



INTELLECTUAL PROPERTY BRAND PROTECTION & STRATEGY

Rebecca Wilson
The Dobrusin Law Firm, P.C.

www.patentco.com

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A protectable and possessory interest in products of the mind,

An associated bundle of "property rights" that have value,

- A right to exclude others
 - *A right that can be sued upon for infringement*
 - *A right that can be bought or sold*
 - *A right that can be licensed*
- Not a right to use

- Why is Intellectual Property important to my business?


COPYRIGHTS

- Original Works

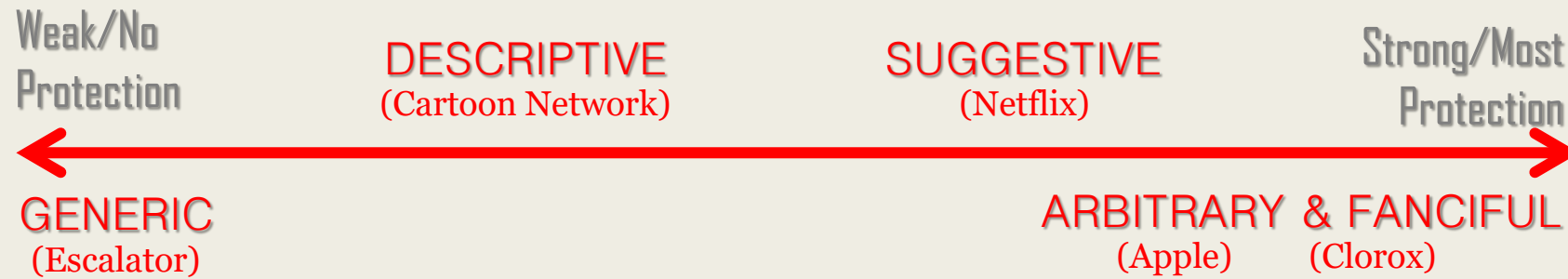
- *Artworks (e.g.: paintings, drawings, logos)*
- *Writings (e.g.: brochures, manuals, books, reports)*
- *Performances (e.g.: concerts, theatre productions)*
- *Music (public re-broadcasting)*
- *Photographs*
- *Audio/video recordings*
- *Software*
- *Website content (e.g.: code, screen shots)*

- Lifespan: A long time

TRADEMARKS

- Words (e.g.: NIKE)
- Logos (e.g.:  ®)
- Stylized lettering (specialized font)
- Slogans (e.g.: "I'm Lovin It")
- Colors (e.g.: **jewelry**)
- Sounds (e.g.: the NBC jingle)
- Trade dress (e.g.: soft drink bottle)
- Lasts as long as they are used and policed

How strong is your mark?



How do I let
everyone know I
have rights?

- ©
- ®
- TM or SM
- Patent
- Patent Pending

What does IP
protect against?

Infringement

- Need not be exact copy

If liable for infringement

- Possible money damages
- Possible order to stop
- Expensive attorney fees

IP PROTECTION OVERLAP



Design Patent/Trade
Dress/Copyright

The diagram consists of three overlapping rounded rectangular boxes. The first box on the left contains the text 'Design Patent/Trade Dress/Copyright'. The second box in the middle contains 'Copyright/Trademark'. The third box on the right contains 'Utility Patent/Copyright'. Each box overlaps the one to its right.

Copyright/Trademark

Utility
Patent/Copyright

Why Use More than One IP Protection?

- Less is not more
- At time of launch, not known what feature will drive sales
- Some rights, if granted, may be weak
- Expiration of one form but not other

State or Federal Protection?

State Protection

- *Only protects you in the state you apply*
- *In Michigan you have to be using the mark at time of application*
- *State does not allow trademark protections for a mark which is an exact match to your business or trade name on file with the state (in Michigan)*
- *Less costly than federal*

Federal Protection

- *Protects you throughout the US*
- *Must using the mark “in commerce” or intend to use the mark “in commerce”*
- *You don't have to be using the mark at the time of filing only have an intent to use*
- *Greater protection/Greater risk*
- *More Costly than state protection*
- *You can use the ® once registered*

A favorite pick me up...Frappuccino®?

Int. Cls.: 29 and 32

Prior U.S. Cls.: 45, 46, and 48

Reg. No. 2,148,066

United States Patent and Trademark Office

Registered Mar. 31, 1998

TRADEMARK PRINCIPAL REGISTER

FRAPPUCCINO

STARBUCKS CORPORATION (WASHINGTON CORPORATION), DBA STARBUCKS COFFEE COMPANY,
P.O. BOX 34067
2401 UTAH AVENUE SOUTH
SEATTLE, WA 981241067

FOR: MILK, FLAVORED MILK, MILK-BASED FOOD BEVERAGES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 7-19-1991; IN COMMERCE 7-19-1991.

FOR: NON-CARBONATED SOFT DRINKS, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 7-2-1996; IN COMMERCE 7-2-1996.

OWNER OF U.S. REG. NO. 1,745,953.

SN 74-715,271, FILED 8-14-1995.

GEOFFREY FOSDICK, EXAMINING ATTORNEY

Int. Cl.: 32

Prior U.S. Cl.: 45

United States Patent Office

Reg. No. 1,057,884
Registered Feb. 1, 1977

TRADEMARK
Principal Register



The Coca-Cola Company (Delaware corporation)
310 North Ave. NW.
Atlanta, Ga. 30313

For: SOFT DRINKS, in CLASS 32 (U.S. CL. 45).
First use July 8, 1916; in commerce at least as early as
Sept. 1, 1916.

The mark consists of the three dimensional configura-
tion of the distinctive bottle as shown.

Owner of Reg. No. 696,147.

Ser. No. 88,384, filed May 25, 1976.

JOHN C. DEMOS, Examiner

The shape of the
packaging can be
protected!

Resources

www.uspto.gov

www.copyright.gov

<http://tess2.uspto.gov/bin/gate.exe?f=tess&state=4007:p6erdf.1.1> (searching trademarks)

www.freepatentsonline.com (searching patents)

Legal Stuff

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