

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Intellectual Property (IP) Basics

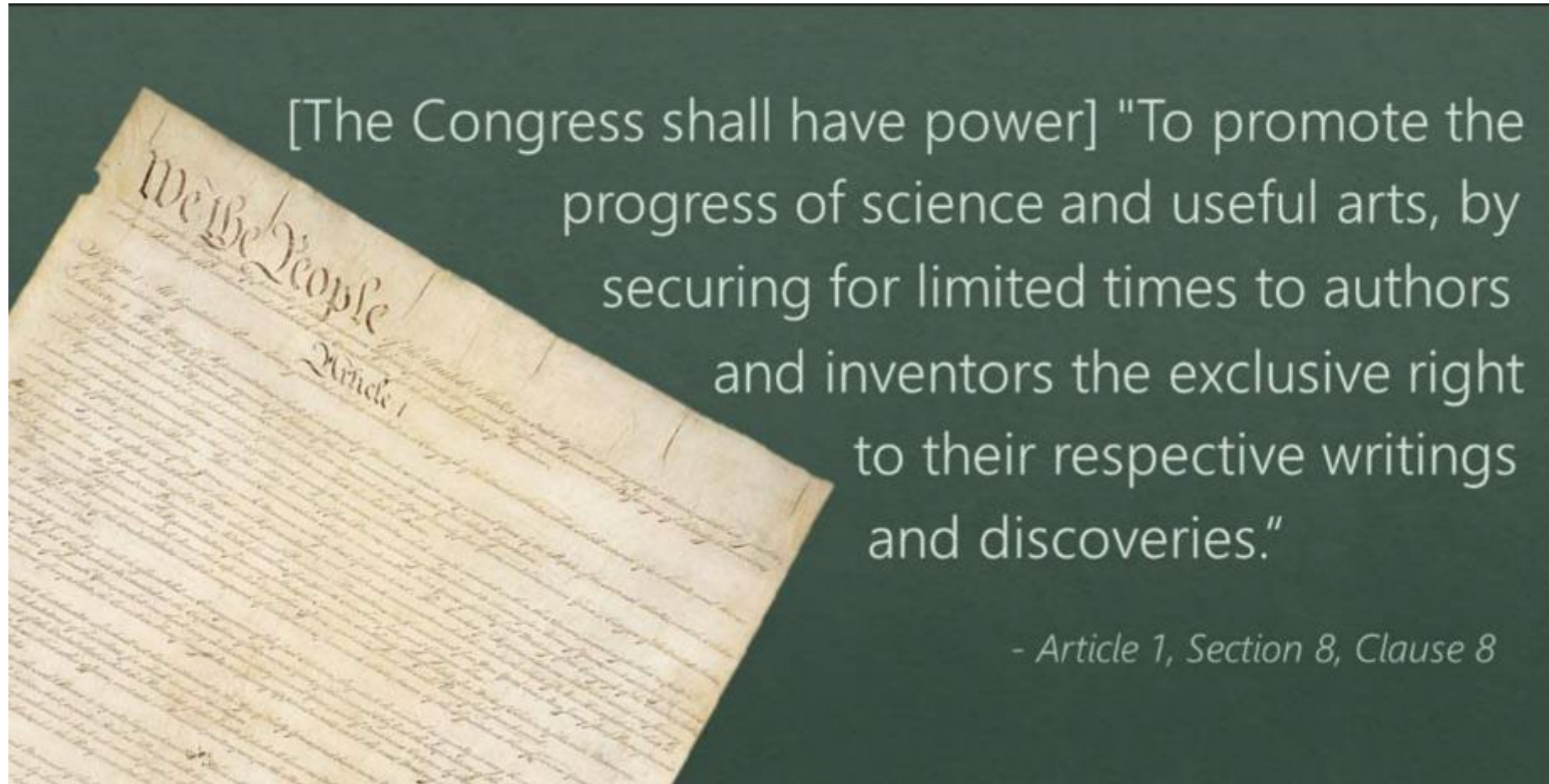
Liz Jackson

Acting Director, Northeast Regional Outreach Office



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IP rights found in the US Constitution



Mission of the USPTO:

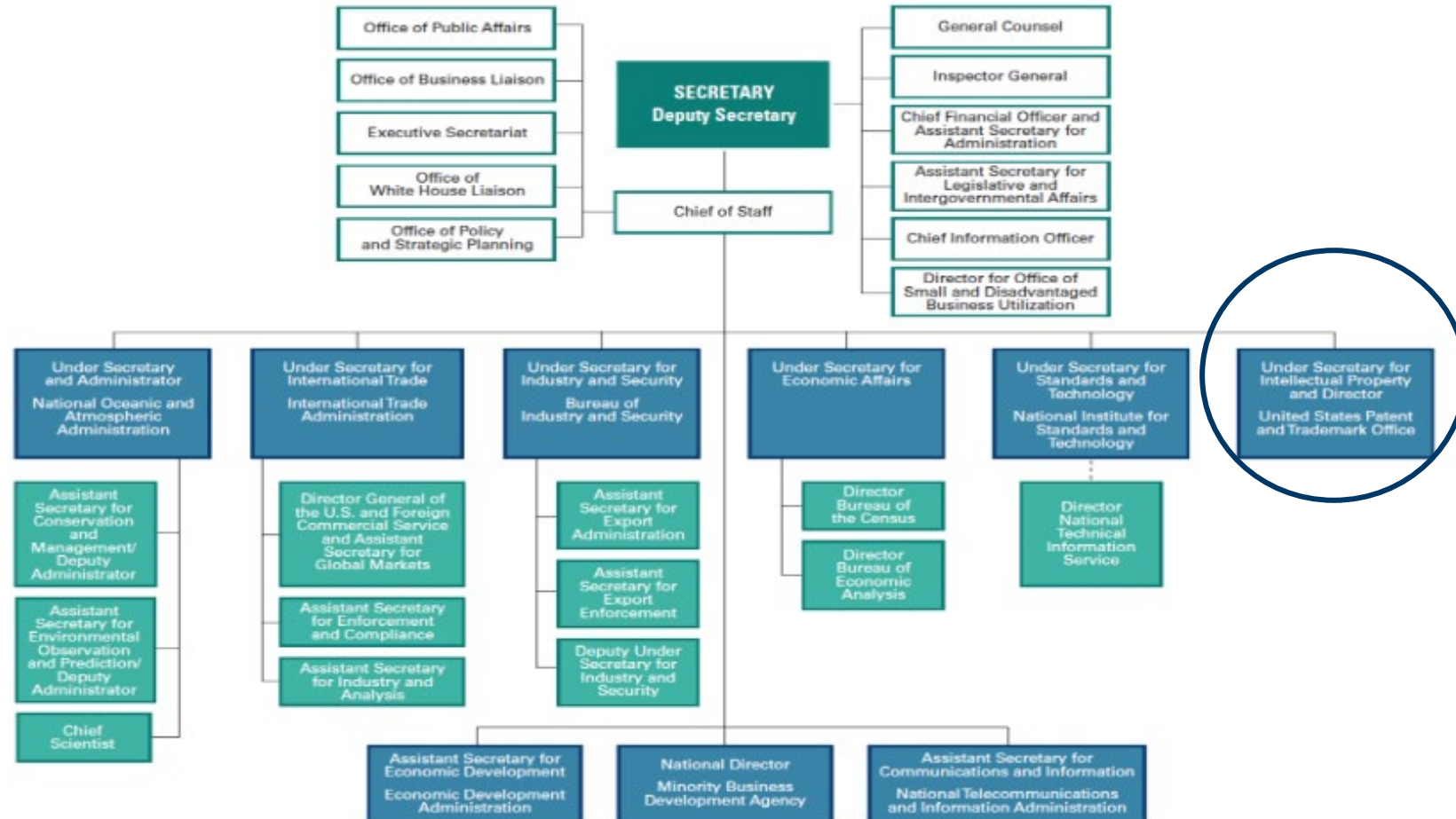
- Grant patents
- Register trademarks

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*America's
Innovation Agency*

We're Part of the U.S. Department of Commerce!



The USPTO in FY 2025

13,807 employees

- **8,872** patent examiners
- **803** trademark examining attorneys

Patents

- **678,108** applications filed
- **382,056** patents issued

Trademarks

- **824,192** trademark applications
- **440,689** certificates of registration issued

USPTO headquarters in
Alexandria, Virginia



USPTO Regional Outreach Offices

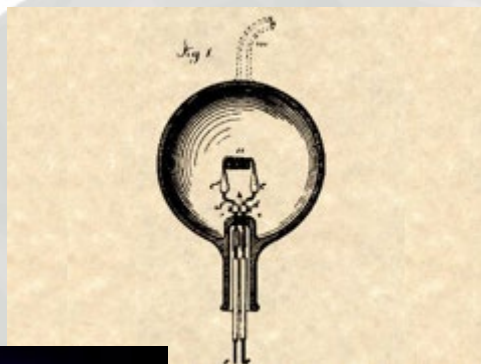


Intellectual property (IP)

*The images and photographs in this presentation are for educational purposes only.



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Intellectual



Property

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Types of intellectual property



Patent

New, inventive ideas



Trademark

Identifies the origin of goods or services



Copyright

Creative expression stored in a tangible form



Trade secret

Any information that is valuable & kept confidential



All the IP in a mobile phone

Design patents:

- Home button shape
- Curved bezel
- Curved screen

Copyrights:

- Software code
- Instruction manual
- Ringtone

Trade secrets:

- ???



Trademarks:

- Made by "SAMSUNG"
- Product "Galaxy Note"

Patents:

- Camera
- Battery
- Screen
- Antenna
- Data processing methods
- Semiconductor circuits

Patents



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What is a patent?

The right to **exclude others** from:

- making, using, selling, offering for sale, or importing the claimed invention
- Limited term
- Territorial: A U.S. patent provides protection only in the United States
 - No worldwide patents

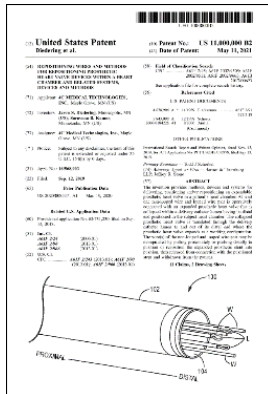


Types of patents

Utility

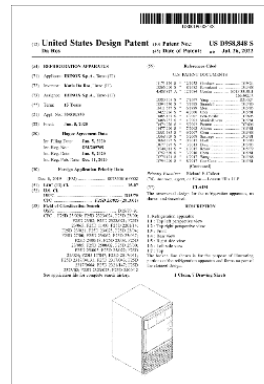
Protects how an invention works, functions, or is made for 20 years from filing date

- Process
- Machine
- Article of manufacture
- Composition of matter



Design

Protects the way a product or article looks, the ornamental expression for 15 years from the date of grant



Plant

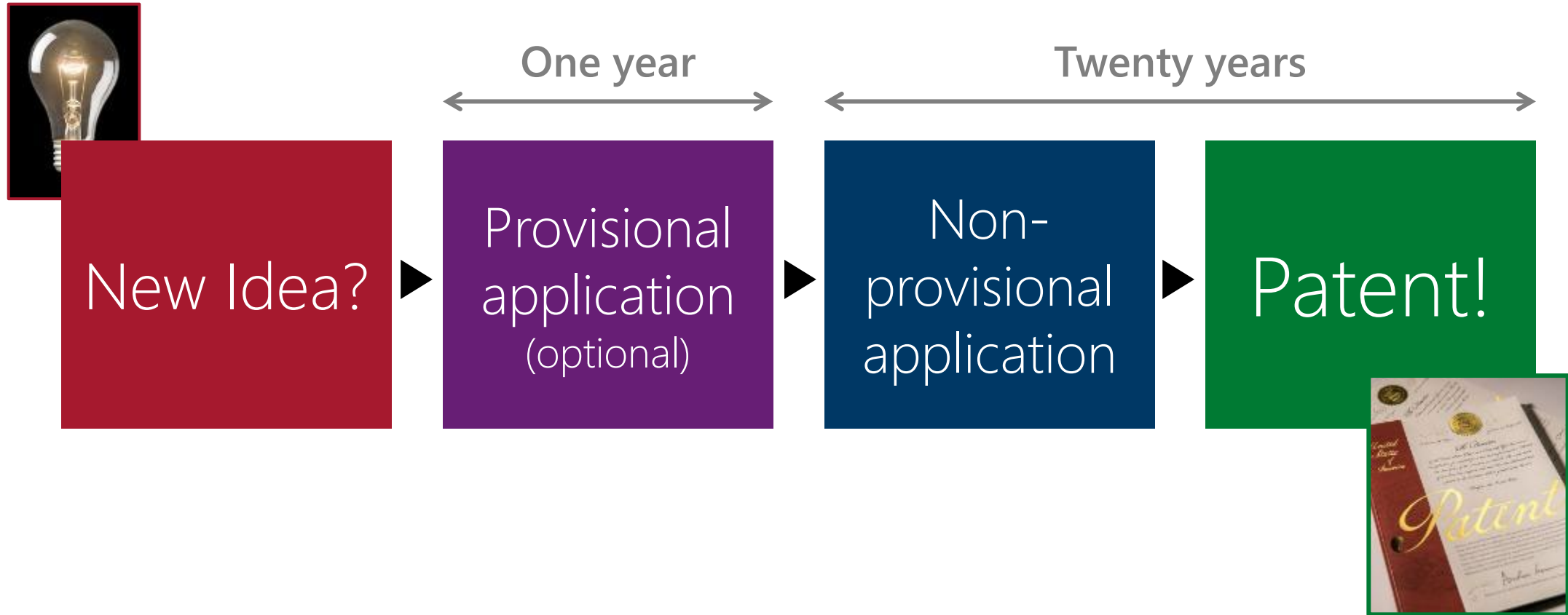
Protects newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants for 20 years from filing date



What is NOT patentable?

- **Cannot Patent an Idea**
 - Must be able to be developed into a **new, nonobvious and useful machine, manufacture, process, or composition of matter** that can actually accomplish the task
- **Cannot Patent Natural Phenomena**
- **Cannot Patent Abstract Ideas**

The path to a patent (utility patent)



Why get a patent?

Examples:

- Gain entry to a market
- Exclude others from a market
- Use it as a marketing tool to promote unique aspects of a product
- Sell or license, like other property

Enforcement

- Onus is on the owner to enforce their patent rights
 - Monitor marketplace for infringing products
 - Respond to infringement when detected
- **Government enforcement resources**
 - [STOPfakes.gov](https://stopfakes.gov)
 - Customs and Border Protection

Trade secrets



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What is a trade secret?

- Trade secrets consist of information and can include a formula, pattern, compilation, program, device, method, technique, or process.
- To meet the most common definition of a trade secret, it must be commercially valuable information known only to a limited number of people, and reasonable steps must be taken to keep it secret.



Examples of trade secrets



Patents vs. trade secrets

Patents and trade secrets in many ways are different sides of the same coin



- You get exclusive rights for a limited time.
- You must disclose how to make and use your invention within your application.
- There may be legal remedies should someone make, use, or sell your invention without your permission.
- An improvement in such manner as to distinguish it from your invention may be patentable, but it might infringe a prior unexpired patent for the invention improved upon.



- A trade secret lasts as long as it remains a secret.
- You must take reasonable steps to keep your trade secret secure.
- There may be legal remedies should someone steal your trade secret.
- Someone may reverse engineer what you have done.

Trademarks



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What is a trademark?



Coca-Cola



amazon

Google



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What does a trademark do?

- Trademark
 - Identifies the source of goods and services.
 - Distinguishes them from the goods and services of another party.
 - Provides legal protection for a brand.

What does a trademark not do?

- Trademark
 - Does **not** mean you legally own a word or phrase.
 - Does **not** mean you can stop other people from saying a word or phrase.
 - Does **not** mean people owe you money if they say a word or phrase.

Definitions

- **Trademark**
 - Indicates the source of goods or products.
- **Service mark**
 - Indicates the source of services.

Traditional types of marks

- Common source identifiers:
 - Brand names
 - Slogans
 - Logos

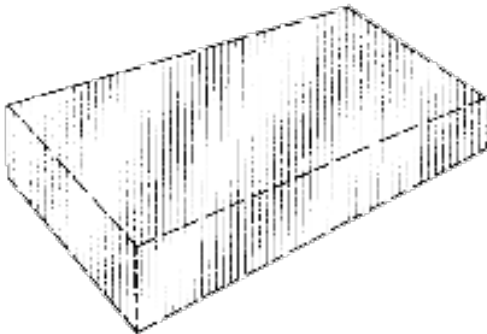
COCA-COLA

**IT'S THE
REAL THING**



Non-traditional types of marks

- Anything that functions as a source identifier might be eligible for registration.
 - Sound
 - Color
 - Scent/smell
 - Motion
 - Hologram
 - Configuration/shape



Trademark rights

- Traditional ways of creating rights:
 - Common law
 - Federal registration

Common law trademark rights

- Rights
 - Created when you use trademark in commerce
 - Limited to geographic area where mark is used
- Symbols
 - Optional: TM SM
 - Never: ®

Federal registration rights

- Rights
 - Created when you federally register trademark
 - Legal presumption you own the trademark
 - Legal presumption you have the right to use the trademark in all 50 states and the U.S. territories
 - Notice to the public of your rights in the trademark



Federal registration rights (cont'd)

- Rights

- Can bring legal action concerning trademark in federal court.
- Enables recordation of registration with U.S. Customs and Border Protection.
- Can be used as a basis for filing in another country.

Other trademark-related concepts

- Domain name registration
 - Provides a web address for your website.
 - Does **not** create a registered trademark.
- Trade name registration
 - Allows you to do business in a particular state or jurisdiction.
 - Does **not** create a registered trademark.

Selecting a trademark

Two main concepts:

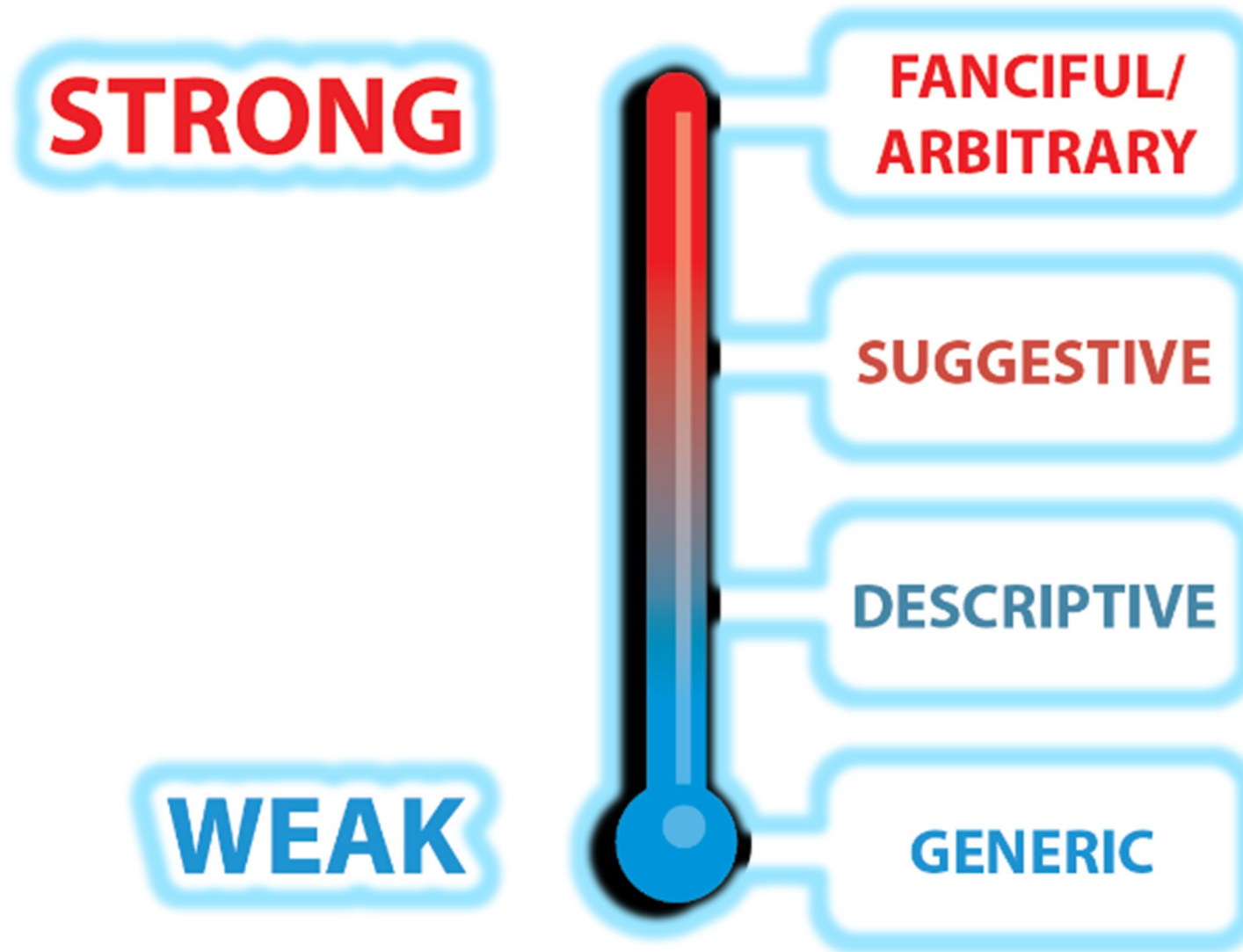
- Likelihood of confusion
 - Likelihood of confusion refusal
- Strength of the trademark
 - Descriptiveness refusal

Likelihood of confusion

- Concept:
 - Avoid confusing consumers about the source of the goods and services.
- Test:
 - Are the trademarks confusingly **similar**?
 - and
 - Are the goods and/or services **related**?



Strength of trademark (cont'd)



Why Register?

- Nationwide Protection
- Constructive Notice of Right to Use
- USPTO will refuse later-filed applications that are “confusingly similar”
- Ability to use ® symbol
- Ability to prevent importation of infringing goods
- Can be used as a basis for obtaining registration in a foreign country
- Statutory damages and attorneys fees available in federal litigation relating to infringement



Registration responsibilities

- Must enforce your own trademark rights.
 - May use your registration certificate to support a “cease-and-desist” letter.
 - May use your registration to sue an infringing user.
- Must file required post-registration documents with the USPTO.



Copyright



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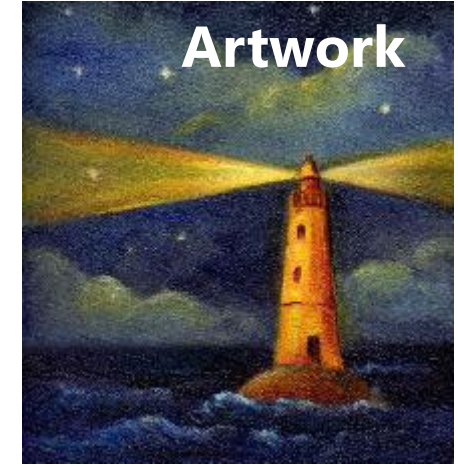
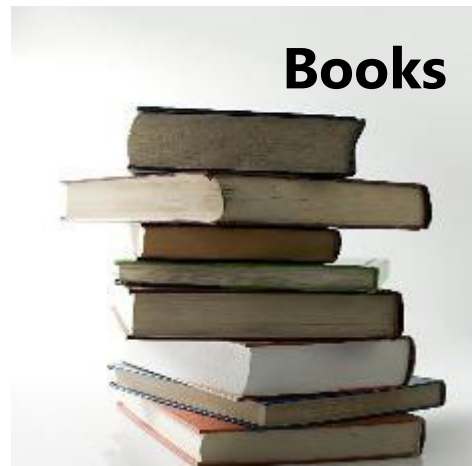
What is copyright?

Copyright is a form of legal protection provided to the authors of "**original** works of authorship **fixed** in any tangible medium of expression."

17 U.S.C. § 102(a)



What does copyright protect?



... **plus** many other forms of creative works, including: plays, choreography, architecture, software, and compilations

What Works are Protected?

- Work must be **fixed** in a Tangible Form of Expression.
- The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device.

What Works are Protected?

- Must be an **original** work of authorship, meaning that the work must be independently created by the author (as opposed to copied from other works).
- The U.S.' required level of originality is very low – a “modicum of creativity.” Other countries' laws may differ in this respect.

Securing protection

- Copyright protection is secured **automatically** upon creation (fixation). A work is “created” when it is fixed in a copy for the first time.
- No publication or registration is required. (There are, however, certain advantages to registration.)

Why register?



- Puts others on notice of copyright claim
- Required to file suit in federal court (for works of U.S. origin)
- Provides prima facie evidence of validity of the copyright and facts in certificate (if made within five years of publication)
- Registration may be recorded with U.S. Customs and Border Protection (CBP) to help prevent importation of pirated products.
- Statutory damages and attorney's fees may be available in litigation but only if registration is obtained within three months after publication of the work or prior to infringement of the work.
- Easier to license work, collect royalties, and enforce rights outside of court

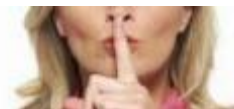
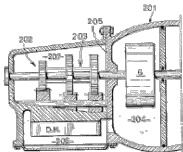
Registration

- Registration is administered by the U.S. Copyright Office, which is part of the Library of Congress
- Registration may be made using paper forms or submitted online at www.copyright.gov
 - Check out eCO tutorials at copyright.gov for single, standard, and supplementary applications



Overview of intellectual property

	What's protected?	Examples	Protection lasts for
Utility patent	Inventions	iPod, chemical fertilizer, process of manipulating genetic traits in mice	Up to 20 years from the date of filing regular patent application
Design patent	Ornamental (non-functional) designs	Unique shape of electric guitar, design for a lamp	15 years from date granted
Copyright	Books, photos, music, fine art, graphic images, videos, films, architecture, computer programs	Michael Jackson's "Thriller" (music, artwork, and video)	The life of the author plus 70 years (or for some works, 95 years from publication, and others 120 years from creation)
Trade secret	Formulas, methods, devices, or compilations of information which is confidential and gives a business an advantage	Coca-Cola formula, survey methods used by a pollster	As long as information remains confidential and functions as a trade secret
Trademark	Words, symbols, logos, designs, or slogans that identify and distinguish products or services	Coca-Cola name and distinctive logo, Pillsbury doughboy character	Potentially forever if you continue to meet the requirements under common law, state, and/or federal law



USPTO resources



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Access inventor and entrepreneur resources

- USPTO's hub for resources and information for inventors, entrepreneurs, and small businesses.

Inventor and entrepreneur resources



Get started

Learn about types of intellectual property (IP) and how to protect your idea or product.

- > Types of IP protection
- > Attend a free training
- > Patents basics
- > Trademark basics



After you apply

As your patent or trademark is examined you may need to take additional steps.

- > Check application status
- > Respond to a Patent decision
- > Prepare for a patent interview
- > Respond to a Trademark decision



Before you apply

Search existing patents and trademarks to find out if your idea is unique. If it is, create an account.

- > Search patents
- > Search trademarks
- > Create an account to apply



Appeal or fix an issue

An applicant may petition a procedural rule or issue, or appeal a patent rejection or trademark refusal.

- > Learn about patent petitions
- > Learn about patent appeals
- > Learn about trademark petitions
- > Learn about trademark appeals



Get help to apply

Set yourself up for success by learning via USPTO's free resources and find expert help.

- > Find resources near you
- > Watch our videos
- > Find a patent attorney
- > Do I need a trademark attorney?



Entrepreneur resources

Learn about small business resources at the USPTO and other federal agencies.

- > Startup resources
- > License or sell your IP
- > Change patent owner
- > Change trademark owner
- > Other federal resources



Apply for IP rights

Submit your application for a patent or trademark. See if you qualify for reduced patent fees.

- > Apply for a patent
- > Apply for a trademark
- > Costs to file
- > Reduced patent fees



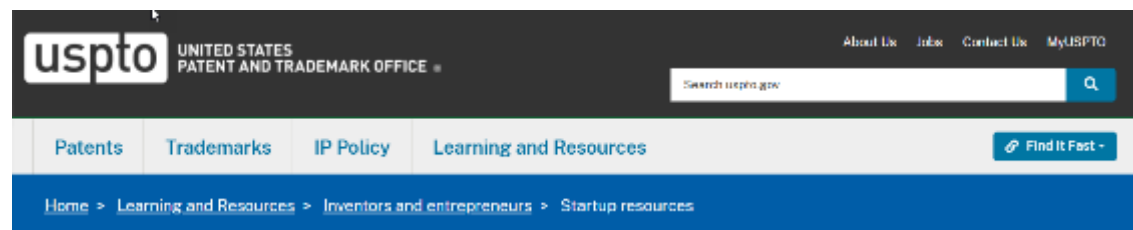
Protect yourself

Don't be misled by false claims, scams, or companies saying you need their services.

- > Known patent scams
- > Known trademark scams
- > Register a complaint



Access resources for startups



Startup resources

The USPTO's hub for startup resources can help you address the intellectual property (IP) challenges specific to startups, including securing funding and guarding against costly infringement litigation.

Where to start?

Our startup certificate training course gives an introduction to IP, cybersecurity for businesses, and scam prevention. The two-hour virtual session is intended for entrepreneurs and small business owners looking to learn the essentials on the go.

More for inventors and entrepreneurs

For information on IP fundamentals, such as filing a patent or registering a trademark, check out [these resources for inventor and entrepreneurs](#).

Here you will find practical information and useful tools, available from a wide variety of government agencies, including the [Small Business Administration \(SBA\)](#) and [Small Business Development Centers \(SBDCs\)](#). These agencies can assist you at every stage of growing your business, from your initial idea to entering the global marketplace.



Protect your IP

Protection for your intellectual property (IP) can help your business succeed and attract investors.

- > Identify the kind of IP you have
- > Protect your IP in the U.S.
- > Protect your IP abroad
- > Fight costly counterfeits
- > Access IP training modules in five languages
- > Access resources for small and medium-sized enterprises
- > Trademark Basics Boot Camp



Plan for success

Explore free government resources that can help you create a foundation for business success.

- > Learn the steps to start your business
- > Get free business counseling near you
- > Access our free services



Find federal funding

While the USPTO does not provide source funding, there are many sources of startup funding, including grants, loans, and different kinds of investors.

- > Choose the right funding
- > Search federal grants
- > Learn about America's Seed Fund
- > Access SBA loans
- > Review additional funding resources



Engage with experts

Find mentors, partnerships, and technological assistance in your industry. Learn to navigate the domestic and international IP markets.

- > Get free advice from business experts at SCORE®
- > Get help with manufacturing your technology
- > Use IP attachés to navigate the global market
- > Attend a Path to a Patent program



USPTO resources

- Website
 - www.uspto.gov
- Beware of scams.
 - www.uspto.gov/trademarks/protect
- Trademark basics registration toolkit
 - www.uspto.gov/TrademarkBasicsToolkit



USPTO resources

- Free services and resources
 - www.uspto.gov/FreeServices
- IP Identifier
 - <https://ipidentifier.uspto.gov>
- USPTO virtual assistant
 - www.uspto.gov/trademarks/basics



Get information about patents and trademarks

Inventor Assistance Center

- Provides general information about the patent examination policy and procedure.
- 9:00 a.m.- 6 p.m. ET, Monday through Friday, except federal holidays
- (571) 272-1000
- (800) 786-9199 (press 2)
- uspto.gov/InventorAssistance

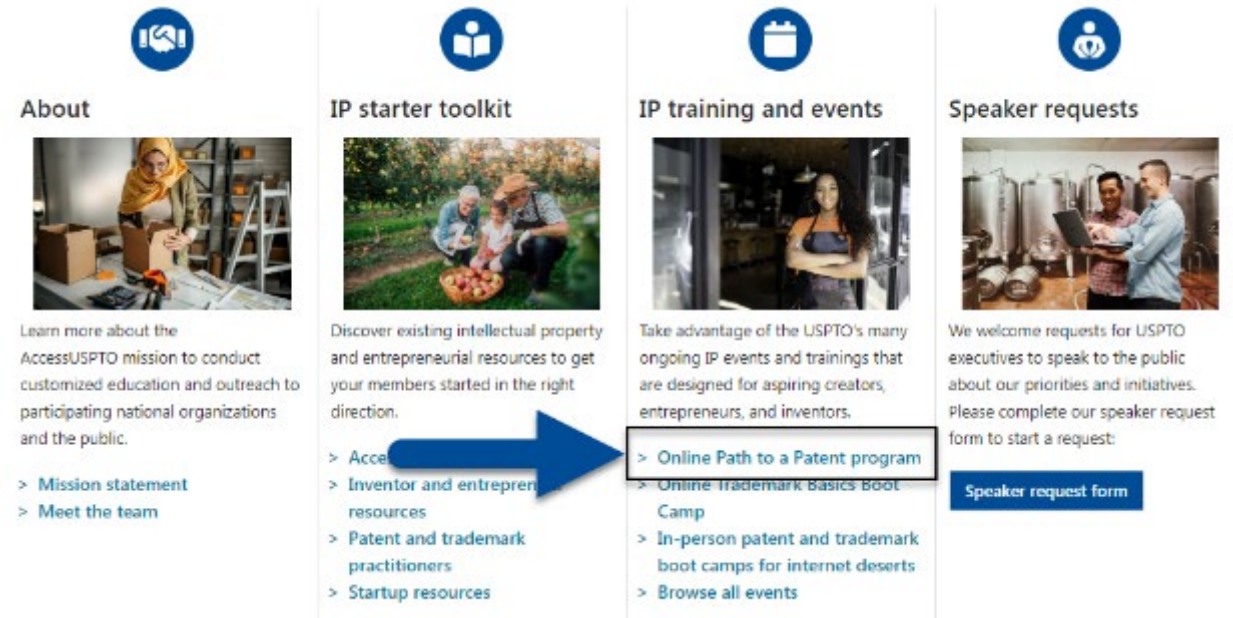
Trademark Assistance Center

- Provides general information about the trademark registration process.
- 9:00 a.m. – 4 p.m. ET, Monday through Friday, except federal holidays
- (571) 272-9250 (press 0)
- (800) 786-9199 (press 1)
- uspto.gov/TrademarkAssistance



Path to a Patent

- Path to a Patent: this free training series covers everything from intellectual property basics, to patent searching, to what you'll need to draft and submit your application.
- <https://www.uspto.gov/about-us/events/path-patent>



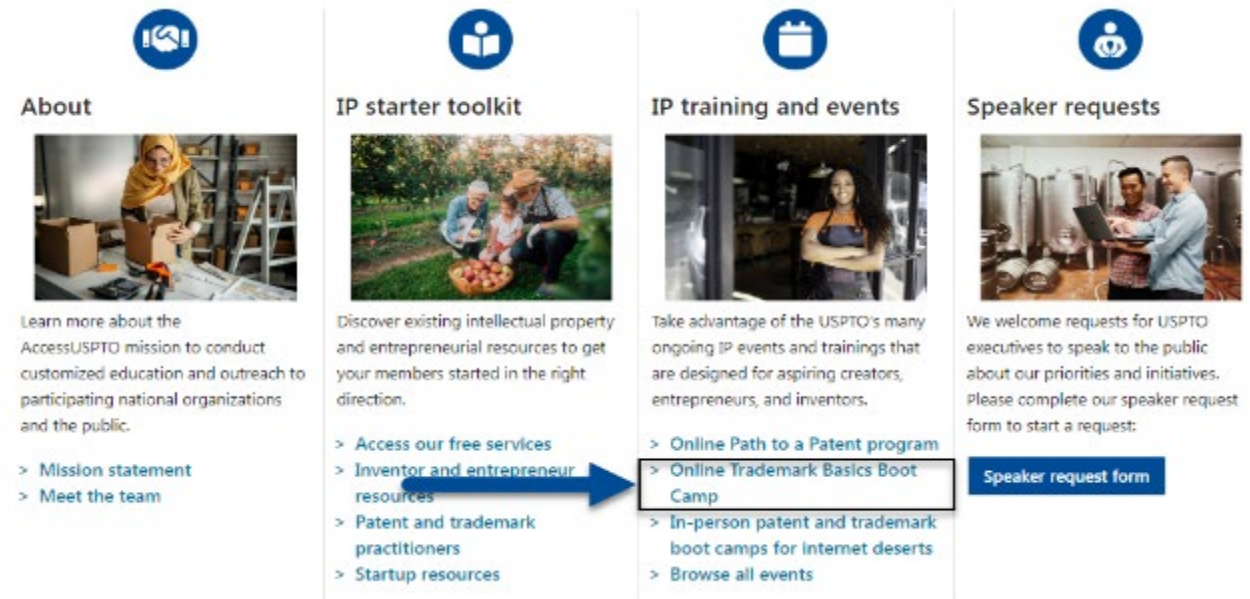
The screenshot displays the USPTO Path to a Patent website with four main sections:

- About**: Learn more about the AccessUSPTO mission to conduct customized education and outreach to participating national organizations and the public. Links: > Mission statement, > Meet the team.
- IP starter toolkit**: Discover existing intellectual property and entrepreneurial resources to get your members started in the right direction. Links: > AccessUSPTO, > Inventor and entrepreneur resources, > Patent and trademark practitioners, > Startup resources.
- IP training and events**: Take advantage of the USPTO's many ongoing IP events and trainings that are designed for aspiring creators, entrepreneurs, and inventors. Links: > Online Path to a Patent program, > Online Trademark Basics Boot Camp, > In-person patent and trademark boot camps for internet deserts, > Browse all events.
- Speaker requests**: We welcome requests for USPTO executives to speak to the public about our priorities and initiatives. Please complete our speaker request form to start a request. Link: > Speaker request form.



Trademark Basics Boot Camp

- This free USPTO event series provides a comprehensive overview of the process for federal trademark registration and maintaining a federal trademark.
- <https://www.uspto.gov/about-us/events/trademark-basics-boot-camp>



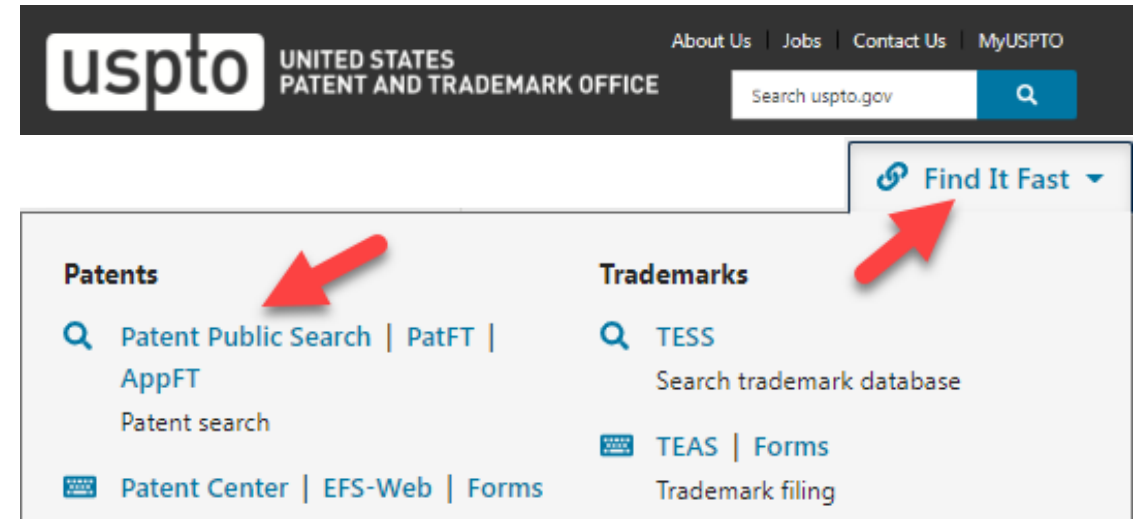
The screenshot displays the USPTO Trademark Basics Boot Camp website navigation menu. It features four main sections, each with a blue circular icon and a title: 'About' (with a magnifying glass icon), 'IP starter toolkit' (with a book icon), 'IP training and events' (with a calendar icon), and 'Speaker requests' (with a person icon). Each section includes a representative image and a brief description. The 'IP training and events' section is highlighted with a blue border, and a blue arrow points to the 'Online Trademark Basics Boot Camp' link within its list of options. The 'Speaker requests' section includes a 'Speaker request form' button.

About	IP starter toolkit	IP training and events	Speaker requests
 Learn more about the AccessUSPTO mission to conduct customized education and outreach to participating national organizations and the public. > Mission statement > Meet the team	 Discover existing intellectual property and entrepreneurial resources to get your members started in the right direction. > Access our free services > Inventor and entrepreneur resources > Patent and trademark practitioners > Startup resources	 Take advantage of the USPTO's many ongoing IP events and trainings that are designed for aspiring creators, entrepreneurs, and inventors. > Online Path to a Patent program > Online Trademark Basics Boot Camp > In-person patent and trademark boot camps for Internet deserts > Browse all events	 We welcome requests for USPTO executives to speak to the public about our priorities and initiatives. Please complete our speaker request form to start a request: Speaker request form



Patent Public Search

- A new web-based patent search application with modern interfaces that provide enhanced access to prior art.
- <https://www.uspto.gov/PatentPublicSearch>

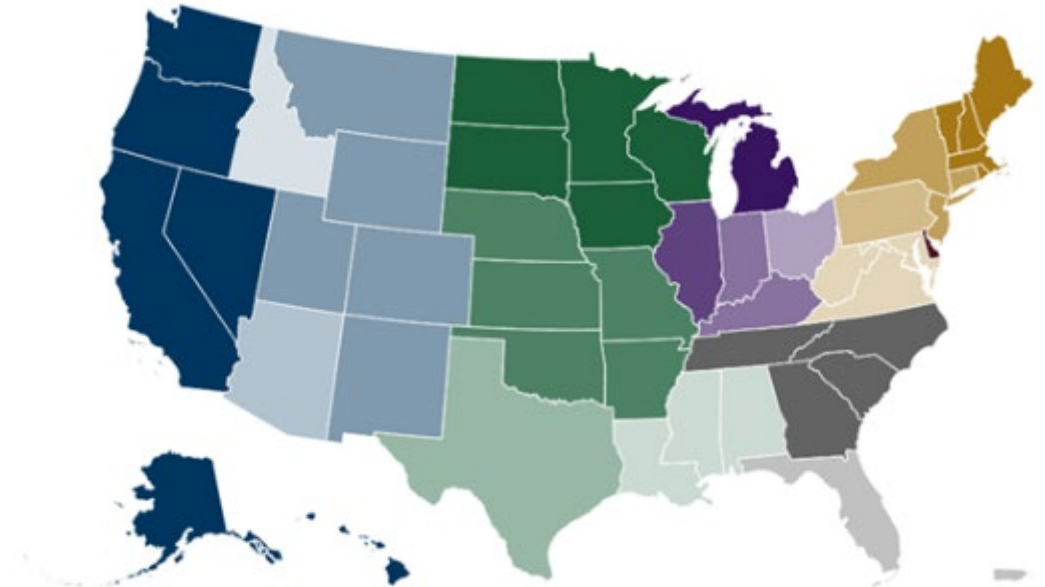


Patent fee — Micro entity status

- Micro entity status offers an 80% reduction on most patent fees.
- There are two ways in which one can qualify for micro entity status:
 - Gross income basis (use form SB/15A)
 - Institution of higher education basis (use form SB/15B)
- File electronically using Patent Center to avoid surcharge of \$200.
- See MPEP 509.02-509.04 for more information on small and micro entities.

USPTO Patent Pro Bono Program

- Free legal assistance in preparing and filing a patent application for independent inventors and small business.
- A nationwide network of independently operated programs that match volunteer patent professionals with financially under-resourced inventors and small businesses
- Each regional program provides services for residents of one or more states.
- Requirements includes income, knowledge, and invention.
- <https://www.uspto.gov/PatentProBono>



Law school clinics

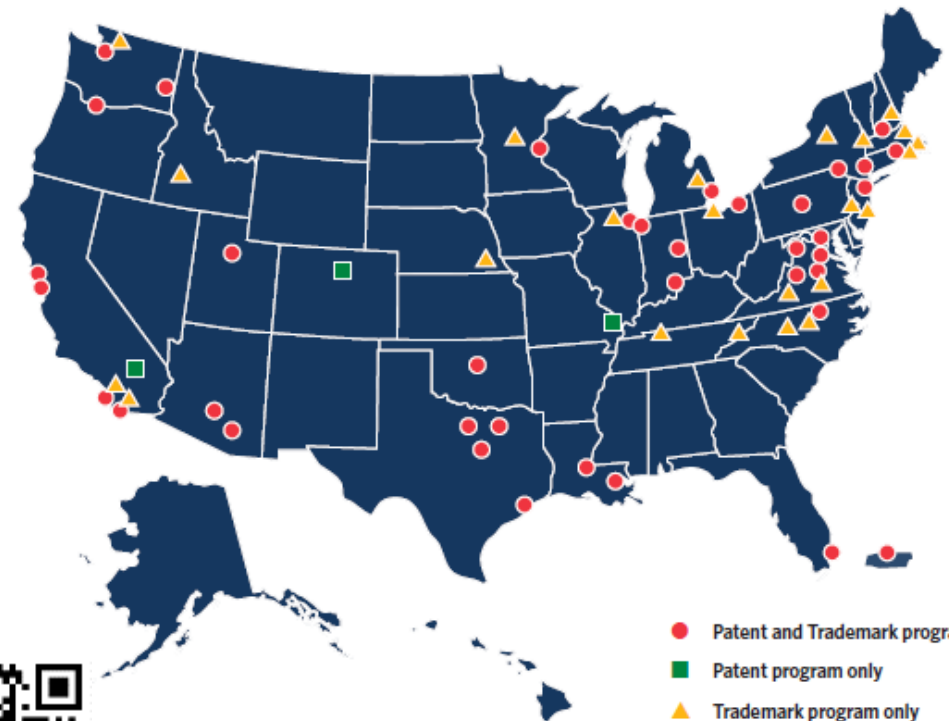
- More than 60 clinics that provide legal services pro bono to the public, including to inventors, entrepreneurs, and small businesses.
- Clinics provide patent and/or trademark legal services to qualified members of the public who are accepted as a client of a clinic.
- The Law School Clinic Certification Program allows students enrolled in a participating clinic program to practice before the USPTO under the strict guidance of a law school faculty clinic supervisor.
- Email: LawSchoolInformation@uspto.gov
- <https://www.uspto.gov/LawSchoolClinic>



USPTO

Law School

CLINIC CERTIFICATION PROGRAM



uspto®

Patent and Trademark Resource Centers (PTRCs)

- PTRC program administers a nationwide network of public, state, and academic libraries designated to:
 - Disseminate patent and trademark information.
 - Support diverse IP needs to the public.
- PTRC library representatives can:
 - Provide access to resources.
 - Explain application process and fee schedule.
 - Demonstrate patent and trademark search tools.
 - Offer classes on IP.
 - Assist to do historical research on patents and trademarks.
 - And much more.
- www.uspto.gov/ptrc



Regional Outreach Office



PTRC location



Headquarters

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www.instagram.com/uspto



Thank you!



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