



Intellectual Property Issues

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Today, our society is firmly in the information age. More and more people are joining the world communication network with China being the country with the most internet users. People can instantaneously communicate from North Carolina to China in real time via video conference. In short, the world is shrinking, and with the anticipated passage of the TPP, our economies are becoming more globalized than ever before. What this means is now, more than ever, you **MUST** protect your intellectual property.

In order to protect your intellectual property, it is important to think about the different legal avenues that are available at the Federal level: 1) copyrights; 2) patents; and 3) trademarks.

A **Copyright** is a form of protection provided by the laws of the United States (Title 17, U.S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. See <http://www.copyright.gov/circs/circ01.pdf>. If you have written a book or created original art, then you may want to think about copyright protection. You can even obtain copyright protection on source code for a computer program or lyrics to a song that you recorded.

A **Patent** is a property right which allows the holder to exclude others from making, using, or selling an invention. A Patent may be granted on "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof." 35 USC Section 101. Patents can be granted on machines, medicines, certain plants, certain living organisms, and processes. Patent law is extremely complicated; if you have created a new invention you should immediately speak to a Patent attorney because certain acts (such as public disclosure and public use) may bar you from obtaining your patent.

A **Trademark** is a word, name, symbol, device, or any combination thereof used to indicate the source of goods or services. See <http://www.uspto.gov/trademarks-getting-started/trademark-basics>. A Trademark is a way for you to identify your business and build a recognizable brand. If you own a business, or are thinking about starting a business, you may want to speak to a Trademark Attorney. Although it is not necessary to register your Trademark with the Federal government, registering your Trademark does provide certain benefits.

This is an introduction to the three forms of intellectual property that the government provides. Of course, there are other avenues that are used to protect intellectual property, such as non-disclosure agreements and trade secret law. Usually determining whether you would like to register with the government, or use a different method to protect your intellectual property (such as trade secret law) is a business decision.

For help with intellectual property questions or other civil litigation issues, call Jack Brock, Attorney with Colombo Kitchin Attorneys in Greenville, NC, at 252-321-2020.