

- **Intellectual Property**

- **Definition:** includes trademarks, copyrights, patents, trade secrets, trade names.

- **United States Patent and Trademark Office (USPTO)**

- www.uspto.gov

- The USPTO provides the public with information about obtaining patents and trademarks. Individuals can conduct patent and trade searches on this site.

- **United States Copyright Office (USCO)**

- www.copyright.gov

- The USCO provides the public with information about obtaining and protecting copyrights.

- **Wisconsin Entrepreneur Network**

- www.wenportal.org/getting_help/

- This site includes resources, marketing, financing/grants, business plans, and much more.

- **Franklin Pierce Law Center**

- www.piercelaw.edu/tfield/tgf.htm

- This site offers information about intellectual property and provides links to other resources on the topic.

- **World Intellectual Property Organization**

- www.wipo.int/portal/index.html.en

- Intellectual property rights are like any other property rights – they allow the creator, or owner, of a patent, trademark, or copyright to benefit from his or her own work or investment.

What is Intellectual Property?

Just like other kinds of property, intellectual property needs to be protected from unauthorized use. There are four ways to protect different types of intellectual property:

- 1) **PATENTS** provide rights for up to 20 years for inventions. Issued by the U.S. Patent and Trademark Office (USPTO), a patent grants property rights to the inventor(s). The patent “excludes others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States. If the invention is found to be new, useful, and unobvious a patent covering the invention is issued. There are three broad categories of patents: **Utility patents** protect useful processes, machines, articles of manufacture, and compositions of matter. Some examples: fiber optics, computer hardware, and medications.

Design patents guard the unauthorized use of new, original, and ornamental designs for articles of manufacture. The look of an athletic shoe, a bicycle helmet, the *Star Wars* characters are all protected by design patents.

Plant patents are the way we protect invented or discovered, asexually reproduced plant varieties. Hybrid teas roses, Silver Queen corn, Better Boy tomatoes, are all types of plant patents.

Inventors have the option of filing a **provisional application for patent** which provides a lower-cost for a first patent filing. A provisional application allows filing without a formal patent claim, oath or declaration, or any information disclosure (prior art) statement. It provides the means to establish an early effective filing date in a non-provisional patent application and allows the term “Patent Pending” to be applied.

For more information—call the USPTO’s General Information Services Division at 1-800-PTO-9199 or visit www.uspto.gov/main/patents.htm.

- 2) **TRADEMARKS** protect words, names, symbols, sounds, or colors that distinguish the source of goods and services. Trademarks, unlike patents, can be renewed forever as long as they are being used in business. The roar of the MGM lion, the pink of the Owens-Corning Pink Panther and the shape of a Coca-Cola bottle are familiar trademarks. For specific trademark questions or for more information about trademarks in general, contact the Trademark Assistance Center at 1-800-786-9199 or visit www.uspto.gov/main/trademarks.htm.
- 3) **COPYRIGHTS** protect works of authorship, such as writing, music, and works of art that have been tangibly expressed. This protection is available to both published and unpublished works. The Copyright Office registers copyrights, which last the life of the author plus 70 years. *Gone With The Wind* (the book and the film), Beatles recordings, and video games are all works that are copyrighted. For questions or more information visit www.copyright.gov.
- 4) **TRADE SECRETS** are information that companies keep secret to give them an advantage over their competitors. The formula for Coca-Cola is the most famous trade secret. Unlike many of the forms of intellectual property protection previously mentioned, trade secrets are generally protected by state, not federal law. Trade secret protection is very limited. A trade secret holder is only protected from unauthorized disclosure and use of the trade secret by others and from other person obtaining the trade secret by some improper means.

State Programs

Wisconsin has a voluntary registration of trademarks/trade names with the Secretary of State. While this registration may discourage others from using the same or similar mark¹, it offers no absolute protection from future conflicts. Registration of a mark does not give exclusive rights to that mark. Marks are acquired through use and not merely by registration. Because the registration

with Secretary of State is voluntary, the office has only a partial listing of those marks in use by businesses operating in Wisconsin.

¹Wisconsin statutes define “mark” as “...a label, trademark, trade name, term, design, pattern, model, device, shopmark, drawing, specification, designation, or form of advertisement that is adopted or used by any person to designate, make known or distinguish any good or service as having been made, prepared or provided by that person and this is registered by that person under s.132.01”

Wisconsin Innovation Service Center (WISC) specializes in new product and invention assessments and market expansion opportunities for innovative manufacturers, technology businesses, and independent inventors. Technical experts and researchers use an extensive array of resources to analyze information on technical feasibility, existing patents, market size, competitive intensity, demand trends, and other areas. WISC’s research products cover product feasibility, competitive intelligence, distributor assessment, customer satisfaction, and licensing partnerships. For more information, call 262-472-1365 or visit <http://academics.uww.edu/business/innovate>.

The following listed businesses deal with intellectual property.

- **Area Businesses with This Role**

- **Axley Brynelson, LLP**

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○ **Davis & Kuelthau, SC**

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○ **DeWitt Ross & Stevens, S.C.**

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