

Intellectual property rights: copyright and patent

Law



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Term Paper: Intellectual Property Rights: Copyright and Patent BY Indra2002

Term Paper: Intellectual Property Rights: Copyright and Patent Copyrights

and patents hold a major importance for business owners, and companies. I will discuss in detail what a copyright and patent are and the importance the two of them hold. What is Intellectual Property Rights; it refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce which leads to patents. What is a patent?

A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. In order to be patentable, the invention must fulfill certain conditions which are it must be new, inventive, and industrial applicable. Novelty meaning the invention must not be known before you file your application. It does not matter how, by whom or when in the world it has been made known. The invention counts as known even if it is you yourself who has used or published it.

Inventive step is meant that the invention must differ significantly from what is already known. The solution must not be obvious to a person skilled in that technical area. That means new ways of combining known methods or objects are not necessarily patentable. Industrial applicability the invention must be industrially applicable. An invention is considered industrially applicable if it can be produced or utilized in any kind of industry but also other activities, such as transport, agriculture, hunting, public services and medical services.

What is the purpose of a patent? A patent provides protection for the invention to the owner of the patent. The protection is a limited protection time, which is generally 20 years. The type of protection a patent provides is that the invention cannot be commercially made, used, distributed, or sold without the patent owner's consent. These patent rights are usually enforced in a court. Why are patents necessary? Patents provide incentives to individuals by offering the recognition for their creativity and material reward for their marketable inventions.

These incentives encourage innovations which assure that the quality of human life is continuously enhanced. You may ask what rights does a patent owner have, a owner has the right to decide who may -or may not- use the patented invention for the period in which the invention is protected. The patent owner may give permission to or, license, other parties to use the invention on mutually agreed terms. The owner may also sell the right to someone else, who will become the new owner of the patent.

Once a patent expires, the protection ends, and it enters the public domain, which is when the owner no longer holds exclusive rights to the invention and becomes available to commercial exploration by others. Patents are present in every aspect of human life, from electric lighting (patents held by Edison and Swan) and plastic (patents held by Baekeland), to ballpoint pens (patents held by Biro). What Is Copyright? " What Is Copyright? N. p. , n. d. Web. 18 Mar. 2013. How is a patent granted?

The first step in securing a patent is to file a patent application. The patent application generally contains the title of the invention, as well as an

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indication of its technical field, it must include the background and a description of the invention, in clear language and enough detail that an individual with average understanding of the field could use or reproduce the invention. Such descriptions are usually accompanied by visual materials such as drawings, plans, or diagrams to better describe the invention.

The application also contains various "claims" that is, information which determines the extent of protection granted by the patent. "Copyright vs. Trademark vs. Patent." Copyright vs. Trademark vs. Patent. N. p. , n. d. web. 18 Mar. 2013. What kinds of inventions can be protected? An invention must, in general, fulfill the following conditions to be protected by a patent must be of practical use, it must show an element of novelty, that is, some new characteristic which is not known in the body of existing knowledge in its technical field.

This body of existing knowledge is called "prior art". The invention must show an invention step which could not be deduced by a person with average knowledge of the technical field. Finally, its subject matter must be accepted as "patentable" under law in many countries, scientific theories, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods for medical treatment (as opposed to medical products) are generally not patentable. Who grants a patent?

The national patent office or regional office that works with number of countries, such as the European Patent Office and the African Regional Intellectual Property Organization. Under such regional systems, an applicant requests protection for the invention in one or more countries, and each

country decides as to whether to offer patent protection within its borders. The WIPO-administered Patent Cooperation Treaty (PCT) provides for the filing of a single international patent application which has the same effect as national applications filed in the designated countries.

An applicant seeking protection may file one application and request protection in as many signatory states as needed. " What Is Copyright? " What Is Copyright? N. p. , n. d. Web. 18 Mar. 2013. What is a copyright? A copyright is a form of protection grounded in the U. S. Constitution and granted by law for original works of authorship fixed in a medium of expression. Copyright covers both published and unpublished works. What does copyright protect?

Copyright, a form of intellectual property law protects original works of authorship including literary, dramatic, musical, and artistic works, such as property, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed. How is a copyright different from a patent or a trademark? Copyright protects original works of authorship, while a patent protects inventions or discoveries.

Ideas and discoveries are not protected by the copyright law, although the way in which they are expressed may be. A trademark protects words, phrases words, symbols, or designs identifying the source of the goods and services of one party and distinguishing them from those of others. When is my work protected? Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or

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with the aid of a machine or device. Copyright may or may not be available for titles, slogans, or logos, depending on whether they contain sufficient authorship.

In most circumstances copyright does not protect names. Many people may ask why they should register their work if copyright protection is automatic. Registration is recommended for a number of reasons. Many choose to register their works because they wish to have the facts of their copyright on the public record and have a certification of registration. Registration works may be eligible for statutory damages and attorneys fees in successful litigation. Finally, if registration occurs within 5 years of publication, it is considered "prima facie" evidence in a court of law.

The United States has copyright relations with most countries throughout the world, and as a result of these agreements, we honor each other's citizens' copyrights. However the United States does not have such copyright relationships with every country. Many creative works protected by copyright require mass distribution, communication and financial investment for their dissemination (for example, publications, sound recordings and films); hence, creators often sell the rights to their works to individuals or companies best able to market the works in return for payment.

These payments are often made dependent on the actual use of the work, and are then referred to as royalties. I have found unlimited sources and information regarding patents and copyright, with all the information I now have a clear understanding exactly what is the differences with a title or

name of a company and the steps to truly make an invention yours with ownership.