

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Intellectual property basics

*Revised: October 2020*

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Notice

This content is for informational purposes only and is not legal advice. Please consult with appropriate sources for legal authority and guidance on these matters.

# What is the USPTO?

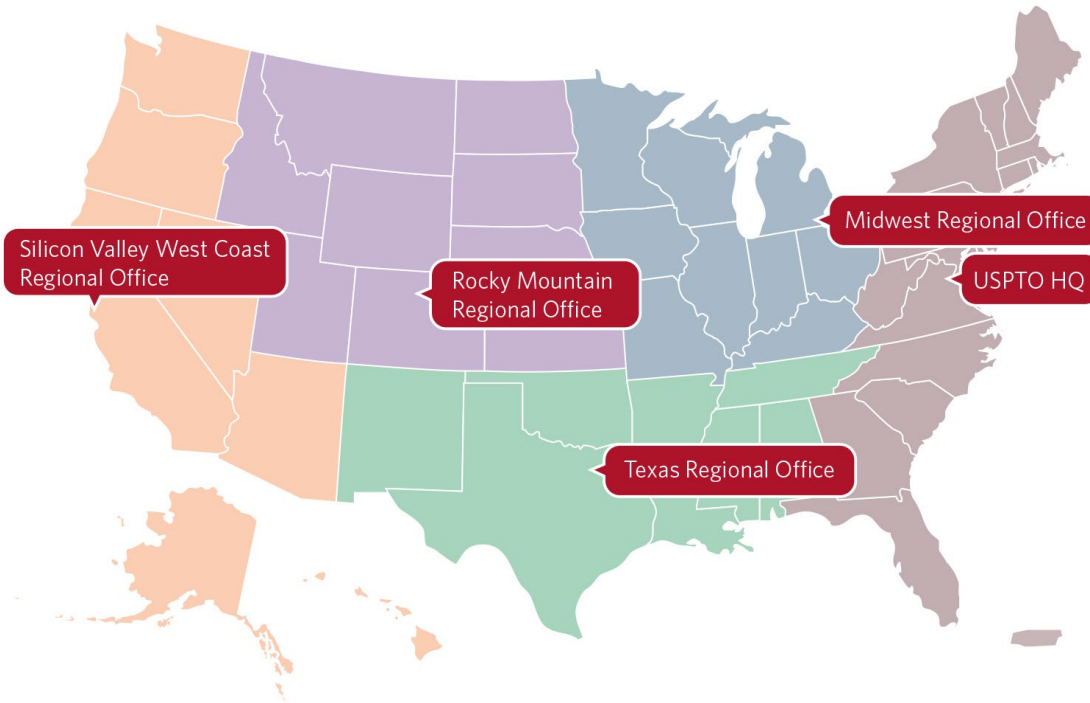
The USPTO is the federal agency that grants U.S. patents and registers trademarks. The agency also advises the president and federal agencies on intellectual property (IP) policy, protection, and enforcement, and promotes stronger and more effective IP protection around the world.

## **Mission**

Fostering innovation, competitiveness, and economic growth, domestically and abroad, to deliver high quality and timely examination of patent and trademark applications, guiding domestic and international intellectual property policy, and delivering intellectual property information and education worldwide, with a highly skilled, diverse workforce.



# USPTO offices



## **Detroit**

- Operational since July 2012

## **Denver**

- Byron G. Rogers Federal Building
- Operational since July 2014

## **Silicon Valley**

- San Jose City Hall Building
- Operational since October 2015

## **Dallas**

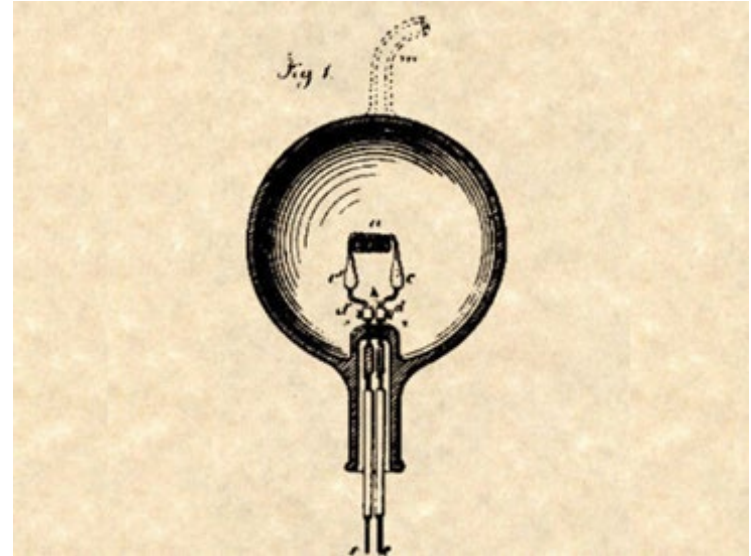
- Terminal Annex Federal Building
- Operational since November 2015



# What is intellectual property?



Real property



Intellectual property

# Types of intellectual property



## Patent

New, inventive ideas



## Trademark

Identifies the origin of goods or services



## Copyright

Creative expression stored in a tangible form



## Trade secret

Any information that is valuable & kept confidential

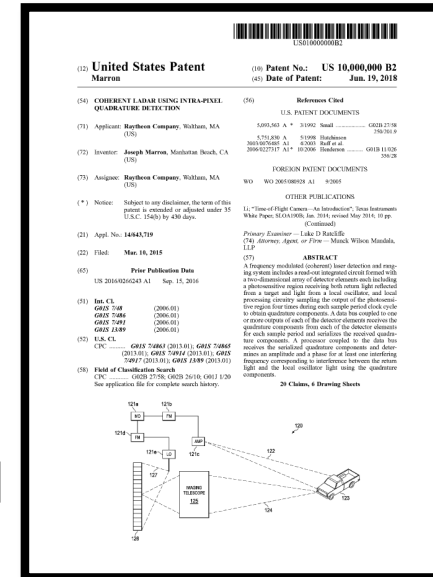


**Patents**



# What is a patent?

- A property right
  - Right to **exclude others** from making, using, selling, offering for sale, or importing the claimed invention
  - Limited term
  - Territorial: protection only in territory where granted
  - **NO world-wide patent**
- U.S. government grants the property right in exchange for disclosure of the invention

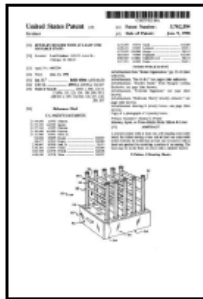


# Types of patents

## Utility

Protects how an invention works, functions, or is made for 20 years from filing date

- Process
- Machine
- Article of manufacture
- Composition of matter



## Design

Protects the way a product or article looks, the ornamental expression for 15 years from the date of grant



## Plant

Protects newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants for 20 years from filing date



# Benefits of a patent

- Gain entry into a market
- Deter others from entering a market
- Assert/enforce rights against an infringer
- Collateral to obtain funding
- Develop a business around an invention
- A marketing tool, to promote unique aspects of a product
- Create revenue—sell or license, like other property

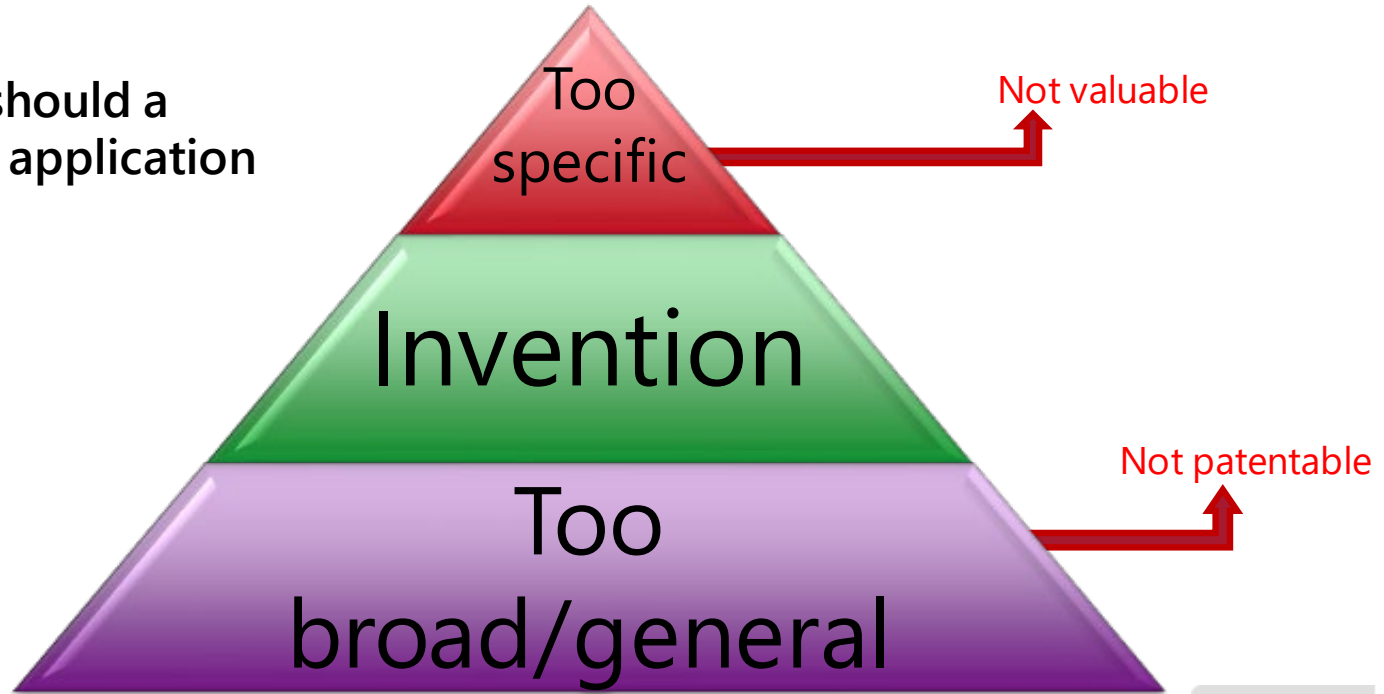


# What is patentable?



# Patent claim scope

What should a patent application claim?



uspto

**Trademarks**

# What is a trademark?

- Word, name, symbol, color, sound or scent (or a combination thereof)
- Identifies **the source** of products or services

Note: A trademark is not a business license. Check state and local regulations regarding requirements for business formation and operation.



# Federally registered trademarks



- Right to enforce nationally and bring legal action in federal courts
- Right to use ®
- Right to record mark with Customs and use anti-counterfeiting remedies
- May serve as basis for foreign filing
- Publication in U.S. Trademark database

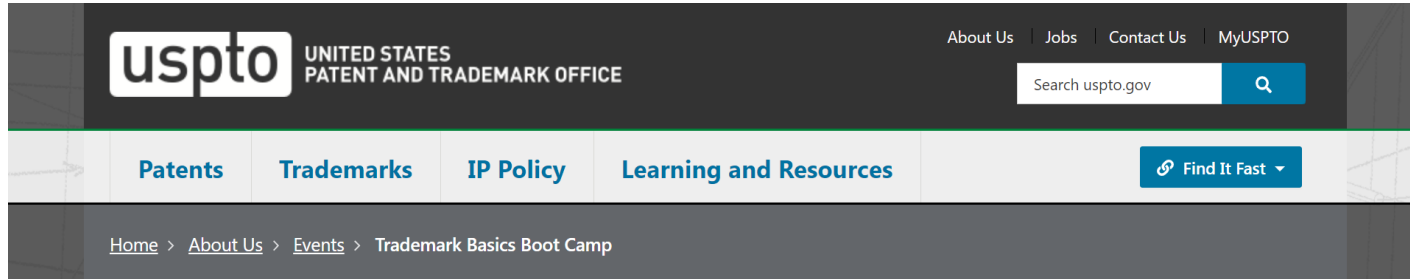


*Kellogg's*®

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# USPTO resources



## Trademark Basics Boot Camp

This free USPTO event series provides a comprehensive overview of the process for federal trademark registration and maintaining a federal trademark. If you're a small business owner or entrepreneur seeking to protect your brand and product identities, Trademark Basics Boot Camp is for you.

Trademark Basics Boot Camp is offered regularly throughout the year. During each series run, we cover one module weekly for eight weeks, with each module focusing on different aspects of trademarks and the registration process, from filing and examination to post-registration requirements for keeping your registration alive. Each module concludes with a question-and-answer period where you can ask our USPTO trademark experts questions.

You can attend the entire series or just the modules that best match your interests, but you must sign up for each module to attend. If you attend all eight modules, you can request a certificate of attendance. To learn more and sign up, select an individual module from the listing below.



# Copyrights

# Copyright

- Protects **original works of authorship**, including literary, dramatic, musical, artistic, and other works **fixed in a tangible medium**
- Library of Congress administers registration; USPTO advises the executive branch on IP issues, including copyright
- © symbol can be used **without** registration



credit: copyright.gov

Copyright.gov

uspto

# Things protected by copyrights



Songs



Books



Movies



Sculptures



**Trade secrets**

# What is a trade secret?

- Any information that derives **economic value** from being **not publically known** or ascertainable
- Can be formulas, patterns, compilations, programs, devices, methods, techniques, or processes
- All states have some sort of trade secret protection
- Defend Trade Secrets Act of 2016
- Theft of trade secrets 18 USC 1832

FOR IMMEDIATE RELEASE

Tuesday, August 4, 2020

## **Former Uber Executive Sentenced To 18 Months In Jail For Trade Secret Theft From Google**

**Defendant Stole Google's Confidential Information on Self-Driving Car Technology**



# Examples of trade secrets



# Why are trade secrets useful?

- Protects **commercially valuable proprietary information**, e.g., formulas, recipes, or business information that gives a **competitive advantage**
  - Customer lists
  - Product formulations
  - Search algorithms
- Trade secrets are not generally known and must be subject to reasonable efforts to preserve confidentiality
- Prevent employees and contractors from disclosing your secrets to competitors and the public
- No set term for protection

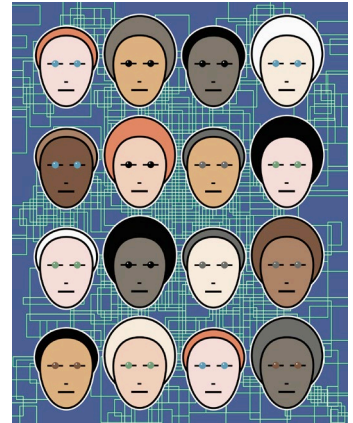


Credit: Steven Schatz/USPTO



# How to lose a trade secret

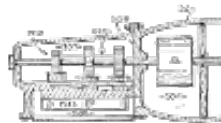
- Failure to take adequate steps to prevent disclosure
  - failure to protect the secret (locked cabinets, encrypted files, double pass words)
  - Lack of non-disclosure agreements, contracts, or written policies with employees and contractors
- Owner or owner-authorized disclosure
- Reverse engineering
- Independent development



credit: Steven Schatz/USPTO

# Overview of intellectual property

	What's protected?	Examples	Protection lasts for:
<b>Utility patent</b>	Inventions	iPod, chemical fertilizer, process of manipulating genetic traits in mice	20 years from the date of filing regular patent application
<b>Design patent</b>	Ornamental (non functional) designs	Unique shape of electric guitar, design for a lamp	15 years
<b>Plant patent</b>	Newly invented strains of asexually reproducing flowering plants		20 years
<b>Copyright</b>	Books, photos, music, fine art, graphic images, videos, films, architecture, computer programs	Michael Jackson's Thriller (music, artwork and video), Windows operating system	The life of the author plus 70 years (or some works, 95 years from pub., and others 120 years from creation)
<b>Trade secret</b>	Formulas, methods, devices, or compilations of information which is confidential and gives a business an advantage	Coca-Cola formula, survey methods used by a pollster, new invention for which patent application has not been filed	As long as information remains confidential and functions as a trade secret
<b>Trademark</b>	Words, symbols, logos, designs, or slogans that identify and distinguish products or services	Coca-Cola name and distinctive logo, Pillsbury doughboy character	As long as mark is in continuous use in connection with goods or services – renew by year 6, then at year 10, then every 10 years



**IP as a business strategy**

# IP strategy is a business strategy

- IP ownership:

- Is a property right that can add value to a company's assets
- Is attractive to investors and buyers
- Can deter infringement lawsuits
- Can increase leveraging power for mergers and acquisitions



# Developing an IP Strategy

- Assess your company's IP assets and prioritize
- Know your competition & what they're up to
- What's the pace of innovation & opportunities for growth?
- Determine the best way to protect your IP
  - Patents (utility, design, plant),
  - Trademarks (trademark, service marks, geographic certification, etc.)
  - Copyrights
  - Trade secrets
- Develop a plan, set goals and implement
- Get help!

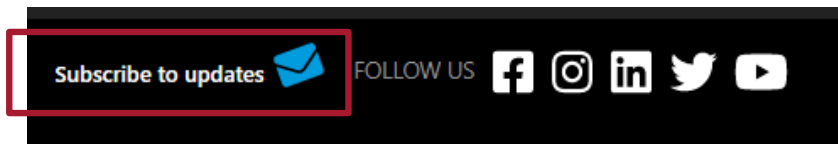


Help for applicants

# **Signature programs**

# Where to find programs?

- Search for all events at: [www.uspto.gov/about-us/events](https://www.uspto.gov/about-us/events)
- Link at the bottom to subscribe for notifications.
- Trademark Basics Boot Camp
  - <https://www.uspto.gov/about-us/events/trademark-basics-boot-camp>
- Path to a Patent
  - <https://www.uspto.gov/about-us/events/path-patent>



# [www.uspto.gov/continuinglegaleducation](http://www.uspto.gov/continuinglegaleducation)

## USPTO events offering CLE credits

The United States Patent and Trademark Office (USPTO) regularly organizes or participates in continuing legal education (CLE) credit offerings across the country. Offerings cover a variety of topics. Select an individual event from the calendar below for more information. [A full listing of USPTO events can be found here.](#)

### Upcoming events

#### **MAR 29, 2022 - VIRTUAL**

##### [Patent Trial and Appeal Board presents Appeals 101](#)

An overview of appeals.

[Full details](#)

#### **APR 6, 2022 - VIRTUAL**

##### [Using petitions effectively in patent prosecution](#)

Topics covered will include an overview of the Office of Petitions, publicly available electronic resources, petitions data and statistics, a brief discussion of e-Petitions, and petitions related news and updates.

[Full details](#)

### Past events

#### **FEB 15, 2022 - VIRTUAL**

##### [USPTO guidance and policy: Subject matter eligibility](#)

An overview on patent eligible subject matter under 35 U.S.C. 101 from Matthew Sked, Senior Legal Advisor in the Office of Patent Legal Administration.





# Office of Innovation webpage

## Office of Innovation Outreach

The Office of Innovation Outreach (OIO) develops awareness and outreach programs and training for inventors, organizations, and universities. The OIO is located in the Office of the Chief Communications Officer of the United States Patent and Trademark Office (USPTO) and supports the mission of the agency by providing relevant intellectual property (IP), innovation, and invention resources to independent inventors, small businesses, entrepreneurs, and underrepresented or underserved populations. The OIO creates annual programming and works with partners from other federal agencies, organizations, and universities to help everyone better understand, secure, and utilize IP.

### Work with OIO

If you would like to work with our expert staff on a program, please contact us at [InnovationOutreach@uspto.gov](mailto:InnovationOutreach@uspto.gov) or 571-272-8033.

### Programs managed by OIO

- [AANHPI Innovation and Entrepreneurship](#)
- [Black Innovation and Entrepreneurship](#)
- [Hispanic Innovation and Entrepreneurship](#)
- [Invention-Con](#)
- [LGBTQ+ Innovation and Entrepreneurship Program](#)
- [Veterans Innovation and Entrepreneurship](#)
- [Women's Entrepreneurship Symposium](#)

[www.uspto.gov/InnovationOutreach](http://www.uspto.gov/InnovationOutreach)



Help for applicants

**USPTO resources**

# IP Awareness Assessment Tool

**ipAwarenessAssessment** Beta II **uspto** **NIST**

A business and inventors IP evaluation tool

**IP Awareness Assessment**

The IP Awareness Assessment, developed under the joint efforts of United States Patent and Trademark Office (USPTO) and National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP), allows you to assess your intellectual property awareness. Following the completion of the assessment, you will receive a customized training material. [Learn more](#)

**Feedback**

Your **feedback** and comments are crucial for improving the IP Awareness Assessment.

**Inventor Assistance Program**

**Important Notice**

Please note that any information provided here does not constitute legal advice, but is intended to increase your IP awareness. When filing an application for obtaining specific IP rights, it is recommended that you obtain professional legal assistance. The IP Awareness Assessment contains links to external websites. USPTO does not maintain those external sites and is not responsible for the material found therein.

Welcome to the Intellectual Property Awareness Assessment Tool. The IP Assessment includes the below five general categories, that are included in all assessments.

- IP Strategies & Best Practices
- International IP Rights
- IP Asset Tracking
- Licensing Technology to Others
- Using Technology of Others

There are five additional categories that all can take or, which may be customized through a Pre-assessment. These five categories include:

- Copyrights
- Design Patents
- Trademarks
- Trade Secrets
- Utility Patents

Not all businesses have all categories of IP Assets so they have an opportunity to opt out of certain categories by using the customizer or Pre-assessment or may opt to take the full assessment of ten categories containing 62 questions.

The full assessment requires about 20-30 minutes to complete. The customizer or Pre-assessment can reduce the required time by 10-15 minutes.

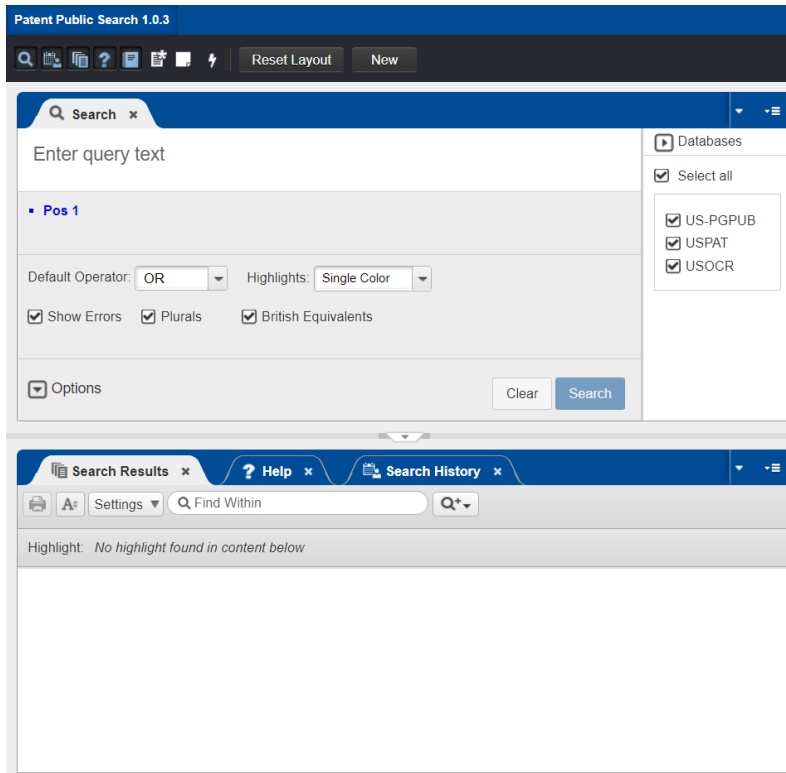
**enter the IP Awareness Assessment**

**Before starting the assessment, please note:**

- Save the link for this page as a favorite/bookmark on your browser.
- In the "Internet Options" of your browser, deselect/uncheck history on exit. This will allow you to return and resume your assessment session in case you cannot finish it in one sitting. This will also allow you to access your training materials and assessment results at your convenience.
- As you are answering the assessment questions, choose the answer that best applies to your business or circumstances as an independent inventor or individual. Where applicable, choose all the responses that apply to your situation.
- Responses or data collected in the assessment are not stored or used by the USPTO or NIST MEP.



# Patent Public Search Tool



- Provides more convenient, remote, and robust full-text searching of all U.S. patents and published patent applications.
- Replacing legacy search tools like PubEAST, PubWest, PatFT, and AppFT.
- Allows the public to access search tools used by our patent examiners.



# Patent Public Search Tool Benefits

- Free, cloud-based platform is available to all users via the internet, with no account necessary.
- Text searching optical character recognition (OCR) scanned US patents issued prior to 1976 is now available
- Gives users the option of multiple layouts with multiple tools to view more data at once.

## **Patent Public Search tool:**

<https://ppubs.uspto.gov/pubwebapp/>

## **Resource webpage:**

<https://ppubs.uspto.gov/pubwebapp/static/pages/landing.html>



# [www.uspto.gov/FreeServices](http://www.uspto.gov/FreeServices)

## Access our free services

The United States Patent and Trademark Office (USPTO) offers a wide range of intellectual property (IP) resources, including application assistance, education and training, and other services that support the full spectrum of customers—from independent patent and trademark filers, to attorneys and business advisors in both the private and public sectors.

Using the icons below, select a category to filter the list by your area of interest.



All Resources



Patents

TM

Trademarks



Attorneys and  
Business Advisors

Title	Description	Resource category
Application Assistance		
<a href="#">Application Assistance Unit (AAU)</a>	Provides assistance with questions and issues pertaining to pre-examination processing of patent applications and the post-examination processing of patent applications.	



# Non-USPTO resources for businesses

- US SBA
- SCORE
- Local incubators and accelerators
- Inventors' organizations
- State resources–SBDC



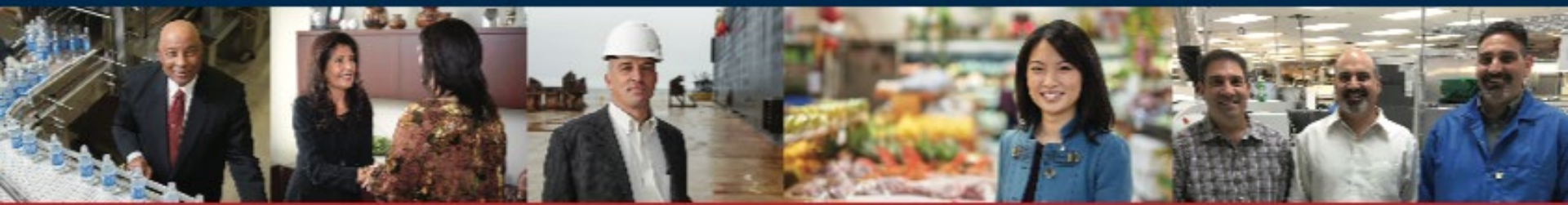






U.S. Small Business  
Administration

**The SBA works to ignite change and spark action  
so small businesses can confidently**



**START • GROW • EXPAND • RECOVER**

# SBA Overview

The U.S. Small Business Administration makes the American dream of business ownership a reality.



## Access the right tools at the right time

We help you raise capital, guide you as you navigate business challenges, and help you expand into new markets, both domestic and abroad.



## Gain the confidence to move forward

Whether you are recovering from a natural disaster or simply building your business, the SBA has your back.



## Build your business smarts

Our business mentors, counselors, advisors, and classes can give you all you need to know to plan, launch, manage, and grow your business.



## Your small business advocate

The SBA is a Cabinet-level agency which ensures the interests of small businesses are represented in Congress and the Oval Office.

# Small Business Administration

- The SBA is a federal agency dedicated to helping small business get started, grow and sustain viability, using the “4 C’s”
- Access to **Capital** – through loan guaranty programs
- Government **Contracting**
- **Counseling** and entrepreneurial development
- **Crisis** assistance through disaster loan programs

# **CAPITAL**

## **Uses & Requirements**

# USE OF PROCEEDS



**Working Capital:** Seasonal financing, export loans, revolving credit & refinanced business debt.



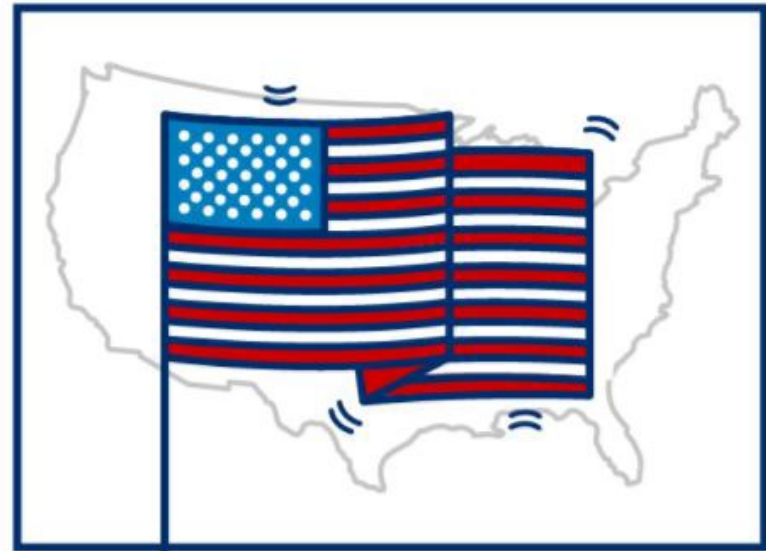
**Fixed Assets:** Furniture, real estate, machinery, equipment, construction & remodeling

# ELIGIBILITY

The SBA works with lenders to provide loans to small businesses. We do not lend directly to small business owners.



**Be a for-profit business:** The business is officially registered & operates legally.



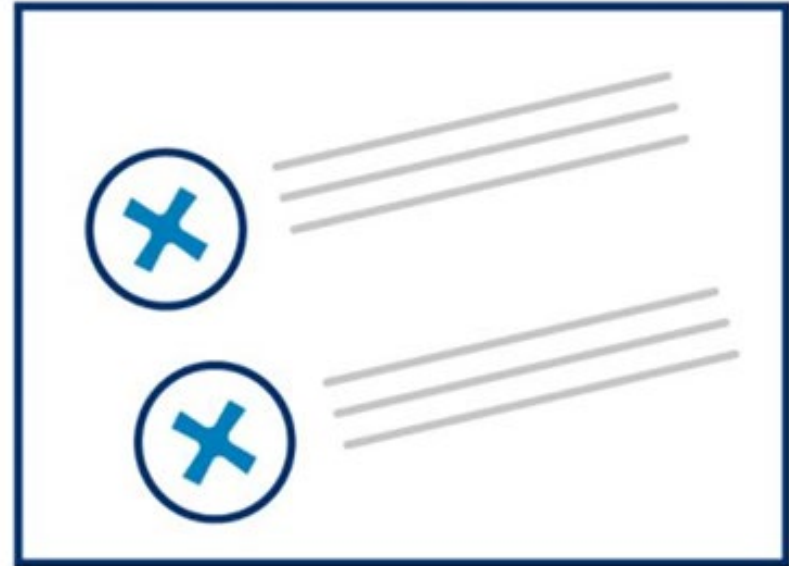
**Do business in the U.S.:** The business is physically located & operates in the U.S. or its territories.

# ELIGIBILITY

The lender will provide a full list of eligibility requirements for the loan.



**Have invested equity:** The business owner has invested their own time or money into the business.



**Exhaust financing options:** The business cannot get funds from any other financial lender.



# Financing Options – SBA Traditional Loans

- **7(a): Financing up to \$5 Million**

- SBAExpress: Loans with a specified repayment schedule and lines of credit up to \$500,000
- SBA Veterans Advantage: Loans with a specified repayment schedule and lines of credit up to \$500,000 ; for veterans, active-duty military, and spouses (discount on guaranty fees)

- **Specialty Programs**

- Export Express, Export Working Capital Program (EWCP), International Trade Loan
- CAPLines: Asset-based financing

- **504**: The CDC/504 Loan Program provides long-term, fixed rate financing of up to \$5 million for major fixed assets..e.g..real estate.

- 504 loans are available through Certified Development Companies (CDCs) -- certified and regulated by the SBA.

# Financing Options – SBA Non-Traditional Loans

- **Microloan:** Under the Microloan program, SBA makes direct loans to intermediaries that, in turn, use the proceeds to make small loans to eligible micro-borrowers.
  - Loans provided through nonprofit lending organizations
  - Technical assistance also provided
  - Maximum loan amount is \$50,000
  - Use of proceeds: Purchase machinery & equipment, fixtures, leasehold improvements; working capital; etc.
  - Cannot be used to repay existing debt.

# Financing Options – SBA Non-Traditional Loans

- **Community Advantage:** Community Advantage (CA) is a SBA pilot loan to meet the credit, management, and technical assistance needs of small businesses in underserved markets. CA provides mission-oriented lenders, primarily nonprofit financial intermediaries focused on economic development, access to 7(a) loan guaranties for loans of \$350,000 or less.
- **SBA's goals for CA are to:**
  - Increase access to credit for small businesses located in underserved areas;
  - Expand points of access to the SBA 7(a) loan program by allowing nontraditional, mission-oriented lenders to participate;
  - Provide Management and Technical Assistance (M&TA) to small businesses as needed; and,
  - Manage portfolio risk. CA is scheduled to operate through September 30, 2024 unless extended or made a permanent part of SBA's financial assistance programs.

# Lender Match

**1.**

**Describe  
Your Needs**



**2.**

**Interested Lenders  
Reply Within 2 Days**



**3.**

**Talk to  
Lenders**



**4.**

**Apply for a  
Loan**



Find an SBA-approved lender that's right for you by visiting

**[SBA.gov/lendermatch](https://www.sba.gov/lendermatch)**

# SBA Surety Bond Guarantee Program



**SBA's guarantee provides small businesses with contracting opportunities**



**Construction, service, supply & manufacturing firms**

- New & emerging
- Limited financial resources
- Internal financial statements
- Need current bond limits increased
- Subcontractors establishing prime bonding

To learn more or find authorized agents click here: [Surety bonds \(sba.gov\)](https://www.sba.gov/surety-bonds)

# Fund Innovations with the SBIR-STTR Program

Technology-focused small businesses looking to fund research and development or prototyping operations, may qualify for **federal grants** from 11 federal agencies participating in the SBIR-STTR program.

## Key areas for funding include:

- Artificial intelligence
- Nanomaterials
- Clean energy
- Water filtration
- Education technology
- Wearable technology



Learn more at [SBIR.gov](https://www.sbir.gov)

***For one-on-one support please contact the [MISBDC Tech Team](#)***

# **CONTRACTING**

**Certifications &  
Registration**

# Are You Ready to Consider Federal Contracting?

- U. S. Federal government is the world's largest buyer of goods and services.
- Government purchases total over \$533 billion a year.
- Required by law to provide contract opportunities to small businesses
- The statutory goals:
  - ✓ 23% to small businesses
  - ✓ 5% to small disadvantaged businesses for prime and subcontracts, including 8(a)
  - ✓ 5% to women-owned small businesses for prime and subcontracts
  - ✓ 3% to Historically Underutilized Business Zone (HUBZone) small businesses
  - ✓ 3% to small service-disabled, veteran-owned businesses for prime and subcontracts



***Evaluate your readiness & learn more by visiting:***  
**[SBA.gov/contracting](https://www.sba.gov/contracting)**



# CONTRACTING: CERTIFICATIONS

The federal government is tasked with awarding a significant percentage of government contracting dollars to small businesses, including those in the following programs:



## **8(a) Business Development:**

Owned by socially & economically disadvantages people or entities.



**HUBZone Program:** In historically underutilized business zone, w/ 35 percent of employees living in a HUBZone.

# CONTRACTING: CERTIFICATIONS



**Women-Owned Small Business Program:** Be 51% owned & controlled by women who are U.S. citizens; women manage day-to-day operations.



**Service-Disabled Veteran-Owned Small Business Program:** Be 51% owned & controlled by service-disabled veteran; must have service-connected disability.

# **COUNSELING**

**Mentors & Advisors**

# The SBA Resource Partner Network

Access the right tools at the right time—wherever you are.



Approved and funded by the SBA



1,400+ partner offices nationwide



Find local resource partners near you at [SBA.gov/local-assistance](https://www.sba.gov/local-assistance)



# Which Resource Partners are Right for You?



# Which Resource Partners are Right for Your Client?

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Aspiring entrepreneur or small business owner looking for:

- **Mentorship and advice** from volunteer real-world business executives—in-person or virtually
  - **Free online workshops** and webinars
- 



**SCORE Business Mentors**

**Statewide Coverage**

**Website:** <https://www.score.org/>

# Which Resource Partners are Right for Your Client?

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If you're an aspiring entrepreneur or small business owner looking for:

- **Free business consulting** to get started or grow
  - **Low-cost training** on crucial topics
- 



**Small Business  
Development Centers**

**Statewide Coverage**

Website: [SBDCMichigan.org](http://SBDCMichigan.org)

# Which Resource Partners are Right for You?

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## Women's Business Center (WBC)

If you are an aspiring or current woman small business owner looking for:

- **Comprehensive training and counseling** on a variety of topics in several languages
- **Business advice** to level the playing field against unique challenges or obstacles



Shawntay Dixon, WBC Program Manager  
Website: [www.greatlakeswbc.org](http://www.greatlakeswbc.org)  
Area of Operation: Southeast Michigan

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Milinda Ysasi, Chief Executive Officer  
Website: <https://growbusiness.org/>  
Area of Operation: West Michigan

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Kristen Patzer, WBC Director  
Website: <https://growbusiness.org/>  
Area of Operation: West Michigan



# Which Resource Partners are Right for Your Client?

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If you are a veteran of the US military or a military spouse in need of:

- **Counseling or transition assistance**
  - **Training and advice** to start or grow your business, or purchase a new business
  - **Resource referrals**
- 

U.S. SMALL BUSINESS ADMINISTRATION



VETERANS BUSINESS OUTREACH CENTERS

## **Veteran's Business Outreach Centers**

### **VetBizCentral**

Abron Andrews Jr.

Executive Director

1401 East Court Street

RTC 3118

Flint, Michigan 48503

810-767-8387

Website: [www.vetbizcentral.org](http://www.vetbizcentral.org)

# **CRISIS**

**Qualifying & Applying**

# CRISIS: QUALIFYING

The SBA provides low-interest disaster loans to help small businesses & homeowners recover from declared disasters for a number of purposes:

## [Disaster assistance \(sba.gov\)](https://www.sba.gov)



**Real Estate**



**Personal Property**



**Economic Injury**



**Machinery & Equipment**



**Inventory**



**Active Military Duty**

# Questions?

To Learn More About All of  
the SBA's Programs

Visit: [www.sba.gov](http://www.sba.gov)

Please make sure you sign up for SBA updates at:  
[www.sba.gov/updates](http://www.sba.gov/updates)

All you need is your e-mail and zip code

# Contact Us!



## U.S. Small Business Administration Michigan District Office

**General Email:** [Michigan@sba.gov](mailto:Michigan@sba.gov)

### **Michigan District Office:**

477 Michigan Ave., Suite 515, Detroit, MI 48226

**Phone:** 313-226-6075

### **Grand Rapids Branch Office:**

Ford Federal Bldg., Rm 307

110 Michigan St. NW, Grand Rapids, MI

**Phone:** (616) 456-5512