



Preliminaries

The Basic Framework and Initial Questions

Eric E. Johnson

ericejohnson.com



Konomark
Most rights sharable

Roadmap:

- What is intellectual property?
 - The kinds of IP
 - Comparisons
 - The label
- Why is IP law necessary?
- How did IP law come to be?

What is
intellectual
property?

the kinds
of IP

Copyrights
Trademarks
Patents
Trade Secrets
Rights of Publicity

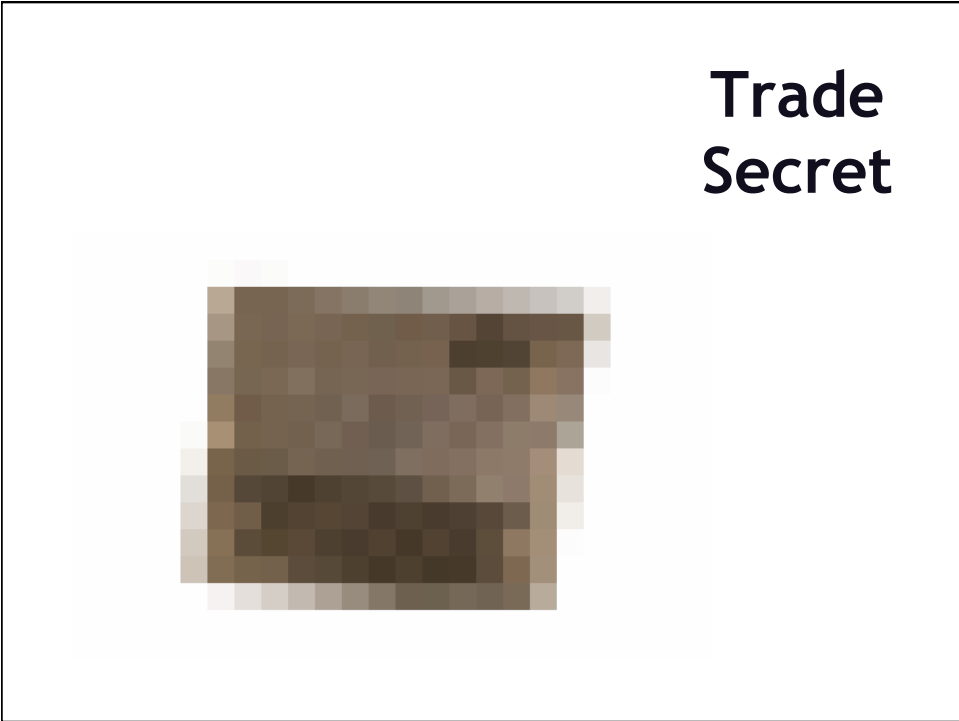
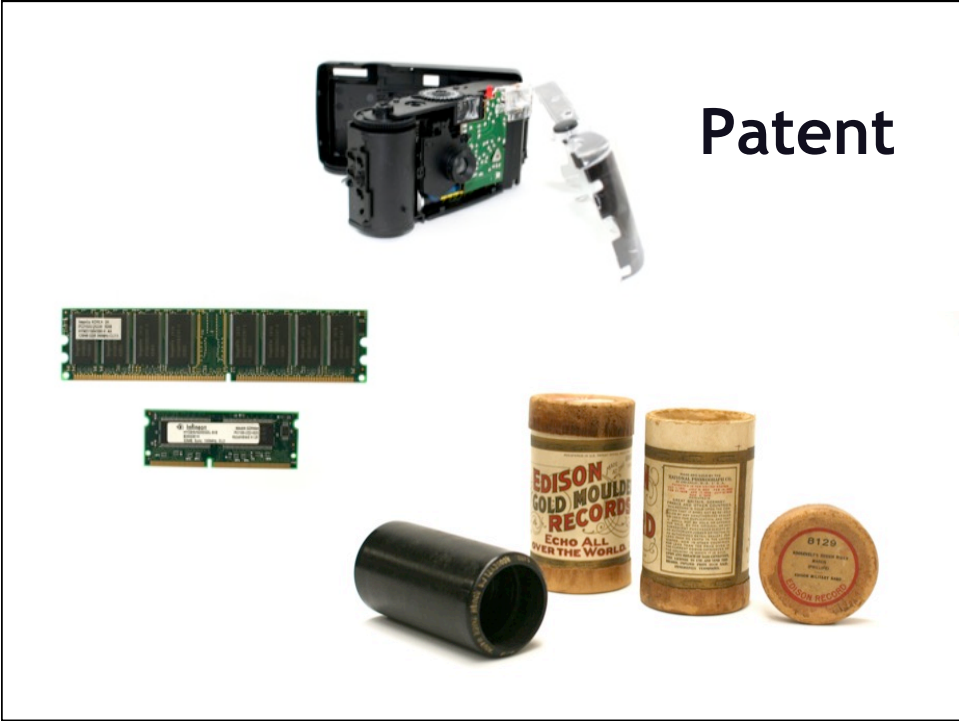


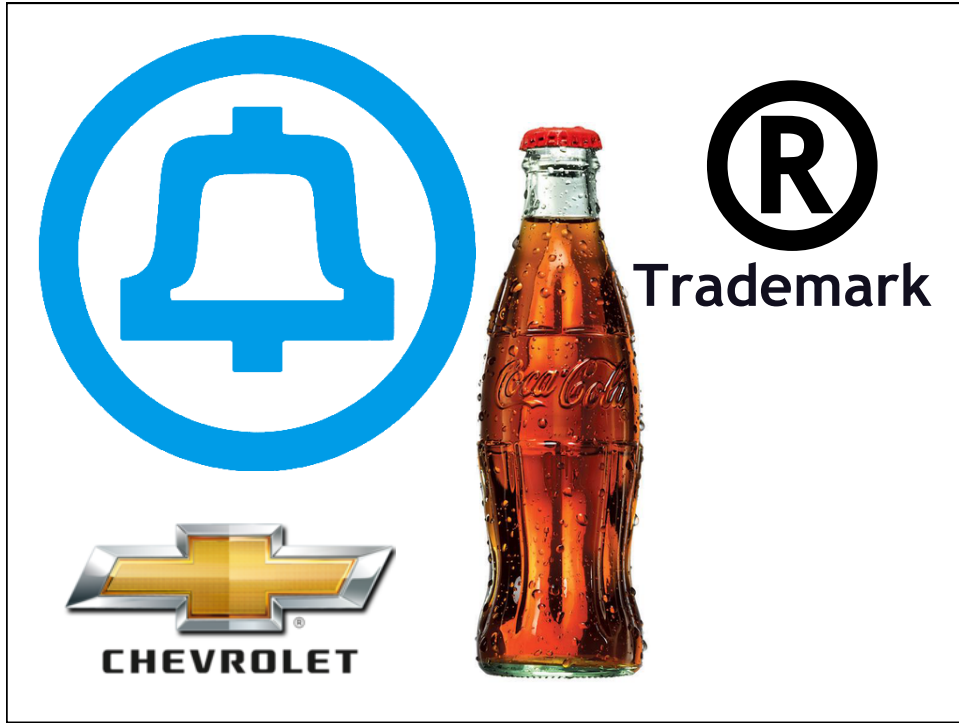
Copyright

- Books
- Poems
- Movies
- Computer software
- Photographs
- Paintings
- Sculptures

Copyright

- original works of authorship fixed in any tangible medium of expression from which they can be perceived, either directly or with the aid of a machine





source



Right of Publicity

Right of Publicity



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You

own intellectual
property

Comparisons

What is protected?

©	Expression (text, images, recordings)
Pat.	Inventions (manmade)
TM	Indications of commercial source
Trade Secret	Transferrable commercial secrets
Right of Publicity	Indications of personal identity

What does it take to get it?

©	Fixation (immediate)
Pat.	Application, gov' t review
TM	Use in commerce, creating meaning
Trade Secret	<i>Nothing</i>
Right of Publicity	<i>Nothing</i> (fame, some places)

What does it take to keep it?

©	Nothing
Pat.	Payment of maintenance fees
TM	Continued use in business
Trade Secret	Keeping it secret
Right of Publicity	Nothing

How long does it last?

©	about 100 years
Pat.	about 20 years
TM	forever (if used)
Trade Secret	forever (if kept secret)
Right of Publicity	life + extra sometimes

How is it lost?

©	<i>Very difficult</i>
Pat.	Unpaid fees; successful challenge
TM	Failure to keep exclusive control
Trade Secret	The secret gets out
Right of Publicity	<i>Very difficult</i>

Defenses

©	Fair use
Pat.	Invalidity (<i>otherwise, not much</i>)
TM	Non-trademark uses, fair uses
Trade Secret	Reverse engineering
Right of Publicity	News, free speech, non-commercial

the LABEL

What is
“intellectual property”?

Is it
“property”?

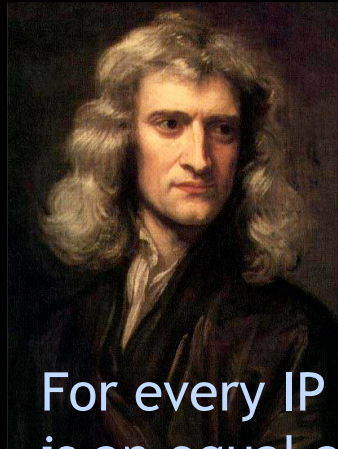
Is it
“property”?
It depends on who you ask.

Is the right to receive
government welfare
property?

Is a professional license
property?

Is a government pension
property?

What's
“intellectual”
about it?

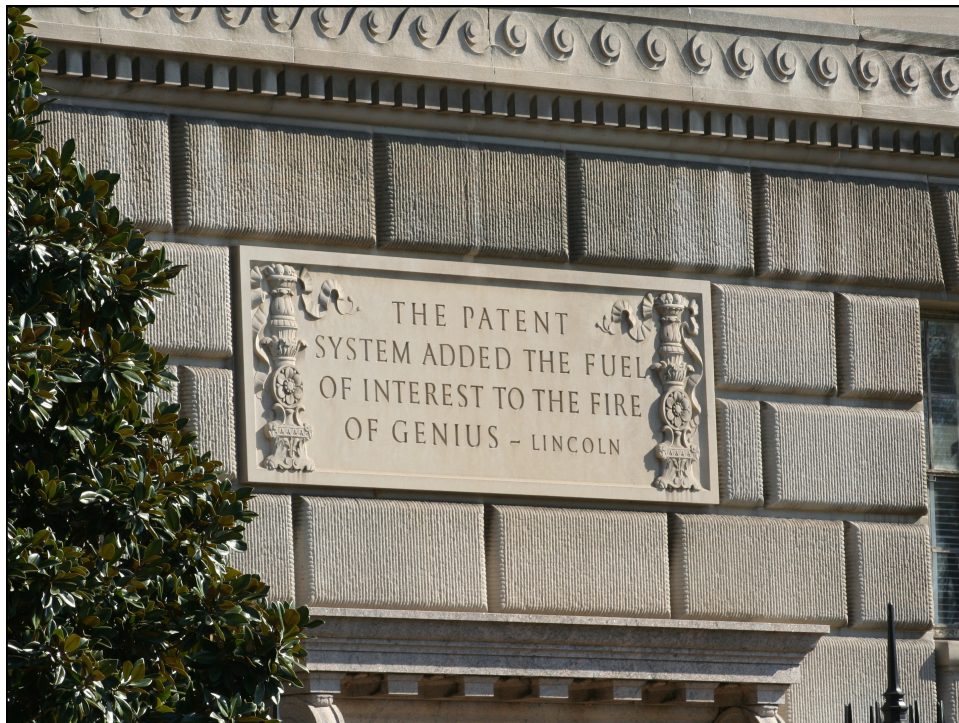


Newton's Third Law of IP

For every IP entitlement, there is an equal and opposite reduction in freedom.

Why is
intellectual
property law
necessary?





*To promote the Progress of Science and useful Arts,
by securing for limited Times to Authors and Inventors
the exclusive Right to their respective Writings and
Discoveries;*

How did
intellectual
property law
come to be?

d'être raison

A red arrow with a curved tail points from the word 'raison' to the word 'd'être'.