



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 ...

1

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.

3

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.

UTLAW CLE

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+

5





Who Owns a Trademark

- In U.S. 1st 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 1st to Register is typical
- In Connection with the Sale of Goods or the **Rendering** of Services
- In a **Geographic** Area







Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

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

First appeared as part of the conference materials for the $33^{\rm rd}$ Annual LLCs, LPs and Partnerships session "Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know?"