

THE DIFFERENCE BETWEEN PATENTS, COPYRIGHTS AND TRADEMARKS

1. Patents protect inventions that are novel, useful, and non-obvious by granting its owner the right to exclude others from making, using, or selling the claimed invention. There are 3 types of patents: 1) **Utility** patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement; 2) **Design** patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture; and 3) **Plant** patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

Generally, the term of a new patent is 20 years from the date on which the application for the patent was filed in the United States. What is granted is not the right to make, use, offer for sale, sell or import, but the right to exclude others from making, using, offering for sale, selling or importing the invention. Once a patent is issued, the inventor must enforce the patent without aid from the U.S. Patent Office. A list of registered patents may be found at: **U.S. Patent and Trademark Office** (<http://www.uspto.gov>).

2. Copyrights protect authors of creative works such as books, movies, artwork, and software source code, from any unauthorized copying, reproduction or distribution of their work. Only expressions that are affixed in a tangible format may be copyrightable. They protect only the expression and not the idea of the work. For example, if you have a copyright on a picture of the Grand Canyon, I can't use that picture for my own commercial gain without your permission. However, nothing prevents me from taking my own picture of the Grand Canyon and using that in any way I choose. For a more detailed discussion of copyrights see the "Copyright Basics" article accessible on this site.

3. Trademarks protect the name or mark associated with the product or service to which they are attached. A trademark is any word, name, symbol, color or sound that is adopted and used by a company to identify its goods and distinguish them from those manufactured or sold by others. A service mark is the same as a trademark but identifies a service and not a product. For a more detailed discussion of trademarks see the "Trademark Basics" article accessible on this site.