NAME: OGOMUEGBUNAM FAVOUR CHIDI

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What is Intellectual Property?

Intellectual property refers to creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce. Intellectual property is divided into two categories: Industrial Property includes patents for inventions, trademarks, industrial designs and geographical indications. Intellectual property is protected by laws specific to the expression of an idea such as:

1. **COPYRIGHT**

Copyright is a law that gives the owner of a work (for example, a book, movie, picture, song or website) the right to say how other people can use it. Copyright laws make it easier for authors to make money by selling their works. With copyright, a work can only be copied if the owner gives permission. It protects original works such as literary, dramatic, musical and artistic works. Copyright protection is automatically provided under the Copyright Act 1968, and gives the creator of the work exclusive rights to reproduce it, commercialize it and be recognized as its creator.

What is a valid copyright notice?

A copyright notice should contain:

* the word “copyright”
* a “c” in a circle (©)
* the date of publication, and
* the name of either the author or the owner of all the copyright rights in the published work.

For example, the correct copyright notice for the current edition of *The Copyright Handbook*, by Stephen Fishman (Nolo) is *Copyright © 2019 by Stephen Fishman*.

What copyright protects

Any original work that has been written or recorded in any form is protected by copyright. This applies for both published and unpublished works.

Copyright protection automatically applies for the following:

* literary, dramatic, musical and artistic work
* software, web content, and databases
* film and television recordings
* sound and music recordings
* layout of published editions.

Copyright does not protect ideas, thoughts or facts.

1. TRADEMARK

A trademark (or trade mark) is a way for a business to help people to identify the products that the business makes from products made by another business (a symbol, word, or words legally registered or established by use as representing a company or product.). A trademark can be a name, word, phrase, symbol, logo, design, or picture. It can only be used on things made by the business that owns the trademark. A trademark (also written trade mark or 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. In short, a trademark is a word, phrase, symbol, design, or combination that helps consumers identify a particular product. A service mark is the same, but pertains to a service instead for goods. Both marks are protected once they are used. This includes both registered and unregistered trademarks.

What Does a Trademark protect?

A trademark protects a good or service offered by a company from infringement or damage of reputation by another company. With a trademark, you have legal recourse to sue another company that uses your likeness to further their own business ventures. This includes both registered and unregistered trademarks.

1. **TRADE SECRET**

Trade secrets are a type of intellectual property that comprise formulas, practices, processes, designs, instruments, patterns, or compilations of information that have inherent economic value because they are not generally known or readily ascertainable by others, and which the owner takes reasonable measures to keep secret. Contrary to patents, trade secrets are protected without registration, that is, trade secrets are protected without any procedural formalities. Consequently, a trade secret can be protected for an unlimited period of time. A trade secret is any practice or process of a company that is generally not known outside of the company. Information considered a trade secret gives the company an economic advantage over its competitors and is often a product of internal research and development

To be legally considered a trade secret in the United States, a company must make a reasonable effort in concealing the information from the public, the secret must intrinsically have economic value, and the trade secret must contain information. Trade secrets are a part of a company's intellectual property Unlike a patent, a trade secret is not publicly known.

What is the difference between intellectual property and trade secrets?

Trade secrets may concern inventions or information that is not viable for a patent and therefore can only be protected as a trade secret. However, some inventors with patentable ideas still choose to hide their intellectual property. ... Historically patent protection is considered more secure than trade secrets.

Trade secrets are defined differently based on jurisdiction, but all have the following characteristics in common:

* They are not public information.
* Their secrecy provides an economic benefit to their holder.
* Their secrecy is actively protected.

NOTE: If a trade secret holder fails to safeguard the secret or if the secret is independently discovered, released, or becomes general knowledge, protection of the secret is removed*.*

1. **PATENT**

A patent is a form of intellectual property that gives its owner the legal right to exclude others from making, using, selling and importing an invention for a limited period of years, in exchange for publishing an enabling public disclosure of the invention. A patent is an exclusive right granted for an invention – a product or process that provides a new way of doing something, or that offers a new technical solution to a problem. A patent provides patent owners with protection for their inventions. Protection is granted for a limited period, generally 20 years. A patent is a form of intellectual property that gives its owner the legal right to exclude others from making, using, selling and importing an invention for a limited period of years, in exchange for publishing an enabling public disclosure of the invention.

What do patents specifically protect?

Patent protection is granted for an invention, a product, or a process, which brings a new technical solution. The invention, which is to be protected by a patent, must be new, useful, functional, and innovative; that is, the solution for which the patent protection is sought should not be an obvious one.

What is the main purpose of a patent?

A patent is a temporary government-granted monopoly right on something made by an inventor. The historical purpose of the patent system was to encourage the development of new inventions, and in particular to encourage the disclosure of those new inventions.

Types of Patents

There are three types of patents: utility patents, design patents, and plant patents.

* A utility patent is what most people think of when they think about a patent. It is a long, technical document that teaches the public how to use a new machine, process, or system. The kinds of inventions protected by utility patents are defined by Congress. New technologies like genetic engineering and internet-delivered software are challenging the boundaries of what kinds of inventions can receive utility patent protection.

A provisional patent goes hand in glove with a utility patent. United States law allows inventors to file a less formal document that proves the inventor was in possession of the invention and had adequately figured out how to make the invention work. Once that is on file, the invention is patent pending. If, however, the inventor fails to file a formal utility patent within a year from filing the provisional patent, he or she will lose this filing date. Any public disclosures made relying on that provisional patent application will now count as public disclosures to the United States Patent and Trademark Office (USPTO).

* A design patent protects an ornamental design on a useful item. The shape of a bottle or the design of a shoe, for example, can be protected by a design patent. The document itself is almost entirely made of pictures or drawings of the design on the useful item. Design patents are notoriously difficult to search simply because there are very few words used in a design patent. In recent years, software companies have used design patents to protect elements of user interfaces and even the shape of touchscreen devices.
* A plant patent is just that: a patent for a plant. Plant patents protect new kinds of plants produced by cuttings or other nonsexual means. Plant patents generally do not cover genetically modified organisms and focus more on conventional horticulture.