



Invention & Industry

Sui Generis Rights

Plant Patents
Plant Variety Protection
Mask Work Protection
Vessel Hull Protection

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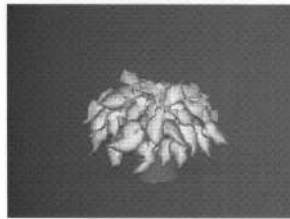
Konomark
Most rights sharable

Plant Patents

Plant patents - basics

- Like utility and design patents, issued by USPTO after an application process
- Covers asexually reproduced plants
- Source of law: Plant Patent Act (1930), 35 U.S.C. § § 161-164
- Duration: 20 year term of protection from filing of application





Plant patent - requirements

- Asexually reproduced (budding, grafting)
- Plant (including macro fungi, but not bacteria)
- Distinct
- Must be clearly distinguishable from other varieties (color, taste, disease resistance)
- New
- Can be invented or discovered if discovered in a cultivated area
- Description requirement is relaxed compared to utility patents

Plant patent - infringement

- In practicality, an infringing plant must be a vegetative descendant of the patented plant
- It is not infringement to sell fruit, flowers, seeds, etc., of a plant-patented plant.
- Sports (somatic mutants) are non-infringing of the parent patent and are potentially separately patentable.

Plant Variety Protection

Plant variety protection - basics

- Protects stable sexually reproducing varieties
- Administered through USDA, not PTO
- Source of law: Plant Variety Protection Act (1970), 7 U.S.C. § § 2321-2582
- Duration: 20 years generally, 25 years for trees and vines

Plant variety protection - requirements

- Sexually reproducing
- Plant (not bacteria, fungi)
- New
- Distinct
- Uniform
- Stable

REPRODUCE LOCALLY. Include form number and date on all reproductions		Form Approved - OMB No. 0581-005	
U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE		The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995. Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).	
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (Instructions and information collection burden statement on reverse)			
1. NAME OF OWNER <u>Abbott & Cobb, Inc.</u>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <u>ACX 812</u>	3. VARIETY NAME <u>ACE 812 #820Y</u>
4. ADDRESS (Street and No., or P.F.D. No., City, State, and ZIP Code, and Country) <u>4151 Street Road P. O. Box 307 Feasterville, PA 19053-0307</u>		5. TELEPHONE (include area code) <u>215-245-6666</u>	FOR OFFICIAL USE ONLY PVPO NUMBER <u>200100015</u> FILING DATE <u>10/12/2000</u>
		6. FAX (include area code) <u>215-245-1068</u>	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <u>Corporation</u>	8. IF INCORPORATED, GIVE STATE OF INCORPORATION <u>PA</u>	9. DATE OF INCORPORATION <u>1/1/74</u>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)			FILING AND EXAMINATION FEES: \$ <u>2,705.00</u> DATE <u>10/10/00</u> CERTIFICATION FEE: \$ <u>432.00</u> DATE <u>4/14/04</u>
a) <u>Dr. Bryant Long Abbott & Cobb, Inc. 11460 Fortune Circle West Palm Beach, FL 33414</u> b) <u>Keith Parr, Esq. Lord, Bissell & Brook 115 So. LaSalle Street 28th Floor Chicago, IL 60603</u>			
11. TELEPHONE (include area code) a) <u>561-795-0121</u> b) <u>312-443-0497</u>	12. FAX (include area code) a) <u>561-795-0251</u> b) <u>312-443-0336</u>	13. E-MAIL a) <u>bryantlong@aol.com</u> b) <u>kparr@lordbissell.com</u>	
14. CROP KIND (Common Name) <u>sweet COIN</u>		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act. <input type="checkbox"/> YES (if "yes," answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (if "no," go to item 22)	
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
<input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional)			

Plant variety protection - infringement

- Sexual reproduction and selling of seeds is infringement
- Protects against creation of derivative plant lines also
- An exemption allows farmers to save and plant seeds (otherwise, seed sales are infringing)
- A research exemption allows use for breeding to develop a new variety


some practice ...

Kate discovered a new variety of plant in the rain forest. It is an asexually reproducing variety that creates a valuable pharmaceutical compound. What can be obtained to protect it?

- (A) a plant patent, but not a PVPA certificate
- (B) a PVPA certificate, but not a plant patent
- (C) both a plant patent and a PVPA certificate
- (D) neither a plant patent nor a PVPA certificate

some practice ...

Kate discovered a new variety of plant in the rain forest. It is an asexually reproducing variety that creates a valuable pharmaceutical compound. What can be obtained to protect it?

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-  (D) neither a plant patent nor a PVPA certificate

Mask Work Protection

Mask work protection

- Protects original mask works for making semi-conductor chips
 - A mask work is a two- or three-dimensional layout of an integrated circuit on a semiconductor chip.
- Source of law:
Semiconductor Chip Protection Act (1984),
17 U.S.C. § § 901-914
- Duration: 10 years

Mask work protection

- Administered through Library of Congress Copyright Office
- Must be registered with the Copyright Office for protection to commence.

```
Type of Work: Mask Work
Registration Number / Date: W00009018263 / 2011-06-14
Title: Mask work as contained ADC120500A.
Description: 4 semiconductor chips in housings + col. composite plot.
Copyright Claimant: National Semiconductor Corporation
Date of First Exploitation: 27May11
Basis of Claim: New Matter; mask work.
Other Title: ADC120500A
Names: National Semiconductor Corporation
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Type of Work: Mask Work
Registration Number / Date: MW0000019263 / 2011-06-14
Title: Mask work as contained ADC12D500A.
Description: 4 semiconductor chips in housings + col. composite plot.
Copyright Claimant: ©National Semiconductor Corporation
Date of First Exploitation: 27May11
Basis of Claim: New Matter: mask work.
Other Title: ADC12D500A
Names: National Semiconductor Corporation

Vessel Hull Protection

Vessel hull protection - basics

- Protects vessel hulls, plus superstructure, per later amendment
- Source of law: Vessel Hull Design Protection Act (1998), 17 U.S.C. § § 1301-1332-914
- Duration: 10 years

Vessel hull protection - requirements

- Must be embodied in an actual vessel hull. (There is no protection for designs existing only in models, drawings, or representations.)
- Staple or commonplace designs cannot be protected.
- Must be registered with the Copyright Office for protection to commence.
- Made-public bar: An application for registration must be filed no later than two years after the hull was publicly exhibited, or distributed or offered to the public for sale with the design owner's consent.

Copyright Office fees are subject to change. Current fees are listed at www.copyright.gov. Copyright Office

Form D-VH
For Vessel Hull Design
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER
DVH 0505

DATE OF REGISTRATION/PUBLICATION
2 15 2012
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET. (Form D-VH/CON)

Please give the make and model of the vessel that embodies the design.

TITLE

(a) What is the type or style of the design for which registration is sought?
Furniture design for a boat with Center Console

DESIGN (b) Provide a brief general statement setting forth the salient features of the design.
Interior layout along with

Check here if this is a single design.
 Check here if registering more than one design. Use Form D-VH/CON for additional designs.

(c) If this design is derived from an earlier design, describe how that design has been revised, adapted, or rearranged.

Provide the name and address of the designer(s). The name of the employer may be given instead of the designer(s) if, (1) the design was made within the regular scope of employment of the designer(s) and (2) the individual authorship of the design is difficult or impossible to ascribe.

DESIGNER(S)
Name: _____ Address: _____
Name: _____ Address: _____

If the owner is different from the designer(s) or employer named above, provide the name and address of the owner:
Name: _____ Address: _____

OWNER, IF NOT DESIGNER(S)

(a) Was an application for registration of this design identified in an application filed in a foreign country that extends to designs of vessels who are citizens of the United States, or to persons filing applications in the United States, similar provisions to those attached to 17 USC chapter 13? Yes No

(b) If yes, identify the country and date of application: Country: _____ Date of application: _____

PRIORITY CLAIM
 Yes No Serial No: _____

Was this design made public before the date of application? Yes No
If yes, on what date? _____

DATE MADE PUBLIC

APPLICATION RECEIVED
DESIGN COPIES RECEIVED
FEE RECEIVED
CLASSIFICATION RECEIVED

MORE ON BACK

Copyright Office fees are subject to change. Current fees are listed at www.copyright.gov. Copyright Office

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For Vessel Hull Design
UNITED STATES COPYRIGHT OFFICE

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EXAMINED BY: [Signature] FORM 05/05
 CHECKED BY: [Signature] FOR
 CORRESPONDENCE: U.S. COPYRIGHT OFFICE
 U.S. ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTRIBUTION SHEET. (Form 05/05/06)

Please provide the name and address of the person to whom correspondence regarding this application may be directed.

CONTACT PERSON
 NAME: _____
 Address: _____
 Email address: _____
 FAX number: _____ Daytime phone: (____) _____
 Give the name and account number if the registration fee is to be charged to a deposit account established in the Copyright Office.
 Name of Account: _____
 Account number: _____

DEPOSIT ACCOUNT

CERTIFICATIONS AND SWORN STATEMENTS

DECLARATION: The undersigned, as the applicant or the applicant's duly appointed agent or representative, being hereby warned that willful false statements are punishable by fine or imprisonment, or both, under 18 USC § 1001, and that each willful false statement may jeopardize the validity of this application or any resulting registration, hereby declares to the best of his or her knowledge and belief:

(1) that the design has been fixed in a useful article;
 (2) that the design is original and was created by the design(s), or employee if applicable, named as the applicant;
 (3) that those aspects of the design for which registration is sought are not protected by a design patent;
 (4) that the design has not previously been registered on behalf of the applicant or applicant's predecessor in title; and
 (5) that the applicant is the person entitled to protection and to registration under chapter 13 of title 17, United States Code.

Consent to publish:
 The design has been made public with a design notice as prescribed by 17 USC § 1306.
 Following is the exact text of the design notice:

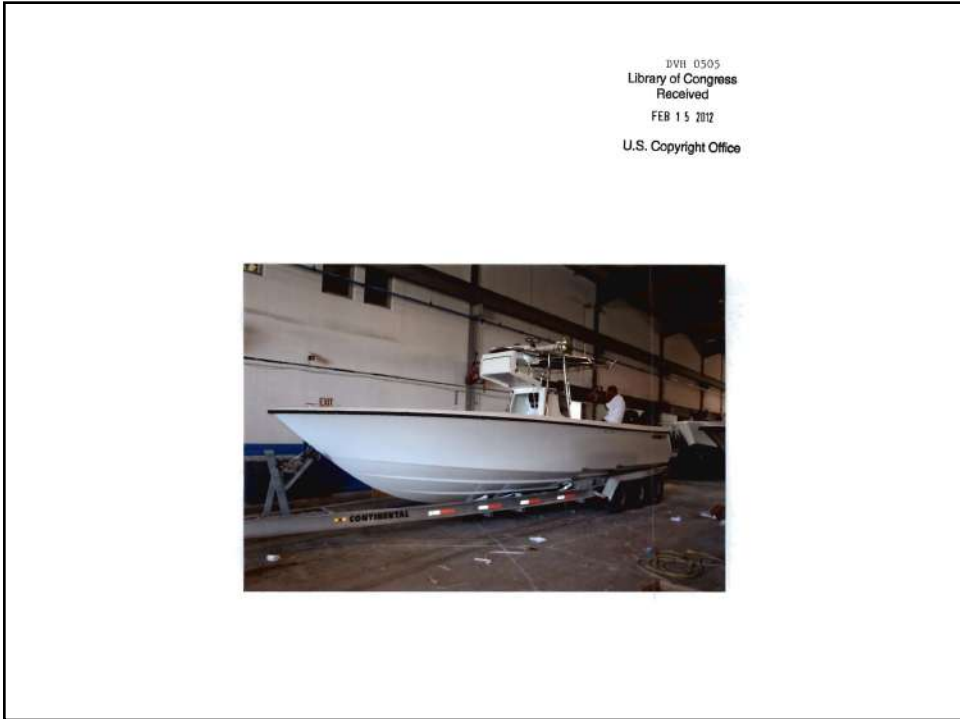
 Where on the useful article is the design notice located?

If this information and declaration is not properly authorized to execute this application on behalf of the applicant:
 Name: _____ Title: _____
 Name of Applicant: _____
 Name of Design: _____
 Design Number: _____
 Date of Filing: _____
 Date of Issue: _____
 Date of Renewal: _____
 Date of Expiration: _____

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) 707-9000.

Copyright Office Fee Schedule (Effective 1/1/06)

Form 05/05 (Rev. 05/05) U.S. Copyright Office



DWI 6296
Library of Congress
Received
FEB 15 2012
U.S. Copyright Office



Form D-VH
For Visual Arts Design
REGISTRATION NUMBER

DWI 6296

DATE OF REGISTRATION CALCULATION
10 05 06

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

Please give the make and model of the vessel that embodied the design.
SUNVA 181 Sky Stream

1 TITLE
What is the proper title of the design for which registration is sought?
Sun Stream

2 DESIGN
Provide a brief general statement setting forth the salient features of the design.
Shell, Stern, Deck, Mast/Supports, and Interior Arrangements.
2x4 spaced, Fiberglass Laminated, 30oz OCEANIC.
The stern was skinned with 1/2" thick white fiberglass resin mesh.

3 DESIGNER
Provide the name and address of the designer. The name of the employer may be given instead of the designer's, if the design was made under the control and supervision of the employer and if the employer is responsible for the design.
Name: Bruce Brown, Inc. Address: 4342 Hwy 74 West, Bismarck ND 58101

4 OWNER, IF NOT DESIGNER
If the owner is different from the designer or employer named above, provide the name and address of the owner.
Name: _____ Address: _____

5 CLAIM
Was an application for registration of this design identified in an application filed in a foreign country that would be eligible for registration in the United States, or in previous filings in the United States, under the provisions of 17 U.S.C. Chapter 13?
If Yes, Yes, No. If Yes, identify the country and date of application: _____
Date of application: 8/11/08

6 DATE MADE PUBLIC
Was this design made public before the date of application? Yes, No.
If yes, on what date? _____
Date: 8/11/08

REGISTRATION NUMBER: DWI 6296
EXAM CONSIDERATION: 8/11/08
ISSUE DATE: 8/11/08

FORM D-VH (08/08) Copyright © 2008 United States Copyright Office. All rights reserved. Page 1 of 2

