



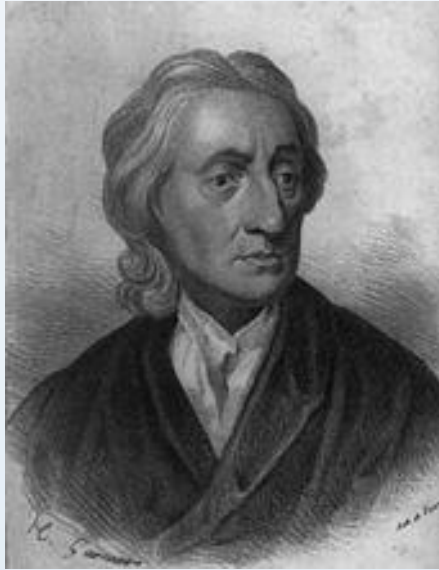
# Legal System and IP Overview

Law 115 | Week 2 | Lecture 3  
Rachael Vaughn

# Agenda

1. Why Have IP Law?
2. Tangible vs. Intangible Property
3. IP Law Helicopter View
4. Big Questions in IP Law

# Why Have IP Law?



Labor/Utilitarian Rationale  
(John Locke)



Personhood Rationale  
(Georg Wilhelm Friedrich Hegel)

# Tangible vs. Intangible Property

Two main types of “traditional property”

1. Real property = **immovable** property such as real estate and land (also any buildings, machinery, wells, dams, ponds, mines, canals, roads on the land)
2. Personal property = **movable** property such as a car, boat, computer, clothing, or other similar goods

Intellectual property is **intangible** property.

# Tangible vs. Intangible Property

*How are they different?*



VS



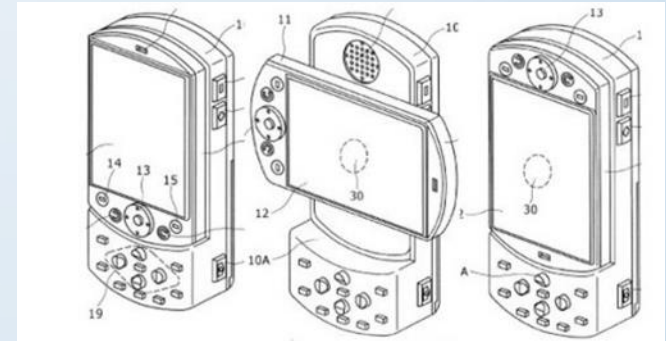
1. Use of intangible property can be non-exclusive
2. Use does not ***always*** affect value



# IP Law Helicopter View: Patent

Patent law protects any **process, machine, manufacture, or composition of matter** that is new, useful, and non-obvious.

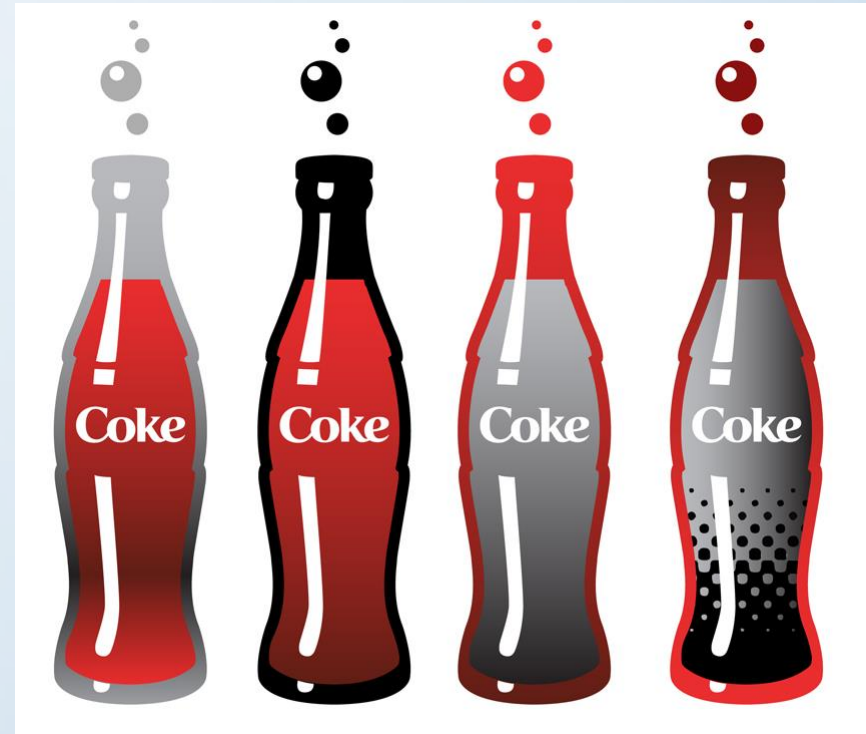
- Federal law in the US
- Examples: Amazon's once click patent, various patents on different aspects of the iPhone and other consumer devices



# IP Law Helicopter View: Trade Secret

Trade secret law protects **information** that is kept secret and not generally known to the public.

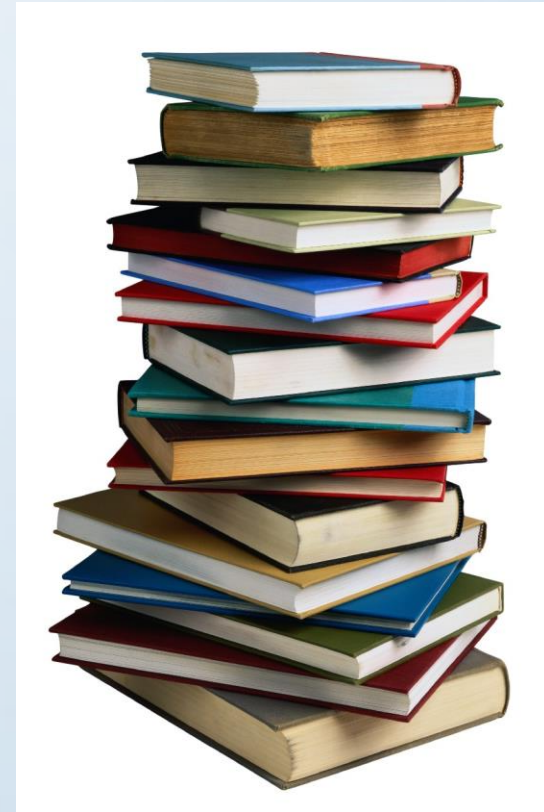
- Trade secret law is usually state law
- Examples: formula for Coca Cola, customer lists, tweaks to manufacturing/artistic process



# IP Law Helicopter View: Copyright

Copyright law protects ***original works of authorship*** that are fixed in a tangible medium of expression.

- Federal law in the US
- Examples: books, artwork, music, sound recordings, and more





# What Does IP Protect: Trademark

Trademark law protects anything that can distinguish the **source of a product or service** from the products or services of another.

- In the US, there are both state and federal trademark laws
- Examples: almost any logo, slogan, or design associated with a particular brand
- Trade dress



# What Does IP Protect: Right of Publicity

Right of an individual to control the commercial use of his **name**, **image**, **likeness** or other unique and identifiable aspects of her identity

- In the US, rights of publicity laws vary by state to state
- Related to privacy laws



# IP Law Helicopter View

1. Patent

2. Copyright

3. Trade Secret



Incentivizing creative and scientific development

4. Trademark

5. Right of Publicity



Ensuring integrity in the marketplace, protecting individual rights (consumer/privacy)

# Big Questions in IP Law

IP Law Topic	Other Legal Areas With Tension and/or Overlap
Patent	Antitrust and competition laws
Trade Secret	Antitrust and competition laws
Copyright	Freedom of Expression Antitrust and competition laws
Trademark	Freedom of expression Antitrust and competition laws Advertising laws
Rights of Publicity	Privacy laws

# Big Questions in IP Law

Should intangible intellectual creations be protected by law?

1. If so why?
2. If so what?
3. If so how?
4. If so how much?

Would intellectual creations exist without IP law? Yes.

Would intellectual creation thrive without IP law?