**NAME : ABDULAZEEZ ZUBEIDAT**

**MATRIC NUMBER: 17/ENG03/001**

**ENG 384**

**PATENT**

Invention: is a new technical solutions to technical problems. And it is protected by granting of patents. But before a product can be patented it must solve a problem in a new non obvious way.

Patent: This is an intellectual property protection method used mainly for technical invention . it allows the inventor to prevent others from using their invention for commercial purposes for upto 20 years. The inventor can make decision on who is allowed to produce, sell or import their inventions in which their own a valid patent . but once a patent expires the invention becomes common property and can therefore be freely used by anyone.

The procedure for granting patents, requirements placed on the patentee, and the extent of the exclusive rights vary widely between countries according to national laws and international agreements. Typically, however a patent application must include one or more claims that define the inventions. A patent may include many claims, each of which defines a specific property right. These claims must meet relevant patentability requirements such as novelty, usefulness, non-obviousness. According to world trade organizations(WTO) TRIPS agreement, patent should be available in in WTO member state for any invention, in all fields of technology, provided . TRIPS also provides that the term of protection available should be a **minimum of twenty years**.

Effects

A patent does not give a right to make, use or sell an invention. Rather, a patent provides from a legal standpoint, the to exclude others from making, using, selling, offering for sale or importing the patented invention for the term of patent, which is usually 20years from the filling date subject to the term of payment fees. A patent being an exclusive right does not necessarily gives the patent owner the right to exploit the invention subject to the patent.

Infringement

Patent infringement occur when a third party, without authorization from the patentee, makes uses, or sells a patented invention. Patents, however, are enforced on a nation by nation basis. The making of items in china, for example, that would infringe a U.S. patent , would not constitute infringement under US patent law unless the item were imported into the U.S.

Governing laws

Patents are granted by national laws and international treaties, where those treaties have been given effect in national laws. Patents are granted by national or regional patent offices. A useful patent is therefore only useful for protecting an invention in the country in which that patent is granted. In other words patent law is territorial in nature.

Application and prosecution

A patent is requested by filling a written application at the relevant patent office. The applicant maybe the inventor or its assignee. The application contains a description of how to make and use the invention that must provide sufficient details for a person skilled in the art to make and use the invention.

After filing, the application is often referred to as **“patent pending “** while this term does note confer legal protection, and a patent cannot be enforced until granted , it serves to provide warning to potential infringers that if the patent is issued, they may be liable for damages.

Once filled a patent application is **“prosecuted”**. A patent examiner reviews the patent application to determine if it meets the patentability requirements of that country. If it does not comply, objections are communicated to the applicants which leads to rejection. If the applicants is granted , which leads to payment of additional fees, leads to an issued, enforceable patents.

**Benefits of patent**

* Provides incentives for economically efficient research and development.
* They facilitate and encourage disclosure of innovations into the public domain for common good.
* In many industries once an invention exists, the cost of commercialization is far more than the initial conception costs.

**Disadvantages of patent**

* Decrease innovation and waste resources.
* Application for patent can be very time consuming.
* Getting a patent can be very expensive.

**COPYRIGHT**

Copy right is the exclusive right given to the creator of a creative work to produce the work usually for a limited time. Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea itself.

Copyright can be granted by public law and are in that case considered “territorial rights”. Meaning that copyright granted in a state do not extend beyond the territory of that specification jurisdiction. Typically the public law duration of a copyright expires 50 to 100 years after the creator dies, depending on the jurisdiction.

Copyright infringement : for a work to be considered infringed upon copyright, its use must have occurred in a nation that has domestic copyright laws or adheres to a bilateral treaty or established international convention such as the Berne Convention or WIPO Copyright Treaty. Improper use of materials outside legislation is deemed “unauthorized edition”, not copyright infringement.

Advantages of copyright

* Gives right to produce or reproduce
* Protection to the product
* Right to authorize i.e give right to others to reproduce your goods
* For a limited time only

Disadvantages of copyright

* Liability to share work
* No infringement of work
* Copyright gives the owner right to ownership since authorship does not necessarily mean ownership

**TRADE MARK**

Trade mark is a type of intellectual property consisting of a recognizable sign, design, or expression which identifies products or services of a particular source from those of others, although trademarks used to identify services are usually called service marks. A phrase, word, symbol, device or even color can be trademarked. Anything that distinguishes a persons goods or property from others can be trademarked. Unlike patents and copyrights trade mark do not expire after a set period of time.

Types of trade marks:

* Trademarks
* Service marks
* Strong trade marks
* Weak trade mark
* Trade dress
* Collective marks
* Certification marks.

Advantages of trademarks

* Legal protection of your activity name
* Guarantee the uniqueness of mark
* Protecting service and goods from illegal copying
* Positioning the company and its goods and services on the market among competitors.
* Increasing company’s prestige.
* Been able to sell your trade mark or transfer the rights to use it for financial benefits.

Disadvantages of trademarks

* The trade mark must be used continuously.
* The costs to register a trade mark may be high.
* A trade mark may be subjected to been revoked in certain circumstances.
* The trade mark must be used in trade within a certain period of time, usually within 5 years from the date of application.
* A trade mark can be invalidated if it has not been in accordance with the law.

**TRADE SECRET**

A trade secret is a company’s information(like intellectual property that comprises of formula’s, practices, processes, designs, patterns or compilations) that is not known to the public generally, confers economic benefit on its holder because the information is not publicly known and where the holder makes reasonable effort to maintain its secrecy. It encompasses manufacturing, industrial, or commercial secrets. A trade secret gives a company an advantage over its competitors.