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**Matric number: 17/ENG04/043**

**Department: ELECTRICAL ELECTRONICS ENGINEERING**

**Course code: ENG 384**

**Course title: ENGINEERING LAW AND MANAGERIAL ECONOMICS**

**1. Patents**

A patent grants an invention property rights, enabling the proprietor to prohibit others from creating, selling or using the invention. Inventions help many businesses to thrive because they are creating new or better technologies or goods that offer competitive advantage on the marketplace. By filing a patent application with the United States you get a patent. Department of Patent and Trademark (USPTO).

You'll discover three [types of patents](https://www.upcounsel.com/types-of-patents):

* **Utility**
* **Design**
* **Plant**

A utility patent is the most common form, covering any method, system, manufacturing article or matter composition, or any new and useful enhancements thereof.

The design must be original, non-obvious and have some value to apply for a utility patent. Novel means new and unknown to anyone else, while non-obvious means it can't be immediately apparent to someone with ordinary industry skills. A design patent covers any modern, original, and ornamental design for a manufacturing object, while a plant patent covers any modern variety of plants developed asexually. A design patent is 14 years old, and a utility or plant patent is valid for 20 years.

The patent proprietor may take civil action with patent rights against someone who copies the patented invention, design or discovery. Despite this legal defense, anyone can legally use identical designs, products, and processes. In fact, if you do not file on your invention for patent protection within 12 months of launching it in a public environment, then the opportunity to patent it will be gone.

Other firms or individuals can also file a patent on your idea, taking away your opportunity to do so first. Usually the USPTO would rely on the person who first submitted the application when reviewing patent applications and violations, because determining who used anything first is almost impossible.

You will be deciding who owns the concept before applying for a patent. Some companies file on their protected inventions for patents, but if an employee has come up with the idea, the patent holder may be granted to the individual. If the patent is held by the company, you must secure the patent with the company by making workers involved in the innovation process sign an agreement claiming that the concept belongs to the firm.

The process for filing for a patent is complex, one that may take up to six years and cost thousands of dollars, and the USPTO suggests that you employ a professional patent attorney or agent to register. To order to retain the validity of the patent, the payments due must be charged at 3 1/2, 7 1/2, and 11 1/2 years after the award. In a small person the average amount of maintenance costs, such as an individual inventor, is $4,430, and for others the sum is $8,860. For more information on patent applications please visit the USPTO website.

Some industries depend more on the patents than others. Pharmaceuticals, for example, go through lengthy and costly research processes to ensure they are safe for human use. Application for a patent is one of the few ways pharmaceutical firms can protect their profits while investing substantial money on a drug. Any other firm could manufacture an exact copy of the drug without a patent.

**2. Trademarks**

A trademark is a term, expression, symbol or design which distinguishes from its competitors the source of products (trademarks) or services (service marks) of a particular company. The label must be distinctive, in order to apply for patent protection. For example, athletic footwear made by Nike is identified in the Nike "swoosh" design.

Though trademark rights are gained by usage, registration with USPTO helps you to enforce those rights more easily. Conduct a search of federal and state databases before filing the trademark to ensure a similar trademark does not already exist. This quest for a trademark will help you that the amount of time and money you might spend on using an already licensed trademark.

To apply, you must have a valid label representation and define the class of products or services to which the label refers. You can apply online, and the filing fees vary depending on several factors, including the type of form and the number of classes of goods or services. Trademarks expire after 10 years, and term for renewal is 10 years.

Companies and people may use the TM symbol to signify possession of the logo before receiving approval from the USPTO. The registered trademark symbol (®) can be legally applied to your label upon approval. The TM sign does not carry any legal weight, but it does mean that you wish to demand the logo on other businesses or individuals in your industry.To [register a trademark](https://www.upcounsel.com/register-a-trademark), you can:

1. **File a "use" application after using the mark.**
2. **File an "intent to use" application before using the mark .**

If there is a foreign application, a trademark holder can be able to rely on that application for use in the USA. License filing is difficult, and most applicants employ a trademark lawyer.

**3. Trade Secrets**

* A trade secret is a recipe, procedure, tool, or other confidential knowledge that is kept private by corporations to give them an advantage over their competitors. Examples of the company secrets include:
* **Soda formulas**
* **Customer lists**
* **Survey results**
* **Computer algorithms**

In comparison to other forms of intellectual property, by registering your trade secret, you can not get protection. Protection then only lasts as long as you take the appropriate measures to track the disclosure and use of the information.

Businesses use non-disclosure agreements, limited access to sensitive information, restrictive post-employment covenants and other security measures to keep trade secrets alive.

Think at the rivals and those in the market while defending intellectual property as if they are in competition with your ideas. The only way to ensure no one else can use your distinctive inventions, works, marks or other ideas is to protect yourself and your businessConsult with staff regularly to keep them aware of what will remain out of public conversation and away from rivals. It is also crucial to protect ideas both physically and digitally so track who has access and restrict who can get into important databases.

Looking at the risk analysis and the cost-benefit analysis can also help you decide what protection is worth. Intellectual property security always comes at a high cost and takes a lot of time so make sure that your time and effort is worth the investment.

## 4. Copyrights

Copyrights cover original authorship works, such as literary works, songs, drama works, pantomimes and choreographic works, sculptural, pictorial and graphic works, sound recordings, creative works, architectural works, and computer software. The holder has the exclusive rights, with copyright protection, to alter, distribute, execute, create, view and copy the work.

The work must be set in a tangible form of speech to qualify under copyright laws, such as words written on a piece of paper or music notes written on a sheet. From the moment the work is created a copyright exists, hence registration is voluntary.

Registered works may however be liable in a copyright infringement claim for statutory damages and attorney's fees, so you may want to consider registering the work via the U.S. Copyright office. You can register your copyright online by filling out an form, paying a $35 non-refundable fee and sending a copy of your work that can not be returned.

For e-filed copyright applications the total processing period is 2 1/2 months and a little over 5 1/2 months for paper filing. Term of copyright depends on many factors, but in general, for works created after Jan. 1, 1978, the copyright lasts for the author's life plus an additional 70 years and is non-renewable.