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**Briefly discuss the following intellectual property protection methods.**

**1 Patent**

**2 Copyright**

**3 Trademark**

**4 Trade secret**

***ANSWERS***

1. Patent

A patent is a form of right granted by the government to an inventor or their successor-in-title, giving the owner the right to exclude others from making, using, selling, offering to sell, and importing an invention for a limited period of time, in exchange for the public disclosure of the invention. An invention is a solution to a specific technological problem, which may be a product or a process and generally has to fulfill three main requirements: it has to be new, not obvious and there needs to be an industrial applicability. To enrich the body of knowledge and stimulate innovation, it is an obligation for patent owners to disclose valuable information about their inventions to the public.

A patent is a grant of protection for an invention. It's granted by the U.S. Patent and Trademark Office (PTO) and has a term of 14 to 20 years. Owning a patent gives you the right to stop someone else from making, using or selling your invention without your permission. Only an inventor may apply for a patent on his or her idea. If two or more people participate in the creation of an invention, the law requires that all participants apply for a patent as joint inventors. A person applying for a patent on an idea he or she did not directly invent is subject to criminal penalties and invalidation of the patent, if one was issued. A person making only a financial contribution to an invention can't be named as a joint inventor.

There are actually several different type of patents, but the two following patents are the type entrepreneurs use most often:

**A design patent** provides protection on the appearance or ornamental design of your invention. It is generally cheaper, simpler to file and more easily accepted by the PTO than other types of patents. However, its overall protection isn't as effective as a utility patent because the invention's design can be changed many times, thus helping others who want to use your design avoid patent infringement. Its term is 14 years.

To receive a design patent, your invention must pass these tests:

* It must have a new, original and ornamental design.
* The novel features of your design must not be obvious.

**A utility patent** protects the function or method of your invention. This patent is more complicated than a design patent because it requires you to explain how your invention is used. A utility patent is usually more expensive to obtain, requires more input from an attorney, and is more difficult to have issued by the PTO. Its protection is greater than that of a design patent, however, because patenting a method or function provides stronger, broader coverage. A person trying to make a product similar to your patented one must avoid all the claims of your patent. The utility patent's term is 20 years. Most inventions can be filed as a design patent, utility patent or both.

To receive a utility patent, your invention must pass four tests:

* **Statutory-class test.** Your invention can reasonably be classified as a process, machine, manufacture, composition or a "new use" of any one or more of these classifications.
* **Utility test**. Your invention is considered useful.
* **Novelty test.** Your invention has a feature that sets it apart from previous inventions and is unknown to the public.
* **"Unobviousness" test.** Your invention's novelty must not be obvious to someone who has ordinary skill in the area of your invention. For example, if your invention is a hairbrush, the uniqueness of its design must not be obvious to someone who uses a hairbrush every day.
1. Copyright

A copyright gives the creator of an original work exclusive rights to it, usually for a limited time. Copyright may apply to a wide range of creative, intellectual, or artistic forms, or "works. Copyright does not cover ideas and information themselves, only the form or manner in which they are expressed.

Copyright is a legal means of protecting an author's work. It is a type of intellectual property that provides exclusive publication, distribution, and usage rights for the author. This means whatever content the author created cannot be used or published by anyone else without the consent of the author. The length of copyright protection may vary from country to country, but it usually lasts for the life of the author plus 50 to 100 years.

1. Trade mark

A trademark is a recognizable sign, design or expression which distinguishes products or services of a particular trader from similar products or services of other traders.

Trademark protection refers to safeguarding intellectual property rights to protect a trademark from counterfeiting and infringement. A trademark is an established or legally registered mark that identifies a manufacturer's unique goods and services. The owner of a distinctive mark can apply to receive trademark protection. However, trademark protection also requires you to continually use the mark in commerce.

To protect your trademark from infringement and counterfeiting, you need to make sure your mark is not used by others, and you need to bring legal charges against those who use your mark without permission. By conducting research, you can develop a strong trademark or service mark that other competitors will find difficult to steal.

1. Trade secret

A trade secret is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors and customers. There is no formal government protection granted; each business must take measures to guard its own trade secrets (e.g., Formula of its soft drinks is a trade secret for Coca-Cola.).

A trade secret can be defined as any confidential business information which provides an enterprise with a competitive edge. Trade secrets encompass both commercial and operating conditions of a business and include, for example, sales methods, distribution methods, consumer profiles, advertising strategies, client lists and manufacturing processes. It can be both information documented in some form and non-documented knowledge of individual persons about specific circumstances. Essential for the protection of trade secrets is that the information is actively kept secret.

There is no registration process for the protection of trade secrets. Similarly to copyrights, the information is protected through its creation. Therefore, trade secrets can be protected for an unlimited period of time as long as the information remains undisclosed. In order to keep the information secret, it is important that you implement your own confidentiality strategy.

Trade secret protection can sometimes be a preferable alternative to other intellectual property rights.

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