

Intellectual Property

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Four Forms of Intellectual Property

- Trademarks – Commerce Clause
- Copyright – Article 1, Section 8 – writings
- Patents – Article 1, Section 8 – discoveries
- Trade Secrets – UTSA – State Law

Trademarks

Use your mark, police it or

LOSE IT

Copyright

Securing for limited times – what's a limited time?

Mickey can live seventy years after Walt Disney's death

Superman, Batman and all your favorite comic book characters

Orphan works by photographers long deceased

Copyrights

- What may be protected changes over time
 - A. Choreography
 - B. Computer software
 - C. Photography

did not exist in 1790

Patent

- Now twenty years from filing
- Does not protect an inventor from suit for infringement by another
- Territorial in nature
 - A. Acts in the United States of manufacture, use and sale
 - B. Stop products at the border made in a foreign country

Trade Secrets

- Protected by State law – UTSA
- Efforts reasonable under the circumstances
- Shredders, visitor policy, records retention policy

WIPO — World Intellectual Property Organization

- Harmonization – practically impossible task
- Treaties – Patent Cooperation Treaty
- Promote the protection of Intellectual Property throughout the world
- *Microsoft v. AT&T* – how far does a patent issuing in the United States reach

The United States Patent Office

- Overburdened with “continuations”?
- Not enough examiners?
- Works and plays with others – Japan and the European Patent Office – TriWay Pilot
- Can MBA students solve the problems of the United States Patent Office?

Privacy and Data Protection

- 70% of the value of a business held in its databases
- Average trade secret theft worth \$430k
- Encryption
- Employee PC monitoring
- Media, drive destruction
- IS department becomes increasingly important

Ultimate regulator, enforcer and protector
of your IP

Is YOU!