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**What Is Intellectual Property?**

**By Trina L.C. Schiller**

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Intellectual property... now there's a real 90's deal. Copyrights, trade marks, patents, have been around for a long while, and are generally understood by most people. However, those legalities didn't encompass concepts, in need of protection, since the exploration of the virtual world, commenced.

When the Internet was born, the transmission of ideas exploded. All of a sudden, there was a whole new realm of possibilities to be explored. Idea guys were suddenly in high demand, and the money began to flow.

In the spirit of competition, we discovered a need to protect ideas, thought processes, and credit card numbers. So, the government stepped in and wrote some laws, to protect what is in your head.

Intellectual Property is defined as:

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"A product of the intellect, that has commercial value, including copyrighted property such as, literary or artistic works, and ideational property, such as patenets, appellations of origins, business methods, and industrial processes."

"Intangible property that is the result of creativity (such as, patents, trademarks, or copyrights)."

"The ownership of ideas and control over the tangible, or virtual representations of those ideas..."

Concept theft is a problem that is not really talked about much, but it does exist. Remember when Bill Gates introduced Windows, and Steve Jobs accused him of ripping off Apple?

With the Internet representing endless possibilities for creativity, it would only stand to reason, that cases of idea stealing should rise, as competition for dominating market shares increases.

## What Is Intellectual Property?

If you've got marketable ideas, you'd better know your rights and responsibilities. If you don't, you'll kick yourself when someone steals your million dollar idea out from under you. You need to be legally protected and aware in cyberspace, just as you must in the real world. There are people out there, that would rather steal your idea than come up with something original, on their own.

If your desire to succeed brings you to the consideration of wire-tapping someone else's brain waves, and making off with their ideas, you should catch up on your reading a bit. The government has taken this matter to heart, and legislated it pretty intensely. You should know your rights as an Internet Intellectual, and the penalties for idea stealing.

"The Economic Espionage Act of 1996 ("EEA") contains two separate provisions that criminalize the theft or misappropriation of trade secrets. The first provision, codified at 18 U.S.C. § 1831(a), is

directed towards foreign economic espionage and requires that the theft of the trade secret be done to benefit a foreign government, instrumentality, or agent. It states:

(a) In general. -- Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly --

\*\* (1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;

\*\* (2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;

\*\* (3) receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

\*\* (4) attempts to commit any offense described in any of paragraphs (1) through (3); or

\*\* (5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (3), and one or more of such person do any act to effect the object of the conspiracy, shall, except as provided in subsection (b), be fined not more than \$500,000 or imprisoned not more than 15 years, or both.

In contrast, the second provision, 18 U.S.C. § 1832, makes criminal the commercial theft of trade secrets, carried out for purely economic or commercial advantage:

(a) Whoever, with intent to convert a trade secret, that is related to or included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will injure any owner of that trade secret, knowingly --

\*\* (1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;

\*\* (2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;

\*\* (3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

\*\* (4) attempts to commit any offense described in paragraphs (1) through (3); or

\*\* (5) conspires with one or more other persons to commit any offense described in paragraphs (1)

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through (3), and one or more of such persons do any act to effect the object of the conspiracy, shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

Please feel free to visit the links referenced, to read more about Intellectual Property – Rights, Crime and Punishment. There really is an awful lot you should know. This should be required reading for all thinkers.

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The Trii-Zine Ezine

<http://www.ezines1.com/triizine>

Resources: <http://dictionary.reference.com/search?q=intellectual+property&r=67>

<http://www.usdoj.gov/criminal/cybercrime/ipmanual/08ipma.htm#VIII.B.6.a>

### **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

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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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