



# What's Love Got to Do With It?: <sup>^</sup>Art

An overview of copyrights, trademarks,  
and patents

**Timothy G. Ackermann**  
The Ackermann Law Firm

## What is IP?

Several different forms of legal protection for:

- Inventions / Branding / Content

Copyrights

Trademarks

Patents

Trade Secrets

# Why Should I Care About IP?

## Protect Your Business Assets

- Inventions / Branding / Content

## Protect Your Business From Competitors

- Copying / Lawsuits / Domain Squatting / Infringements

# What is a copyright?

Right granted by Copyright Act

- to author creator (\*only a starting point)
- long life (~100 yrs.)

Protects

- original works of authorship
  - when created / fixed
- books, articles, art, sculpture, software, music, films

Tangible objects  $\neq$  protected work

# Copyright Registration

Right granted by Copyright Office

- application
- allows lawsuit
- allows special damages (\*timing)

# How does a copyright help me?

Protects you from some competition, by keeping others from:

- Copying / distributing the work
- Making works based on it (“derivative works”)
- Publicly performing (music, movies, dramatic)
- Publicly displaying (... & pictorial, sculpture)
- Publicly performing / dig. trans. (sound recordings)

# What is a trademark?

A brand – for a company, product, or service

Any “word, name, symbol, device”

Distinguishes product (or indicates its source)

Need “use” of trademark for that product

- To register the trademark
- To get unregistered rights

Owned by first user

- geographic area / good or service

# Federal Registration

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 2,627,196

United States Patent and Trademark Office Registered Oct. 1, 2002

TRADEMARK  
PRINCIPAL REGISTER

DON'T MESS WITH TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION  
(TEXAS AGENCY OF THE STATE)  
125 E. 11TH STREET  
AUSTIN, TX 787012483

FOR: PRINTED MATTER AND PAPER PRODUCTS, NAMELY STICKERS, DECALS, BUMPER STICKERS, PAPER FOOD CONTAINERS, PAPER BAGS, PLASTIC TRASH BAGS, PAPER AND PLASTIC LITTER BAGS, GROCERY BAGS, PLAYING CARDS, PROMOTIONAL MATERIALS, NAMELY,

PAMPHLETS AND BROCHURES IN THE FIELDS OF LITTER PREVENTION AND LITTER CLEANUP, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 3-31-1986; IN COMMERCE 3-31-1986.

SFR. NO. 75-981,469, FILED 10-16-2000.

JOANNA MATRBA, EXAMINING ATTORNEY

## How does a registration help me?

Keep others from using the mark

- in a way creating a likelihood of confusion
- with listed products / services

Evidence:

- legal ownership
- validity of trademark

Domain name fight

## But I already have a ...

Domain name

- registered by other agencies
- can have same for .com, .org, .net

Business incorporation

- Texas only
- little review for conflicting names
- no rights

## What is a patent?

Right granted by USPTO

- to inventor (or buyer / assignee) - ownership
- limited life (less than 20 yrs.)

Three different types

- Utility: incl. process, machine, manufactured item
- Design: ornamental design for a manufactured item
- Plant: varieties of plants

## How does a patent help me?

Protects you from some competition

Prevent others from making, using, selling or importing invention (etc.)

Recognized asset of a company