Engineering Law and Managerial Economics - ENG 384

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**ASSIGNMENT ANSWERS**

1) Patent

A patent is a right granted to an inventor by the federal government that permits the inventor to exclude others from making, selling or using the invention for a period of time. The patent system is designed to encourage inventions that are unique and useful to society. Congress was given the power to grant patents in the Constitution, and federal statutes and rules govern patents.

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

Utility Patents: The most common type of patent, these are granted to new machines, chemicals, and processes.

Design Patents: Granted to protect the unique appearance or design of manufactured objects, such as the surface ornamentation or overall design of the object.

Plant Patents: Granted for the invention and asexual reproduction of new and distinct plant varieties, including hybrids (asexual reproduction means the plant is reproduced by means other than from seeds, such as by grafting or rooting of cuttings).

2) Copyright

The dictionary defines copyright as "a person's exclusive right to reproduce, publish, or sell his or her original work of authorship (as a literary, musical, dramatic, artistic, or architectural work)."It's important to understand that copyright law covers the "form of material expression," not the actual concepts, ideas, techniques, or facts in a particular work. This is the reason behind why a work must be fixed in a tangible form in order to receive copyright protection. A couple examples of works being fixed in a tangible form include stories written on paper and original paintings on canvas. The primary goal of copyright law is to protect the time, effort, and creativity of the work's creator. As such, the Copyright Act gives the copyright owner certain exclusive rights, including the right to:

Reproduce the work

Prepare "derivative works" (other works based on the original work)

Distribute copies of the work by sale, lease, or other transfer of ownership

Perform the work publicly

Display the work publicly

3) Trademark

Trademark protection is available for certain names, symbols, devices, or words that will be used in connection with a good or service. Technically, if a certain mark is associated with a service, it is called a "service mark," but trademark is commonly used to refer to both marks associated with services and goods. The purpose behind trademarks is to allow companies and individuals to indicate the source of their goods or services and to distinguish them from others in the industry.

A trademark not only gives the trademark owner the exclusive right to use the mark but also allows the owner to prevent others from using a similar mark that can be confusing for the general public. A trademark cannot, however, prevent another person or company from making or selling the same goods or service under a clearly different mark. Rights to a mark can be established through the legitimate use of the mark in a commercial or business setting. Registration with the U.S. Patent and Trademark Office (USPTO) is not required but offers additional protections. When a person claims the rights to a particular mark, he or she is allowed to use "TM" (for a trademark) and "SM" (for a service mark) to designate that the mark is trademarked. The symbol "®" designates federal registration and can therefore only be used after the USPTO registers the mark, meaning the symbol cannot be used when an application is pending. In addition, the ® symbol may only be used with goods and/or services that were listed in the federal trademark application.

4) Trade secret

Broadly speaking, any confidential business information which provides an enterprise a competitive edge may be considered a trade secret. Trade secrets encompass manufacturing or industrial secrets and commercial secrets. The unauthorized use of such information by persons other than the holder is regarded as an unfair practice and a violation of the trade secret. Depending on the legal system, the protection of trade secrets forms part of the general concept of protection against unfair competition or is based on specific provisions or case law on the protection of confidential information.

The subject matter of trade secrets is usually defined in broad terms and includes sales methods, distribution methods, consumer profiles, advertising strategies, lists of suppliers and clients, and manufacturing processes. While a final determination of what information constitutes a trade secret will depend on the circumstances of each individual case, clearly unfair practices in respect of secret information include industrial or commercial espionage, breach of contract and breach of confidence.