



Patents, Copyrights, and Trademarks

| Class 2

Federal Court

- IP cases are heard in the **Federal Courts**
- **Patent cases**
 - District Court
 - Appeal → Federal Circuit
 - Administrative → USPTO (PTAB, etc.)
 - Appeal D.C. District and/or Federal Circuit
- **Copyright cases**
 - District Court
 - Appeal → Local Circuit Court
- **Trademark cases**
 - State or Federal
 - Appeal → Local State / Circuit



USPTO

- United States Patent & Trademark Office
 - Abbreviated as **USPTO**
 - Tells you the procedures to go through in order to get a patent
 - Examines patent applications to see if they were done correctly
 - Determines whether particular patents should be granted or not.
 - MPEP and TMEP
- USPTO's website: www.uspto.gov
- USPTO will **grant** a patent.
- The Federal Court **enforces** patents.



USPTO.gov

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Patents | Trademarks | **IP Policy** | Learning and Resources

IP policy

- Patent
- Trademark
- Copyright
- Trade secret
- Enforcement
- Governmental affairs
- Economic research

International affairs

- IP Attaché Program
- IP in China

IP rights training & research

- Global Intellectual Property Academy (GIPA)
- Economic research publications

Tools & links

Legislative toolkits
Learn about the USPTO and our current legislative initiatives.

IPR toolkits
Find out how to protect intellectual property in other countries.

More tools & links

New to IP?
Learn the basics of intellectual property.

Patent basics >

Trademark basics >

A strong will
How one woman's fortitude shaped agriculture and brought water to America's West. [FULL STORY >](#)



Latest news

Public events

Remarks

USPTO operating status
In the event that parts of the federal government experience a lapse of appropriations, the USPTO will remain open for business as normal until further notice, except for the federally declared holidays of Dec. 24 and 25.

USPTO releases 2018-2022 Strategic Plan
The plan sets priorities to strengthen the agency, drive innovation, and support economic growth.

“ We have a remarkable patent system, born of our Constitution and steeped in our history. We have a unique opportunity to ensure it meets its full constitutional mandate to promote innovation and



Pat. Pend.

<https://www.uspto.gov/patent/patents-forms>

The screenshot shows the top portion of the USPTO website. On the left is the 'uspto' logo and the text 'UNITED STATES PATENT AND TRADEMARK OFFICE'. On the right are navigation links for 'About Us', 'Jobs', 'Contact Us', and 'MyUSPTO'. Below these is a search bar with the text 'Search uspto.gov' and a magnifying glass icon. A horizontal menu contains 'Patents', 'Trademarks', 'IP Policy', and 'Learning and Resources', with a 'Find It Fast' button on the right. At the bottom of the header is a breadcrumb trail: 'Home / Patents / Forms / Patent forms', and icons for 'Share' and 'Print'.



Patent forms

- [Patent Forms for Applications Filed On or After September 16, 2012](#) resulting from the enactment of the America Invents Act on September 16, 2011.
- [Patent Forms for Applications Filed Before September 16, 2012.](#)

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PTO/SB/1 (01-09)
Approved for use through 1/30/2011. OMB 0401-0025
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY OR REVOCAION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number Filing Date First Named Inventor Title Art Unit Examiner Name Attorney Docket Number
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I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.
OR
 I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:
OR
 I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

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OR
 The address associated with Customer Number: _____
OR
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Address
City
Country
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I am the:
 Applicant/Inventor.
OR
 Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/99) submitted herewith or filed on: _____

SIGNATURE of Applicant or Assignee of Record

Signature Name	Date Telephone
-------------------	-------------------

Title and Company
NOTE: Signature of all the inventors or assignees of record of the entire interest or their representatives(s) are required. Submit multiple forms if more than one signature is required, see below.
 "Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to be paid by the USPTO to process an application. Confidentiality is governed by 38 U.S.C. 512 and 27 CFR 1.11 and 1.14. The collection is expected to take 2 minutes to complete, including gathering, reviewing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22315-1460. DO NOT SEND FILES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22315-1460.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Trademark Forms

- <http://www.uspto.gov/trademarks-application-process/filing-online/index-all-teas-forms>
- TEAS
(Trademark Electronic Application System)
- Madrid Protocol

Privacy Act Statement:

This information is collected under the authority of 35 USC 2 and 122. This information is also being collected in conjunction with the provisions of the Government Paperwork Elimination Act. This information will only be used by the U.S. Patent and Trademark Office (USPTO) staff to issue and revoke digital certificates and to recover keys. It is requested that you supply this information so that the USPTO can authorize the creation of a digital certificate. This digital certificate enables the USPTO to issue the cryptographic "keys" necessary to provide you with a digital identity and to support encrypted communication between you and the USPTO. This information will be used to construct a unique name (distinguished name) and to communicate with you about the certificate grant and software distribution process. Furnishing the information on this form is voluntary, but failure to do so may result in disapproval of this request.

The information provided by you in this form will be subject to the following routine uses:

1. This information may be disclosed to Federal, state, local, or foreign agencies responsible for investigating, prosecuting, enforcing, or implementing laws, contracts, rules, or regulations, if these records indicate a violation or a potential violation of a law or contract. These violations or potential violations can be civil, criminal, or regulatory in nature and can arise from general or particular program statutes or contracts, rules, regulations, or from the necessity of protecting an interest of the Department.
2. A record from this system of records may be disclosed to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.
3. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
4. A record in this system of records may be disclosed to a member of Congress or to a congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.
5. A record in this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation (as set forth in OMB Circular No. A-19) at any stage of the legislative coordination and clearance process as described in the Circular.
6. A record in this system of records may be disclosed to the Department of Justice to determine whether disclosure is required by the Freedom of Information Act (FOIA).
7. The information may be disclosed to the agency contractors, grantees, experts, consultants, or volunteers who have been engaged by the agency to assist in the performance of a service related to this system of records and who have need to have access to the records in order to perform the activity. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 USC 552a(m).
8. The information may be disclosed to the Office of Personnel Management (OPM) for personnel research purposes as a data source for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related man-power studies.



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U.S. Copyright Office

- NOT an administrative agency.
- Creates and sustains an effective national copyright system, which ultimately promotes creativity.
- Part of Library of Congress
- 3 main functions
 - Reviews every copyright submission to determine whether it's eligible for © protection
 - Provides information to the public regarding copyrighted works
 - Builds up the Library of Congress' collection (keeps a copy of every work registered)
- US Copyright Office's website: www.copyright.gov/



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Copyright.gov

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Register
Register a Copyright



Record
Record a Document



Research
Research and Certification

RESOURCES

 **Search Copyright Records**
Search the Copyright Public Records Catalog online. 1978 to present.

DMCA Designated Agent Directory
Service Provider Designation of Agent

Virtual Card Catalog
Proof of Concept

Schedule of Fees
Fees for Registration, Recordation, and Other services

Archive of Briefs and Legal Opinions
Legal guidance on questions of copyright law

Statutory Licensing
Resources for Music and Audiovisual Statutory Licenses

Mandatory Deposit
Frequently Asked Questions about Mandatory Deposit

Administrative Reports
Annual Reports ▶ Strategic Plan ▶ IT & Tech Reports

EDUCATION

 **Fair Use Index**
A searchable database of court opinions to make the principles and applications of fair use more accessible and understandable

Frequently Asked Questions
Answers to common questions about copyright

History and Education
Learn about copyright history and search historical documents and publications

Copyright Events
Events of the Copyright Office

For Students and Teachers
▶ Taking the Mystery Out of Copyright
▶ Copyright Primary Resources

 **PUBLIC DOMAIN**
Celebrating the 100th Anniversary of Copyright

Wednesday, January 16, 2019
10:30 AM - 12:00 PM
The Library Administration
1000 ...

Copyright Quick Links

Copyright Modernization
Modernization efforts across the entire Office

Copyright Law of the U.S.
Title 17 of the U.S. Code

Code of Federal Regulations
Title 37, Chapter II

Compendium of U.S. Copyright Office Practices
Third Edition

Copyright Office Calendar
Rulemakings, open comments, and events

Orrin G. Hatch–Bob Goodlatte Music Modernization Act
Background and Implementation Steps

POLICY

RULEMAKING



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Copyright Application

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

Privacy Act Notice: Sections 408-410 of title 17 of the *United States Code* authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. §705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

Form TX
For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX TXU

EFFECTIVE DATE OF REGISTRATION

Month Day Year



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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 a NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of _____
Domiciled in _____

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No

Pseudonymous? Yes No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE Under the law.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼



International IP

- Some of the international agreements affecting IP law:
 - The Paris Convention
 - Madrid Protocol/The Trademark Law Treaty
 - The Patent Cooperation Treaty
 - The WIPO Copyright Treaty
- International Treaties
 - NAFTA
 - TRIPS



Venue and Jurisdiction

- So... we know we're bringing an IP case in Federal Court, but the question is: which federal court???
- The US has 94 federal districts.
- Each federal district has at least 1 trial court.
- Many districts have more than 1 federal court.



Where, oh Where, is Proper Venue???

- Usually, plaintiff's choice. Not here though. Ohhhhhhh no... 😊
- **Copyright** – Only in a district where the defendant resides or "may be found."
- **Patent** – Only in a district where the defendant resides or where he "has committed acts of infringement and has a regular and established place of business."
- **Trademark** – Only in a district where any defendant resides or where "a substantial part of the events or omissions giving rise to the action occurred."



Remedies Available in IP Cases

- Injunctive Relief (**Do** this, or **stop** doing that)
- Monetary Damages (collect lost profits)
- Profits Made by the Infringing Party ("Disgorgement")
- Impoundment or Destruction of Offending Materials ('nuf said...)
- Criminal Penalties (example: If fraud was committed)
- Attorney's Fees & Costs (reasonable attorney's fees; amount spent)



Assignment 1

- In *White v. Samsung Electronics*, 1992 U.S. App. LEXIS 19253 (9th Cir. 1992),
- Wheel of Fortune hostess Vanna White sued Samsung for running a commercial that was, in part, based on her and used something resembling her likeness. In a dissenting opinion, cited above, a judge makes the following remark:
- "Saddam Hussein wants to keep advertisers from using his picture in unflattering contexts. Clint Eastwood doesn't want tabloids to write about him. Rudolf Valentino's heirs want to control his film biography. The Girl Scouts don't want their image soiled by association with certain activities. George Lucas wants to keep Strategic Defense Initiative fans from calling it "Star Wars." Pepsico doesn't want singers to use the word "Pepsi" in their songs. Guy Lombardo wants an exclusive property right to ads that show big bands playing on New Year's Eve. Uri Geller thinks he should be paid for ads showing psychics bending metal through telekinesis. Paul Prudhomme, that household name, thinks the same about ads featuring corpulent bearded chefs."



Assignment 1, cont.

- **Property Right:** The intellectual property right at issue in this case is trademark rights, in particular the trademark of a person's face and likeness. The owner of such a trademark acquires the right to prevent his likeness from being used in commerce where it would tend to cause confusion in commerce.
- **The Lanham Act (15 USC § 1125):** Right to protect against false or misleading advertising.
- In this case, the use of a likeness of a celebrity could cause misleading advertising, giving the impression that the person supports a certain product. The Act provides a "likelihood of confusion" test and in meeting all of the elements of the test, the likeness will be considered a protected trademark.



Questions?

- Questions, concerns, confusion about subject matter.
- Questions about the course.
- THANK YOU

