

## COVERING YOUR A\$SETS: U.S. Intellectual Property Explained

INTELLECTUAL PROPERTY	COPYRIGHT	TRADEMARK	PATENT	TRADE SECRETS
<b>PROTECTS</b>	Original Creative Work	Brand identifiers	Novel, unobvious, useful inventions, and innovations.	Confidential, proprietary information
<b>EXAMPLES</b>	Art, music, recordings, software, choreography, movies, content, books	Names, logos, acronyms, packaging design, slogans, color schemes	Machines, new technologies, processes, manufacturing formulas, and articles, industrial designs, chemical compositions.	Customer lists, business plans, techniques, data, and financials
<b>WHEN RIGHTS OBTAINED</b>	Upon Creation	First use in Commerce	When patent is granted	Upon Creation
<b>REGISTRATION</b>	Optional but strongly advisable	Optional but strongly advisable	Required	Unavailable
<b>BENEFITS</b>	Public notice of ownership claim, presumption of ownership, can recover attorneys' fee, statutory damages can sue in Federal court, reciprocal, protection in most other countries	Monopoly, public notice of ownership claim, presumption of ownership (which can apply to international ownership rights), right to stop others from using marks or similar marks	Monopoly, right to prevent others from using	Right to seek injunction for misappropriation
<b>TERM</b>	Over 100 years for new works, varies for existing ones	For as long as the mark is in use if registration is maintained	20 years from application date	For as long as information remains a secret
<b>APPROXIMATE COST TO REGISTER</b>	\$35.00 to a few hundred	Thousands	Thousands	Not Applicable
<b>PROPER MARKING</b>	© (year) (owner)	® for registered marks, ™ for unregistered trademarks, "SM" for unregistered service marks	"Patent", "(patent #)", "Patent Pending", but only if application is filed and not yet rejected	Clearly marked trade secret documents "Confidential", "Trade Secret", or "Proprietary"