

Chapter 1

Introduction to Intellectual Property Law

1. All forms of intellectual property must be registered with the pertinent government agency to be protected. F
2. If properly protected, copyrights can last forever. F
3. The agency responsible for registering copyrights is the U.S. Copyright Office, which is part of the Library of Congress. T
4. To be protected, trademarks must be registered with the USPTO. F
5. To be protected, copyrights must be registered with the Copyright Office. F
6. To be protected, patents must be registered with the USPTO. T
7. Trade secrets protect only scientific and technical information. F

8. Identify the four fields of intellectual property.
Trademarks, copyrights, patents, and trade secrets

9. Identify which field of IP law would protect the following:

The slogan “You Deserve a Break Today”	Trademark
The novel <i>The Game of Thrones</i>	Copyright
The recipe for Krispy Kreme Donuts	Trade secret
A sculpture of a Madonna	Copyright
The mermaid symbol used by Starbucks	Trademark
The Yahoo! yodel	Trademark

10. How do patents incentivize inventors to invent and provide a benefit to the public?

A patent grants an exclusive period of time to the inventor to exploit his or her invention, in return for which the inventor must fully describe the invention. During that time, no one else may make, use, or sell the invention. After this exclusive period of time, the invention falls into the public domain, and thus the public receives the benefit of the invention because when the patent expires, anyone may make it, use it, sell it, and so on.

11. Identify the fields of IP law that, if properly protected, may last forever.

**If trademarks are used or their registrations are maintained, they may last forever.
If trade secrets are kept secret and confidential, they may last forever.**

12. Amy has designed a new type of necklace. Discuss the advantages and disadvantages of protecting this item under patent law and under copyright law.

The necklace may be protected under both patent law and copyright law. Obtaining a design patent gives Amy an exclusive period of time to market, exploit, and sell her necklace. After this period of time (14 years from grant), the invention will fall into the public domain and anyone may make it or sell it. Obtaining a patent is quite expensive and complex. On the other hand, obtaining a copyright registration is easy and simple and protection lasts for Amy's life and 70 years; however, the necklace is not protected if someone else invents or designs an identical necklace independently. Because jewelry is somewhat trendy, it may not be worth the expense of patenting an item that may go out of style within a few years.

13. Under the Paris Convention, a trademark applicant has ____**[six months]** ____ after filing a trademark application in the United States to file the application in a Paris Convention member country and obtain the filing date of the U.S. application.
14. How has the Internet affected the infringement of intellectual property rights?

Protected works (copyrighted books and songs and movies, trade secrets, etc.) may be disseminated worldwide with the click of a keystroke, harming authors. Thus, the Internet makes it easy for others to infringe copyrighted works and presents challenges to IP owners.