



Preliminaries

# The Basic Framework and Initial Questions

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Konomark  
Most rights sharable

## Roadmap:

- What is intellectual property?
  - The kinds of IP
  - Comparisons
  - The label
- Why is IP law necessary?
- How did IP law come to be?

What is  
intellectual  
property?

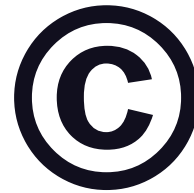
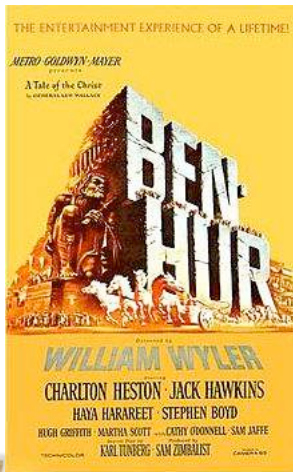
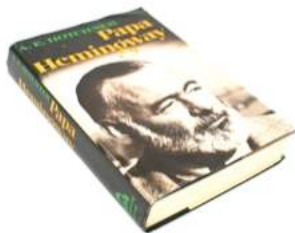
the kinds  
of IP

What is  
“intellectual property”?

Copyrights  
Trademarks  
Patents  
Trade Secrets  
Rights of Publicity



Copyright



Copyright



# Copyright

- Books
- Poems
- Movies
- Computer software
- Photographs
- Paintings
- Sculptures

# Copyright

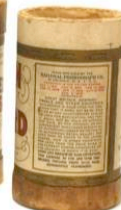
- original works of authorship fixed in any tangible medium of expression from which they can be perceived, either directly or with the aid of a machine

# PAT.

# Patent



# Patent



# Trade Secrets

**Trade  
Secret**



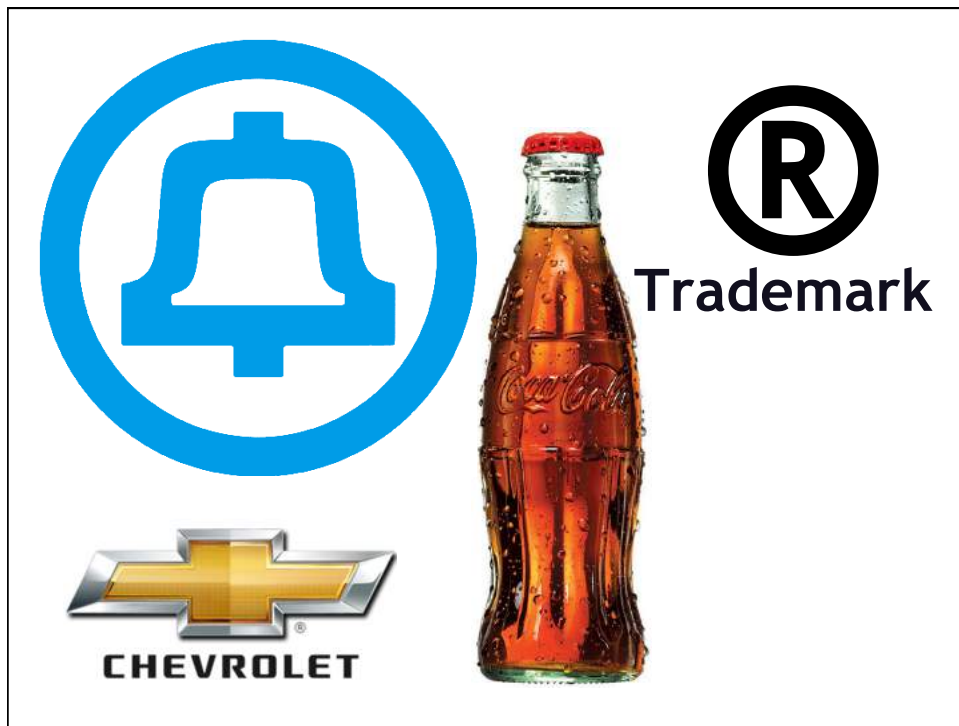


**Trademark**

**TM**

**Trademark**





**source**

# Right of Publicity



# You

own intellectual  
property

# Comparisons

## What is protected?

©	Expression (text, images, recordings)
Pat.	Inventions (manmade)
TM	Indications of commercial source
Trade Secret	Transferrable commercial secrets
Right of Publicity	Indications of personal identity

## What does it take to get it?

©	Fixation (immediate)
Pat.	Application, gov' t review
TM	Use in commerce, creating meaning
Trade Secret	<i>Nothing</i>
Right of Publicity	<i>Nothing</i> (fame, some places)

## What does it take to keep it?

©	Nothing
Pat.	Payment of maintenance fees
TM	Continued use in business
Trade Secret	Keeping it secret
Right of Publicity	Nothing

## How long does it last?

©	about 100 years
Pat.	about 20 years
TM	forever (if used)
Trade Secret	forever (if kept secret)
Right of Publicity	life + extra sometimes

## How is it lost?

©	<i>Very difficult</i>
Pat.	Unpaid fees; successful challenge
TM	Failure to keep exclusive control
Trade Secret	The secret gets out
Right of Publicity	<i>Very difficult</i>

## Defenses

©	Fair use
Pat.	Invalidity ( <i>otherwise, not much</i> )
TM	Non-trademark uses, fair uses
Trade Secret	Reverse engineering
Right of Publicity	News, free speech, non-commercial

# the LABEL

What is  
“intellectual property”?

“intellectual property  
infringement”

  
“intellectual property  
infringement”



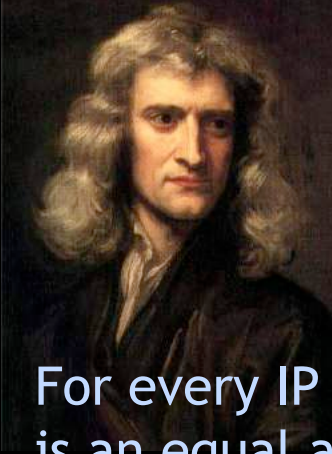
Is it  
“property”?  
*It depends on who you ask.*

Is the right to receive  
government welfare  
property?

**Is a professional license  
property?**

**Is a government pension  
property?**

What's  
“intellectual”  
about it?

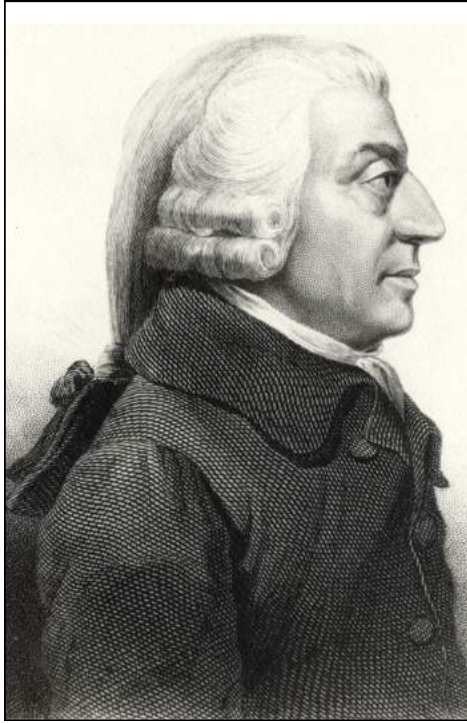


Newton's Third  
Law of IP

For every IP entitlement, there  
is an equal and opposite  
reduction in freedom.

Why is  
intellectual  
property law  
necessary?

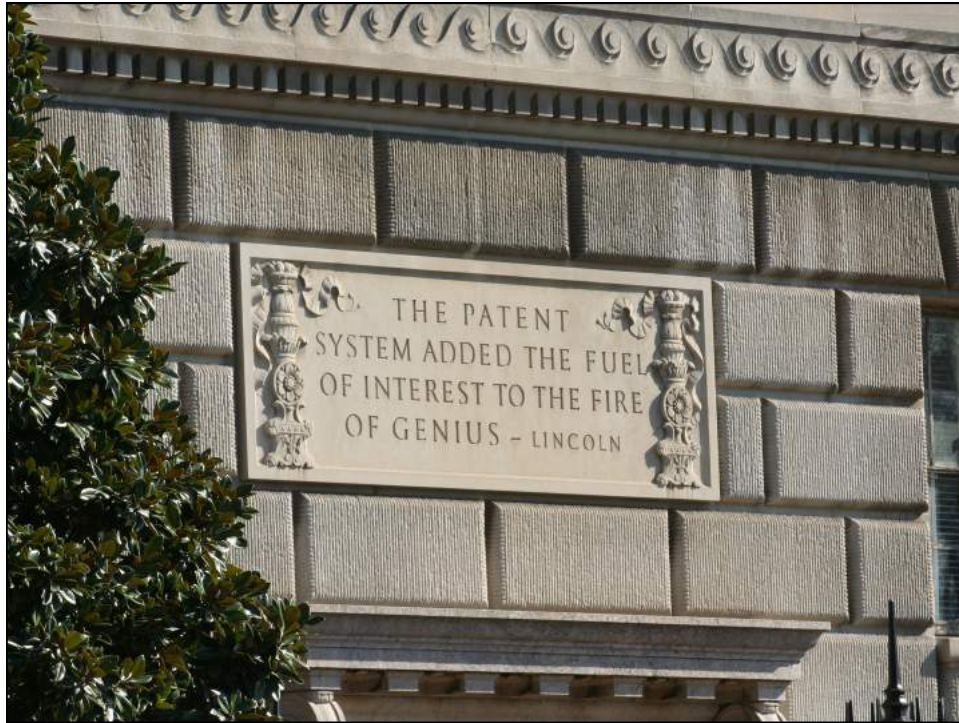
*Classical  
Economics*



Adam Smith







*To promote the Progress of Sciences and useful Arts,  
by securing for limited Times to Authors and Inventors  
the exclusive Right to their respective Writings and  
Discoveries;*

How did  
intellectual  
property law  
come to be?



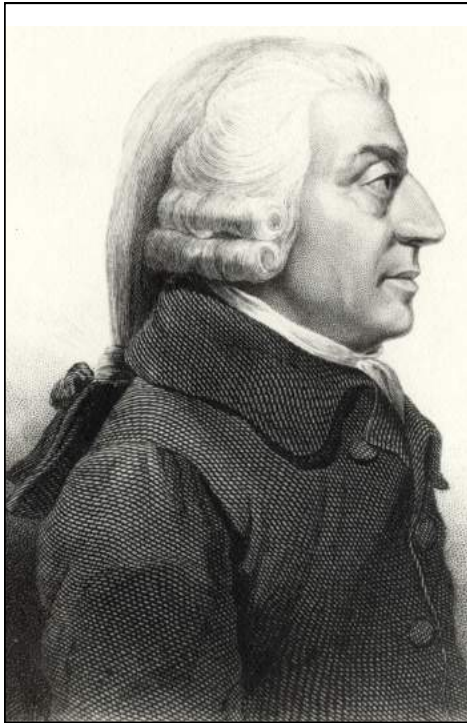




Queen Elizabeth



Queen Anne



Adam Smith

*To promote the Progress of Sciences and useful Arts,  
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**raison d'être**

**d'être**  **raison**