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ELECTRICAL/ELECTRONICS ENGINEERING

ENGINEERING LAW AND MANAGERIAL ECONOMICS

Intellectual Property Protection is protection for inventions literary and artistic works, symbols, names, and images created by the mind. There are different methods which are;

* Patents,
* Trademarks,
* Trade secrets, and
* Copyrights.

**PATENTS**

A Patent grants property rights on an invention allowing the patent holder to exclude others from making, selling or using the invention. Inventions allow many businesses to be successful because they develop new or better processes or products that offer competitive advantage on the market place. You get a patent by filing a patent application with the US Patent and Trademark Office(USPTO).

There are three types of patent;

* Utility
* Design
* Plant

A **Utility patent** is the most common type covering any process, machine, article of manufacture, or composition of matter, or any new and useful improvements thereof.

In order to qualify for a utility patent, the invention must be novel (meaning new and not known by anyone else), nonobvious (means that it can’t be immediately obvious to some one having ordinary skills in the industry) and have some usefulness.A utility patent lasts for 20 years.

A **Design patent** covers any new, original, and ornamental design for an article of manufacture. It lasts for 14 years.

A **Plant patent** covers any new variety of asexually produced plants. It lasts for 20 years.

With patent protection, the payent holder can take legal action against anyone who copies the patented invention, design or discovery. Without this legal protection, anyone can use similar designs, products, and processes without risk. Infact, if you don’t file for a patent protection on your invention within 12 months of releasing it in a public setting, the opportunity to patent it will be gone.

Other companies or individuals can also file for a patent on your idea, taking away your chance to do so first. When reviewing patent applications and violations, the USPTO will usually default to the individual who submitted the application first, since proving who used something first is nearly impossible.

**TRADEMARKS**

A Trade mark is a word, phrase, symbol, or design that distinguishes the source of products (trademarks) or services (servicemarks) of one business from its competitiors. In order to qualify for patent protection, the mark must be distinctive. For example, the Nike “Swoosh” identifies athletic footwear or uniform made by Nike.

Although, rights in trademarks are acquired by use, registration with the USPTO allows you to more easily enforce those rights. Before registering your trademark, conduct a search of federal and state databases to make sure a similar trademark doesn’t already exist. This trademark search can help you reduce the amount of time and money you could spend on using a mark that is already registered and trademarked.

To apply you must have a clear representation of the mark, as well as an identification of the class of goods or services to which the mark will apply. You can submit an online application, and filing fees vary according to several factors, including the form type and the number of classes of goods or services. Trademarks expire after 10 years, and renewal terms are 10 years.

Before receiving approval from the USPTO companies and people use the TM symbol to indicate ownership of the mark. Upon approval, you legally add the registered trademark symbols((R)) to your mark. The TM symbol doesn’t hold any legal weight, but it can indicate to other businesses or people in your industry that you intend to claim the mark.

To register the trademark, you can;

1. File a “use ” applicaton after using the mark.
2. File a “intent to use” application before using the mark.

**TRADE SECRET**

A Trade secret is a formula, process, device, or other businesses information that companies keep private to give them a business advantage over their competitiors. Examples of trade secrets include:

* soda formulas
* customer lists
* survey results
* computer algorithms

Unlike the other types of intellectual property, you can’t obtain protection by registering your trade secret. Instead, protection lasts only as long as you take the necessary steps to control disclosure and use of the information.

Businesses use non disclosure agreements is restricted access to confidential information, post-employment restrictive covenants, and other security practices to maintain trade secrets.

When protecting intellectual property, look at competitors and others in the industry as if they are in competition for your ideas. Protecting yourself and your company is the best way to make sure that no one else can use your distinctive inventions, works, marks and other ideas. Meet often with employees to keep them aware of what must stay out of public discussion and away from competitors. Physical and digital protection of ideas is also necessary, so track who has access and who can get into important databases.

**COPYRIGHTS**

Copyrights protect original works of authorship, such as literary works, music, dramatic works, pantomimes and choreographic wprks, sculptural, pictorial and graphic works, sound recordings, artistic works, etc. With copyright protection, the holder has the exclusive rights to modify, distribute, perform, create, display and copy the work.

In order to qualify under copyright laws.the work must be fixed in a tangible medium of expression, such as words on a piece of paper or music notes written on a sheet. A copyright exists from the moment the work gets created, so registration is voluntary.

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