

I WROTE IT; I OWN IT! ...DON'T I?

OWNERSHIP OF INTELLECTUAL PROPERTY

Presented by: Michael A. Mann

NEXSEN | PRUET

QUICKBOOKS

UPGRADE
VIRUS
PROTECTION

APACHE

MICROSOFT
OFFICE

I WORKS

GIVING
IT
AWAY

JUST

NAPPING



A board game board with various text elements and objects. The board is divided into colored sections: pink, yellow, and orange. Text on the board includes "QUICKBOOKS", "UPGRADE VIRUS PROTECTION", "APACHE", "MICROSOFT OFFICE", "I WORKS", "NAPPING", "JUST", "IT AWAY", and "200". There are also images of a smartphone, a red MP3 player, and two dice.

PATENTS

COPYRIGHTS

TRADE SECRETS

KNOW-HOW

TRADEMARKS



PATENTS are to inventions as deeds are to land (real property).

COPYRIGHTS are to works of authorship as property rights are to land (real property).



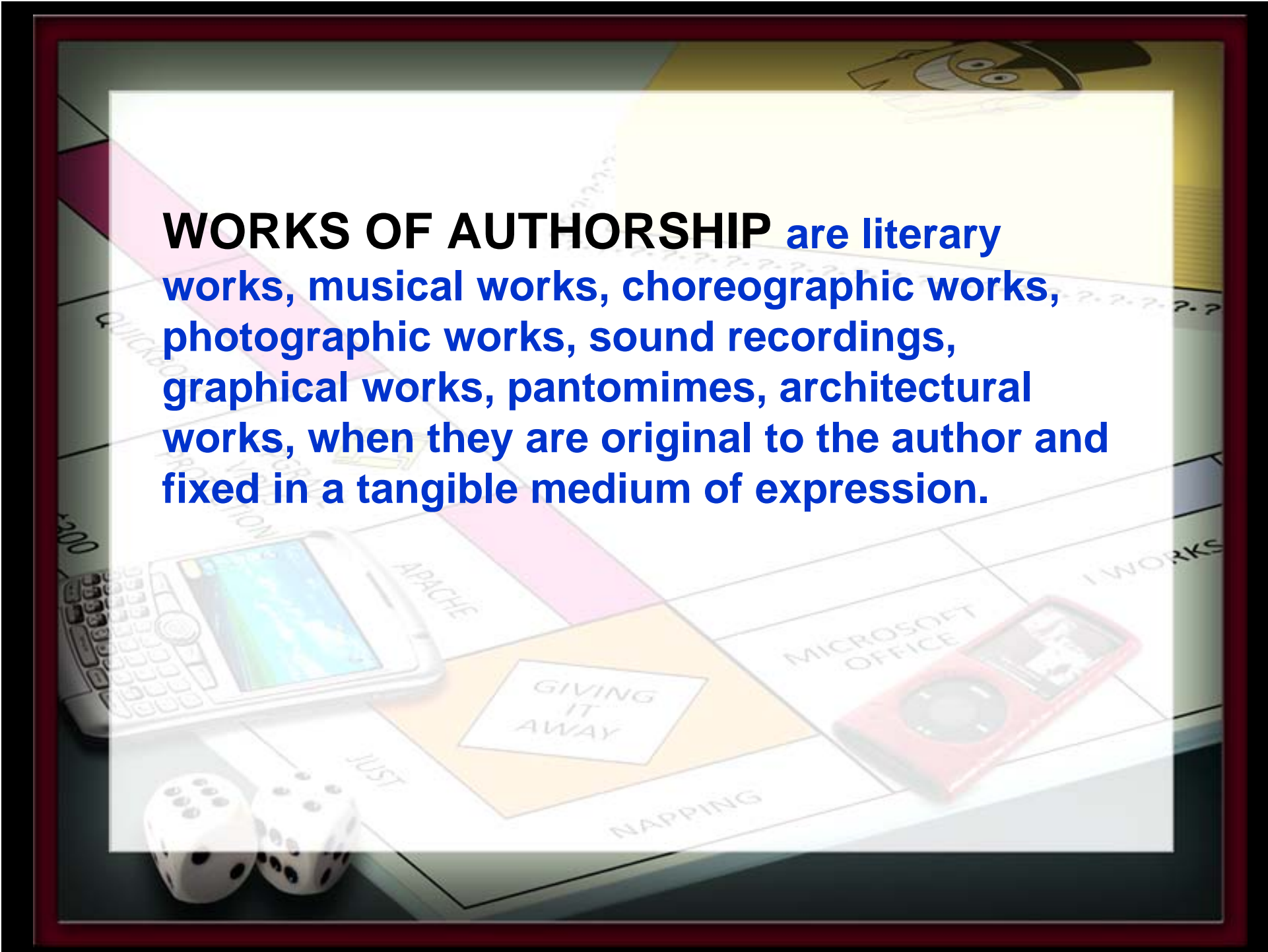
TRADE SECRETS are (secret advantages)
property.

KNOW-HOW is (skills) property.

TRADEMARKS are (source-indicating)
property.

INVENTIONS are machines, articles of manufacture, compositions of matter, methods for making and using these, that are new, useful and non-obvious.



The background is a collage of various items. At the top right, there's a cartoon character's face. Below it, a board game is visible with a pink arrow pointing towards the center. The board game has several spaces labeled: 'QUICK...', 'PRO...', 'APACHE', 'GIVING IT AWAY' (on a yellow space), 'MICROSOFT OFFICE', 'NAPPING', 'JUST', and 'I WORKS'. A white smartphone is positioned on the left side of the board game. In the bottom left corner, there are two white dice. A red MP3 player is on the right side of the board game. The entire scene is set against a light-colored background with some faint text and patterns.

WORKS OF AUTHORSHIP are literary works, musical works, choreographic works, photographic works, sound recordings, graphical works, pantomimes, architectural works, when they are original to the author and fixed in a tangible medium of expression.



**Patent rights are granted to the inventor
UNLESS...**

...They have been assigned in writing OR

...The inventor was hired to invent OR

...The inventor is an officer of the company OR

**...The inventor agreed in writing to assign
them.**

SHOP RIGHTS are non-exclusive, royalty-free rights to an employer to use an invention when company time and resources have been used to reduce the idea to practice.



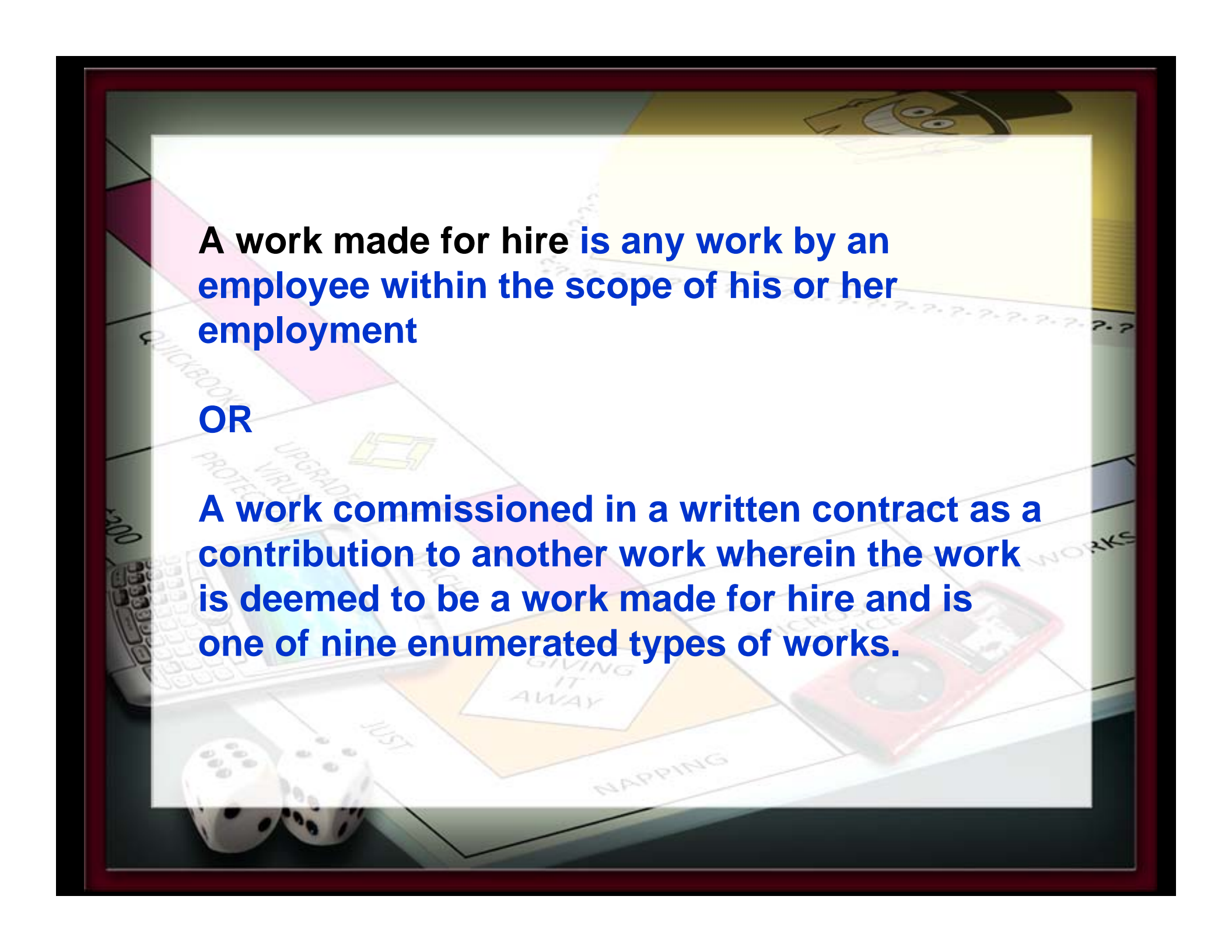


Copyrights are claimed by the person who is the originator UNLESS...

...They have been assigned in writing OR

...The originator has agreed in writing to assign them OR

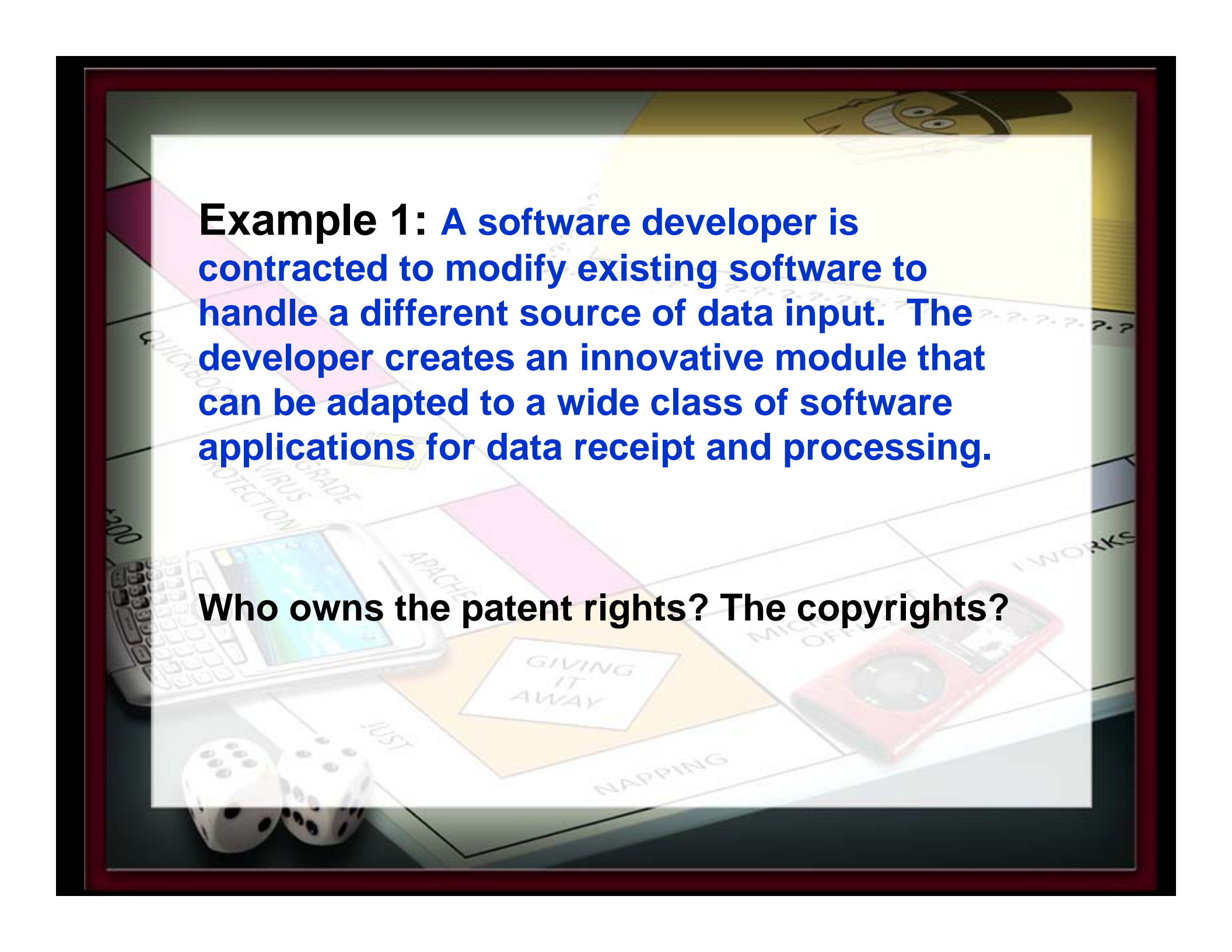
...The work is a “work made for hire.”



A work made for hire is any work by an employee within the scope of his or her employment

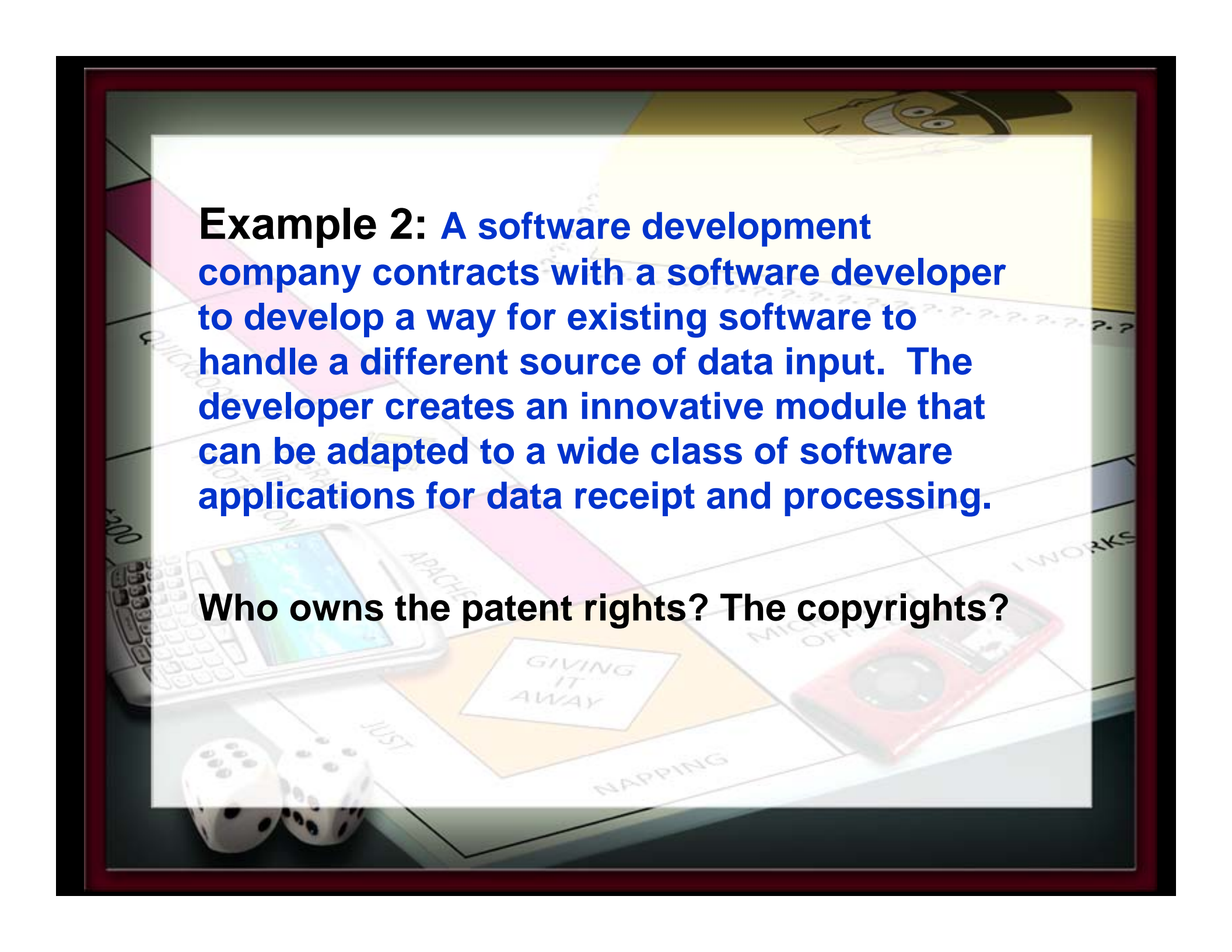
OR

A work commissioned in a written contract as a contribution to another work wherein the work is deemed to be a work made for hire and is one of nine enumerated types of works.



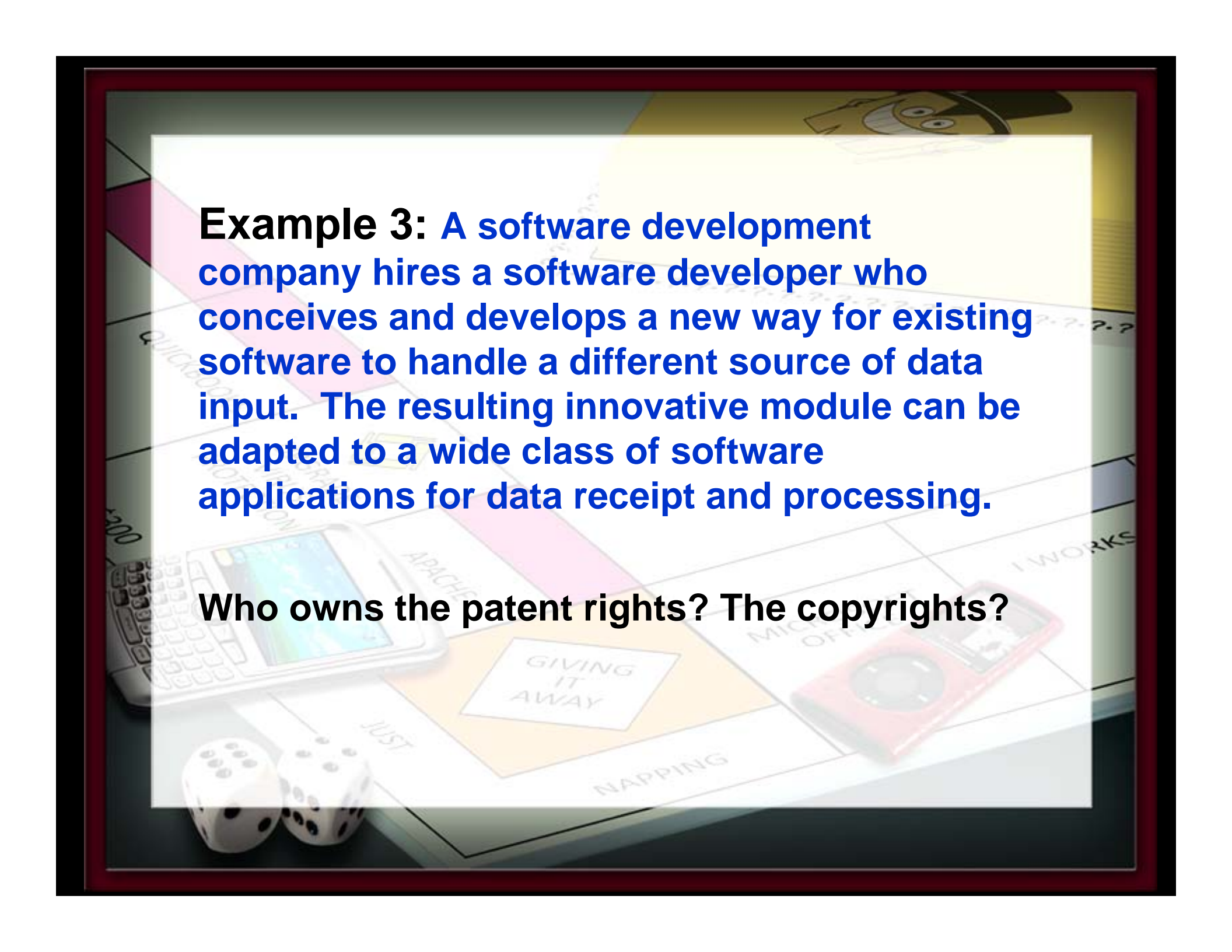
Example 1: A software developer is contracted to modify existing software to handle a different source of data input. The developer creates an innovative module that can be adapted to a wide class of software applications for data receipt and processing.

Who owns the patent rights? The copyrights?



Example 2: A software development company contracts with a software developer to develop a way for existing software to handle a different source of data input. The developer creates an innovative module that can be adapted to a wide class of software applications for data receipt and processing.

Who owns the patent rights? The copyrights?



Example 3: A software development company hires a software developer who conceives and develops a new way for existing software to handle a different source of data input. The resulting innovative module can be adapted to a wide class of software applications for data receipt and processing.

Who owns the patent rights? The copyrights?

The background of the slide is a board game board, likely Monopoly, with various squares and pieces. A smartphone is on the left, a red MP3 player is on the right, and two white dice are in the bottom left. The board has squares with text like 'GIVING IT AWAY', 'NAPPING', 'MICRO OFFICE', 'I WORKS', 'APACHE', 'QUICK', 'NOTION', 'JUST', and '200'.

Example 4: A company hires a software developer to develop a way for existing software to handle a different source of data input. The developer creates an innovative module that can be adapted to a wide class of software applications for data receipt and processing.

Who owns the patent rights? The copyrights?

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