## Intellectual Property – Exclusive Rights To “Promote Progress”

<table>
<thead>
<tr>
<th>Type of Intellectual Property</th>
<th>Aspect of Protection</th>
<th>Legal Requirement(s)</th>
<th>Research/Startup Examples?</th>
<th>Length of Protection</th>
<th>Scope of Protection</th>
<th>Limits on Intellectual Property</th>
</tr>
</thead>
</table>
| Utility Patent                | “Anything under the sun that is made by man” | Novel, Nonobvious and Useful | Yes: Compound, Device, Method of Making, Method of Using | Approximately 20 years from filing | Right to exclude others from making, using, selling, importing and offering for sale the claimed invention | -Legal requirements  
   -Limited term  
   -Rights based on “claims” |
| Design Patent                 | Ornamental design of an “article of manufacture” | Novel, Nonobvious and Ornamental | Yes but unlikely, unless invention has an ornamental aspect | 14 years from issue | Right to exclude others from making, using & selling, importing and offering for sale the claimed design | -Legal requirements  
   -Limited term  
   -Rights based on “claims” |
| Plant Patent                  | Asexually reproduced plant | New and Distinct Variety of Plant | Rare: Possibly in Agriculture setting | Approximately 20 years from filing | Right to exclude others from making, using, selling, importing and offering for sale the claimed invention | -Legal requirements  
   -Limited term  
   -Rights based on “claims” |
| Federal Trademark Registration| Distinctive words, symbols or other indicators that identify a “source of goods” | Not confusingly similar to another mark for similar goods (or services), and use in commerce or “intent to use” | Yes: distinctive name for product or service that will be used “in commerce” in the near future | Perpetual as long as in commercial use, quality maintained, and not allowed to become a generic term | Exclusive use of mark | -Legal requirements  
   -Limited term  
   -Restricted to defined goods/services |
| Copyright Registration        | Original works of “authorship” | Originality Fixed in a tangible medium | Yes: Software, manuals, teaching materials | Individual: life + 70 years  
   Works for hire: 95 years from publication or 120 years from creation, whichever is shorter. | Exclusive right to copy, display, perform, distribute & create derivative works | -Legal requirements  
   -Limited term  
   -Exceptions: such as “fair use” |
| Trade secret                  | Secret information | Use reasonable precautions to keep secret | Possibly: secret methods or processes that are treated as trade secrets | Perpetual as long as it is kept a secret | Right to stop others from using trade secret only if improperly taken | Legal requirements |

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