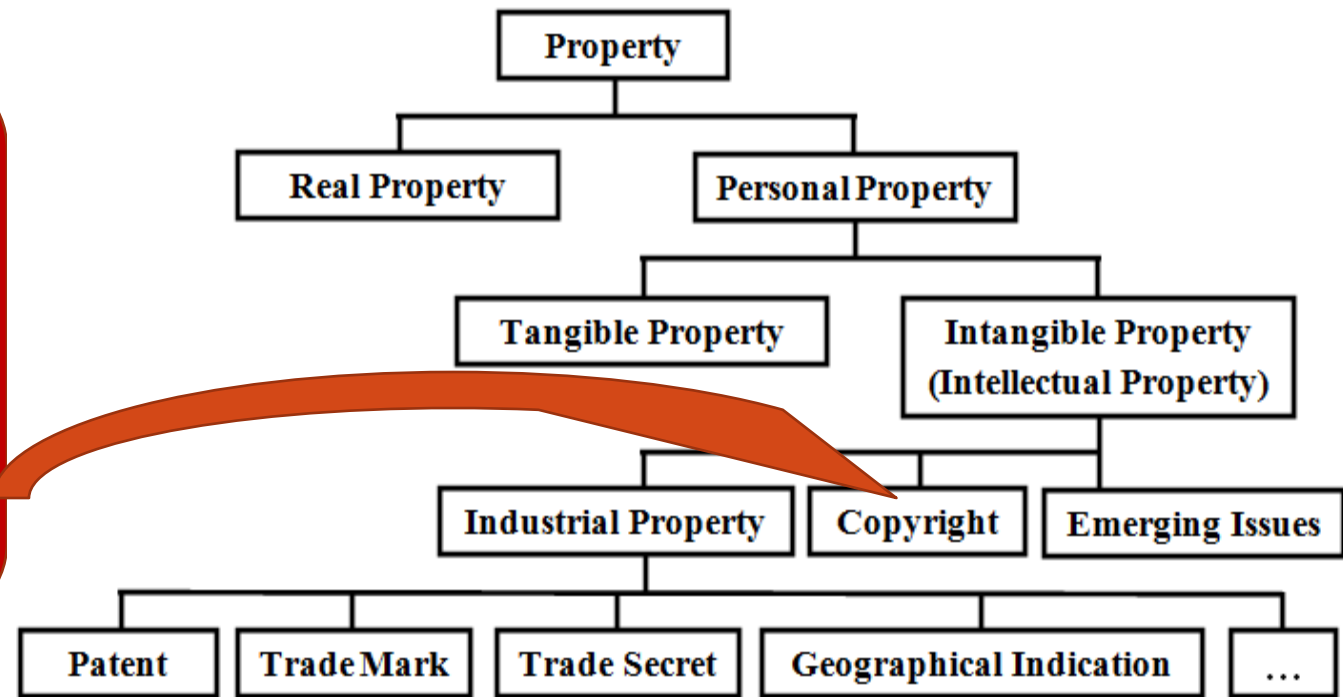
INDUSTRIAL PROPERTY: (4) GEOGRAPHICAL INDICATION (GI)

- ❖ A geographical indication is a sign used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that place of origin.
- ❖ Geographical Indication basically covers agricultural products.
 - ✓ Agricultural products typically have qualities that derive from their place of production and are influenced by specific local factors, such as climate and soil.
 - ✓ Most commonly, a geographical indication includes the name of the place of origin of the goods.
- ❖ Geographical indications may be used for a wide variety of products, whether natural, agricultural or manufactured.
- ❖ Example of GI in Tanzania products: Kyela rice, Magugu rice, ...

What is the difference between geographical indication & trademark?

Intellectual Property: **COPYRIGHT**

Copyright:
Rights given
to creators for
their literary
and artistic
works



- ❖ **Copyright** is a legal device that provides the creator of a work of art or literature, or a work that conveys information or ideas, the right to control how the work is used (*Fishman, 2008*).
- ❖ © proper marking for copyright
- ❖ Copyright initially belongs to the individual authors
- ❖ Joint authors are co-owners of the copyright in joint works

Copyright

- ❖ Copyright is the legal protection granted to the creator of an Original works of authorship **fixed in a tangible medium of expression**.
- ❖ The kinds of works covered by copyright include;
 - ✓ **Literary works** such as novels, poems, plays, reference works, newspapers, computer programmes, databases, films, musical compositions, and TV/Audio programmes;
 - ✓ **Artistic works** such as paintings, drawings, cartoons, maps photographs, advertisement, and technical drawings.
- ❖ Copyright protection in Tanzania applies on the sole fact of creation of such work; there is no necessary requirement of registration of such work.
 - ✓ Copyright protection is secured **automatically** upon creation (fixation).
 - ✓ No publication or registration is required.

Copyright: Securing Protection

❖ What rights does Copyright Provide?

- ✓ The creators of original works protected by copyright, and their heirs, have certain basic rights.
- ✓ They hold the exclusive right to use or authorize others to use work on agreed terms.

❖ What rights does Copyright Provide?

- The creator of a work can prohibit or authorize:-
 - ✓ Its **reproduction** in various forms, such as printed publication or sound recording.
 - ✓ Its **public performance**, as in a play or musical work
 - ✓ **Recordings** of it, for example, in the form of compact discs, cassettes, or videotapes
 - ✓ Its **translation** into other languages, or its adaptation, such as a novel into a screenplay.

Copyright: Securing Protection

❖ Why Protect Copyright?

- ✓ Copyright and Neighbouring rights are essential to human creativity, by giving creators incentives in the form of recognition and fair economic rewards.
- ✓ Creators are assured that their works can be disseminated without fear of unauthorized copying or piracy.
- ✓ Increase access to and enhances the enjoyment of culture, knowledge, and entertainment all over the world.

❖ The Copyrights And Neighbouring Rights Act No.7 of 1999 in Tanzania, deals with the protection of these rights and also protects expressions of folklore. The act has come into operation from 31st December 1999.

- ✓ The Act also establishes the **Copyrights Society of Tanzania (COSOTA)**

❖ How long do copyright and related rights protections last?

- ✓ The author's economic and moral rights in Tanzania are protected during **his/her life and fifty (50) years after his/her death.**
- ✓ Joint authorship protected during the life of the last surviving author and fifty (50) years after his/her death.

Copyright

What can be copyrighted?

- ❖ Tangible, original expressions.
 - ✓ This means, for example, that a verbal presentation that is not recorded or written down cannot be copyrighted.

What cannot be copyrighted?

- ❖ Works in the public domain:
 - ✓ Ideas, Facts, Blank forms.
 - ✓ Words, names, slogans, or other short phrases also cannot be copyrighted. However, slogans, for example, can be protected by trademark law.
 - ✓ Government works, which include: Judicial opinions, Public ordinances, Administrative rulings.

The public domain is the realm of material (ideas, images, sounds, discoveries, facts, texts etc.) not protected by copyright because it is ineligible for protection initially, or because its period of protection has expired.

Public Domain

For example:

- ❖ When the work (copyrighted) has lasted 50 years after the death of the author it becomes in the public domain hence anyone can use it without any permission.
- ❖ An invention enters the public domain upon being published or made available to the public as a product, unless patented, or upon expiry of the patent.
- ❖ Text/images enter the public domain upon expiry of the copyright (copyright is effective from date of completion of composition), or with its release.
- ❖ Trade secrets generally enter the public domain when published, but the publisher may be subject to lawsuits.

COPYRIGHT AND ELECTRONIC PUBLISHING

- ❖ The same copyright protections exist for the author of a work regardless of whether the work is in print, in a library research database, a blog, an online discussion board or comment space, or any social media formats.
- ❖ If you make a copy from an online source for your personal use, it is more likely to be seen as **fair use**. However, if you make a copy and put it online, it is less likely to be considered fair use.
- ❖ Note that the Internet is **NOT** the public domain. There are both copyrighted and un-copyrighted materials online. Always assume a work online is copyrighted.

Copyright Infringement

- ❖ Infringement: Is a violation of any of the exclusive rights of copyright
 - ✓ Occurs when a party copies a substantial and material part of the plaintiff's copyrighted work without permission
 - ✓ A copyright holder may recover damages and other remedies against the infringer
- ❖ Direct infringement
 - ✓ Downloading software, Uploading software, Making software available for download, Transmitting software files.
- ❖ Indirect infringement
 - Anyone who knows or should have known that he/she is assisting or contributing to infringement is liable.
 - ✓ Providing serial numbers to software
 - ✓ Aiding/Supporting/Informing others of sites that offer unauthorized software.
 - ✓ Providing passwords to subscription services to those not covered in the subscription agreement

Copyright

❖ Challenges from new technology

- ✓ Digital technology (scanners, digital audio/video recorders, mass storage, etc.) and the Internet have made copyright infringement easier and cheaper.
- ✓ New tools allow us to modify graphics, video and audio files to make derivative works.

❖ Copyright Protection Approaches

- **Digital watermarks:** Subtle alteration of digital content that is not noticeable but that can identify the copyright holder
- ✓ Unique identifiers embedded in digital content that make it possible to identify pirated works
- **Digital rights management (DRM) software:** Controls use of the copyrighted work
- ✓ Can limit who can view, print or copy a document
- ✓ Can control use of downloaded content (number of devices a file can be copied to, etc.)

Naomba Shetta usinirudishe enzi za Mr Nice – Dudu Baya

- Msanii mkongwe wa muziki wa Hip Hop nchini, Dudu Baya amemtaka Shetta kuacha kutumia jina la ‘Mamba’ kwani hiyo ni ‘aka’ yake ambayo amekuwa akiitumia kwa miaka mingi.
- Akizungumza na Bongo5 Jumatano hii, Dudu Baya alisema anaomba Shetta aache mara moja kutumia jina hilo ili yasije yakatokea kama ya Mr Nice.
- “Shetta ni kama mdogo wangu sitaki ugomvi nae, asinirudishe enzi za Mr Nice,” alisema “Mbona majina yapo mengi kwanini atumie jina langu (Mamba).
- Naomba afikishiwe huu ujumbe, nimemtafuta kwenye simu hapatikani,” alisema Dudu Baya. Dudu Baya amedai ameona mara kadhaa msanii huyo anatumia jina lake bila kuongea nae.
- <http://bongo5.com/naomba-shetta-usinirudishe-enzi-za-mr-nice-dudu-baya-02-2016/>



Fair Use (in USA)

- ❖ **Fair use** is the most significant limitation on the copyright holder's exclusive rights.
- ❖ **Fair-Use Doctrine**
 - ✓ Permission to use the work is not required.
 - ✓ Allows uses of copyrighted material that contribute to the creation of new work and do not significantly affect sales of the material, thus depriving copyright holders of their income.
 - ✓ Allows some research and educational uses as well as news reporting and critiquing.
- ❖ **When is Permission Required?**
 - ✓ When you intend to use the materials for commercial purposes.
 - ✓ When you want to use the materials repeatedly.
 - ✓ When you want to use a work in its entirety and it is longer than 2,500 words (*U.S. Copyright Office, 2009*).

FAIR USE

- The individual who wants to use a copyrighted work **must weigh four factors:**
 1. The **purpose** and **character** of the use
 - ❖ Is the new work merely a copy of the original?
 - ❖ Does the new work offer something above and beyond the original? Does it transform the original work in some way?
 - ❖ Is the use of the copyrighted work for nonprofit or educational purposes?
 2. The **nature** of the copyrighted work
 - ❖ Is the copyrighted work a published or unpublished work?
 - ❖ Is the copyrighted work out of print?
 - ❖ Is the work factual or artistic?
 3. The **amount** and substantiality of the portion used
 - ❖ The more you use, the less likely it will be considered fair use.
 - ❖ Does the amount you use exceed a reasonable expectation?
 - ❖ Is the particular portion used likely to adversely affect the author's economic gain?
 4. The **effect** of use on the potential market for the copyrighted work
 - ❖ The more the new work differs from the original, the less likely it will be considered an infringement.
 - ❖ Does the work appeal to the same audience as the original?
 - ❖ Does the new work contain anything original?

INTELLECTUAL PROPERTY RIGHT (IPR)

RELATED LEGAL INSTRUMENTS in TANZANIA

- ❖ Tanzania is one of the signatories to the World Trade Organization (WTO) and Trade Related Intellectual Property Rights Agreements (TRIPS) agreements.
- ❖ Besides, it has a number of IPR-related legal instruments in the domestic market.
- ❖ Available IPR-related legal instruments in Tanzania are governed by the following acts:
 - ✓ The Patents Act No. 1 of 1987
 - ✓ The Trade and Service marks Act No. 12 of 1986
 - ✓ The Copyright and Neighbouring Rights Act. No. 7 of 1999
 - ✓ The Fair Trade Practices Act of 1994
 - ✓ The Cyber Crime Act, 2015

Overview of Legal and Institutional Framework in Tanzania

❖ Application of the Intellectual Property Law

- ✓ IP is not a union matter, Zanzibar has its own legal framework.
- ✓ Institutional Framework for Intellectual Property (IP)
Administration in Tanzania:

Mainland → ✓ **BRELA**
✓ **COSOTA**

Zanzibar → ✓ **RGO**
✓ **COSOZA**

Business Registrations and
Licensing Agency (**BRELA**)

- Industrial Property
 - Patents
 - Trade Marks/Name
 - Industrial Designs

The Copyright Society of
Tanzania (**COSOTA**)

- Copyright and Related Rights

Business Registrations and Licensing Agency

(BRELA)

- ❖ BRELA is a Government Executive Agency established under the Government Executive Agencies Act No. 30 of 1997.
- ❖ It was established on the 28th of October 1999 by Government Notice No. 294 and published on the 8th October 1999. It was officially inaugurated on the 3rd December 1999.

BRELA

- ❖ The principal objective of the Agency is to ensure businesses operate in accordance with the laid down regulations and sound commercial principles, including the following:
 - ✓ To administer **companies** and **business names** laws.
 - ✓ To regulate business by administering business and industrial licensing laws.
 - ✓ To administer **Intellectual Property laws**.
 - ✓ To encourage and facilitate local and foreign business investment.
 - ✓ To stimulate scientific and technological inventiveness and innovation and encourage technology transfer.
 - ✓ To **protect** the development of creativity in artistic, literary works, and expression of folklore by protecting such work in conjunction with rights owners.

Copyright Society of Tanzania (COSOTA)

- ❖ COSOTA is a statutory body corporate set up by the Government of Tanzania under the Ministry of Industry and Trade, established under Section 46 of the Copyright and Neighboring Rights Act, No. 7 of 1999 (R.E 218 of 2002).
- ❖ The Copyright Society of Tanzania is vested with power to administer the Copyright Act.
- ❖ The society assumed its full role from July 2001 after its budget was approved by the Parliament and it employed its core staff in October, 2001.
- ❖ **COSOTA** is also an associate Member of
 - ✓ The World Intellectual Property Organization (**WIPO**)
 - ✓ International Confederation of Societies of Authors and Composers (**CISAC**)
 - ✓ The African Regional Industrial Property Organization (**ARIPO**)
 - ✓ **SEACONET**

Copyright Society of Tanzania (COSOTA)

- ❖ As provided under Section 47 of the Copyright and Neighbouring Rights Act, No.7 of 1999 (CAP 218 RE 2002). The functions of the Society are as follows:
 1. Promote and protect these rights
 2. Collect and distribute royalties on behalf of its members
 3. Maintain registers of works, productions and association of its members.
 4. Search to identify and publicize rights of owners, and defend them
 5. Print, publish, circulate information and sensitize its members and the general public on these rights.
- ❖ **Royalties:** Royalties are payments made for the use of copyrighted works.

INTELLECTUAL PROPERTY RIGHT (IPR) CHALLENGES in TANZANIA

❖ **Enforcement of Existing Intellectual Property Laws.**

- ✓ The effectiveness of laws depends on the level of their enforcement.
- ✓ Tanzania's intellectual property laws are good reference tools and potential instruments for protecting people's rights.
- ✓ The relevant intellectual property laws are in the books but due to institutional weaknesses, they are not fully and systematically enforced.

❖ **Public Awareness of Intellectual Property Rights**

- ✓ In general, there is lack of public awareness on the importance of abiding by Intellectual Property laws.
- ✓ The concept of Intellectual Property is a new concept in the country and the people see nothing wrong in copying.
- ✓ There was a tendency to place ownership on physical property and not on the intellectual property. For instance, if one buys a DVD/book, he regards the DVD/book as his property and therefore feels free to make as many copies as possible out of it.

Who grants Patents?

- ❖ Patents are granted by Government through an agency known as
 - ✓ Business Registration and Licensing Agency (**BRELA**). This office in collaboration with the Regional office – African Regional Intellectual Property Organization (**ARIPO**) and World Intellectual Property Organization (**WIPO**) deals with protection of patents at national, Regional and International levels.
- ❖ **How is the patent granted?**
 - ✓ The inventor or any person who has a right over an invention filed a patent application with the office of the Registrar of Patents (*BRELA, 2012*).
 - ✓ Patent application should contain a title of the invention, description of the invention, stating the technical field under which the invention falls.

Emerging Issues

- ❖ Traditional Knowledge, Expressions of Folklore and Genetic Resources
- ❖ The knowledge, innovations and practices of indigenous and local communities.
- ❖ They take the form of stories, songs, folklore, proverbs, cultural values, beliefs, rituals, community rules, traditional medicines and agricultural practice including the development of plant species and animal breeds among others.
- ❖ At regional level, ARIPO has established a protocol known as the **Swakopmund Protocol** on Protection of Traditional Knowledge and Expressions of Folklore.
- ❖ This instrument provide a wider scope of protection of the said subject matters within ARIPO member states.

Adopted by Diplomatic Conference of ARIPO at
Swakopmund (Namibia) on August 9, 2010.

Intellectual Property Issues

- ❖ Issues that apply to intellectual property and information technology
 - ✓ Plagiarism
 - ✓ Reverse engineering
 - ✓ Cybersquatting
 - ✓ Typosquatting

PLAGIARISM

- ❖ Taking someone work and pretend to the original work of yours without acknowledgement.
- ❖ Theft and passing off of someone's ideas or words as one's own.
- ❖ Many students
 - ✓ Do not understand what constitutes plagiarism
 - ✓ Believe that all electronic content is in the public domain
- ❖ Plagiarism detection systems
 - ✓ Check submitted material against databases of electronic content

TABLE 6-2 Partial list of plagiarism detection services and software

| Name of service | Web site | Provider |
|---------------------------|--|---------------------------|
| iThenticate | www.ithenticate.com/ | iParadigms |
| Turnitin | www.turnitin.com/ | iParadigms |
| MyDropBox | www.mydropbox.com/ | MyDropBox LLC |
| Glatt Plagiarism Services | www.plagiarism.com/ | Glatt Plagiarism Services |
| EVE Plagiarism Detection | www.canexus.com/eve/ | CaNexus |

Intellectual Property Issues

- ❖ **Reverse Engineering:** Process of breaking something down in order to: Understand it, Build a copy of it, and Improve it.
 - ✓ Convert a program code to a higher level design
 - ✓ Convert an application that ran on one vendor's database to run on another's
- ❖ **Cybersquatting:** Registration of a domain name by an unaffiliated party
 - ✓ Registered domain names for famous trademarks or company names
 - ✓ Hope the trademark's owner would buy the domain name
 - For a large sum of money
 - ✓ To curb cybersquatting
 - Register all possible domain names
 - .org .com .info
- ❖ **Typosquatting** is a form of Internet cybersquatting, based on the probability that a certain number of Internet users will mistype the name of a Web site
- ❖ Typosquatting - what happens when you mistype a website name?
 - ✓ www.jamiiforums.com & www.jamiiforum.com

SUMMARY

| | Protection | Term | Registration | Symbol | Cost |
|-------------------|--------------------------------------|-------------------------------|--|--|----------------------|
| Copyrights | The expression of an idea | Life of the author + 50 years | None required | © but use of symbol not required for protection | Nil |
| Patents | The monopoly on an invention | 20 years | Required, includes review process | No symbol but patent number often seen on product | Expensive |
| Trademarks | The symbol used to distinguish goods | Unlimited | Required, optional in common law jurisdictions | ® or ™, use of symbol not strictly required for protection | Moderately expensive |

(Review): Patent

- ❖ ***Protects:*** inventions and innovations
(processes, machines, products, phrases, algorithms...)
- ❖ ***Protects against:*** others making, using, selling innovation, even if they independently came up with it
- ❖ ***Requirements:*** novel, useful, non-obvious
- ❖ ***Term:*** 20 years from filing; typically must file within a year of being publicly disclosed
- ❖ ***Cost:*** relatively high, in time and cost

(Review): Trademarks

- ❖ ***Protects:*** any word, name, symbol, or device, or any combination thereof used to distinguish goods from others
- ❖ ***Protects against:*** others using the mark, likelihood of confusion and dilution
- ❖ ***Excluded:*** use in other industries / geographic areas
- ❖ ***Requirements:*** use mark in commerce or register with intent to do so in future; must maintain quality control over goods
- ❖ ***Term:*** 10 year renewable (no upper limit)
- ❖ Is your project's name trademarked?

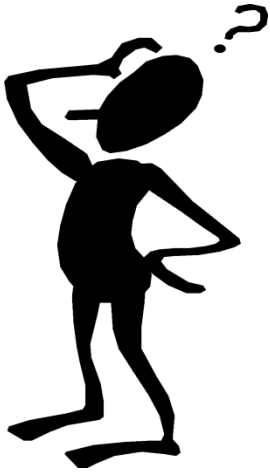
(Review): Copyright

- ❖ ***Protects:*** expression of ideas in a medium, but not the ideas
- ❖ ***Protects against:*** reproduction, copy distribution, derivative work creation (NOT independent creation of same/similar work)
- ❖ ***Requirements:*** original work, fixed in tangible form
- ❖ ***Term:*** author's life + 50 years
- ❖ ***Cost:*** simple, no registration



(Review): Trade secret

- ❖ ***Protects:*** concept, idea, info, or innovation
- ❖ ***Protects against:*** misappropriation (NOT independent creation of same work)
- ❖ ***Requirements:***
 - ✓ info not generally known or available
 - ✓ must spend reasonable effort to maintain secrecy
 - ✓ company derives some (economic) value from secrecy
- ❖ ***Term:*** no predefined limit
- ❖ ***Cost:*** no registration or examination



END

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