
**Intellectual Property**

**Definition:** Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. Retrieved from (http://www.wipo.int/about-ip/en/) 7-8-2017

4 Types of Intellectual Property: Copyright, Trade Secrets, Trademarks and Patents

**Copyrights/Library of Congress (LOC)** (http://www.copyright.gov/)

Copyright protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Duration for works created on or after January 1, 1978 is the author's life plus 70 years (there are complicated exceptions and variations). Basic Fee varies. It is $35 for one work registered by a single author. It is possible to copyright a series by a single author affordably.

**Trade Secrets/ Legal Agreements**

A trade secret is a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors or customers. Agreements may also be used for protection of an idea with “those with a need to know” before submitting a patent application.

Examples of trade secrets include CocaCola’s recipe and Google’s search algorithm.

Check your library databases for available editable legal forms or “non-disclosure” and “no compete” agreements. They are available on the Miami Dade Public Library as Gale Legal Forms.

**Trademarks & Service Marks/ USPTO** (http://www.uspto.gov)

A trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. A service mark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of a service rather than goods.

Types:
Federal Trademarks & Servicemarks
USPTO Trademark Assistance Center 1-800-786-9199
- Duration: 10 years (renewable) Fee varies/ basic cost from $225-325 per class.
- Must identify classifications for product & design or pay an extra fee
- Less expensive to file online
- Must be conducting interstate commerce
- Search using TESS (Name and/or Design)
- File application using TEAS

Trademark searching
Federal
1. USPTO
   http://tmsearch.uspto.gov/bin/gate.exe?f=tess&state=4809:5dy1x8.1.1

State/Florida Department of State
http://search.sunbiz.org/Inquiry/CorporationSearch/ByTrademark
(http://search.sunbiz.org/Inquiry/CorporationSearch/ByName
Duration: 5 years from the date of registration (renewable). Paper based-cannot be filed online. $87.50 per class. Instructions and application. Booklet with instructions and forms:
http://form.sunbiz.org/pdf/Chapter_495_Booklet.pdf

Patents/USPTO

Patents. A patent is a limited duration property right relating to an invention, granted by the United States Patent and Trademark Office in exchange for public disclosure of the invention. Patentable materials include machines, manufactured articles, industrial processes, and chemical compositions.

Utility:
- A Provisional Application provides “patent pending” for a year. There is a $65.00 processing fee for micro entity status applicants. Duration: 1 year subject to filing of non-provisional. Within a year. These patent applications are not patents per se, but applications. Micro entity is available to anyone claiming less than approximately $144,000 per year on the previous year’s income tax.
- Non-provisional micro-entity status fee at just under $400 Duration 20 years for utility patents. Maintenance fees required.

Design duration 14 years – no provisional
Plant patents – 20 years-no provisional
Patent Maintenance Fees
Schedule micro-entity status: 3 years $400, 7 years $900, and 11 years $1850

Patent searching

**USPTO**

**Google Patents**

**eSpacenet.com** (European Patent Office)
[https://worldwide.espacenet.com](https://worldwide.espacenet.com)

Other proprietary sources: such as Web dialog, etc.
Also search the market place, the web, etc.

Patent Application Help

**USPTO Inventors’ Assistance Center**
Phone: 800-786-9199, 571-272-1000

**Pro Se Assistance Program** (for individuals choosing not to use an attorney)
Phone: 866-767-3848
Patent & Trademark Resource Centers in the State of Florida

Miami-Dade Public Library Main Branch
Phone: 305-375-2665
101 W. Flagler St.
Miami, Fl. 33130

Ft. Lauderdale/Broward County Main Library
Phone: 954-357-7444
100 S Andrews Ave, Fort Lauderdale, FL 33301
Virtual examiner appointments at USPTRCs pilot program
(https://content.govdelivery.com/accounts/USPTO/bulletins/1a0e845)

Orlando/ University Central Florida
Phone: 407-823-5308
John C. Hitt Library
Library room 203C
Orlando, FL 32816-2666

Patent & Trademark Financial Assistance Information
• Micro-entity status can be claimed if income is approximately less than $144,00 annually
• Pro bono Program
(https://www.uspto.gov/patents-getting-started/using-legal-services/pro-bono/patent-pro-bono-program)
*Strict income limits
• Legal Clinic Program
( Scroll down to find list of participating schools)
  • Income limits ,but not as strict as pro bono
  • Applicant contacts institution directly
  • List of participating universities
Finding an Attorney

- Look at prior art of patents for name of attorney or field of invention

- Use filterable patent search page for a List of IP attorneys and legal practitioners on USPTO in the desired geographic location and field of invention classification. ([https://oedci.uspto.gov/OEDCI/practitionerSearch.jsp](https://oedci.uspto.gov/OEDCI/practitionerSearch.jsp))


- Dade County Bar Assn. ([https://www.dadecountybar.org/](https://www.dadecountybar.org/))
  Phone: 305-371-2220

- Broward County Bar Assn. ([http://www.browardbar.org](http://www.browardbar.org))

- Attorney reviews on AVVO.com, ([https://www.avvo.com](https://www.avvo.com))

Avoiding Scams

Individuals receiving solicitations should check with the institution granting protection for confirmation of authenticity before sending payments


What librarians are NOT permitted to do under legal limitations dictated by Florida Statute section 454.23:

- interpret the law
- Provide legal advice
- Perform Searches
- Recommend a particular attorney
- Review a document drafted by an individual
- Complete forms

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101 W. Flagler St.
Miami, Fl. 33130