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**Protecting Your Intellectual Property – How Copyrights And Patents Affect Your Ebiz**

**By By Chris Malta & Robin Cowie**

You may not realize it, but you deal with intellectual property (IP) every day. If you own a website, that website is your intellectual property. The way you deal with IP—yours and others—can directly impact the success of your business.

What's Intellectual Property?

Registered patent attorney Patricia McQueeney (

<http://BrinkleyMcNerney.com>

) explains, "[Intellectual

property] can be broken down...into four types: patents, trademarks, copyrights, and trade secrets."

· A patent deals with a completely new invention—a useful item, a novel look on an already-existing item, or a new plant species. Depending on the type of patent, they're good for between 14 and 20 years. The scope of a patent is defined by its claims. A claim is only one sentence but it may go on for pages, which is why it's best to hire an experienced patent attorney.

· Copyrights protect creative expression—books, websites, songs. There is such a thing as common law copyright, which means that you have rights when you create something. The difficulty lies in proving you were first to create it.

For only \$30 you can register with the U.S. Copyright Office (

<http://www.copyright.gov>

). The forms

## Protecting Your Intellectual Property – How Copyrights And Patents Affect Your Ebiz

aren't complicated, and you have a lot more protection in an infringement suit. The copyright is good for your lifetime and seventy years after you die, and you can make it assignable to anyone upon your death.

Copyrights don't protect the information found in a book or on a website, but they protect the lay-out and presentation. For websites, registering your first and last 25 pages of code protects the code for your entire website and the creative expression of your display screens.

- A trademark designates an object's source—it's a mark or name associated with quality. In trade mark law, arbitrary names are encouraged—Kodak, Kleenex, Apple. The less your trademark describes your product, the stronger it is. If you sell film, using "Film" as a trademark won't hold up in court. Again there are common law trademarks, but they're hard to prove and offer less protection than a state or federal trademark (

<http://www.uspto.gov>

).

- Trade secrets are governed by state laws and vary from state to state. They encompass a variety of things from formulas (think "Coke") to customer lists to product sources. Many companies have contracts that expressly prohibit their employees and vendors from giving away any information they're exposed to while doing business with them. Commonly known facts aren't considered trade secrets so it's good to be discreet with your valuable information.

### Get it in Writing

It's important to remember that copyrights and patents give rights to the person who comes up with the idea, not the company that employs them. So if you hire someone to design your website, the creator owns it unless you have the copyright assigned to you in writing. That's why many business owners

state in their employee agreements that any works or useful inventions created on company time with company funds will be assigned to the company. Cautions McQueeney, "You don't own it unless you get it written over to you."

Chris Malta and Robin Cowie of WorldwideBrands.com are the Writers and Hosts of The Entrepreneur Magazine EBiz and Product Sourcing Radio Shows. Visit

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### **Intellectual Property Law**

**By Joe Regan**

## Protecting Your Intellectual Property – How Copyrights And Patents Affect Your Ebiz

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.

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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