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**17/ENG02/019**

**COMPUTER ENGINEERING**

**ENGINEERING LAW & MANAGERIAL ECONOMICS- ENG 384**

1. **PATENT**

A patent for an invention is granted by government to the inventor, giving the inventor the right to stop others, for a limited period, from making, using or selling the invention without their permission.

When patent protection is granted the invention becomes the property of the inventor, which like any other form of property or business asset can be bought, sold, rented or hired. Patents are territorial rights: UK patents will only give the holder rights in the UK and rights to stop others from importing the patented products into the UK.

**To be patentable your invention must:**

1. Be new i.e. never been made public in any way, anywhere in the world, before the date on which the application for a patent is filed.
2. Involve an inventive step: if when compared with what is already known, it would not be obvious to someone with good knowledge and experience of the subject.
3. Be capable of industrial application: an invention must be capable of being made or used in some kind of industry. This means that the invention must take the practical form of an apparatus or device, a product such as some new material or an industrial process or method of operation.

**Inventions that are not patentable**

1. A discovery
2. A scientific theory or mathematical method
3. An aesthetic creation, literary, dramatic or artistic work
4. A scheme or method for performing a mental act, playing a game or doing business
5. The presentation of information or a computer program
6. If the invention involves more than these abstract aspects so that it has physical features (such as special apparatus to play a new game) then it may be patentable.

Also, it is not possible to get a patent for plant variety, a method of treatment of the human or animal body by surgery or therapy or a method of diagnosis.

1. **COPYRIGHT**

A copyright is a collection of rights automatically vested to you once you have created an original work. These rights include the right to reproduce the work, to prepare derivative works, to distribute copies, to perform the work publicly, and to display the work publicly. As the copyright owner, you have the authority to keep each “right,” to transfer them individually to one or more people, or to transfer them collectively to one or more people. This can be accomplished through licensing, assigning, and other forms of transfers. The power of copyright allows you to choose the way your work is made available to the public.

According to [**Canada's Copyright Act**](https://www.thebalancesmb.com/copyright-in-canada-2948246)**,** copyright is "the sole right to produce or reproduce a work or a substantial part of it in any form. It includes the right to perform the work or any substantial part of it or, in the case of a lecture, to deliver it. If the work is unpublished, copyright includes the right to publish the work or any substantial part of it."

The definition given by the **U.S. Copyright Office** is similar, adding that it "literally means the right to copy but has come to mean that body of exclusive rights granted by law to copyright owners for protection of their work".

**Copyright Infringement**

The penalties for copyright infringement can be quite severe, depending on the nature of the offense. These can include fines of up to $150,000 in the U.S. and $1 million in Canada, plus attorney and court costs. Additionally, any items that violate copyright can be impounded, and the offender may be eligible for jail time.

Because of these harsh consequences for copyright infringement, it's important to know copyright laws; both to protect your own rights and avoid infringing on those of others.

1. **TRADEMARK**

According to the USPTO, “a trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. (The term “trademark” is often used in a general sense to refer to both trademarks and service marks.)” Similar to copyright, a person does not need not register a trademark or service mark to receive protection rights, but there are certain legal benefits to registering the mark with the USPTO. There is rarely an overlap between trademark and copyright law but it can happen — for instance, when a graphic illustration is used as a logo the design may be protected both under copyright and trademark.

1. **TRADE SECRETS**

These are [intellectual property](https://www.wipo.int/about-ip/en/) (IP) rights on confidential information which may be sold or licensed.

In general, to qualify as a trade secret, the information must be:

* 1. Commercially valuable because it is secret.
	2. Known only to a limited group of persons.
	3. Subject to reasonable steps taken by the rightful holder of the information to keep it secret, including the use of confidentiality agreements for business partners and employees.
	4. The unauthorized acquisition, use or disclosure of such secret information in a manner contrary to honest commercial practices by others is regarded as an unfair practice and a violation of the trade secret protection.