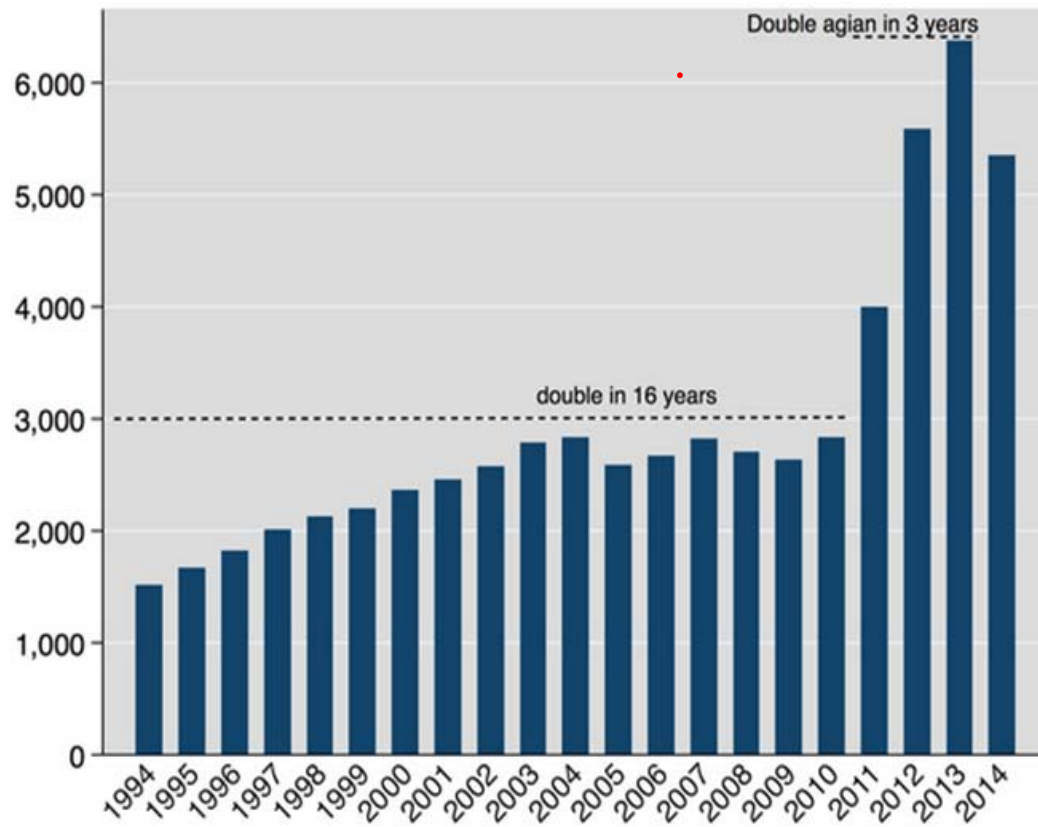Guess What

Intellectual Property Rights

Patent

Trademark

Industrial Design

Geographical Indication

Copyright

What is Intellectual Property ?

⌘ Creations of the mind

⌘ 2 categories

⬆ Industrial Property   ⬆ Copyright

⌘ Allows creators, or owners, of (1) ( ) (2) ( ) , or (3) ( ) to benefit from their own works or investment in creation
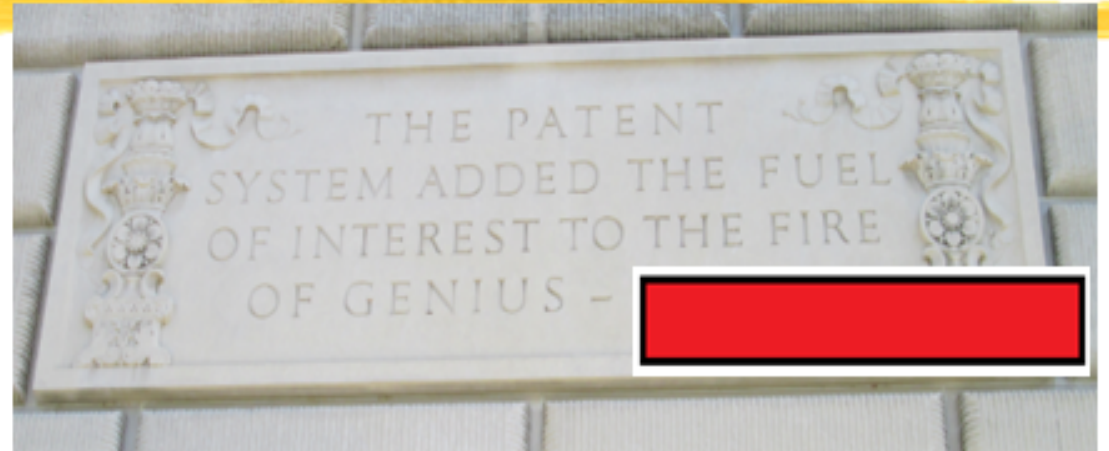
⌘ Universal Declaration of ( ) , Article 27:

⌘ ( ) Convention for the **Protection of Industrial Property** (1883)

⌘ ( ) Convention for the **Protection of Literary and Artistic Works (**1888**)** – cf. U.S. Copyright Act of 1976

70 YEARS UNIVERSAL DECLARATION OF **HUMAN RIGHTS** #STANDUP4HUMANRIGHTS

⌘ Why promote and protect intellectual property?

Relief representing the United States Patent Office at the Herbert C. Hoover Building.

THE PATENT SYSTEM ADDED THE FUEL OF INTEREST TO THE FIRE OF GENIUS –

LET US RAISE A STANDARD TO WHICH THE WISE AND HONEST CAN REPAIR–

⌘ Why promote and protect intellectual property?

⬆ First, the **progress and (   )** **of humanity** rest on its capacity to **create and (   ) new works** in the areas of technology and culture.

⬆ Second, the **legal protection of new creations** **encourages the (   ) of additional resources** for further innovation.

⬆ Third, the promotion and protection of intellectual property **spurs (   ) growth**, creates new jobs and industries, and **enhances the (   )** and enjoyment of life.

Shooting up

US patents in force by industry classification, m

■ Chemical
■ Technology
■ Health
■ Electrical
■ Mechanical
■ Others

3.0
2.5
2.0
1.5
1.0
0.5
0

1840 60 80 1900 20 40 60 80 2000 14

Source: "The USPTO Historical Patent Data Files", by Alan Marco *et al*, SSRN working paper, 2015
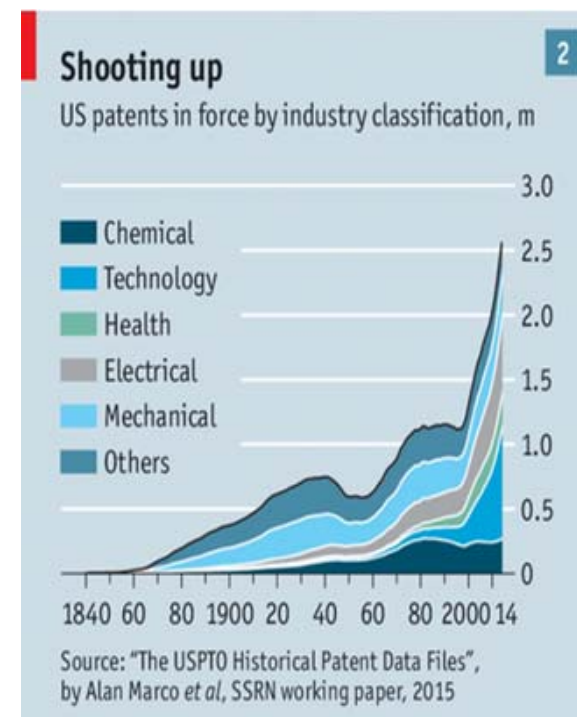
⌘ A **patent**

- an **exclusive (**   **)** granted for an invention – a (   )
  or (   ) that provides a (   ) way of doing something,
  or that offers a (   ) technical solution to a problem.
- provides patent owners with (   ) for their inventions,
  granted for a **limited period**, **generally (**   **) years.**

⌘ **Patent Types**

- (   ) **Patents** – new and useful product/process
- (   ) **Patents** – new design for an article of manufacture
- (   ) **Patents** – production of any distinct and new variety
  of plant

⌘ What kind of protection?

- Patent cannot be **commercially made, used, distributed or sold** without the patent owner's consent.
- Patent rights, **enforced in courts** that hold the authority to stop
  patent (**).**

⌘ What Role do Patents Paly in everyday life?

☒ **electric lighting** :patents held by ( )

☒ **sewing machines:** patents held by ( )

☒ **magnetic resonance imaging (MRI):** patents held by ( )

☒ **iPhone**: patents held by ( ).

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(12) **United States Patent**
Jobs et al.

(54) **TOUCH SCREEN DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR DETERMINING COMMANDS BY APPLYING HEURISTICS**

(75) Inventors: **Steven P. Jobs**, Palo Alto, CA (US); **Scott Forstall**, Mountain View, CA (US); **Greg Christie**, San Jose, CA (US); **Stephen O. Lemay**, San Francisco, CA (US); **Scott Herz**, San Jose, CA (US); **Marcel van Os**, San Francisco, CA (US); **Bas Ording**, San Francisco, CA (US); **Gregory Novick**, Santa Clara, CA (US); **Wayne C. Westerman**, San Francisco, CA (US); **Imran Chaudhri**, San Francisco, CA (US); **Patrick Lee Coffman**, Menlo Park, CA (US); **Kenneth Kocienda**, Sunnyvale, CA (US); **Nitin K. Ganatra**, San Jose, CA (US); **Freddy Allen Anzures**, San Francisco, CA (US); **Jeremy A. Wyld**, San Jose, CA (US); **Jeffrey Bush**, San Jose, CA (US); **Michael Matas**, San Francisco, CA (US); **Paul D. Marcos**, Los Altos, CA (US); **Charles J. Pisula**, San Jose, CA (US); **Virgil Scott King**, Mountain View, CA (US); **Chris Blumenberg**, San Francisco, CA (US); **Francisco Ryan Tolmasky**, Cupertino, CA (US); **Richard Williamson**, Los Gatos, CA (US); **Andre M. J. Boule**, Sunnyvale, CA (US); **Henri C. Lamiraux**, San Carlos, CA (US)

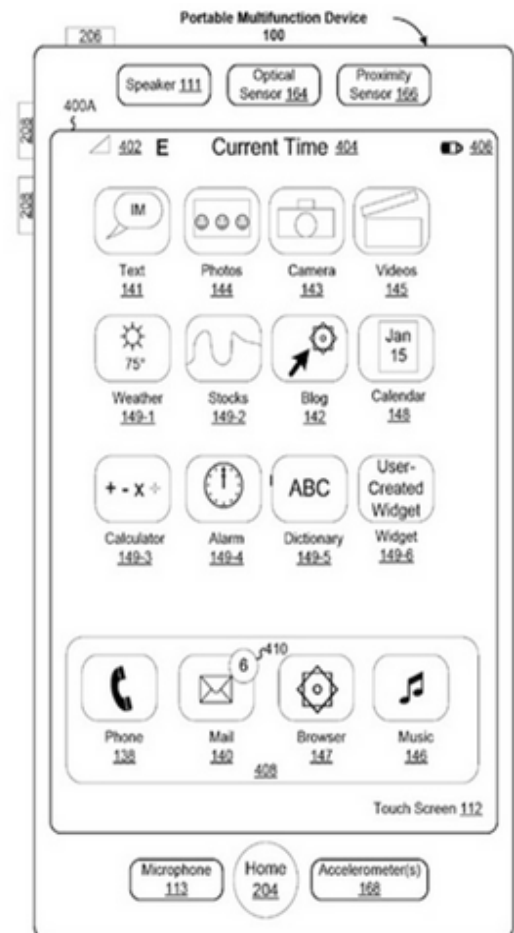(73) Assignee: **Apple Inc.**, Cupertino, CA (US)

Figure 4A

⌘How is a patent granted?

⊡1 File a patent application

Content of the application

⊡2 Examination by Patent Examiners

⌘ Functions of the USPTO

- ⌂ grants patents for the protection of inventions and to **register** trademarks.

- ⌂ examines applications

- ⌂ publishes patent information, records assignments of patents,

- ⌂ maintains search files of U.S. and foreign patents,

- ⌂ maintains a search room for public use in examining issued patents and records.

USPTO UNITED STATES PATENT AND TRADEMARK OFFICE

⌘ What can/cannot be Patented

- The subject matter must be " (1.   )."

- **The laws of nature, physical phenomena, and abstract ideas are <u>not </u>patentable subject matter**.

- A patent **cannot be obtained upon a <u>mere</u> idea or suggestion**. A complete **description of the actual machine** or other subject matter is required.

- **(2.   )** and

- (3.   )

USPTO UNITED STATES PATENT AND TRADEMARK OFFICE

⌘ **Novelty** and **Non-Obviousness**, Conditions for Obtaining a Patent

- ⌃ Must be **new** as defined in the patent law, which provides that an invention **cannot** be patented if:
    - ☒ "(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, **or *otherwise available to the public*** before the effective filing date of the claimed invention" or
    - ☒ "(2) the claimed invention was described in a patent issued [by the U.S.] or in an application for patent published or deemed published [by the U.S.], ..."

- ⌃ Term "**otherwise available to the public**"

Contemporary Issues which involve Intellectual Property Rights

⌘ Patent dispute between Apple and Samsung (on smartphone patents)

⌘ Copyright Lawsuit between Oracle and Google (on Java APIs)

⌘ Qualcomm suing Apple