

GADGETS & GIZMOS

Protecting Your Invention

The United States Patent and Trademark Office registers trademarks and grants patents for the protection of inventions. Some people confuse patents, copyrights, and trademarks. Although there may be some similarities among these kinds of intellectual property protection, they are different and serve different purposes.

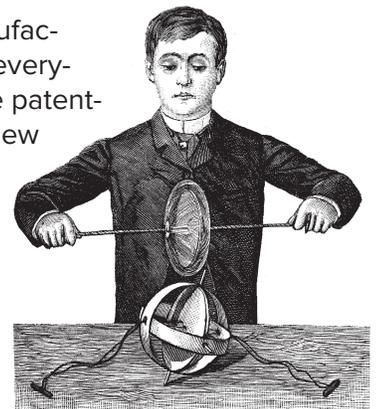
Copyright is a form of protection for authors of “original works of authorship” (literature, music, art), both published and unpublished. A trademark is a word, name, symbol, or device that distinguishes goods from the goods of others. A servicemark is the same as a trademark except that it identifies and distinguishes the source of a service.

A patent for an invention is the grant of a property right to the inventor. The U.S. Constitution gives Congress the “...power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” The first patent law was enacted in 1790. Generally, the term of a new patent is 20 years from the date on which the patent application was filed in the United States.

A patent grant gives “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States. A patent does not give an inventor the right to make, use, sell, or import their invention. Instead, it gives the patent-holder the right to exclude others from making, using, offering for sale, selling, or importing the invention.

There are three kinds of patents. **Utility** patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition, or any new and useful improvement. **Design** patents may be granted to anyone who invents a new, original, and ornamental design for a manufactured article. **Plant** patents may be granted to anyone who invents or discovers and reproduces any plant.

Anyone who invents, discovers, or improves a useful process, machine, manufactured item, or chemical composition may obtain a patent. That is, practically everything that is made by man and the processes for making the products can be patented (except, since 1954, inventions used for atomic weapons) as long as it is new or improved and it is useful—it must never have been made or described before, it must have a useful purpose and, importantly, it must work!



San Bernardino County Museum

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