Grog毫不, Darq + Gray: Intelectual Property Law

Shall be interpreted with business in mind. 
	extbf{Ex:} Carter Handeq Hale. Owned Neiman Marcus. Want sell. General Cinemas agreed to buy NM. Discuss NM depends on CHH IT systems.

Intellectual Property

It is property of the mind. Can buy, sell, etc.

Basic species:

1. Patents
2. Copyrights (imp. to tech cos.)
3. Trade secret
4. Trademark - imp. to all companies

1. 

Patents grant for US govt gives you right to stop other people from practicing what you claim is patent.

Not protect you from every thing at once, not affirmative.

Has pieces:

a. abstract - 1 page
b. specification - what is problem, existing tech, invention
c. claims - specific is for

"enabling disclosure" - right

Keep these broad - if for 20 years but have to sue, key here, try to disclose as little as possible.

- get patent lawyer after invent, submit 1 file patent application. To pass patent must be: a. New
b. Useful
c. Non-obvious to one schooled in art

- patents expensive but robust
- inventive threshold is high
"stated subject matter" — get patents on machines, compositional matter, implements or processes, but not on a raw idea. However, can get one on business processes, methods. Amazon one click, price line reverse auction.

Patents: federal law

2. Copyrights do not protect the useful but how you express an idea. Your words, a how to, system, music, film, photos, sculpture, such plans, software.

Rights to: copy, display publicly, transmit, distribute, perform.

— How yet? Write something down.
— You can register a copyright by filling out 2-sided paper form (to-oops-wait). Send work and $20 to C. Office. You get registration.
— Can’t sue to enforce copyright w/o registration.
— Only 1 requirement for c: MUST BE ORIGINAL. Not like novelty for patents. Same sense if I care. I can get cop.

Copyrights: 1. made by human being — life of author + 75 years 2. work made for hire — 95 years, employee for employer. Written agreement for ownership necessary for cos. to own software for contractors.
3. Trade secrets
- creation of state law. Something you know that others do not that gives you competitive advantage. Secret, competitive advantage.
- publication destroys a trade secret. You have to show too adequate steps to protect.
- If disclose ts do so subject to confidentiality agreement.
- No novelty, just comp addr.
- Moderately expensive to protect.
- customer ads. not a trade secret.

4. Trade marks
- Brand names, symbols, indicia, intend to signify origin of product, goods of or service.
- aka service marks too: legal, accura, work etc.

- Can be a registered or unregistered.
- How get rights? Use openly. Once done have unregistered.
  - use (TM) - reader a notice you think you have rights.
  - Search - before you begin using, make sure someone else not using.
- registered (R) - file np. w/patent office, describe mark and goods and services using it with. If merely descriptive will not get registration.

- not relate to technology.
  - Secta 365 (m) of Bank. Code - protect licensees who cos. bankrupt. Treats a licensee like a lease. So 365 (m) is for tech specifically I think.
  - Allows licensees whose licensor goes bank & protect licence for certain term.
Trademark - adjective not noun: Xerox brand copier, Kleenex tissue.

so...

- service value for make, sell products.
- can also license. L is a contract, governed state law.
- gives someone a right to use your intellectual property.
- look at details of the "granting clause" to determine scope of use. License can be exclusive (I won't grant anyone or I won't use myself) or nonexclusive. Exclusive more $$$.
- need to know term (fixed, perpetual, renewable)
- protection
- royalty - what and how you pay to use my IP?
- termination provisions

licenses
a. Exclusive
b. Nonexclusive
c. Term
d. Protection
e. Royalty
f. Termination provisions

most IP antitrust issues arise w/ licenses.
We can also sell the IP, alone or as sell company.
- Esp w/ tech, people are a key part of the asset. Confidential by agreements.
- Do due diligence on the technology (how good is it?)
  (to get the value of the IP, needs specialized knowledge).

"Fair Use" for copyrights:

1.) Nature of work
2.) Amount and nature of copied
3.) Nature of use
4.) Effect on market - effect on market - effect
    your use had a market

If have 2 of 4 of these in your favor,
feel good. #1 very imp.

Mask work - semi conductors