



# What Are We Going to Talk About

As Advertised: An overview of trademark and related

intellectual property issues for business lawyers, including the following topics: What is a trademark? How can brands and trademarks be protected? What is the difference between a trademark, a trade secret, a copyright, and a patent?

In Reality: Whatever IP issues you want to ...

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### **Patents**

Protects an invention, which is a concept for a new

process, machine/ apparatus, product, formulation, or ornamental design.

# **Inventions**

Patents =

Copyrights = **Creative Expressions** 

Trade Secrets = **Competitive Secrets** 

Trademarks = **Source Identifiers** 

#### **Trade Secrets**

Information that has economic value by not being disclosed, and is subject of reasonable efforts to keep it confidential. Examples include know-how, software code, and business methods.

20 yrs Protects an original work of authorship as soon as Until 70 yrs? author fixes the work in a disclosed 95 yrs? or publicly 120 yrs? known compilation, musical, Until use stops sculptural, software) or genericide

#### Trademarks and Brands

Protects an indicia of the origin of a product or service. Examples include a word, design, symbol, sign, color, packaging, logo, and name.

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Types of Intellectual

Property

Protection

**TEXAS** Law UT LAW CLE

Patents =

**Creative** 

**Inventions** 

Copyrights =

**Expressions** 

Trade Secrets =

# Types of Intellectual Property Protection

#### **Patents**

Protects an invention, which is a concept for a new process, machine/ apparatus, product, formulation, or ornamental design.

known

#### 20 yrs Until disclosed or publicly

70 yrs? 95 yrs? 120 yrs?

#### Copyrights

Copyrights

tangible form of

expression (e.g.,

pictorial, graphic,

Protects an original work of authorship as soon as author fixes the work in a tangible form of expression (e.g., pictorial, graphic, compilation, musical, sculptural, software)

**Competitive Secrets** Trademarks = **Source Identifiers** 

NIL???

#### **Trade Secrets** Information that has

economic value by not being disclosed, and is subject of reasonable efforts to keep it confidential. Examples include know-how. software code, and business methods.

### Until use stops or genericide

#### Trademarks and Brands

Protects an indicia of the origin of a product or service. Examples include a word, design, symbol, sign, color, packaging, logo, and name.

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## What Is a Trademark



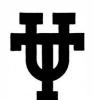
















- Any Word, Name, Symbol or Device Used to Identify Source of a good or service
- Unlimited term if use continues
- Takes 1 2 years to get federal registration
  - National in scope
  - \$2,000+

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### Who Owns a Trademark

- In U.S. 1<sup>st</sup> Party to **Use** the Mark "in commerce"
  - Not the first to incorporate, file an assumed name, register a domain name, or even a trademark registration
  - But you can back date your rights by filing an "intent to use" federal trademark application
  - Internationally 1<sup>st</sup> to Register is typical
- In Connection with the Sale of Goods or the **Rendering** of Services
- In a **Geographic** Area







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Title search: Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know?

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Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know

First appeared as part of the conference materials for the 33<sup>rd</sup> Annual LLCs, LPs and Partnerships session

"Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know?"