

UNITED STATES
PATENT AND TRADEMARK OFFICE



Intellectual property basics

Revised: October 2020

UNITED STATES
PATENT AND TRADEMARK OFFICE



Notice

This content is for informational purposes only and is not legal advice.
Please consult with appropriate sources for legal authority and guidance on these matters.

What is the USPTO?

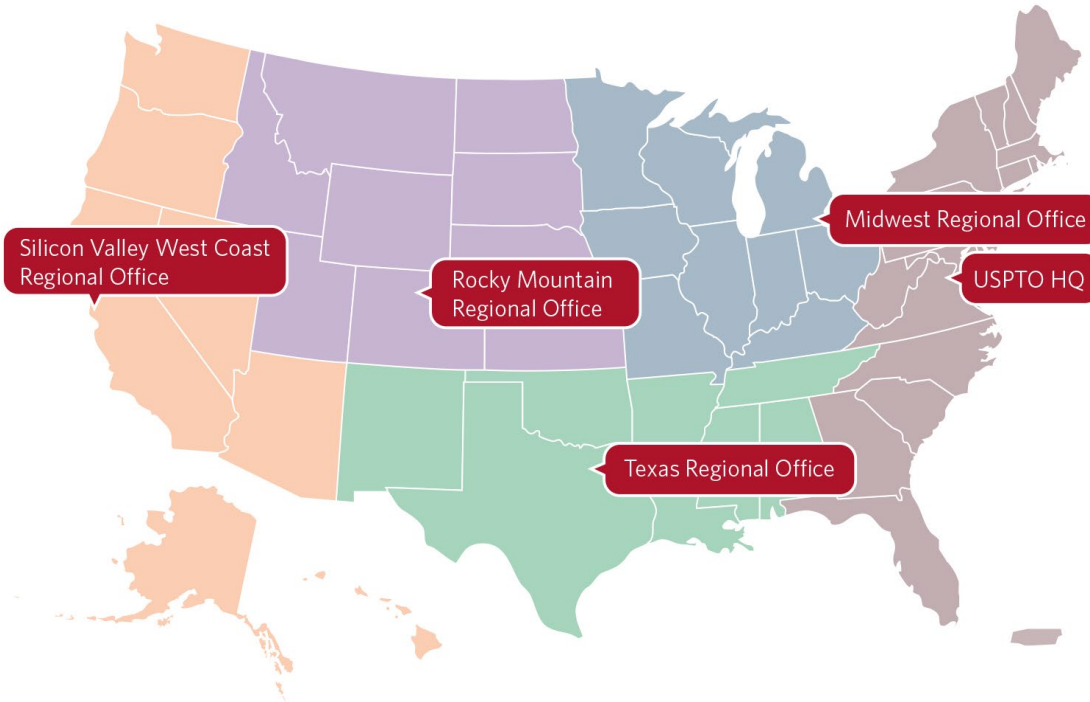
The USPTO is the federal agency that grants U.S. patents and registers trademarks. The agency also advises the president and federal agencies on intellectual property (IP) policy, protection, and enforcement, and promotes stronger and more effective IP protection around the world.

Mission

Fostering innovation, competitiveness, and economic growth, domestically and abroad, to deliver high quality and timely examination of patent and trademark applications, guiding domestic and international intellectual property policy, and delivering intellectual property information and education worldwide, with a highly skilled, diverse workforce.



USPTO offices



Detroit

- Operational since July 2012

Denver

- Byron G. Rogers Federal Building
- Operational since July 2014

Silicon Valley

- San Jose City Hall Building
- Operational since October 2015

Dallas

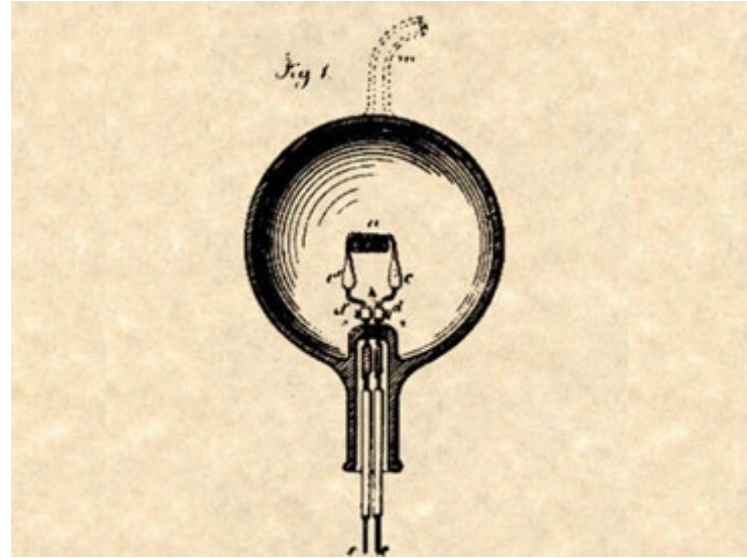
- Terminal Annex Federal Building
- Operational since November 2015



What is intellectual property?



Real property



Intellectual property

Types of intellectual property



Patent

New, inventive ideas



Trademark

Identifies the origin of goods or services



Copyright

Creative expression stored in a tangible form



Trade secret

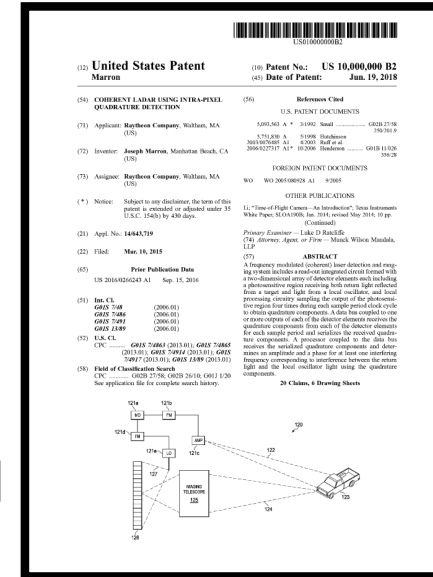
Any information that is valuable & kept confidential



Patents

What is a patent?

- A property right
 - Right to **exclude others** from making, using, selling, offering for sale, or importing the claimed invention
 - Limited term
 - Territorial: protection only in territory where granted
 - **NO world-wide patent**
- U.S. government grants the property right in exchange for disclosure of the invention

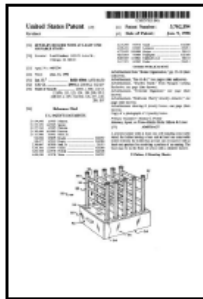


Types of patents

Utility

Protects how an invention works, functions, or is made for 20 years from filing date

- Process
- Machine
- Article of manufacture
- Composition of matter



Design

Protects the way a product or article looks, the ornamental expression for 15 years from the date of grant



Plant

Protects newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants for 20 years from filing date



Benefits of a patent

- Gain entry into a market
- Deter others from entering a market
- Assert/enforce rights against an infringer
- Collateral to obtain funding
- Develop a business around an invention
- A marketing tool, to promote unique aspects of a product
- Create revenue—sell or license, like other property

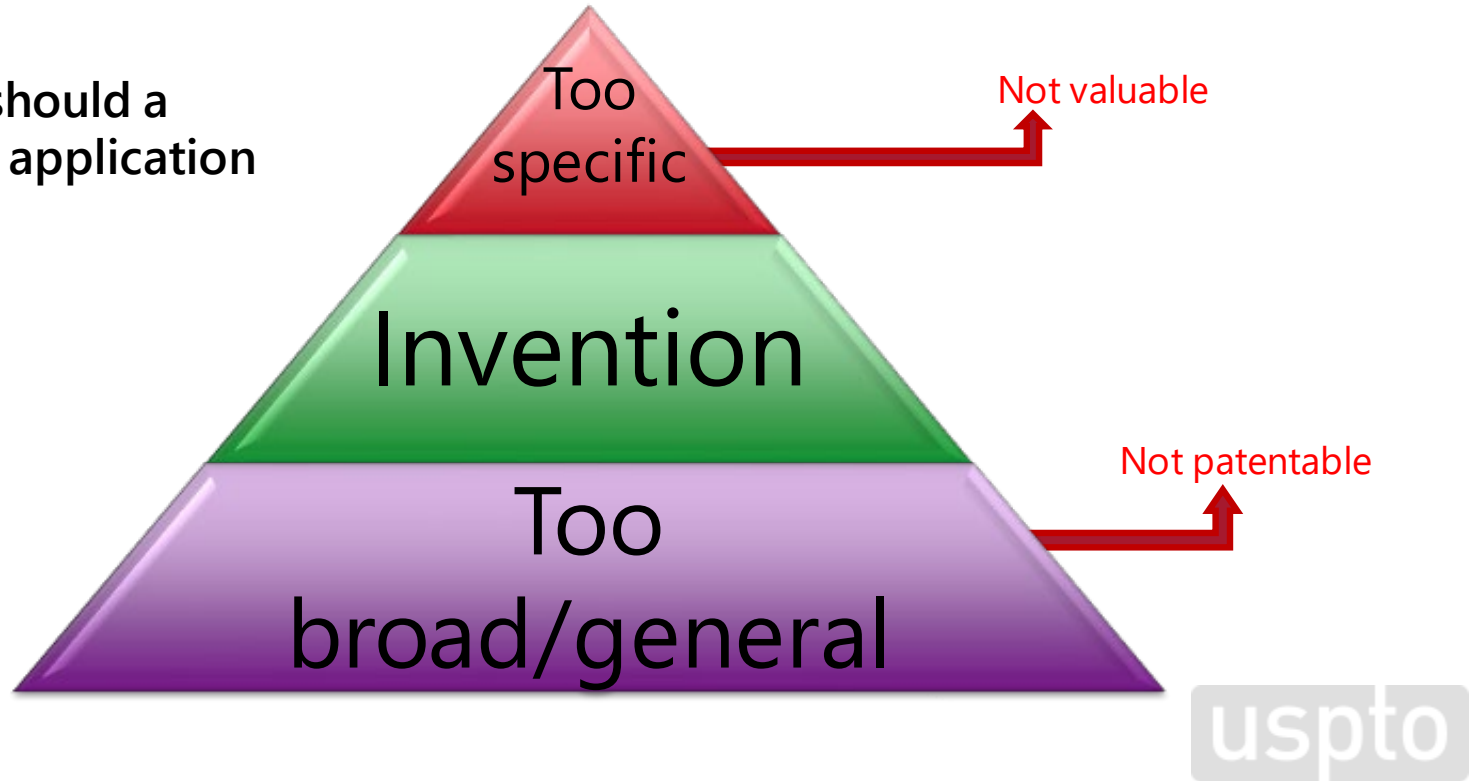


What is patentable?



Patent claim scope

What should a
patent application
claim?



Trademarks

What is a trademark?

- Word, name, symbol, color, sound or scent (or a combination thereof)
- Identifies **the source** of products or services

Note: A trademark is not a business license. Check state and local regulations regarding requirements for business formation and operation.



Federally registered trademarks



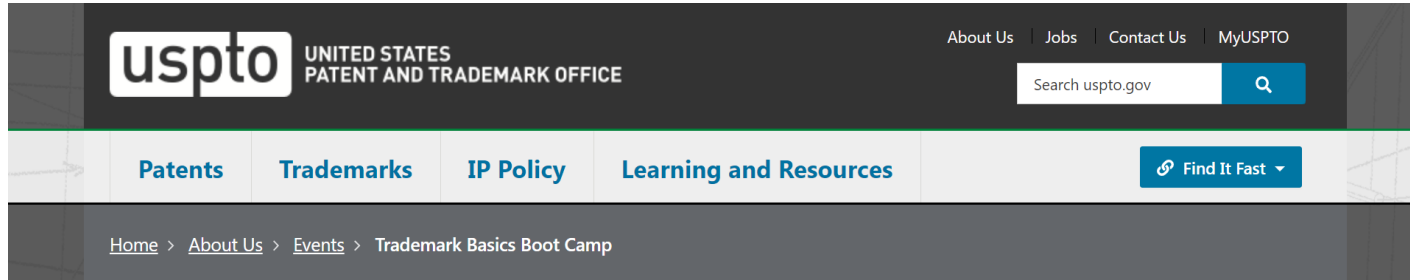
- Right to enforce nationally and bring legal action in federal courts
- Right to use ®
- Right to record mark with Customs and use anti-counterfeiting remedies
- May serve as basis for foreign filing
- Publication in U.S. Trademark database



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USPTO resources



Trademark Basics Boot Camp

This free USPTO event series provides a comprehensive overview of the process for federal trademark registration and maintaining a federal trademark. If you're a small business owner or entrepreneur seeking to protect your brand and product identities, Trademark Basics Boot Camp is for you.

Trademark Basics Boot Camp is offered regularly throughout the year. During each series run, we cover one module weekly for eight weeks, with each module focusing on different aspects of trademarks and the registration process, from filing and examination to post-registration requirements for keeping your registration alive. Each module concludes with a question-and-answer period where you can ask our USPTO trademark experts questions.

You can attend the entire series or just the modules that best match your interests, but you must sign up for each module to attend. If you attend all eight modules, you can request a certificate of attendance. To learn more and sign up, select an individual module from the listing below.



Copyrights

Copyright

- Protects *original works of authorship*, including literary, dramatic, musical, artistic, and other works *fixed in a tangible medium*
- Library of Congress administers registration; USPTO advises the executive branch on IP issues, including copyright
- © symbol can be used *without* registration



credit: copyright.gov



Things protected by copyrights



Songs



Books



Movies



Sculptures



Trade secrets

What is a trade secret?

- Any information that derives **economic value** from being **not publically known** or ascertainable
- Can be formulas, patterns, compilations, programs, devices, methods, techniques, or processes
- All states have some sort of trade secret protection
- Defend Trade Secrets Act of 2016
- Theft of trade secrets 18 USC 1832

FOR IMMEDIATE RELEASE

Tuesday, August 4, 2020

Former Uber Executive Sentenced To 18 Months In Jail For Trade Secret Theft From Google

Defendant Stole Google's Confidential Information on Self-Driving Car Technology



Examples of trade secrets



Why are trade secrets useful?

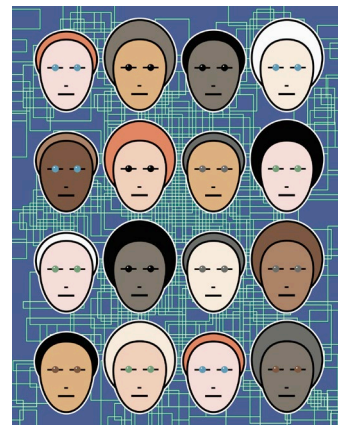
- Protects **commercially valuable proprietary information**, e.g., formulas, recipes, or business information that gives a **competitive advantage**
 - Customer lists
 - Product formulations
 - Search algorithms
- Trade secrets are not generally known and must be subject to reasonable efforts to preserve confidentiality
- Prevent employees and contractors from disclosing your secrets to competitors and the public
- No set term for protection



Credit: Steven Schatz/USPTO

How to lose a trade secret

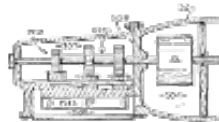
- Failure to take adequate steps to prevent disclosure
 - failure to protect the secret (locked cabinets, encrypted files, double pass words)
 - Lack of non-disclosure agreements, contracts, or written policies with employees and contractors
- Owner or owner-authorized disclosure
- Reverse engineering
- Independent development



credit: Steven Schatz/USPTO

Overview of intellectual property

	What's protected?	Examples	Protection lasts for:
Utility patent	Inventions	iPod, chemical fertilizer, process of manipulating genetic traits in mice	20 years from the date of filing regular patent application
Design patent	Ornamental (non functional) designs	Unique shape of electric guitar, design for a lamp	15 years
Plant patent	Newly invented strains of asexually reproducing flowering plants		20 years
Copyright	Books, photos, music, fine art, graphic images, videos, films, architecture, computer programs	Michael Jackson's Thriller (music, artwork and video), Windows operating system	The life of the author plus 70 years (or some works, 95 years from pub., and others 120 years from creation)
Trade secret	Formulas, methods, devices, or compilations of information which is confidential and gives a business an advantage	Coca-Cola formula, survey methods used by a pollster, new invention for which patent application has not been filed	As long as information remains confidential and functions as a trade secret
Trademark	Words, symbols, logos, designs, or slogans that identify and distinguish products or services	Coca-Cola name and distinctive logo, Pillsbury doughboy character	As long as mark is in continuous use in connection with goods or services – renew by year 6, then at year 10, then every 10 years



IP as a business strategy

IP strategy is a business strategy

- IP ownership:
 - Is a property right that can add value to a company's assets
 - Is attractive to investors and buyers
 - Can deter infringement lawsuits
 - Can increase leveraging power for mergers and acquisitions



Developing an IP Strategy

- Assess your company's IP assets and prioritize
- Know your competition & what they're up to
- What's the pace of innovation & opportunities for growth?
- Determine the best way to protect your IP
 - Patents (utility, design, plant),
 - Trademarks (trademark, service marks, geographic certification, etc.)
 - Copyrights
 - Trade secrets
- Develop a plan, set goals and implement
- Get help!

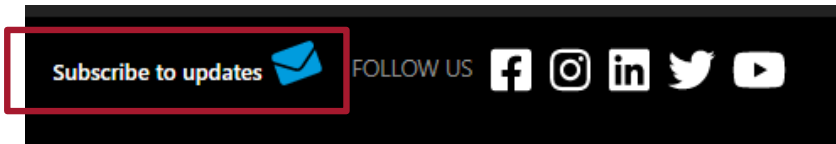


Help for applicants

Signature programs

Where to find programs?

- Search for all events at:
www.uspto.gov/about-us/events
- Link at the bottom to subscribe for notifications.
- Trademark Basics Boot Camp
 - <https://www.uspto.gov/about-us/events/trademark-basics-boot-camp>
- Path to a Patent
 - <https://www.uspto.gov/about-us/events/path-patent>



www.uspto.gov/continuinglegaleducation

USPTO events offering CLE credits

The United States Patent and Trademark Office (USPTO) regularly organizes or participates in continuing legal education (CLE) credit offerings across the country. Offerings cover a variety of topics. Select an individual event from the calendar below for more information. [A full listing of USPTO events can be found here.](#)

Upcoming events

MAR 29, 2022 - VIRTUAL

[Patent Trial and Appeal Board presents Appeals 101](#)

An overview of appeals.

[Full details](#)

APR 6, 2022 - VIRTUAL

[Using petitions effectively in patent prosecution](#)

Topics covered will include an overview of the Office of Petitions, publicly available electronic resources, petitions data and statistics, a brief discussion of e-Petitions, and petitions related news and updates.

[Full details](#)

Past events

FEB 15, 2022 - VIRTUAL

[USPTO guidance and policy: Subject matter eligibility](#)

An overview on patent eligible subject matter under 35 U.S.C. 101 from Matthew Sked, Senior Legal Advisor in the Office of Patent Legal Administration.



Office of Innovation webpage

Office of Innovation Outreach

The Office of Innovation Outreach (OIO) develops awareness and outreach programs and training for inventors, organizations, and universities. The OIO is located in the Office of the Chief Communications Officer of the United States Patent and Trademark Office (USPTO) and supports the mission of the agency by providing relevant intellectual property (IP), innovation, and invention resources to independent inventors, small businesses, entrepreneurs, and underrepresented or underserved populations. The OIO creates annual programming and works with partners from other federal agencies, organizations, and universities to help everyone better understand, secure, and utilize IP.

Work with OIO

If you would like to work with our expert staff on a program, please contact us at InnovationOutreach@uspto.gov or 571-272-8033.

Programs managed by OIO

- [AANHPI Innovation and Entrepreneurship](#)
- [Black Innovation and Entrepreneurship](#)
- [Hispanic Innovation and Entrepreneurship](#)
- [Invention-Con](#)
- [LGBTQ+ Innovation and Entrepreneurship Program](#)
- [Veterans Innovation and Entrepreneurship](#)
- [Women's Entrepreneurship Symposium](#)

www.uspto.gov/InnovationOutreach



Help for applicants

USPTO resources

IP Awareness Assessment Tool

ipAwarenessAssessment

Beta II

uspto NIST

A business and inventors IP evaluation tool

IP Awareness Assessment

The IP Awareness Assessment, developed under the joint efforts of United States Patent and Trademark Office (USPTO) and National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP), allows you to assess your intellectual property awareness. Following the completion of the assessment, you will receive a customized training material. [Learn more](#)

Feedback

Your [feedback](#) and comments are crucial for improving the IP Awareness Assessment.

Inventor Assistance Program

Important Notice

Please note that any information provided here does not constitute legal advice, but is intended to increase your IP awareness. When filing an application for obtaining specific IP rights, it is recommended that you obtain professional legal assistance. The IP Awareness Assessment contains links to external websites. USPTO does not maintain those external sites and is not responsible for the material found therein.

Welcome to the Intellectual Property Awareness Assessment Tool. The IP Assessment includes the below five general categories, that are included in all assessments.

- IP Strategies & Best Practices
- International IP Rights
- IP Asset Tracking
- Licensing Technology to Others
- Using Technology of Others

There are five additional categories that all can take or, which may be customized through a Pre-assessment. These five categories include:

- Copyrights
- Design Patents
- Trademarks
- Trade Secrets
- Utility Patents

Not all businesses have all categories of IP Assets so they have an opportunity to opt out of certain categories by using the customizer or Pre-assessment or may opt to take the full assessment of ten categories containing 62 questions.

The full assessment requires about 20-30 minutes to complete. The customizer or Pre-assessment can reduce the required time by 10-15 minutes.

[» enter the IP Awareness Assessment](#)

Before starting the assessment, please note:

- Save the link for this page as a favorite/bookmark on your browser.
- In the "Internet Options" of your browser, deselect/uncheck history on exit. This will allow you to return and resume your assessment session in case you cannot finish it in one sitting. This will also allow you to access your training materials and assessment results at your convenience.
- As you are answering the assessment questions, choose the answer that best applies to your business or circumstances as an independent inventor or individual. Where applicable, choose all the responses that apply to your situation.
- Responses or data collected in the assessment are not stored or used by the USPTO or NIST MEP.



Patent Public Search Tool

Patent Public Search 1.0.3

Reset Layout New

Search

Enter query text

Pos 1

Default Operator: OR Highlights: Single Color

Show Errors Plurals British Equivalents

Options Clear Search

Databases

Select all

US-PGPUB
USPAT
USOCR

Search Results Help Search History

Settings Find Within

Highlight: No highlight found in content below

- Provides more convenient, remote, and robust full-text searching of all U.S. patents and published patent applications.
- Replacing legacy search tools like PubEAST, PubWest, PatFT, and AppFT.
- Allows the public to access search tools used by our patent examiners.

Patent Public Search Tool Benefits

- Free, cloud-based platform is available to all users via the internet, with no account necessary.
- Text searching optical character recognition (OCR) scanned US patents issued prior to 1976 is now available
- Gives users the option of multiple layouts with multiple tools to view more data at once.

Patent Public Search tool:

<https://ppubs.uspto.gov/pubwebapp/>

Resource webpage:

<https://ppubs.uspto.gov/pubwebapp/static/pages/landing.html>



www.uspto.gov/FreeServices

Access our free services

The United States Patent and Trademark Office (USPTO) offers a wide range of intellectual property (IP) resources, including application assistance, education and training, and other services that support the full spectrum of customers—from independent patent and trademark filers, to attorneys and business advisors in both the private and public sectors.

Using the icons below, select a category to filter the list by your area of interest.



All Resources



Patents



Trademarks



Attorneys and
Business Advisors

Title	Description	Resource category
Application Assistance		
Application Assistance Unit (AAU)	Provides assistance with questions and issues pertaining to pre-examination processing of patent applications and the post-examination processing of patent applications.	



Non-USPTO resources for businesses

- US SBA
- SCORE
- Local incubators and accelerators
- Inventors' organizations
- State resources–SBDC



