

Four business types – pros and cons

Business



In my opinion, Corporation is the best form suited to venture as intended by Victoria & Quentin because it is separate legal entity distinct from its owners & have well defined registered by laws. These organizations are highly regulated & attract capital even from outside source very easily & existed infinitely. The main issues concerning the Intellectual property rights in providing licensing Marvel's intellectual property to Universal studios are Copyright and Trademark protections to the theme parks which Disney proposed to develop by using Thor, The Hulk, Iron man etc.

Law related to copy rights gives the author or creator of work the exclusive rights for limited time p in order to promote creativity & allow control over use of artistic creations. Authors have been given powers to manage the characters (like The Hulk, Iron Man etc) as created by them & any one copying it definitely attract legal provisions (Chapter 17 of the United States Code).

However there is the right of public to benefit from the authors work but that too exist on supposition that once copyrightable work enters public domain, others should be allowed to benefit from it and can make make it better for the excellence of all. Where Copyright law protect original writings of an author & dealt with character development and individualization protection trademark laws actually take care trademarks commercial value & designed to safeguard endures against confusion as to source or authorization of an item.

Therefore trademark owner has given control over use of the sign or mark in association with those goods and services for which mark symbolizes. The

Securities Act of 1933 which originally introduced on account of economic crisis of 1929 and mainly focus on two main objectives: First, to ensure more transparency in financial statements so as to facilitate investors to take informed decisions and second, to establish stringent laws to curb fraudulent activities/misrepresentation in securities markets.

Whereas the Securities Exchange Act of 1934 derived to provide for governance of securities transactions in secondary market & to regulate stock exchanges and intermediaries (broker-dealers) to protect public investments. The main purpose of Securities Act of 1933 was to maximize the disclosure of financial through the detailed process of registration of securities. In case investor suffers losses on account of misleading information, they have recovery rights on proving that losses arises due to incomplete or inaccurate information.

Whereas by means of Securities Act of 1933, Securities and Exchange Commission (SEC) was created which has broad powers & authority over all aspects of the securities market inclusive of brokerage firms, transfer agents, and clearing agencies and even nation's securities self regulatory organizations (like New York Stock Exchange, the NASDAQ Stock Market, Chicago Board of Options, Financial Industry Regulatory Authority etc).

This act also provides the Commission with disciplinary powers over various regulated entities and persons associated with them & include provisions for periodic reporting of certain information by companies whose shares are publicly traded. A company planning for an IPO must appoint a lead manager (book runner) who helps to determine appropriate price of shares to be

issued, which can be done by either of the two methods i. e. either through lead managers or through analysis of confidential investor demand data, which is to be compiled by the book runner known as book building process.

IPO requires effective planning comprising of development of an impressive management and professional team, significant growth of company's business so have known public marketplace, available audited financial statements following Internationally accepted accounting principles, compliance's of various act, good corporate governance practices etc.

Victoria & Quentin fund raise not amount to IPO but a private placement/funding in which funds can be raised not directly from public but through private investors/ merchant bankers or private equity firms on which minimum regulations are applicable & statutory provisions of an IPO are not applicable. Patent: Patent protects an invention which is novel, useful, and non-obvious. Whereas invention refers to any new article, new machine, or any process or combination thereof or any new use developed by human being but that invention must not form part of public domain and not previously known in the public before invented.

It must be new. Also that invention must be non obvious to person skilled in art. Copyright: Copyrights usually protect the works of an author like writings, music, artistic work or art work which can be expressed in tangible form. It generally gives protection to software, web, course materials, publications, electronically or non electronically, printed or non printed.

Trade Mark: Trademarks gives protection to the words, names, marks,

symbols, or colors etc. which differentiate between the goods and services and direct to the source of those goods or services.

Trademarks can be renewed forever to the extent they can be Trade Secret: A trade secret is an information which the organizations generally keep secret or undisclosed so as to give them advantage on their opponents/competitors. In the given instances, there is an infringement claim of patent which is design with respect to chip clip for multiple bags of potato chips & another is an infringement of Copyright & trademark when to use the words "Astroclaw" similar to "Atomic Claw".

In order to make case their effective Victoria & Quentin must prove that, there is no infringement of Intellectual Property rights. They can give evidence to prove that the designs & music has already been created by them as new without copying and their claims & application filed by Gunnar & Alexander fails to serve the test of patentability. Shareholders defined as individuals or artificial legal person who issued stock/shares in a company with a view to get benefit with the hope of earning of profits by company.

It is a sort of investment in ownership of company and get rights to the extent of their investment. Whereas stakeholders are the persons who impacted by the policies, rule, regulations & working of an organization. This is the broad term comprises of whom an organization directly or indirectly associated with. It referred to as somebody who has stake or interest in actions of the company at large or even small scale. This term in connection with a corporation consists of its staff, employees, customers, supplier, vendors, dealers & society in wider context.

This is the term generated out of need of suitable corporate governance as well as part of corporate social responsibility. Shareholder owes fiduciary duties to minority shareholders as well as to other stakeholders comprising of society at large, means they must act in their self interest so as to maximize their profits by following corporate governance principles. I support Mr. Garfield as he is the supporter of new ideas of capitalism & believes in restructuring & revival mechanism of capitalism.

He believes that instead of running a failing or loss making business, shareholders should accept beneficial proposal so as to evade compulsory winding up which impacted other business. He appears to be an ethical person when denied to take money from a widow. On the other hand, Mr. Andrew seems to be sympathetic towards employees, workers but actually he not grown up as manger & not taken any action to replace discard technology & owing to above reasons I vote in favor of Mr. Garfield as the organization runs to make profits & if an organization not works well, it must be restructured in a manner so as to maximize wealth of shareholders.