

Copyright, Domain Names, Patents, and Trademarks: Intellectual Property Websites and Resources

Copyright (www.copyright.gov)

- Check out this website for information on copyright, forms and circulars, U.S. copyright law, frequently asked questions and instructions on how to use the LOCIS search system.

What does copyright cover?

- Copyright protects original works of authorship that are fixed in a tangible form of expression. Copyrighted works include the following categories:
 1. Literary works (also includes computer software)
 2. Musical works, including any accompanying words
 3. Dramatic works, including any accompanying music
 4. Pantomimes and choreographic works
 5. Pictorial, graphic, and sculptural works
 6. Sound recordings
 7. Architectural works

What is not protected by copyright?

1. Works that have not been fixed in tangible form. So much for that sighting of Elvis that you forgot to film.
2. Titles, names, short phrases, and slogans: familiar symbols or designs; mere listings of ingredients or contents.
3. Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices.
4. Works consisting entirely of information that is common property and containing no original authorship.

Domain Names (www.icann.org)

- Check out ICANN (the Internet Corporation for Assigned Names and Numbers) website for everything you ever wanted to know about registering a domain name, an explanation of net, org, and com names, and information on how to file a complaint when someone has registered your company's name as a .com name. The ICANN site will also give you a listing of accredited domain name registrars.

What is a domain name?

- The American Heritage Dictionary of English Language, Fourth edition tells us that a domain name is “a series of alphanumeric strings separated by periods, such as www.hmco.com, that is an address of a computer network connection and that identifies the owner of the address.”

Patents (www.uspto.gov)

- Check out information about patenting your product, searching the United States Patent and Trademark database (covers all U.S. granted patents from 1790 to

current), finding out useful tips for independent inventors, and locating local help in going through the patent process.

What is a patent?

- A patent is a property right granted by the government of the United States to an inventor to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States for a limited time in exchange for public disclosure of the invention when the patent is granted.

What types of patents are there?

1. **Utility patents** may be granted to anyone who invents or discovers any new, useful, and nonobvious process, machine, article of manufacture, or composition of matter (pharmaceuticals, genetically engineered materials), or any new and useful improvement thereof.
2. **Design patents** may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture.
3. **Plant patents** may be granted to anyone who invents or discovers an asexually reproduces any distinct and new variety of plant.

What cannot be patented?

1. Laws of nature
2. Physical phenomena
3. Abstract ideas
4. Literary, dramatic, musical, and artistic works (see copyright)
5. Inventions which are not useful or offensive to the public morality

Where can I get help in researching my patent?

- A **monthly lab workshop**, Patents and Trademarks, is offered at **Kentucky's only United States Patent and Trademark Depository** at the Louisville Free Public Library at 301 York St., Louisville, KY 40203. This workshop is geared to inventors and individuals seeking patents and/or trademarks. An introduction to the basics of intellectual property law, information on market research, and a tutorial on how to search patents and trademarks on the USPTO website are covered. Interested individuals need only to show up to the Computer Learning Center on the second floor of the Main Library at the time of the workshop. No registration is necessary and all LFPL workshops are free.
- For information on the next Patents and Trademarks Workshop, visit www.lfpl.org/workshps.htm or call LFPL's JUSTASK Dept. at 502-574-1611.
- Find a **tutorial on searching patents** on the Web at the University of Central Florida's site at <http://library.ucf.edu/GovDocs/UCFPatentTrademarkPatentResearch.htm>.
- **The Librarian Is In Program** is a service of the Louisville Free Public Library to help inventors looking for help with patents, patrons seeking copyright information, and individuals seeking help with filing for either a state or federal trademark. These individuals may contact Rae Shepherd-Shlechter, the Patent and

Trademark Librarian for a 45-minute session at 502-574-1617 or e-mail her at rae@lfpl.org. There is no fee for such a session.

Wrestling with the marketplace and winning

- In patents the key to it all can be marketing your idea. For some great marketing classes, don't forget your local SCORE chapter (www.score.org) or your local Small Business Development Center (www.sba.gov/SBDC). They offer free counseling and great courses at great prices.
- If your invention involves a new technological development you might consider getting assistance from the Innovation and Commercialization Centers of Kentucky. There are six ICCs throughout the state and they can help you license and market your invention. Find out about these services at www.kyicc.com/index.cfm.
- **Invention Promotion Firms** offer their services to inventors to help with the patenting and marketing process. Do not hire any of these firms before you read the Federal Trade Commission's alert on fraudulent firms. This bulletin is located at www.ftc.gov/bcp/online/pubs/alerts/invnalrt.htm. For marketing help with your patent, it's much better to take your marketing questions to your local SCORE counselor, your local SBDC counselor, and your local Patent and Trademark Depository Librarian.

Special resources for very young inventors:

- Genius has no age limitations. Help budding inventors in the classroom with **The Inventive Thinking Curriculum Project**. Find out about this curriculum guide at www.uspto.gov/go/kids/guide1.htm. Click on **Project XL**.

Help! I think I need to hire a patent attorney.

- You can find a complete listing of patent attorneys and agents at www.uspto.gov/web/offices/dcom/olia/oed/roster/index.html.

Where do I research patents from other countries?

- Got to www.uspto.gov/web/menu/other.html for a listing of intellectual property offices in other countries.

Trademarks (www.uspto.gov)

- Check out the USPTO Trademark website for information on trademarks, access to TESS (Trademark Electronic Search System), access to TEAS (Trademark Electronic Application System), and all sorts of helpful research manuals and tools to answer your trademarks questions.

What is a trademark?

- A trademark includes any word, name, symbol, or device, or any combination, used, or intended to be used, in commerce, to identify and distinguish the services of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods. In short, a trademark is a brand name.

***To get a federally registered trade or service mark, the manufacturer or seller must be doing business in more than one state.

What are some kinds of words or images that are inappropriate for use in a trademark or service mark?

1. Generic terms or words used to merely describe the functionality of the goods or services are not appropriate for use in a trademark or service mark.
2. Obscene, immoral, or deceptive matter is not appropriate for use in a trademark.
3. A mark consisting of a name, portrait, or signature of a particular individual, except by the individual's written consent, is inappropriate for use as a registered mark.

***For a more complete listing of examples of marks which the United States Patent and Trademark Office may refuse to register, see the USPTO website at www.uspto.gov and look at the FAQ section under **Trademarks**.

Kentucky trademarks

- You can get a state trademark, all trademark forms, fees information, and access to the Kentucky trademark database at the Kentucky Secretary of State website at www.sos.state.ky.us.

Where can I get help researching my trademark?

- Contact your Patent and Trademark Librarian at the Louisville Free Public Library at 502-574-1617 for a 45-minute session on trademarks. This consultation is free.
- If you need an online tutorial in searching federal trademarks, visit the University of Central Florida's website at <http://library.ucf.edu/GovDocs/UCFPatentTrademarkResearchGuide.htm>.
- To find a list of state trademark agencies, go to www.ggmark.com. If your proposed mark clashes with a strong state trademark, this might give you problems, especially if you decide to offer your trademarked service or product in that state at some future date.
- Don't forget to search your trademark using www.google.com and other search engines to see if your proposed mark shows up on the Internet as a common mark or business name. Watch to see if your proposed mark could clash with an already existing domain name. You will have to access non-governmental sources to do a complete trademark search.

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