

Intellectual Property and the Arts

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The Art Institute of Phoenix

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Intellectual Property and the Arts

Issues that arise in the arts:

- Patents
- Trade Secrets
- Copyright
- Trademarks / Trade Dress
- Contracts

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Exclusive rights
against the world

Intellectual Property and the Arts

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- Contracts

Exclusive rights
against the world



Exclusive rights against
the contracting party



Patents

- Patent protection is available only by applying to the US Patent and Trademark Office.
- Protection for 14-20 years
- Two main types:
 - Utility Patents – protect the structural and functional aspects of functional items & inventions
 - Design Patents – protect the ornamental aspects of functional items & inventions

Utility Patents - Examples

U.S. Patent Jan. 10, 2012 Sheet 1 of 14 US 8,094,167 B2

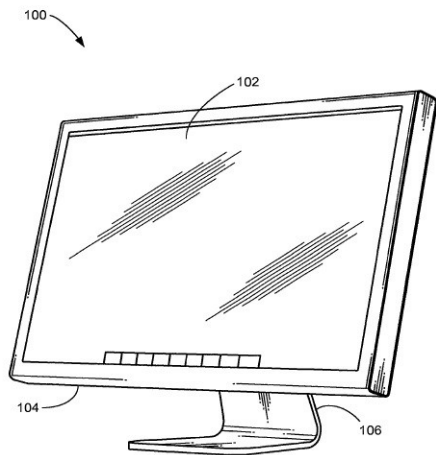


FIG. 1

U.S. Patent Jan. 10, 2012 Sheet 2 of 14 US 8,094,167 B2

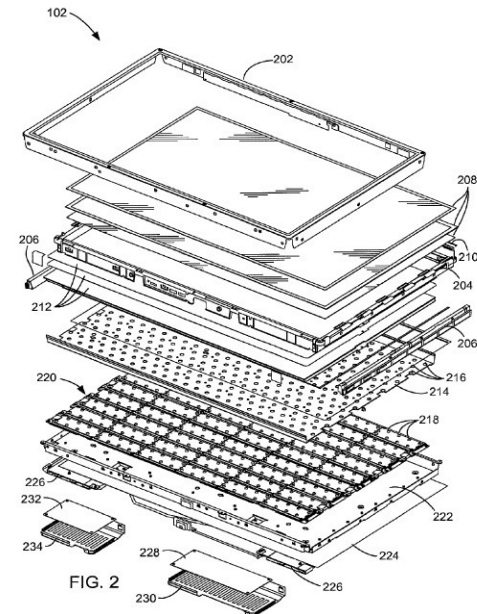


FIG. 2

Utility Patents - Examples

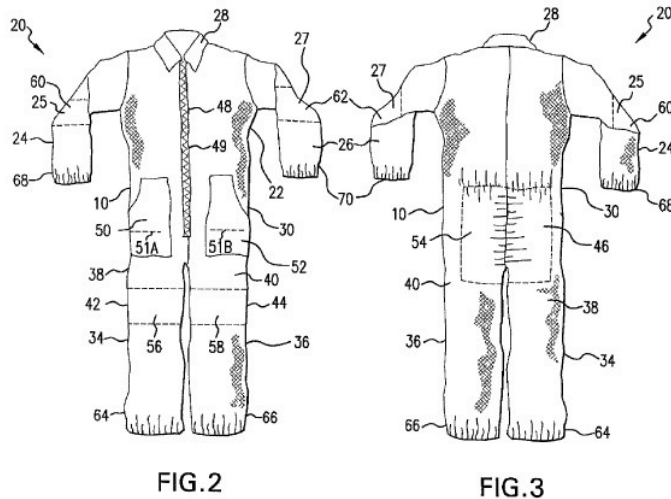


FIG. 2

FIG. 3

U.S. Patent

Jul. 5, 2011

Sheet 2 of 2

US 7,971,283 B2

“Non-Woven, Flame-Resistant Coveralls”

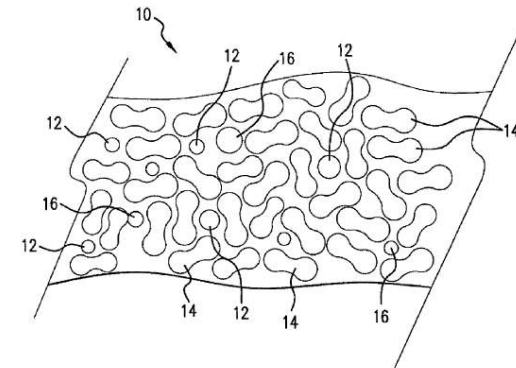


FIG. 1

U.S. Patent

Jul. 5, 2011

Sheet 1 of 2

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Design Patents - Examples



US000564224S

(12) **United States Design Patent** (10) Patent No.: **US D564,224 S**
 Giannini (45) Date of Patent: **Mar. 18, 2008**

(54) **HANDBAG**

(75) Inventor: **Frida Giannini**, Florence (IT)

(73) Assignee: **Gucci America, Inc.**, New York, NY (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/279,018**

(22) Filed: **Apr. 17, 2007**

(51) **LOC (8) CL.** **03-01**

(52) **U.S. Cl.** **D3/243**

(58) **Field of Classification Search** **D3/231, D3/234, 235, 237, 238, 239, 240, 241, 242, D3/243, 244, 245, 246, 303, 318; 150/100, 150/107, 108, 110, 112, 113, 114, 118, 120, 190/100, 106, 108, 109, 110, 111, 112, 115, 190/118, 121, 122, 903, 383/6, 7, 8, 10, 383/12, 16, 30, 31, 38, 42, 66, 78, 84, 93, 383/97, 98, 117, 120, 907**

See application file for complete search history.

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1 Claim, 5 Drawing Sheets

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Web page from Gucci web site, <http://www.gucci.com/us/english/us/fall-winter-07/handbags>, Oct. 9, 2007.

Web page from Gucci web site, <http://www.gucci.com/us/templates/print.html>, Oct. 9, 2007.

* cited by examiner

Primary Examiner—Gary D. Watson
Assistant Examiner—Monica A Weingart
 (74) *Attorney, Agent, or Firm*—Arnold & Porter LLP

(57) **CLAIM**

The ornamental design for a handbag, as shown and described.

DESCRIPTION

FIG. 1 is a top left perspective view of a handbag showing my new design;

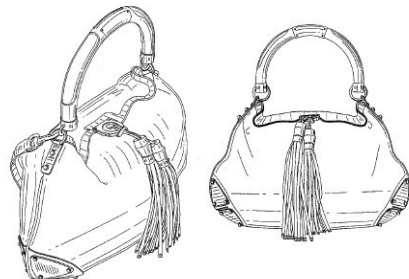
FIG. 2 is a front view thereof;

FIG. 3 is a rear view thereof;

FIG. 4 is a left side view thereof, the right side being a mirror image of the left side;

FIG. 5 is a top view thereof; and,

FIG. 6 is a bottom view thereof.



U.S. Patent Mar. 18, 2008 Sheet 1 of 5 US D564,224 S

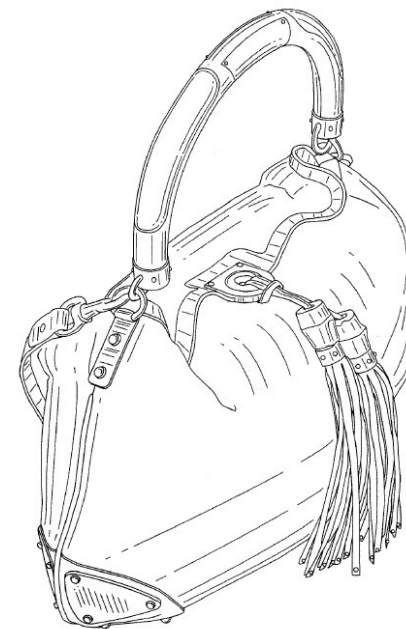


FIG. 1

Design Patents - Examples

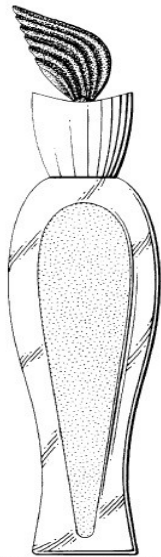
U.S. Patent

Sep. 28, 1999

Sheet 1 of 12

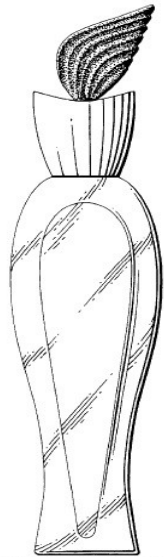
Des. 414,424

Fig. 1



©1997 PARFUMS GIVENCHY, INC.

Fig. 2



©1997 PARFUMS GIVENCHY, INC.

March 1, 1938.

S. FERRAGAMO
SHOE OF SIMILAR ARTICLE
Filed Jan. 20, 1938

Des. 108,619

Fig. 1

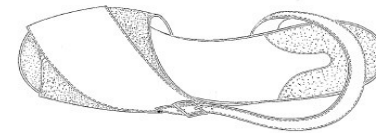
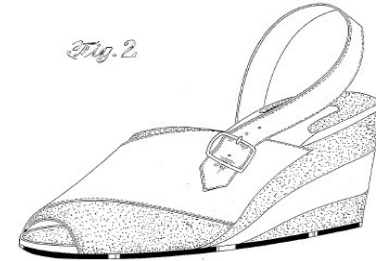



Fig. 2



BY *Salvatore Ferragamo* INVENTOR
Carl W. Oken ATTORNEY.

Design Patents - Examples



US000413105S

United States Patent [19] [11] **Patent Number: Des. 413,105**

Jobs et al. [45] **Date of Patent: Aug. 24, 1999**

[54] **COMPUTER ENCLOSURE**

[75] Inventors: **Steven P. Jobs, Palo Alto; Jonathan P. Ive, Daniel J. Coster, both of San Francisco; Christopher J. Stringer, Francisco; Daniele De Iulio, San Francisco; Bart K. Andre, Menlo Park; Richard P. Howarth, San Francisco; Calvin Q. Seid, Palo Alto; Douglas B. Satzger, San Carlos; Marc J. van de Loo, Palo Alto, all of Calif.**

[73] Assignee: **Apple Computer, Inc., Cupertino, Calif.**

[**] Term: **14 Years**

[21] Appl. No.: **29,087,642**

[22] Filed: **May 6, 1998**

[51] LOC (6) CL: **14-02**

[52] U.S. CL: **D14/100; D14/113**

[58] **Field of Search** D14/100, 113, D14/114, 126, 102, 105, 125, 106, 345/133, 156, 901-5, 388/180, 184, 325, 739, 248/917-24

[56] **References Cited**

U.S. PATENT DOCUMENTS

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1 Claim, 8 Drawing Sheets

CLAIM

The ornamental design for a computer enclosure, as shown and described.

[57] **DESCRIPTION**

FIG. 1 is a front, top, right side perspective view of a computer enclosure, showing our new design;

FIG. 2 is a front view thereof;

FIG. 3 is a right side view thereof;

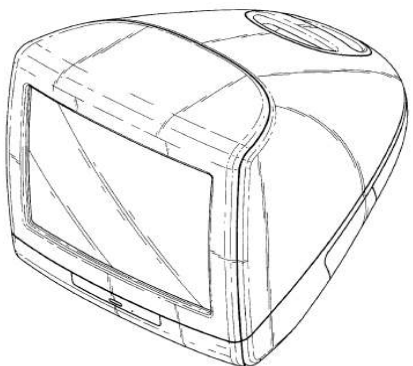
FIG. 4 is a rear view thereof;

FIG. 5 is a left side view thereof;

FIG. 6 is a top view thereof;

FIG. 7 is a bottom view thereof; and,

FIG. 8 is a right side view of a computer enclosure with a flip stand extended, showing our new design.



United States Patent [19] [11] **Patent Number: Des. 281,686**

Rivette et al. [45] **Date of Patent: Dec. 10, 1985**

[54] **TELEPHONE**

[75] Inventors: **Denni F. Rivette, Chicago; Harry Diako, South Barrington, both of Ill.**

[73] Assignee: **Marvin Glass & Associates, Chicago, Ill.**

[**] Term: **14 Years**

[21] Appl. No.: **444,601**

[22] Filed: **Nov. 26, 1982**

[52] U.S. CL: **D14/53; D14/63; D14/64; 179/179**

[58] **Field of Search** D14/19.31, 69, 53, 60, D14/57, 63, 62, D24/38, D9/328, 420, D3/75; D6/167; 179/103, 100 R, 179, D21/155; D27/40, 41; D7/5

[56] **References Cited**

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D. 247,740	4/1978	Brady	D10/6
D. 258,734	3/1981	Lench	D14/17
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"GTE Flip-Phone Telephone"; Rafter article in GTE Automatic Electric Journal, vol. 16, 11-1978, p. 216.

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Representation of Apple in U.S. Trademark Reg. No. 1,130,288, Apple Computer Inc., claiming use on Computers etc., since Jan. 1977.

Handbook of Designs and Devices, by A. D. F. Hamlin ©1923, p. plate 4, Item 28 (Sector Combinations).

Primary Examiner—Wallace R. Burke
Assistant Examiner—Horace B. Fay
Attorney, Agent, or Firm—John S. Paccoca

CLAIM

The ornamental design for a telephone, as shown and described.

DESCRIPTION

FIG. 1 is a top, side and front perspective view of a closed telephone showing our new design;

FIG. 2 is a perspective view of the telephone open;

FIG. 3 is an elevational view of the side of the closed telephone shown in FIG. 1, the opposite side being a mirror image;

FIGS. 4-7 are, respectively, front elevational, top plan, bottom plan, and rear elevational views of the closed telephone;

FIG. 8 is a top plan view of the open telephone;

FIG. 9 is an elevational view of the side of the open telephone shown in FIG. 2, the opposite side being a mirror image;

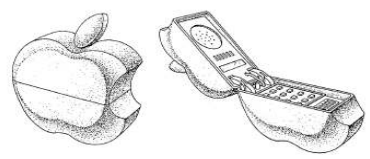
FIG. 10 is a front elevational view of the open telephone;

FIG. 11 is a top, side and front perspective view of a second embodiment thereof;

FIG. 12 is an elevational view of the side of the second embodiment, the opposite side being a mirror image;

FIG. 13 is a front elevational view thereof; and

The top and bottom plan, and the rear elevational views of the second embodiment are as shown in FIGS. 5, 6 and 7.



Trade Secrets

- Patent rights expire after 20 years
- Trade secrets continue forever, as long as they are truly kept secret, through:
 - Contracts
 - Privacy Policies
 - Safekeeping
- Recipes for foods, sauces, drinks, etc. are often kept as trade secrets

Copyright

- Protection for original works of authorship fixed in any tangible means of expression
- Exists upon creation; use form: © Year Name
- Formalized through registration with the Copyright Office
- Protection lasts for:
 - Life of the author + 70 years *or*
 - 95 or 120 years, for corporate works

Copyright

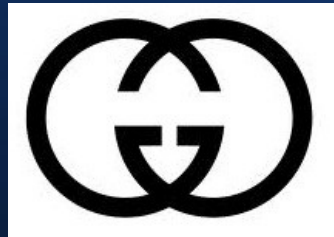
- Copyright protection is available for:
 - Literary works: books, articles, blog posts
 - Musical works: songs, albums, recordings
 - Pictorial, graphical, sculptural works: paintings, posters, toys, sculptures, casts, photographs
 - Architectural works: buildings, plans
- Copyright protection is not available for:
 - Clothing
 - Ideas
 - Slogans, Brand Names

Trademark / Trade Dress

- Indicates the source of a product or service
- May be words, symbols, ... almost anything
- Intended to prevent confusion
- Protection arises only with use of the trademark or trade dress
- TM v. ®

Trademark

- Word, phrase, symbol, logo, design, sound, etc. that identifies and distinguishes the source of a product from that of another



NIKE

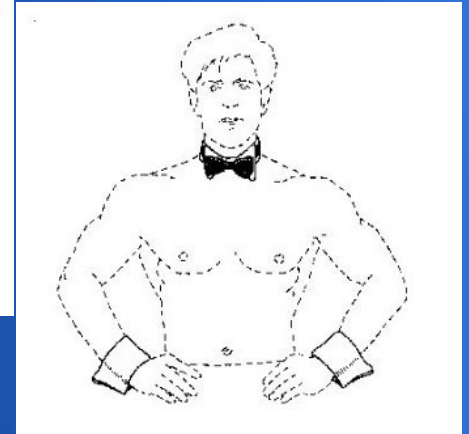
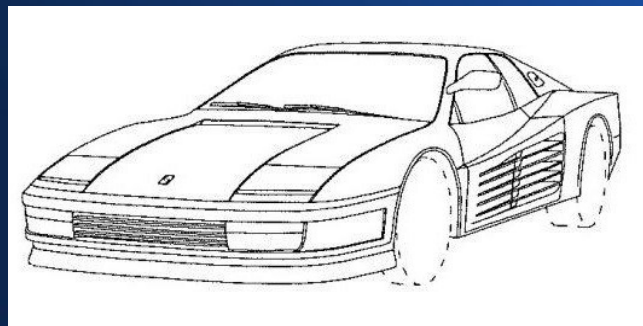
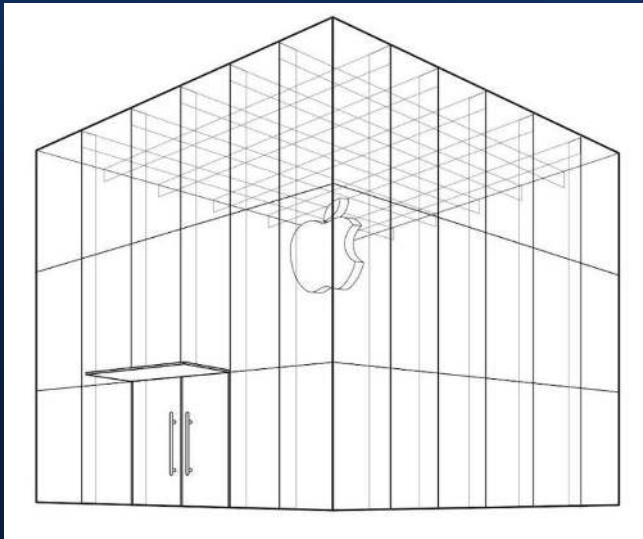


Microsoft

Polo Ralph Lauren

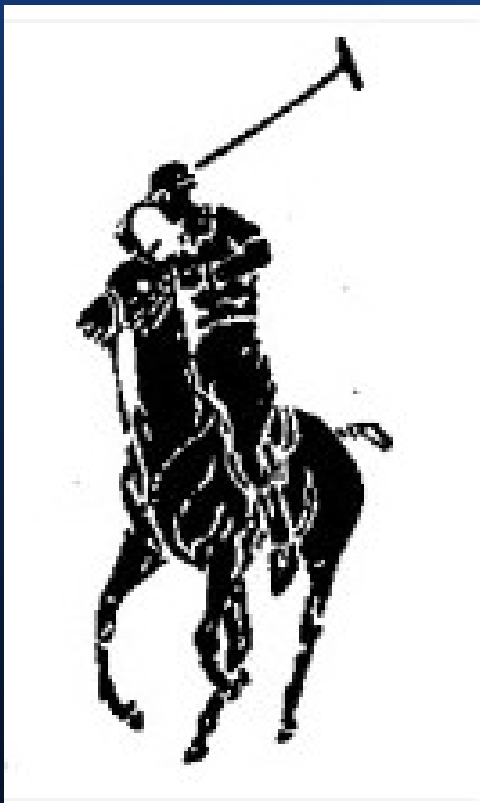
Trade Dress

- Packaging, color, design, appearance, etc. that identifies and distinguishes the source of a product from that of another



Trademark / Trade Dress Protection

To prevent a likelihood of confusion:



Trademark / Trade Dress Protection

To prevent a likelihood of confusion:



Contracts

- Non-Disclosure Agreements
- Non-Compete Agreements
- Copyright Ownership / Work Made for Hire Agreements
- Assignment Agreements

Questions

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