

# Intellectual Property 101

**Collaborative Workshop Series  
Massachusetts, Small Business Development Center  
October 20, 2021**

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Eastern Regional Outreach Office**

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Discussion Topics

- **IP is a business strategy**
- **What is intellectual property (IP)?**
  - What is the U.S. Patent and Trademark Office
  - Trade secrets, copyrights, trademarks, patents
- **USPTO Resources - Introduction**

# **IP-intensive industries are a critically important component of the U.S economy**

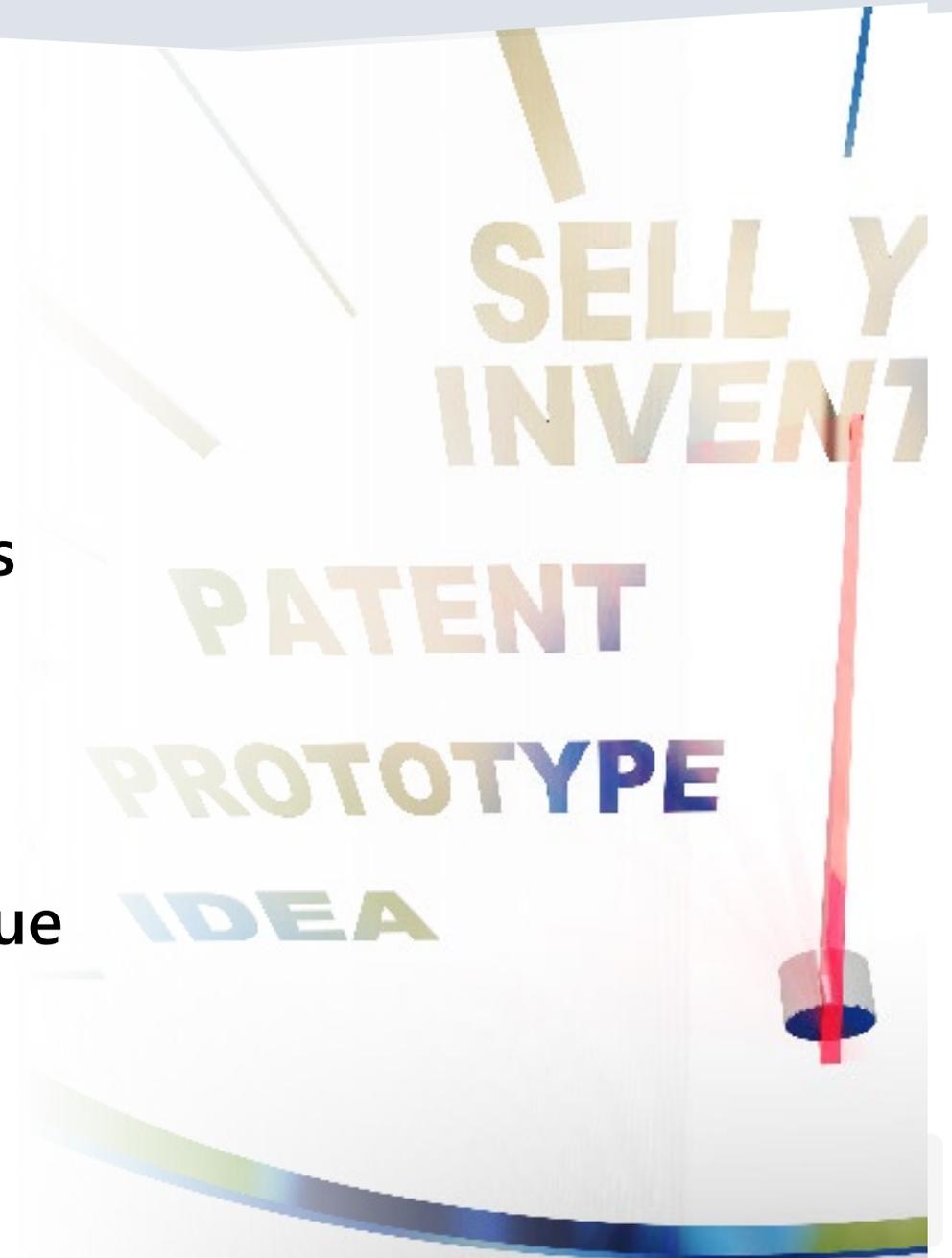
- **45.5 million jobs<sup>4</sup>**
- **38.2% of U.S. GDP<sup>4</sup>**
- **46% higher pay<sup>4</sup>**



# IP strategy IS a business strategy

IP:

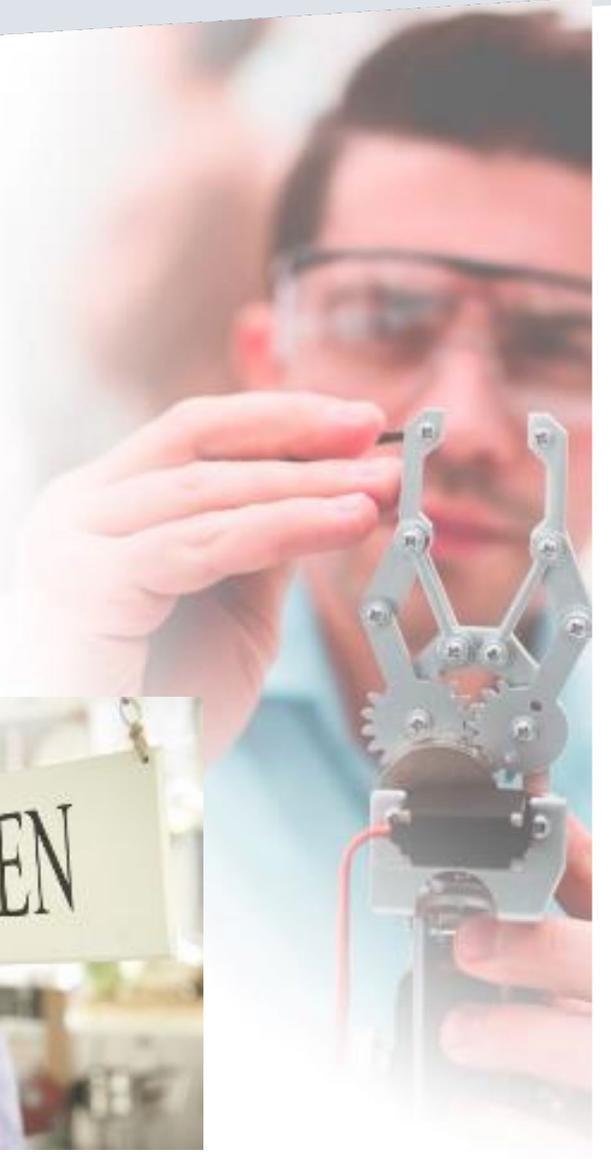
- Is attractive to investors and buyers
- Deters infringement lawsuits
- Can increase leveraging power
  - Mergers and acquisitions
- Is a property right that can add value to a company's assets
- Is Global



# Why invention matters/ what this means to you

Patents can:

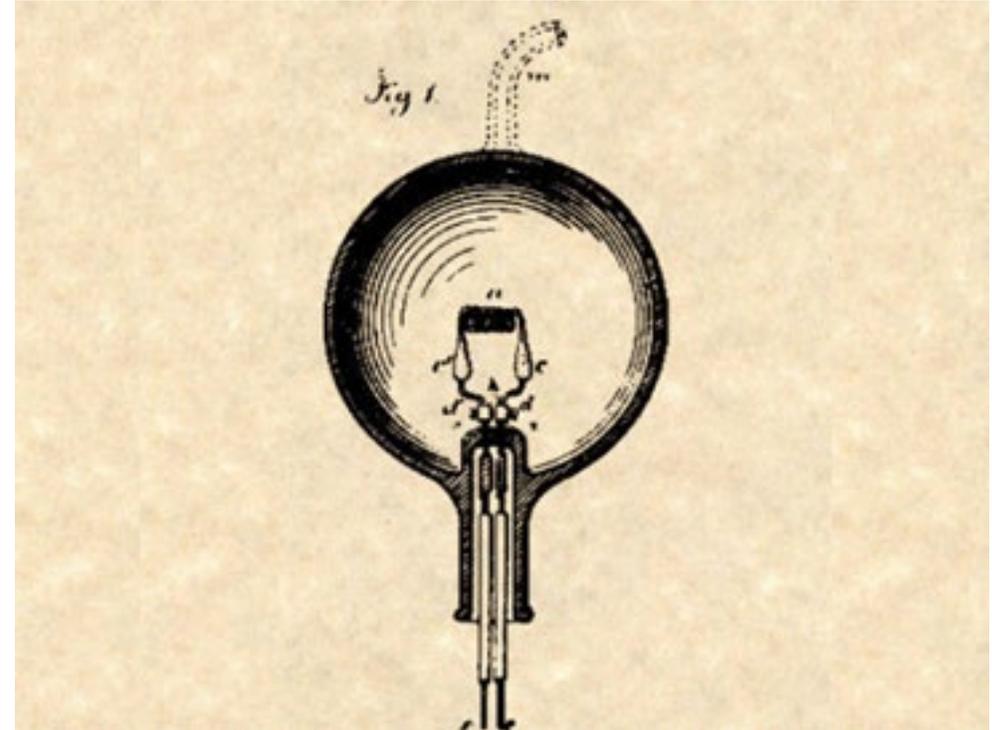
- Promote innovation and help safeguard your inventions
- Help companies grow
- Benefit the community by making new goods and services available
- Provide personal growth, development, and advancement



# What is intellectual property?



Real property



Intellectual property

# What is the U.S. Patent and Trademark Office?

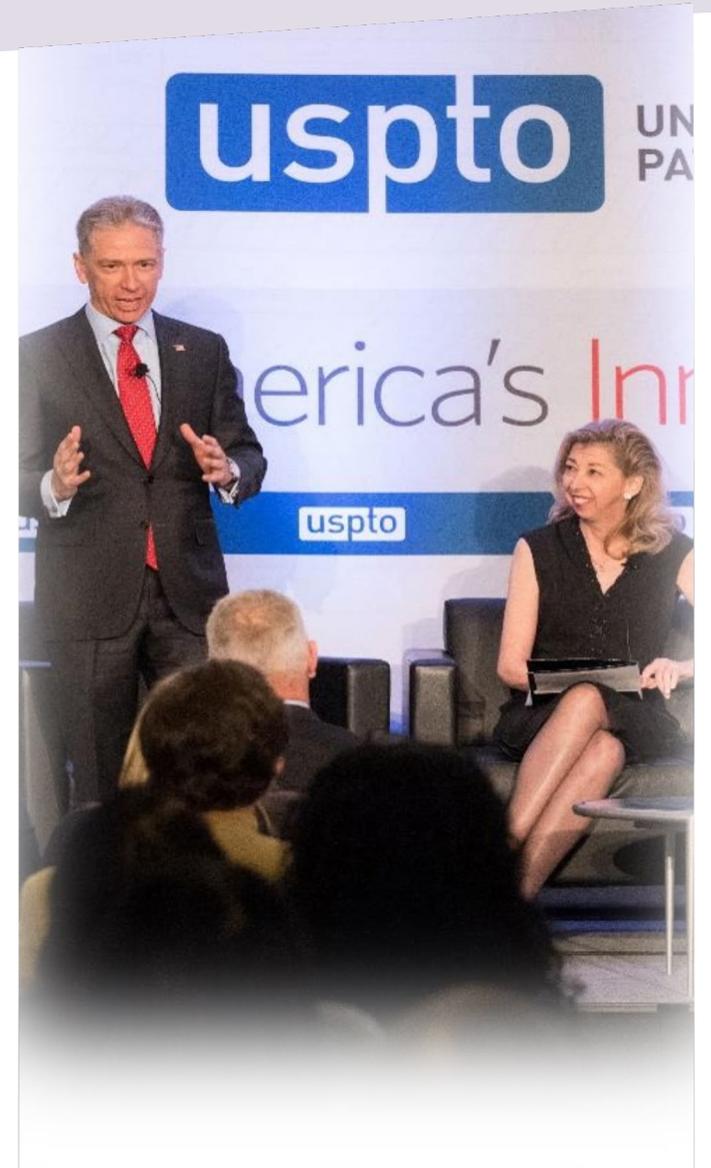


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# The USPTO is America's innovation agency

## Committed to:

- Fostering innovation and economic growth
- Creating a reliable, predictable, and high-quality IP system



# The USPTO in FY19

## 12,652 employees

- **9,614** patent examiners
- **701** trademark examining attorneys
- **383** Patent Trial and Appeal Board team
- **73** Trademark Trial and Appeal Board team

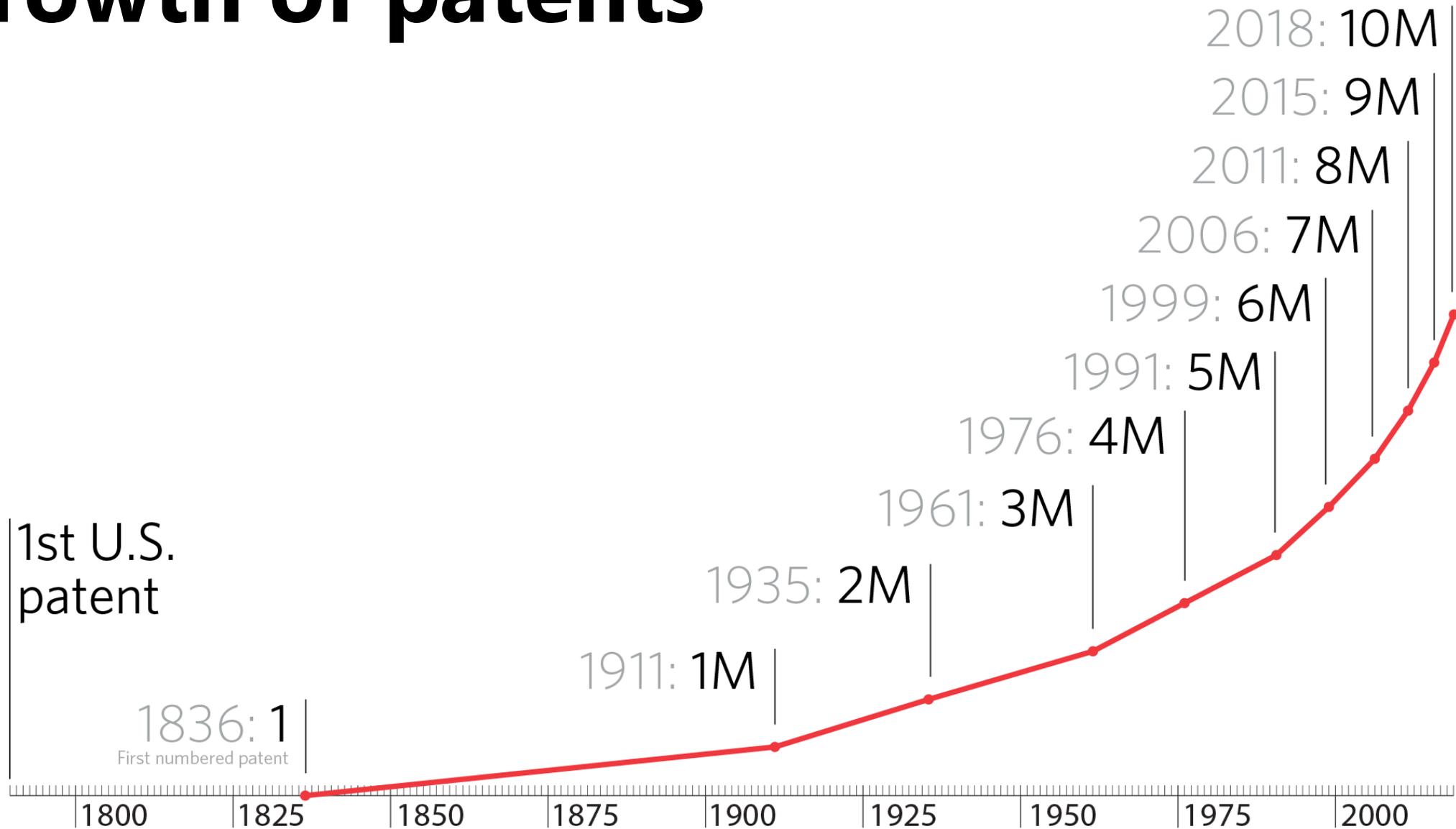
## Patents

- **665,231** applications filed
- **370,434** patents issued

## Trademarks

- **673,233** trademark applications
- **297,774** Certificates of Registration

# Growth of patents



# Types of intellectual property



## Patent

New, inventive ideas



## Trademark

Identifies the origin of goods or services



## Copyright

Creative expression stored in a tangible form



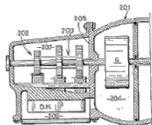
## Trade secret

Any information that is valuable & kept confidential



# Overview of intellectual property

	Utility patent	Design patent	Plant patent	Copyright	Trade secret	Trademark
What's protected?	An invention for process, machine, article of manufacture and composition of matter	Ornamental design for an article of manufacture	Newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants	Original works of authorship, including literary, dramatic, musical, and artistic works	Formulas, methods, devices or compilations of information which is confidential and gives a business an advantage	Words, symbols, logos, designs, or slogans that identify and distinguish products or services
Examples	iPod, chemical fertilizer, process of manipulating genetic traits in mice	Unique shape of electric guitar, design for a lamp	Flowering plants, fruit trees, hybrid plants	Michael Jackson's Thriller (music, artwork and video), Windows operating system	Coca-Cola formula, survey methods used by a pollster, new invention for which patent application has not been filed	Coca-Cola name and distinctive logo, Pillsbury doughboy character
Duration of protection	20 years from the date of filing in the United States	15 years from grant of a patent in the United States	20 years from the date of filing in the United States	The life of the author plus 70 years (or for some works, earlier of 95 years from publication or 120 years from creation)	As long as information remains confidential and functions as a trade secret	As long as mark is in continuous use in connection with goods or services – renew by year 6, then at year 10, then every 10 years





**Let's talk Trade Secrets!**

# Trade secrets



Google

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# Ways to lose a trade secret

- Failure to take adequate steps to prevent disclosure
- Owner or owner-authorized disclosure
- Reverse engineering
- Independent development



**Let's talk Copyrights!**

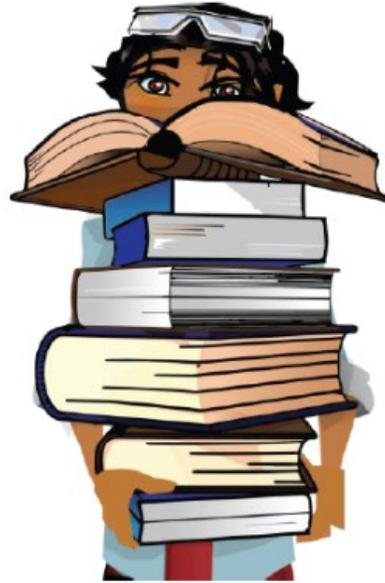
# Copyright

- Library of Congress
- Protects “original works of authorship” including literary, dramatic, musical, artistic, and certain other intellectual works
- Term: Author’s life + 70 years
- [www.copyright.gov](http://www.copyright.gov)

# Things protected by copyrights



Songs



Books



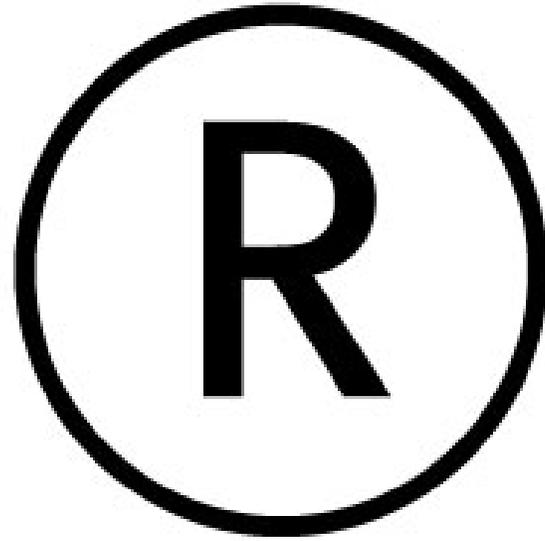
Movies



Sculptures



**TM**



**Let's talk Trademarks!**

# What is a trademark?

- Any word, slogan, symbol, design, or combination of these that:
  1. Identifies the source of your goods or services and
  2. Distinguishes them from the goods and services of another party

# Examples of trademarks

Trademarks can be **WORDS**

STARBUCKS

NIKE

TARGET

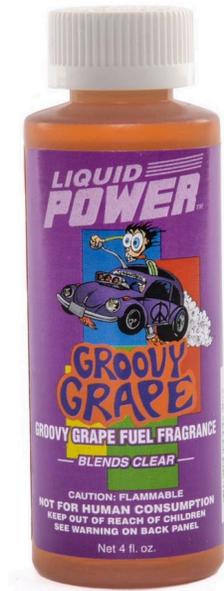
Trademarks can be **DESIGNS**



# Nontraditional marks – colors



# Nontraditional marks – scents



# Nontraditional marks – sounds



**NBC**

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# Likelihood of confusion

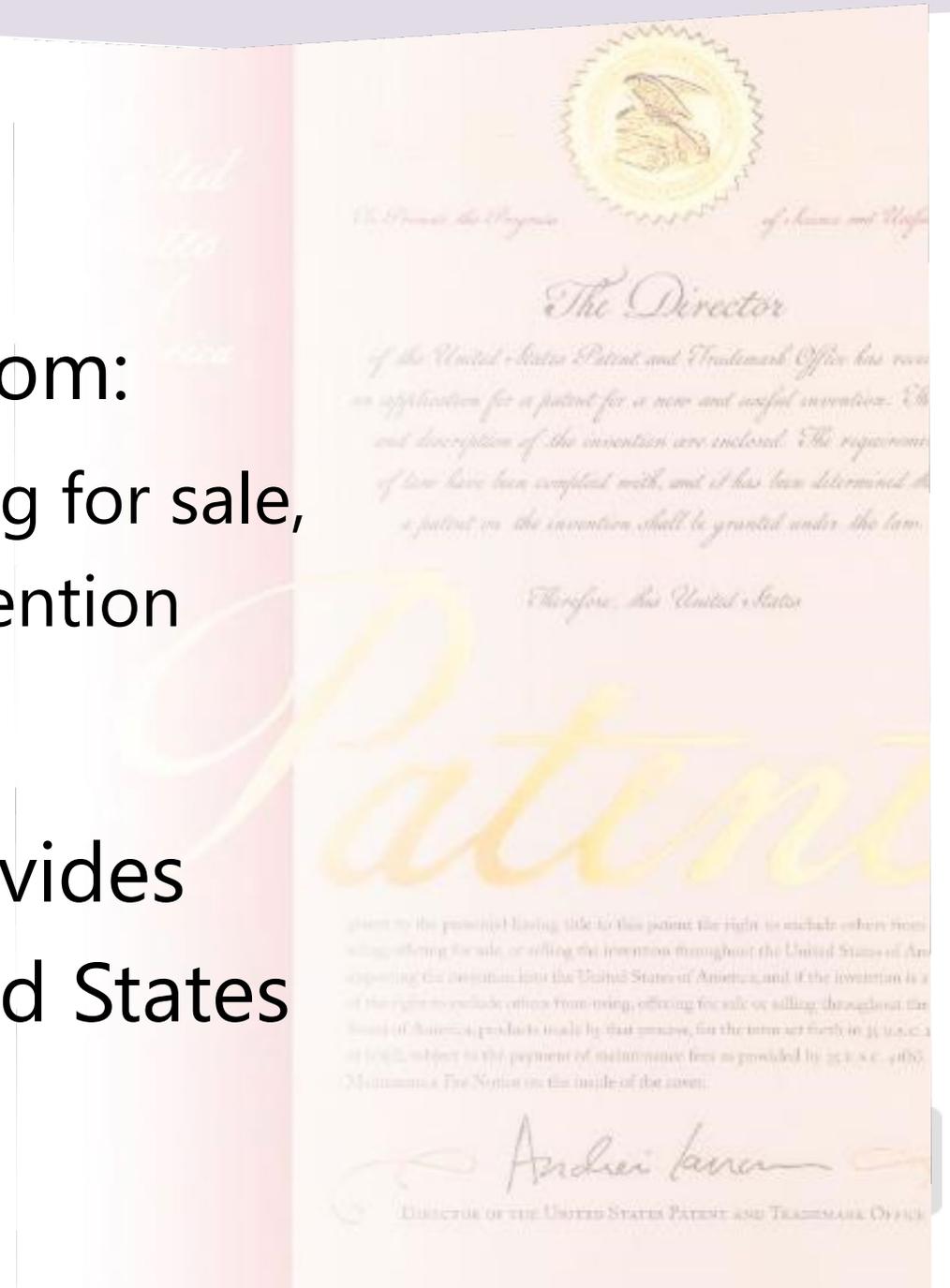
- **Are the marks confusingly similar?**
  - Look alike? Sound alike? Have similar meanings?  
Create similar commercial impressions?
- **Are the goods and/or services related?**
  - Encountered in the same channels of trade?  
Complementary?

**Let's talk Patents!**

# What is a patent?

The right to **exclude others** from:

- making, using, selling, offering for sale, or importing the claimed invention
- Limited term
- Territorial: A U.S. patent provides protection only in the United States
  - No worldwide patents

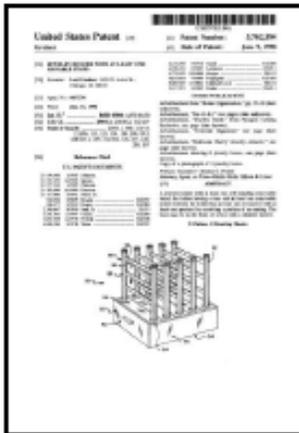


# Types of patents

## Utility

Protects how an invention works, functions, or is made for 20 years from filing date

- Process
- Machine
- Article of manufacture
- Composition of matter



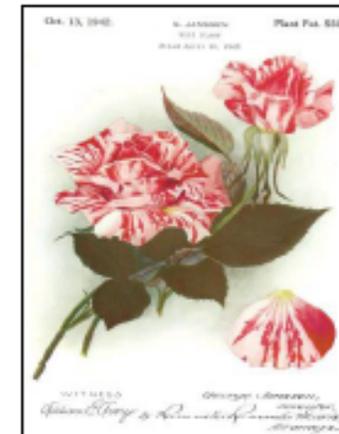
## Design

Protects the way a product or article looks, the ornamental expression for 15 years from the date of grant



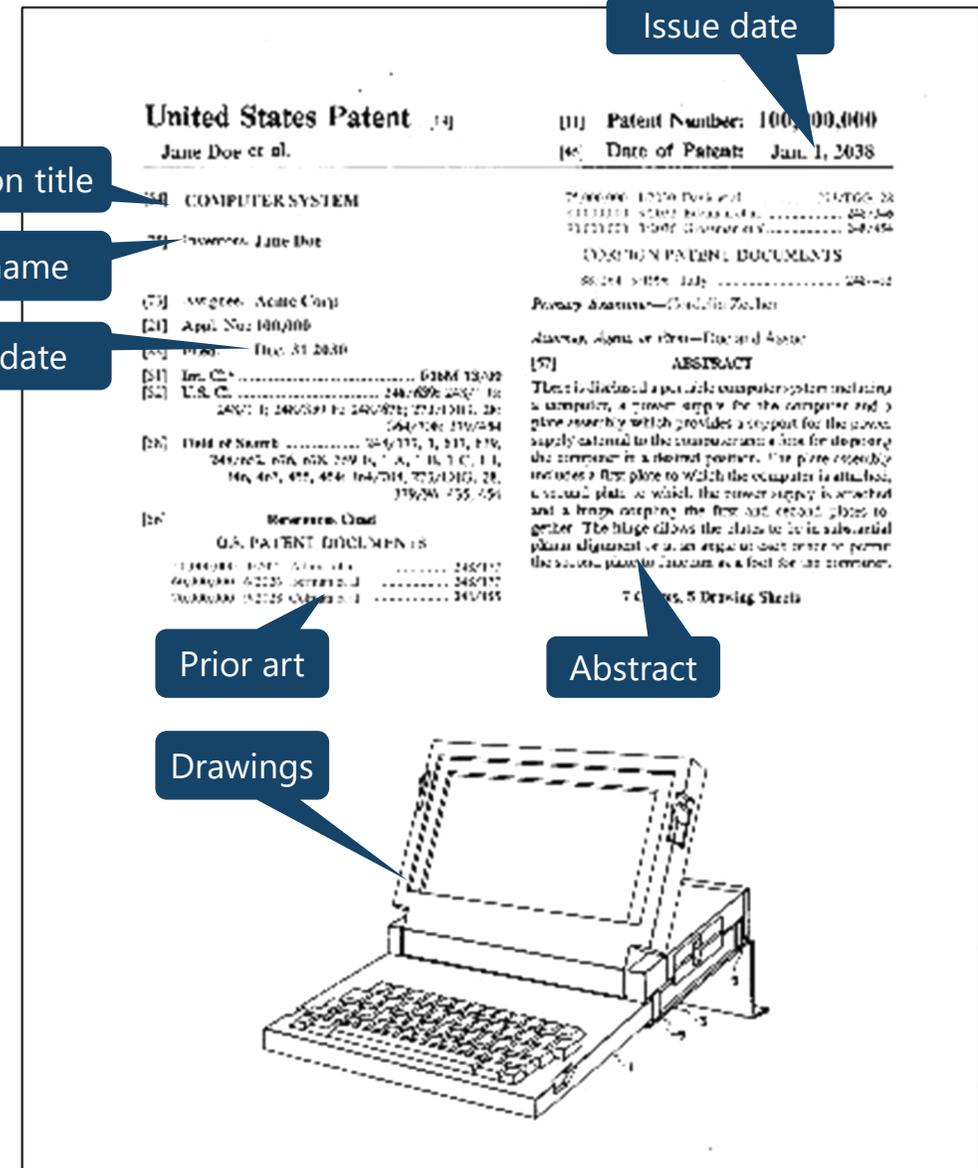
## Plant

Protects newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants for 20 years from filing date



# Anatomy of a patent

- Abstract
  - A short summary of the invention.
- Written description
  - How does it work?  
How is it made or used?
- Drawings
  - What does it look like?
- Claims
  - The claim(s) define(s) the legal boundaries of the invention, similar to a deed to a property.



# Is your idea eligible for protection?



35 U.S.C. § 101

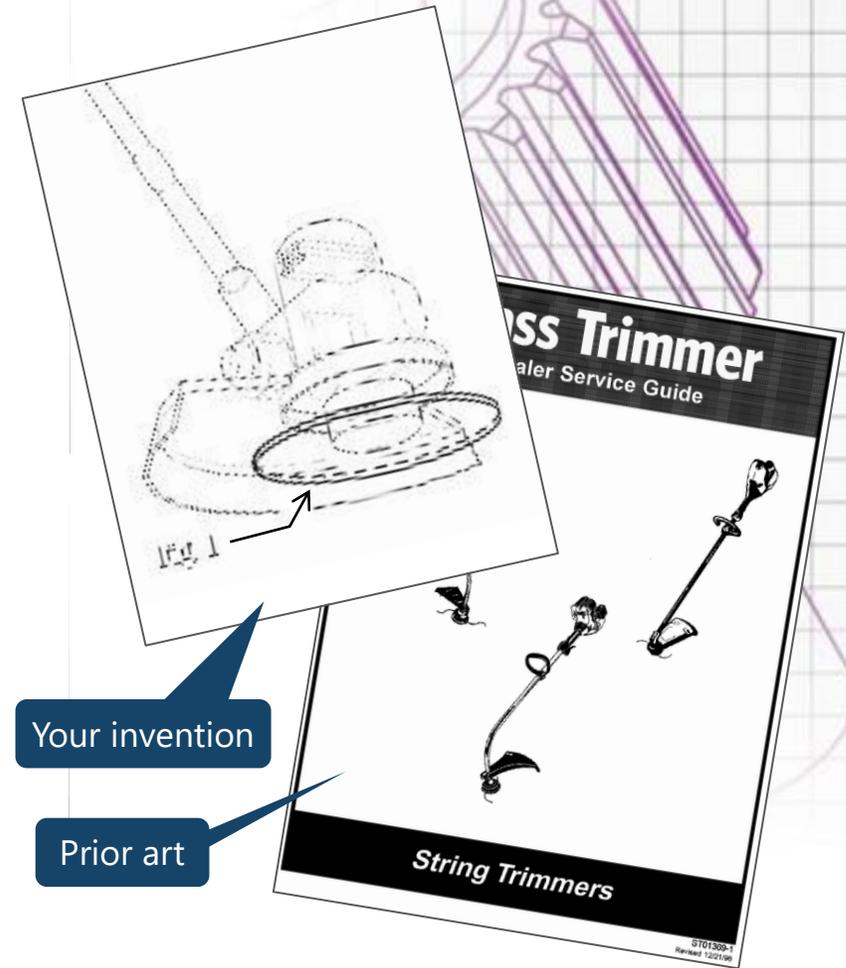


# Hurdles to Patenting

## Is your invention:

- “Novel”: e.g., your invention is new, was not described in the prior art or known
- “Non-obvious”: e.g., the differences between your invention and prior art would not have been obvious to someone in that field
- Does it have “utility”: e.g., does it function as intended

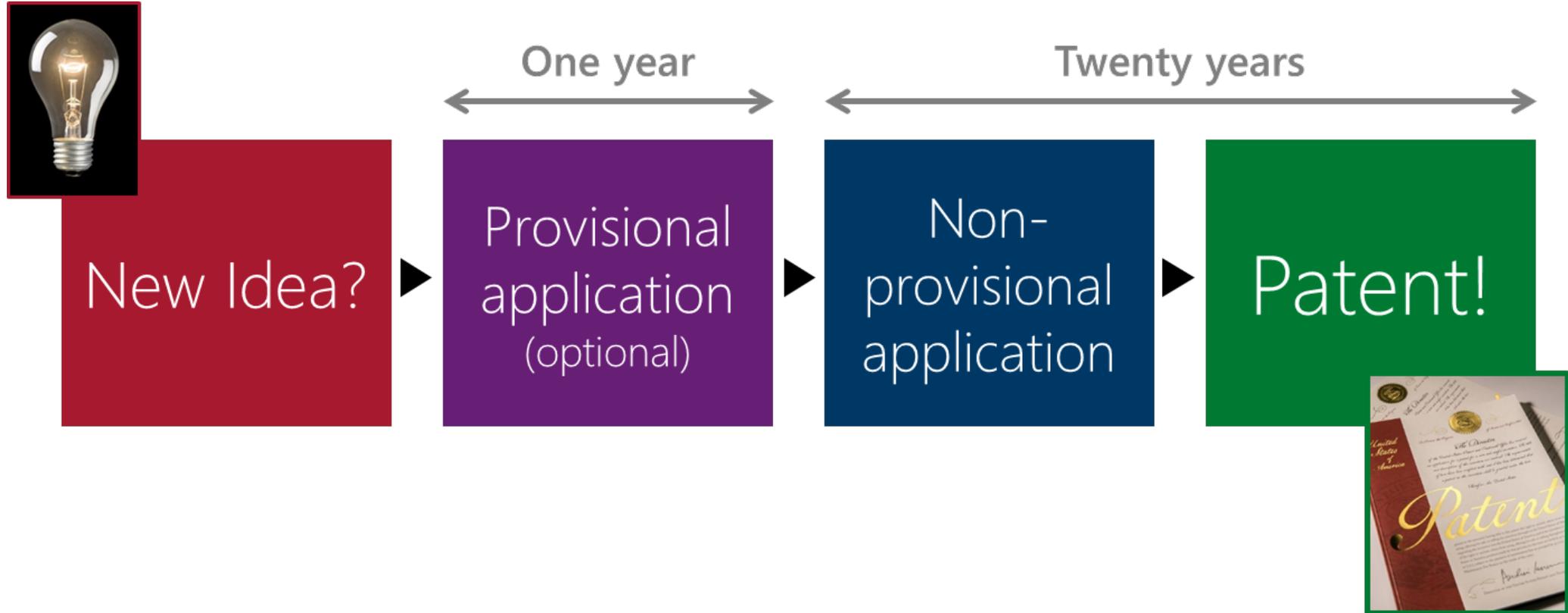
35 U.S.C. §§ 101, 102 and 103



# What is NOT patentable?

- **Cannot** patent an idea
  - Must be able to be developed into a **new, nonobvious** and **useful machine, manufacture, process,** or **composition of matter** that can actually accomplish the task
- **Cannot** patent natural phenomena
- **Cannot** patent abstract ideas

# The path to a patent

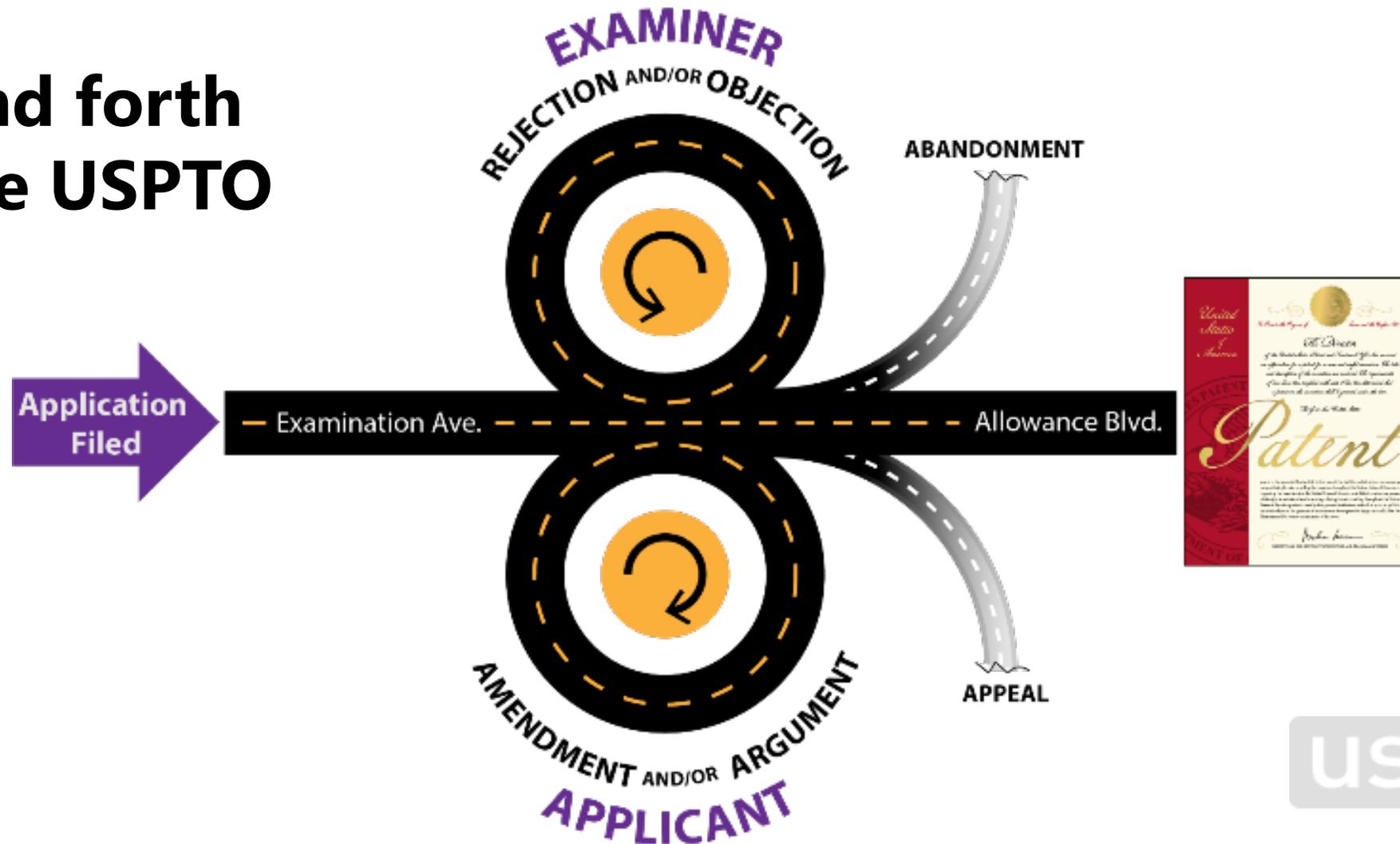


# Provisional vs. non-provisional patent applications

Provisional	Non-provisional
<ul style="list-style-type: none"><li>• Not examined or published</li><li>• One year time limit</li><li>• Only for utility patents</li><li>• A low-cost way to establish an early effective filing date (priority date) in a non-provisional patent application with few formalities</li></ul>	<ul style="list-style-type: none"><li>• Examined</li><li>• Published 18 months from earliest filing date (unless a request for a non-publication at filing)</li><li>• Can become a patent</li></ul>

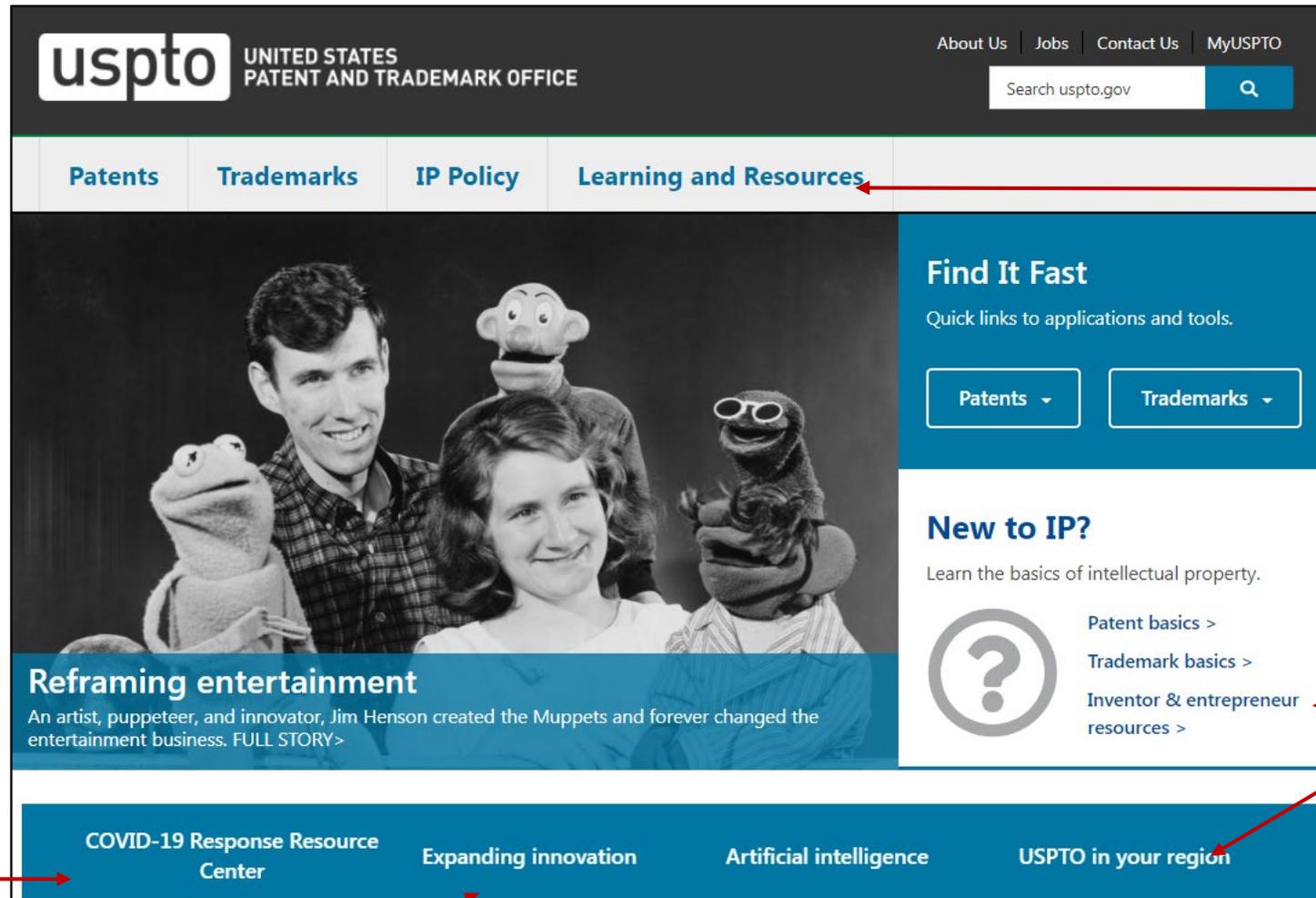
# The patent application roadmap

Back and forth  
with the USPTO



**USPTO resources**

# www.uspto.gov



Inspiring stories of invention and innovation.

Easy access to COVID-19 relief and support

Includes demystifying the patent system toolkit.

Entrance into education for inventors, entrepreneurs, start-ups, kids, and teachers.

Find direct resources in your geographic location.



# Find help in your area



 USPTO office location  
 USPTO headquarters

 West Coast region  
 Rocky Mountain region  
 Texas region

 Midwest region  
 East Coast region

## USPTO offices:

### Headquarters:

- Alexandria, VA

### Regional offices:

- Detroit
- Denver
- Silicon Valley
- Dallas

## Additional resources:

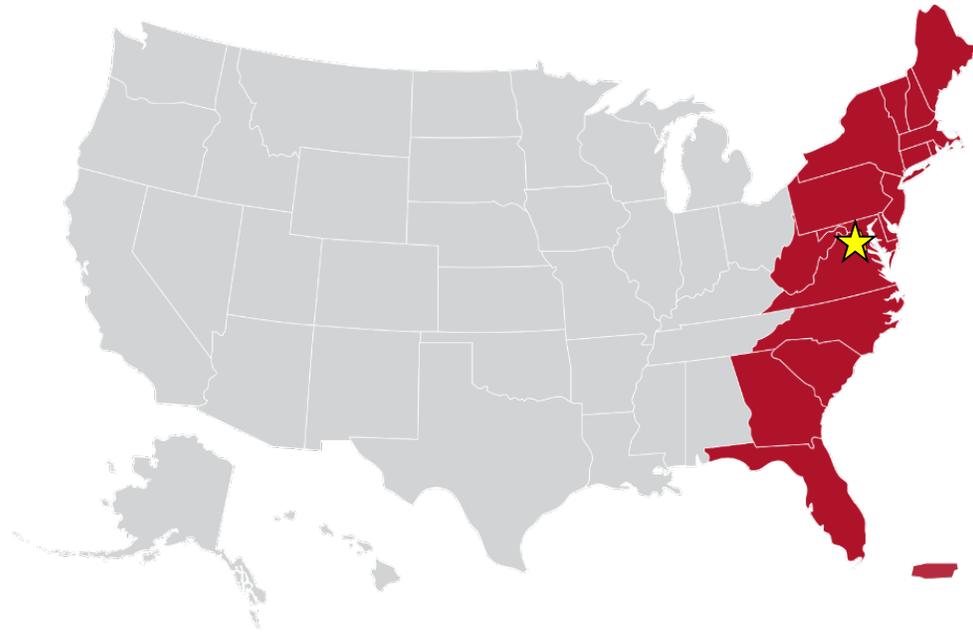
- Inventors Assistance Center
- Patent Pro Bono Program
- Law school clinics
- Patent and Trademark Resource Centers

[uspto.gov](https://www.uspto.gov)



# East Coast region – USPTO headquarters

600 Dulany Street, Alexandria, Virginia



## Core Functions:

- Receipt and examination of patent and trademark applications
- U.S. and international IP policy development
- Oversight and management of USPTO operational functions
- Stakeholder engagement and training



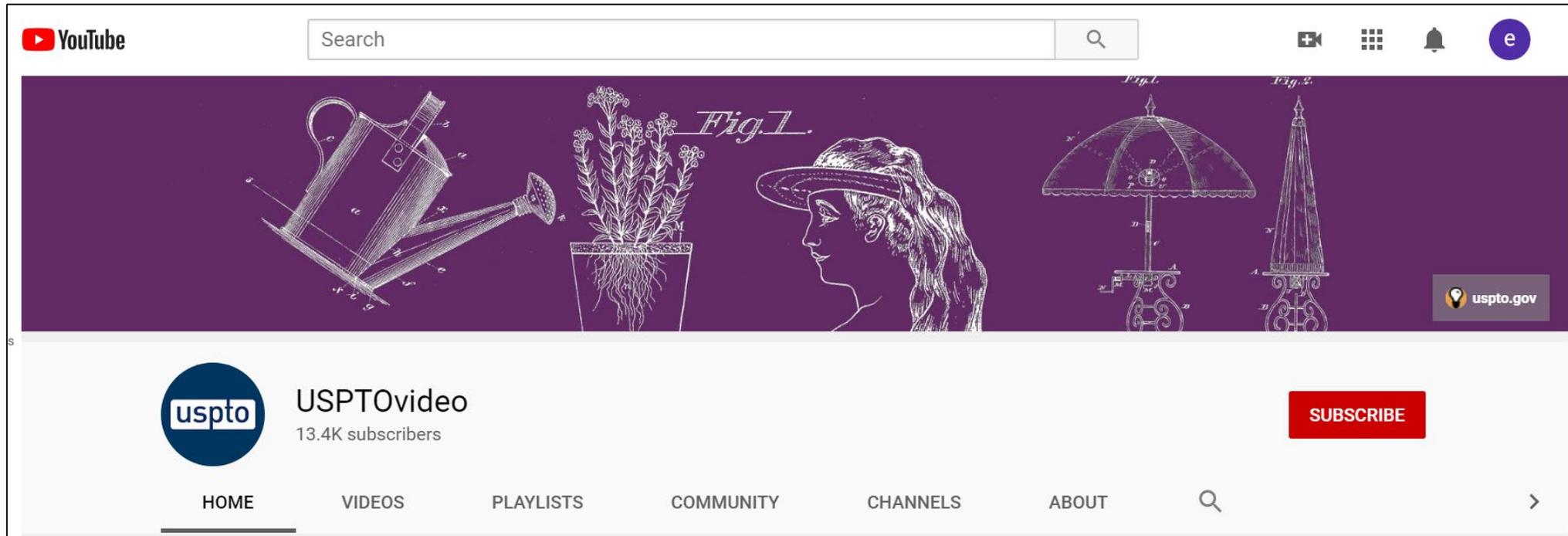
- Office hours: 8:30 a.m. – 5 p.m. ET, M – F
- Services
  - Public search facility hours 8 a.m. - 5:30 p.m.
  - Examiner interview room
  - Hearing room
  - Public meeting space
  - National Inventors Hall of Fame Museum, 10:00 a.m. – 5:00 p.m.

# Find help in your area

The screenshot shows the USPTO website interface. At the top, the USPTO logo and 'UNITED STATES PATENT AND TRADEMARK OFFICE' are visible. Navigation links for 'About Us', 'Jobs', 'Contact Us', and 'MyUSPTO' are present. A search bar contains 'Search uspto.gov'. Below the navigation, there are tabs for 'Patents', 'Trademarks', 'IP Policy', and 'Learning and Resources', along with a 'Find It Fast' button. The breadcrumb trail reads: 'Home > Learning and Resources > Patents help > Inventor's Assistance by state > Massachusetts'. There are 'Share' and 'Print' icons. The main content area is titled 'Massachusetts' and contains the following text: 'Massachusetts residents have access to a host of unique resources and assistance in their state. Expand the categories below to see what is available to you. Additionally, our [USPTO headquarters](#) provides additional support and resources for customers in the Eastern region of the United States.' Below this is a list of resources with expand/collapse controls: 'Expand all | Collapse all'. The list includes: 'Get free patent and trademark legal assistance', 'Learn to search for inventions and trademarks at PTRCs', 'Attend inventor and entrepreneur workshops, trainings, and other events in your region', 'Find a registered patent attorney or agent in Massachusetts', and 'Network with inventor and entrepreneur organizations in your state'. At the bottom, there is a feedback section: 'Do you have suggestions for resources to include on this page? Please contact [InnovationDevelopment@uspto.gov](mailto:InnovationDevelopment@uspto.gov).' Below the feedback section are 'Helpful' (4) and 'Not Helpful' (0) buttons, along with 'Share' and 'Print' icons.



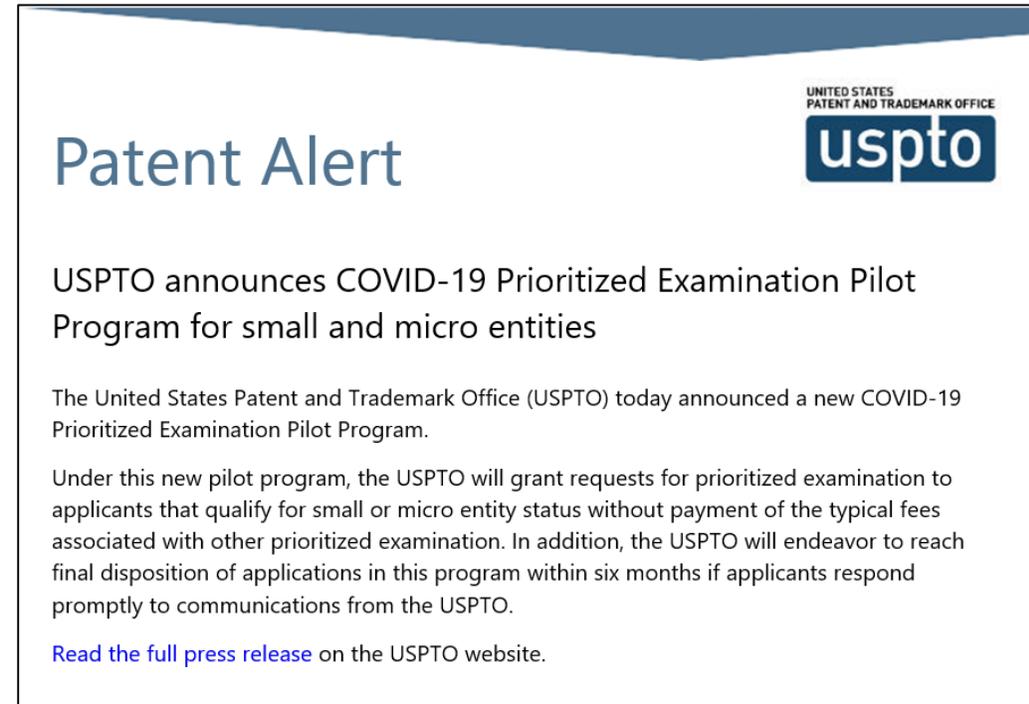
# USPTOvideo Library



# USPTO Subscription Center

## 12 available subscriptions

- Patent Alerts
- Trademark Alerts
- Copyright Alerts
- Patent Trial and Appeal Board
- USPTO Regional Office Updates
- USPTO Press Releases
- USPTO Director's Forum Blog
- USPTO Monthly Review
- FYI at the USPTO
- Inventors Eye
- Intellectual Property for K-12 Educators
- USPTO Awards



The image shows a screenshot of a "Patent Alert" email from the USPTO. The email header includes the USPTO logo and the text "UNITED STATES PATENT AND TRADEMARK OFFICE". The main subject is "USPTO announces COVID-19 Prioritized Examination Pilot Program for small and micro entities". The body text states: "The United States Patent and Trademark Office (USPTO) today announced a new COVID-19 Prioritized Examination Pilot Program. Under this new pilot program, the USPTO will grant requests for prioritized examination to applicants that qualify for small or micro entity status without payment of the typical fees associated with other prioritized examination. In addition, the USPTO will endeavor to reach final disposition of applications in this program within six months if applicants respond promptly to communications from the USPTO." A link is provided: "Read the full press release on the USPTO website."



# USPTO Events Webpage

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

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Patents Trademarks IP Policy Learning and Resources Find It Fast

Home > About Us > Events

## Events

You are currently viewing events in all locations. View only events from:

USPTO headquarters

Eastern region Midwest region Rocky Mountain region Texas region West Coast region

Small businesses taking big ideas to market

WORLD IP DAY 2021

Register for the World IP Day program: April 26

EVENT

Register for the World IP Day program: April 26

Timeframe: Future Events

April	2021
22	Learn about remote hearings Virtual 12:00 PM ET
22	Attend the 14th Annual Design Day Virtual 1:00 PM ET
22	Conducting an effective patent examiner interview - Extended Patent Office Virtual 12:00 PM MT

## Learn how to draft patent claims - virtual only

Claim drafting may be the most important part of protecting your invention. Learn the basics of claim drafting from USPTO experts in this interactive workshop. You will develop a better appreciation of how a patent examiner views a claim during the course of examination. This event is free and open to the public, so [register early](#).

**The May 15 session will be offered virtually via WebEx for those that have registered for the class.**

To get the most out of this workshop, you should have an intermediate knowledge of the intellectual property system and of patents specifically. We recommend that you complete the previous sessions, "Learn the basics of intellectual property with a focus on patents" and "Learn how to draft your patent application" before attending.

Please note that the Silicon Valley USPTO is a federal facility. **Attendees are required to present a valid form of government-issued identification (driver license or passport)** and may be subject to screening to gain access.

This event is accessible to individuals with disabilities. To request a reasonable accommodation, including captioning, sign language interpreting, or other, please email [siliconvalley@uspto.gov](mailto:siliconvalley@uspto.gov) or call 408-918-9900.

[Register today](#)

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## Startup Resources

Many startup businesses face unique IP-related challenges, such as IP portfolio prerequisites to secure funding, and the possibility of costly patent infringement demand letters and lawsuits. We have tailored this area of our website to suit the specific needs of startup businesses, a segment of our stakeholders that continues to be recognized as an outsized engine of job creation, economic growth, and unparalleled innovation in the United States.

### Patents for startups

The patent process can be challenging if you are not familiar with it. Here is basic information on the patent process.

- [Patent Process Overview](#)
- [Inventors Assistance Center](#)
- [Patent FAQs](#)
- [Patent Homepage](#)
- [Search for Patents](#)

### Trademarks for startups

The trademark process can be confusing for a beginner, so here is basic information on registering a trademark.

- [Trademark Basics](#)
- [Search for Trademarks](#)
- [Filing online](#)
- [Trademark Homepage](#)

### Startup assistance

The Inventors Assistance Center and Trademark Assistance Center provide information and services to the public. Center staff can answer questions on patent and trademark processes, but cannot provide specific legal advice.

- [Inventors Assistance Center](#)
- [Trademark Assistance](#)

### Current events

Information about conferences, conventions and other opportunities to engage.

- [Upcoming USPTO Events](#)

# Inventors Assistance Center (IAC)

The Inventors Assistance Center (IAC) provides patent information and services to the public. The IAC is staffed by former supervisory patent examiners and experienced former primary examiners who answer general questions concerning patent examining policy and procedure.

Monday – Friday,  
8:30 a.m. – 8 p.m. ET,  
except federal holidays

- 800-PTO-9199  
(800-786-9199)
- 571-272-1000

**TTY customers can dial  
800-877-8339 for  
customer assistance**

# Trademark Assistance Center (TAC)

- Provides general information about the registration process
- Responds to status inquiries
- Hours of Operation
  - 8:30 a.m. – 8 p.m. (ET), Monday through Friday
- Phone
  - (571) 272-9250 or (800) 786-9199
- Email
  - TrademarkAssistanceCenter@uspto.gov
- Webpage: [www.uspto.gov/TrademarkAssistance](http://www.uspto.gov/TrademarkAssistance)



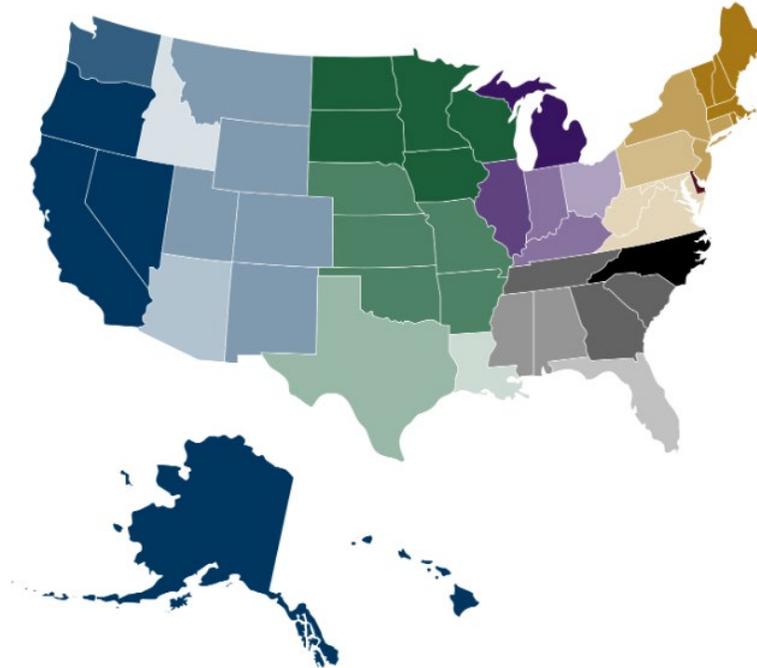
# USPTO Patent Pro Bono Program

Nationwide network that assists financially underresourced independent inventors and small businesses.

- Coverage in all 50 states achieved and maintained since August 2015
- Program participants must:
  - Have income of 300% below federal poverty guidelines
  - Pay USPTO filing fees and costs
  - Demonstrate knowledge of the patent system
  - Take training course at [www.uspto.gov/video/cbt/certpck/index.htm](http://www.uspto.gov/video/cbt/certpck/index.htm)
  - Have application prescreened to ensure that there is more than an idea



# Pro Bono Program organizations



- |                                    |                                    |                            |
|------------------------------------|------------------------------------|----------------------------|
| Washington Pro Bono Patent Network | Gateway Venture Mentoring Service  | New York Tri State Program |
| Idaho Patent Pro Bono              | TALA                               | Delaware Program           |
| CLA                                | The Ella Project                   | FCBA (Mid-Atlantic)        |
| ProBoPat                           | Chicago-Kent Patent Hub            | PA Patent                  |
| Arizona Public Patent Program      | PatentConnect for Hoosiers (IN KY) | NC Leap                    |
| LegalCorps (MN)                    | Ohio Invents                       | Georgia Patents            |
| Pro Bono Patent Project (MI)       | BBVLP Patent Program (MS AL)       | Patent Pro Bono FL         |
|                                    | New England Program                |                            |



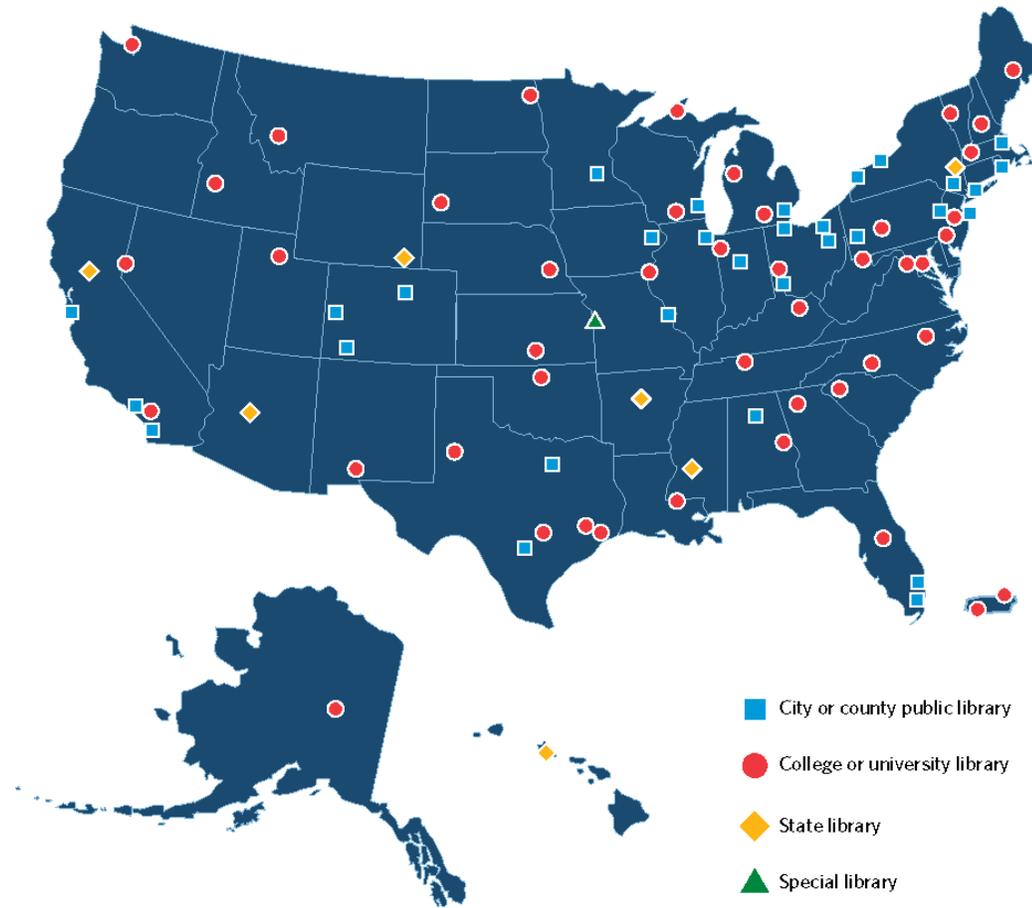
USPTO

# Law School

CLINIC CERTIFICATION PROGRAM



# Patent and Trademark Resource Center (PTRC) locations





# Thank you!

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