



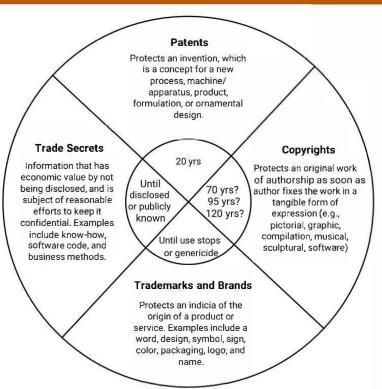
What Are We Going to Talk About

As Advertised: An overview of trademark and related

intellectual property issues for business lawyers, including the following topics: What is a trademark? How can brands and trademarks be protected? What is the difference between a trademark, a trade secret, a copyright, and a patent?

In Reality: Whatever IP issues you want to . . .

Types of Intellectual Property Protection



Patents = Inventions

Copyrights = Creative Expressions

Trade Secrets = Competitive Secrets

Trademarks = Source Identifiers

3

TEXAS Law UT LAW CLE **Patents** Patents = Protects an invention, which **Inventions** is a concept for a new Types of Intellectual process, machine/ apparatus, product, Copyrights = formulation, or ornamental **Creative** design. **Expressions** Property **Trade Secrets** Copyrights 20 yrs Information that has Trade Secrets = Protects an original work Protection economic value by not of authorship as soon as Until **Competitive Secrets** 70 yrs? being disclosed, and is author fixes the work in a disclosed subject of reasonable 95 yrs? tangible form of or publicly efforts to keep it 120 yrs? expression (e.g., Trademarks = known confidential. Examples pictorial, graphic, include know-how. **Source Identifiers** compilation, musical, Until use stops software code, and sculptural, software) or genericide business methods. Trademarks and Brands Protects an indicia of the NIL??? origin of a product or service. Examples include a word, design, symbol, sign, color, packaging, logo, and name.



What Is a Trademark



















- Any Word, Name, Symbol or Device Used to <u>Identify</u> <u>Source</u> of a good or service
- Unlimited term if use continues
- Takes 1 2 years to get federal registration
 - · National in scope
 - \$2,000+

5





Who Owns a Trademark

- In U.S. 1st Party to **Use** the Mark "in commerce"
 - Not the first to incorporate, file an assumed name, register a domain name, or even a trademark registration
 - But you can back date your rights by filing an "intent to use" federal trademark application
 - Internationally 1st to <u>Register</u> is typical
- In Connection with the <u>Sale</u> of Goods or the Rendering of Services
- In a <u>Geographic</u> Area







Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know?

First appeared as part of the conference materials for the $33^{\rm rd}$ Annual LLCs, LPs and Partnerships session "Trademarks and Intellectual Property: What Does the General Business Lawyer Need to Know?"