Each form is one 8 ½ by 11" (inchs) sheet, printed front and back

An applicant may use photocopies of forms

The Copyright Office receives more than 6,00,000 applications each year, each application must use a similar format to ease the burden of examination

The type of form used is dictated by the type of work that is the subject of copyright

For example: One form is used for literary works, while another is used for sound recording Following are the forms used for copyright application

Form TX (Literary works, essays, poetry, textbooks, reference works, catalogs, advertising copy, compilations of information, and computer programs)

Form PA (Pantomimes, choreographic works, operas, motion pictures and other audiovisual works, musical compositions and songs

Form VA (Puzzles, greeting cards, jewelry designs, maps, original prints, photographs, posters, sculptures, drawings, architectural plans and blueprints

Form SR (Sound recording)

Form SE (periodicals, newspapers magazines, newsletter, annuals and Journals Etc .

Notice of copyright

Since March 1, 1989 (the date of adherence by the United States to the Berne Convention), use of a **notice of copyright** (usually the symbol © together with the year of first publication and copyright owner's name) is no longer mandatory, although it is recommended and offers some advantages

Works published before January 1, 1978, are governed by the 1909 copyright Act

Under that act, if a work was published under the copyright owner's authority without a proper notice of copyright, all copyright protection for that work was permanently lost in the United States

With regard to works published between January 1, 1978, and March 1, 1989, omission of a notice was generally excused if the notice was omitted from a smaller number of copies, registration was made within five years of publication, and a reasonable effort was made to add the notice after discovery of its omission

International Copyright Law

- Developments in technology create new industries and opportunities for reproduction and dissemination of works of authorship
- A number of new issues have arisen relating to the growth of electronic publishing, distribution, and viewing of copyrighted works
- Along with new and expanded markets for works comes the ever-increasing challenge of protecting works form piracy or infringement
- Copyright protection for computer programs
- Copyright protection for Automated Databases
- Copyright in the Electronic Age

- The Digital Millennium Copyright Act

LAW OF PATENTS

The work *Patent* is a shorthand expression for "letters patent"

A **Patent** is a grant from the US government to exclude others from making, using, or selling another person's new, nonobvious, and useful invention in the United States for the term of patent protection

- It is protected for 20 years
- Under patent law, inventors can enjoin the making, using or selling of an infringing invention even if it was independently created
- A Patent allows its owner to exclude others from using the owner's invention; it does not provide any guarantee that the owner can sell the invention
- To obtain a patent, an inventor must file an application with the PTO, same agency of the Department of Commerce that issues trademark registration
- The application must describe the invention with specificity
- The application will be reviewed by a PTO examiner, and, if approved, the patent will issue
- The US Constitution provides that Congress shall have the power "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writing and discoveries"
- Patent promote the public good in that patent protection incentivizes inventors

Advantages of Patents

a. Patents promote the public good in that patent protection incentivizes inventors

b. The introduction of new products and processes benefits society

c. In return for the full disclosure to the public of specifies of the invention, thus advancing science and technology, the inventor is given a limited period of time within which to exploit his or her invention and excluded others from doing so

d. Inventors are thus incentivized to create new products, and the public benefits from inventions that ultimately will fall into the public domain

Rights Under Federal Law

Patent law derives from the Constitution

In 1790, pursuant to the direction provided in the Constitution, Congress passed the first patent, which in large part relied upon English Law

Three years later, the statute was replaced with a new act authored by ***Thomas Jefferson***

These early acts provided the structural framework for US patent law and specified the four basic conditions, still existing, that an invention must satisfy to secure patent protection:

- The invention must be a utility, design, or plant patent

- It must be useful (or ornamental in the case of a design patent or distinctive in the case of a plant patent)

- It must be novel in relation to the prior art in the field; and

- It must not be obvious to a person of ordinary skill in the field

Revision of federal patent statutes occurred in 1836 when the Patent Office was created and again in 1870 and 1897

Thereafter, in 1952, Congress enacted a new patent act, codified in title 35 of the United States Code (USC), it is last major revision to federal patent statutes

Development of patent law has evolved primarily through federal court decisions rather that the legislature

In 1982, Congress created a new court, the Court of Appeals for the Federal Circuit (CAFC), the exercise exclusive jurisdiction over all cases involving patent issues and to promote uniform interpretation of the US patent statutes, which until then had been interpreted in often inconsistent ways by the various federal courts of appeals throughout the nation

Moreover, some inventions such as computer programs, are protectable under copyright law as well as patent law

Patent Searching Process

The Need for a Search:

- Patentability requires novelty and nonobviousness

- The patentability search, sometimes called a novelty search

- A search is recommended to determine the feasibility of obtaining a patent

- A novelty search is somewhat limited in scope and is designed to disclose whether an application will be rejected on the basis of lack of novelty or obviousness

- A novelty search can usually be completed for less than $1,000

- If an invention is intended for immediate commercial use or sale, an additional search, call an infringement search or investigation, is often conducted concurrently with the novelty search

- This novelty search is thus more expensive

Searching Methods:

- The PTO provides public search facilities for patent searching

- Searching is free and the PTO allows searchers to review issued patents, complete with drawings

- Searching can be done either in the main public search room or in the examiners' search areas where examiners will assist in searching (The patent search room contains copies of all US issued patents from 1790 to present as well as many
- foreign patents)

- The PTO employs a classification system that provides for the storage and retrieval of patent documents

- The patent examiners in the course of examining patent applications, the system is also used by searchers, and classification files are divided into subclasses

- Most classes have approximately three hundred sub classes

Patent Application Process

Overview of the Application Process

- The process of preparing, filing, and shepherding a patent application through the PTO towards issuance is called "prosecution"

- An application may be filed by the inventor himself or herself or, as is more usual, by a patent attorney Only 20% of all applications are filed by inventors without the assistance of attorneys

- The application is filled with PTO, it will be assigned to one of more than 3500 patent examiners having experience in the area of technology related to the invention who will review the application and conduct a search of patent records to ensure the application complies with the statutory requirements for patents

- The process may continue for several rounds

- A Notice of Allowance will be sent to the applicant, which specifies an issue fee that must be paid to the PTO in order for the patent to be granted
- Until 2000 all patent application were maintained in confidence, but after November 2000 they were published

- It takes one to three years to prosecute a patent, and costs and fees can range from $5000 to more than $30000 with fee generally ranging for $10000 to $1200

Patent Practice

While preparing trademark and copyright applications is relatively straightforward, preparing a patent application requires skillful drafting as well as knowledge in the relevant fields, whether that is biotechnology, chemistry, mechanical engineering, physics, computers, pharmacology, electrical engineering, and so forth

- They are divided into different groups, such as a mechanical group, a biotech group, and an electrical group
- Many patent attorneys possess both a law degree and an advanced degree in engineering, physics, chemistry, or the like
- To represent patent applicants before the PTO, an attorney must be registered to practice with the PTO
- An attorney must pass the Patent Bar, which requires the attorney to demonstrate background in science or engineering
- The examination is very difficult it is a multiple choice questions, and the pass rate tends to hover around one-third

A list of attorneys and agents registered to practice before the PTO is available
from the Government Printing Office located in Washington, DC, Alternatively, the PTO web site (http://wwwusptogov/web/ofices/dcom/olia/oed/roster/) provides an index to the more than 18000 attorneys and agents who are licensed to practice before the PTO.

Confidentiality of Application Process and Publication of Patent Application

- More than 200 years, all patent applications filed with the PTO were maintained in strict confidence throughout the entire application process

- Only when the patent issued was the file wrapper open to public inspection

- Under the American Inventors Protection Act (AIPA) of 1999, however, which took effect in November of 2000, the PTO now publishes utility and plant applications eighteen months after their filing.

If the applicant later decides to apply for a patent in a foreign country, the applicant must provide notice of this foreign filing to the PTO within forty-five days or the application will be regarded as abandoned

The intent of the new law is to harmonize US patent procedures with those of other countries, almost all of which publish patent applications after an initial period of confidentiality

The new act protects inventors from having their inventions infringed by providing that patentees can obtain reasonable royalties if others make, used, or sell the invention during the period between publication and actual grant of the patent

Types of Application

1. Provisional Application
2. Utility Application
3. Design Application
4. Plant Application
5. Continuation Application
6. PCT (Patent Cooperation Treaty) Application
7. Divisional Application

Preparing the Application

- Title
- Cross-references to related applications
- Background
- Summary of invention