Public Libraries Supporting Innovation
Patent, Trademark and Copyright 101

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Toolkit

All links and forms mentioned, along with other related resources can be found at:

How Do Public Libraries “Support Innovation”? 

Remember our patrons are business owners, inventors, musicians, writers, performers…. 

[Images of Makerspace, Writers Group, Entrepreneur Club.]
Goals

• Understand the difference between types of intellectual property; including patents, copyright and trademarks.

• Learn various ways intellectual property is protected.

• Become familiar with resources, both print and electronic, that provide guidance for patrons seeking protection for their creations.

• Share ideas and opportunities to engage your community in IP awareness.
What Are Your Goals?
DEFINING TYPES OF IP:
THE BIG 3

PATENTS
COPYRIGHT
TRADEMARKS
Patents Defined

• A property right granted by the Government of the United States of America to an inventor,

• To exclude others from making, using, offering for sale, or selling an invention throughout the United States or importing an invention into the United States, for a limited time,

• In exchange for public disclosure of the invention when the patent is granted.
What Can Be Patented?

- **Utility Patents**
  - new, useful (not abstract) methods, processes, machines, manufactured article or composition of matter.

- **Design Patents**
  - original ornamental design for an item of manufacture.

- **Plant Patents**
  - new, asexually reproduced plant.
Patents in Your Community

- Independent Inventors
- Makerspace Communities
- Inventor Clubs
Copyright Defined

- A form of protection provided by U.S. law* to authors of “original works of authorship” in a tangible medium of expression.

- Protection is available to both published and unpublished works.

What Can Be Protected by Copyright?

• Literary works
• Musical works, including any accompanying words
• Dramatic works, including any accompanying music
• Pantomimes and choreographic works
• Pictorial, graphic, and sculptural works
• Motion pictures and other audiovisual works
• Sound recordings
• Architectural works
Copyright in Your Community

Any content creator in your community!
Trademarks Defined

• A trademark or service mark includes any word, name, symbol, device, or any combination,
• Used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others,
• And to indicate the source of the goods/services.
What Can Be Trademarked?

• Word
• Name
• Symbol
Trademarks in Your Community

- Local business owners
HOW TO PROTECT INTELLECTUAL PROPERTY

United States Patent and Trademark Office
http://www.uspto.gov/

United States Copyright Office
http://www.copyright.gov/
Protecting Your Invention: Patents

New, useful inventions can only be patented through the United States Patent and Trademark Office (USPTO).

Applications are submitted:
- Online via the USPTO EFS system or in paper format
- Pro se or with the assistance of a lawyer or registered agent (recommended by the USPTO)
Protecting Your Invention: Patents

Process for obtaining patent protection:

- Ensure invention is new by doing a comprehensive search of the USPTO’s free patent databases, PatFT and AppFT.

- Web tutorial detailing how to conduct a search available here: http://www.uspto.gov/web/offices/ac/ido/ptdl/CBT/
Protecting Your Invention: Patents

- Prepare a non-provisional patent application including a **description** and **claims** of the invention; **drawings**, when necessary; an **oath or declaration**; and the prescribed filing, search, and examination fees.

  **Initial Filing Fee:** $95 (electronic) / $190 (paper)
  **Search Fee:** $310
  **Examination Fee:** $125

- Specialized examiners at the US Patent Office will determine whether the patent is issued. If so, the inventor will pay an additional issue fee as well as maintenance fees at 3.5, 7.5 and 11.5 intervals.
Protecting Your Invention: Patents

Cost: several thousand dollars

Infringement: the patentee or patent holder is responsible for pursuing cases of infringement and bringing forward infringement claims to the appropriate federal court.

Is it worth it?

• Assessing the Value of a Patent: Things to Bear in Mind

• When Do You Really Need a Patent?
  http://www.businessweek.com/stories/2006-01-31/when-do-you-really-need-a-patent
Protecting Your Work: Copyright

Copyright protection occurs automatically once a work is fixed in a medium. This can be enhanced by registering with the U.S. Copyright Office.

- Alternate options include Creative Commons licensing or Copyleft.

Benefits to registering with U.S. Copyright Office

- Established a public record of the copyright claim
- Before infringement suit is filed in court, registration is necessary for works of U.S. origin
Protecting Your Work: Copyright

Copyright registrations are submitted:

- Online via the electronic Copyright Office (eCO) or in paper
- Applications must include a copy of the work to be registered. These copies will not be returned.

Process for obtaining Copyright registration

- Online tutorial for submitting electronic application available:
  
Protecting Your Work: Copyright

For paper applications determine form type (long or short):
- Literary
- Visual Arts
- Performing Arts
- Sound Recordings
- Single Serials
- Continuation Sheet

Be aware that certain types of applications must be submitted via paper, and have various deposit requirements.

http://www.copyright.gov/forms/
Protecting Your Work: Copyright

- **Cost**: minimal
  - Online registration of a basic claim in an original work of authorship: $35
  - Paper filing of a basic claim in an original work of authorship on Forms PA, SR, TX, VA: $65

- **Infringement**: the copyright owner is entitled to put forward in federal court a suit against copyright infringers. The suit can request that the court issue orders against further violations, award money damages, and award attorney fees.

- Is it worth it?
Protecting Your Work: Copyright

Creative Commons – nonprofit organization with copyright licensing that provides a standardized way to give public permission to use your work. With various options.

- Creators retain copyright while allowing the public to copy, distribute, and reuse non-commercially.
- Easy to understand and free!

http://creativecommons.org/choose/
Protecting Your Brand: Trademarks

Trademarks can be protected three ways: common law, state registration, and federal registration (USPTO).

• Common Law - protection derived from use; mark used in commerce can be marked with tm or sm

• State Registration – registered with one or more U.S. States. In WI, trademarks are registered through The Department of Financial Institutions: http://www.wdfi.org/Notary_Public_and_Trademarks/defaultTrademark.htm

• Federal Registration - registered in the U.S. Patent and Trademark Office
Protecting Your Brand: Trademarks

Advantages to Federal Registration

• Notice to the public of the registrant's claim of ownership of the mark.
• The ability to bring an action concerning the mark in Federal court.
• The use of the U.S. registration as a basis to obtain registration in foreign countries.
• The ability to file the U.S. registration with U.S. Customs and Border Protection to prevent importation of infringing foreign goods.
Protecting Your Brand: Trademarks

Application for federal registration submitted:
• online via the Trademark Electronic Application System (TEAS) or paper
• Must include standard character mark, a stylized/design mark, or a sound mark

Process for obtaining trademark registration:
• Trademark must not currently be in use, comprehensive search of Trademark Electronic Search System (TESS) is required.

http://www.youtube.com/watch?v=8iUR5p6q8X0&feature=youtu.be
Protecting Your Brand: Trademarks

Once it's determined the mark is not in use, you must:

• Identify the class of goods and/or services to which the mark will apply (e.g. apparel)
  – [Link](http://www.youtube.com/watch?v=zGUPZkE56wk&feature=youtu.be)

• Determine the basis for your filing – based on use in commerce? Based on intent to use?

Cost: $325 registered using TEAS, $375 paper

Infringement: trademark owner is responsible for enforcing trademark and may sue to prevent someone else from using a confusingly similar mark.
ENGAGING YOUR COMMUNITY
• World Intellectual Property Day April 26

• Patent outreach - contact nearest Patent and Trademark Resource Center (PTRC)
  http://www.uspto.gov/products/library/ptdl/index.jsp

• Trademark - Trademark Educational Outreach Office
  http://www.uspto.gov/trademarks/notices/educational_outreach.jsp

• Copyright workshops
A Few Favorites

• Inventors Digest
  http://www.inventorsdigest.com/

• WIPO Lex (World Intellectual Property Organization)
  http://www.wipo.int/wipolex/en/

• Los Angeles Public Library Intellectual Property Resources
  http://www.lapl.org/resources/guides/intellectual_property.html
Thank you!
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