

Is Your Intellectual Property Protected?

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**Is Your Intellectual Property Protected?**

**By Susan Dunn**

**Is Your Intellectual Property Protected? by Susan Dunn, Certified Emotional Intelligence**

**Coach**

**THE NOODLE-HEAD**

The other day I had quite a shock. A student who was taking one of my Internet courses e-mailed me to tell me that it was so beneficial "I emailed copies to all my friends and family." Thereby circumventing my \$29.99 per course, and violating my copyright.

Yikes!

**THE KNAVE**

I also market coaches. I design websites, including search engine optimization. In doing some work for a client, I discovered suddenly someone had overtaken them on the search engine. When I checked, it turned out they had completely copied the source codes I'd done, keywords and all. Not one word was changed.

Double yikes!

**THE NERVE**

Another client was checking out the competition on the web one day - he cuts plastics - and found someone had copied his entire entry page, just changing the logo and company name where needed. Same photos, same placement, same ad copy, same menu buttons ...

Busted!

**TIME TO CHECK WITH YOUR ATTORNEY ABOUT YOUR INTELLECTUAL PROPERTY RIGHTS?**

Check with your attorney, because it's confusing. Even being a certified paralegal, I find intellectual property law daunting.

## Is Your Intellectual Property Protected?

According to the Cornell Law School website, "under current law, works are covered whether or not a copyright is attached and whether or not the work is registered." (This means registered with the US Copyright Office.)

HOWEVER, the American Intellectual Property Lawyers Association [AIPLA] says the "registration ... is not required for existence of copyright; however, it is a prerequisite to a lawsuit for copyright infringement and to certain legal remedies." [Source: [http://www.aipla.org/Content/ContentGroups/Publications1/Publications\\_available\\_for\\_viewing1/What\\_is\\_a\\_Patent\\_and\\_Trademark.htm](http://www.aipla.org/Content/ContentGroups/Publications1/Publications_available_for_viewing1/What_is_a_Patent_and_Trademark.htm) ] They recommend you have a specialist draft the document.

Does that mean you should get one? Is a © of any use if it doesn't allow you "remedies"? I refer clients to an attorney.

To get an official copyright, you can apply directly to the US Copyright office – <http://www.copyright.gov/register> .

Here are a few of the things they list as being copyright-able:

### LITERARY WORKS

- Fiction and nonfiction
- Manuscripts
- Compilation of data
- Automated databases
- Dissertations, theses, reports, speeches
- Bound or looseleaf volumes
- Published or unpublished
- Pamphlets, brochures
- Online works

Apparently also included are website HTML code, source codes and website screen displays.

Registration becomes effective on the day they receive your application, and the official Certificate of Registration will come 4–5 months later (hold your tongue!)

There are also commercial sites you can register through. Here are three:

- <http://www.joukkoliikennekeskustelu.net/copyright-on-the-internet.html>
- [https://www.godaddy.com/gdshop/copyright/landing\\_choice.asp?isc=&se=%2B&from%5Fapp=](https://www.godaddy.com/gdshop/copyright/landing_choice.asp?isc=&se=%2B&from%5Fapp=)

Here is a resource which also explains the process: <http://www.lawgirl.com/registration.shtml>

Do you know the difference between a copyright and a trademark? You'll find a good review here from the AILPA:

[http://www.aipla.org/Content/ContentGroups/Publications1/Publications\\_available\\_for\\_viewing1/What\\_is\\_a\\_Patent\\_and\\_Trademark.htm](http://www.aipla.org/Content/ContentGroups/Publications1/Publications_available_for_viewing1/What_is_a_Patent_and_Trademark.htm) .

## Is Your Intellectual Property Protected?

Also on their website you'll find some educational materials, such as "How to Protect and Benefit from Your Ideas" – ([http://www.aipla.org/Template.cfm?section=About\\_AIPLA](http://www.aipla.org/Template.cfm?section=About_AIPLA) ).

Apparently you will also receive something to place on your website more imposing than a ©.

Check with your attorney for legal advice, please.

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### **Intellectual Property Law**

#### **By Joe Regan**

Intellectual Property Law can be quite confusing at times. Copyrights, trademarks and patents all have a role in protecting your hard earned content and knowing their role is half the battle.

Intellectual property in itself refers to the creations of the mind, including such things as: artistic works, literary works, inventions, names, images, symbols, and designs used in commerce. In other words, the intellect that is the possession of an organization or an individual is considered intellectual property.

Intellectual property is divided into two categories, copyrights and industrial property.

Copyrights give the authors of an exclusive work, exclusive rights to that work for a limited amount of time. Copyrights cover such literary and artistic works as novels, poems, plays, films, songs and other musical works, artistic works (drawings, paintings, sculptures and photographs) and architectural designs. Copyrights, which must be renewed periodically, allow the creators of a piece of work, the opportunity to benefit from that piece of work.

Industrial property includes patents, trademarks, industrial designs and geographic indications of source.

Patents give the inventors of a new product, a certain (limited) amount of time in which he/she may prevent others from making, selling or using the invention without authorization.

A trademark is an intellectual property protection which is used to protect the distinctive features that distinguish one product from another. Those features can include such things as: symbols, colors, brands, names, sounds, smells, shapes, and signs.

Fortunately, Intellectual property laws benefit the creator of a property, by rewarding that creator for his/her innovation and creativity. Also, society as a whole benefits from intellectual property laws, by the fact, that these laws encourage creativity, therefore allowing the rest of us to benefit from the wide range of products and services that are produced.

## Is Your Intellectual Property Protected?

Any violation of a trademark, patent or copyright could constitute the grounds for an intellectual property lawsuit. If you feel that you have been victimized it would be wise to consult a qualified attorney in your area. Find an attorney or law firm, which specializes in intellectual property law. Know your rights and protect them accordingly.

Joe Regan writes articles for many major websites including but not limited to:

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Intellectual Property Law

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