



**Anthony J. Madonia & Associates, Ltd.**

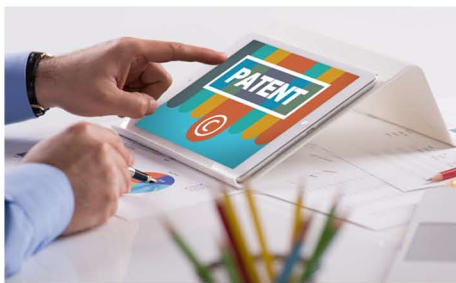
Legal. Business. Tax. Estate. Planning.

## *Intellectual Property*

General term for intangible products of the human mind that can be subject to ownership and other legal rights.

**PATENTS • COPYRIGHTS • TRADEMARKS • TRADE SECRETS**

### **PATENTS**



- Protect useful, novel and non-obvious inventions; not automatic; application required
- Does not protect laws of nature, physical phenomena, abstract ideas or tax strategies
- Gives owner the right to exclude all other people from making, using, offering to sell or selling within the U.S., or importing into the U.S. any item using the patented claim; provides “negative” right (to exclude)
- Last 20 years from date of application filing

### **COPYRIGHTS**

- Protects expressions of original works of authorship; not ideas, procedures, processes, methods or abstract ideas
- Does not protect ideas, procedures, processes, methods or abstract ideas
- Automatic once expressed in a tangible medium; registration provides additional benefits
- Gives owner exclusive rights to copy, distribute, perform the work and make derivative works
- Lasts 70 years after the author’s death; for works made for hire, the shorter of 120 years from creation or 95 years from publication



## TRADEMARKS

- Protect words, symbols and other devices used to indicate the source of goods or services
- Automatic once the trademark is used in commerce; extends only to actual areas and markets where trademark is used
- Registration provides national protection and additional benefits
- Does not protect non-commercial words or symbols, or words and symbols that are generic, confusing, descriptive or offensive (i.e. the word "Escalator" to indicate a brand of moving staircase)
- Gives owner the right to prevent others from using same or similar mark for same or similar goods in a way that is likely to cause consumer confusion
- Trademark is protected as long as the owner continues to use the mark in commerce and not abandoned due to dilution or becoming generic



## TRADE SECRETS

- Protects business, financial, and technical information, such as formulas, drawings, patterns, programs, devices, and processes, that owner keeps confidential and derives economic value due to this secrecy
- Automatic as long as owner uses reasonable efforts to keep the information secure and it continues to be economically valuable
- No registration available
- Information must be kept secret through owner's reasonable efforts
- Allows owner to prevent disclosure due to a third party's misappropriation or bad act
- Protected for as long as the owner maintains secrecy



### Questions about Intellectual Property Law?

Contact Us Today.

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