

# Case study on intellectual property

Law, Criminal Justice



**ASSIGN  
BUSTER**

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## **Introduction**

David is an enterprising person who should be given an opportunity to carry out his business operations with minimal interference. Just like any other entrepreneur, his rights should be fully protected and safeguarded by the law. This is the only way through which he can be motivated to continue dealing with his products. Likewise, all the other players in this industry should be protected as well. As we all understand, film is a very sensitive industry that requires a lot of support from the government. This can not only be done through offering financial support and also through enforcing just laws exclusively for protecting their creative work.

Intellectual Property refers to the creation of exclusive rights to guarantee certain rights to the owners of intangible assets like film, music, discoveries, inventions, literature, phrases, designs ns, words and symbols. This is a very important clause in the constitution which is purposely instituted to help creative minds to continue doing their activities without failing to get a reward for their hard work (Andrew, C., 2008).

In this scenario, David needs to know much about intellectual property so as to be able to carry out his activities without any problem. The setting up of his business is not illegal. He is allowed by the property rights law to carry out video reviews and promotion by the law. Practically, the video producer can not offer an objective review for his own work. This is why the law guarantees creative minds like David to set up web sites to carry out such activities.

Even if this kind of business may be legal, he should bare in mind that if not treated continuously, it can land him into problems. Each of the films he is planning to sell were composed, written and produced by legal entities that are enjoying full protection from the law. They are legally allowed to work on their films and bring them to the market for their clients to purchase them. At the same time, they are allowed to use any legal medium to promote these products to ensure that are evenly distributed. In this regard, it is important for David to acquaint himself with the following sections of Intellectual Property laws:-

## **Patent**

This is legal provision which grants an inventor an exclusive right to produce sell use and import his invention for a given period of disclosed time. It can last for a period of 17 years. However, this can be renewed. This law gives a full right to the owner of a property to have a full control over it all the times as provided by the law. It is him who is having rights and powers over their products in the market (Andrew, C., 2008). This provision can be very important to David because it can enable him to be in a position of understanding how to conduct the operations at is web site without many

tussles.

As an entrepreneur, David is also protected by this law. He should enjoy this right without any hindrance. At the same time, he should respect the patents of the producers of the films he is dealing in. meaning, he should only create his own patent or franchise his suppliers'. He is allowed by the law to recognize the patent rights of the owners of the films and also have a full control over his businesses. He has a right to claim a patent right for his web site, but not to rid off the film owners of their patent. This will be an infringement.

As an entrepreneur, David is having a copyright over his web site and his business at large. He can not be condemned for making such an investment since it is his right to do so. However, the first thing he should do is to register his business as a promoter and reviewer of films. Otherwise, failing to acknowledge the film owners can land him into problems. During reviews, David may be forced to present his own views without necessarily considering the kind of message the owner was trying to put across (Andrew, C., 2008). He must be ready to do this work objectively.

Such manipulations to a creative and intellectual property may not be treated lightly. In this case, David may be charged in the court of the law. If he is found guilty, he can be jailed for a considerable number of years. He may also be heavily fined for committing such an offense which can, of course, be prevented. Hence, it is upon David to ensure that he consults widely and acquaint himself with this provision not to land into such problems.

## Trade Mark

Trade mark is also one of the most aspects of intellectual property law which refers to the recognized peculiar expression, sign and design of a particular product. As a provision, it grants owners the right to protect the identity of their commodities without an unnecessary interference and infringement from any other party. It is the uniqueness of trade mark that enables a given property to be in a position of being identified from any other product which may be produced as a competitor either as a compliment or a substitute.

This is one of the fundamental legislations which David should be knowledgeable about. Actually, owning DVDkatz. com can be a very lucrative venture. The property right protects the trade marks of both the film companies and David's businesses. Therefore, it is right for him to choose a unique trade mark for his firm. Meanwhile, he should respect the trade marks of the owners of the films. He is free to come up with his trade mark so long as it will not bring any conflict of interest.

## Advice

Having read Andrew's Blackstone's Statutes on Intellectual Property, I would like to advice him that the knowledge of Intellectual Property laws is very important for him as an enterprising entrepreneur. It can be used to protect the rights of the owners of the film and David himself. Therefore, it should be considered by David while setting up his business because it can benefit him in many ways. Both the copyright, patent, trade mark and trade secret provisions are very crucial for him.

Besides, David should have much information about the various patent acts used in protecting the patent rights of businessmen today. He should

specifically strive to know about the Patent Act of 1790 and use it as a basis for his actions. Since its inception, it has helped many people to do their businesses without any infringement. It gives them a sole right to produce, use and vend their inventions as per their ability. In this regard, David was obliged to abide by this law so as not to risk trial in the court of law. He should not go against this act, but instead, follow it. This can be done through collaborating with the film producers to give him a go ahead to continue with his online activities.

Lastly, David should be acquainted with the US Trade Mark Act of 1948 which prohibits unlawful practices such as trade mark dilution, trade mark infringement and false advertising. Since he will be dealing with already produced films, it may be possible that he infringes this right. This can be during review and promotion. Therefore, he should be careful not to go against this stipulation because it can land him into problems. However, this does not mean that he will be exclusively dealing in an illegal trade. His business can be legal if he does the right thing like consulting the owners of the film and seeking their authority.

Conclusively, I would like to agree that Intellectual Property is a very important law which can help David and his partners to operate their businesses protectively. It grants each of them a legal right to come up with their ideas, give them brand names and patent them. For instance, as already highlighted, patenting the videos will enable the owners to reap incomes from them effectively. At the same time, if David patents his web site, he will be economically empowered.

## **Works Cited**

Andrew, C. (2008) Blackstone's Statutes on Intellectual Property  
(Blackstone's Statute Book).  
London: OUP Oxford.