Intellectual Property Law - A Toolkit for Manufacturing Businesses
What is a patent?

U.S. Constitution Art. 1, Sec. 8 gives Congress 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**
“For a limited period of time”:

1. 20 years - utility patents
2. 15 years - design patents
3. 20 years - plant patents

NO EXTENSIONS
“The exclusive right…”

1. Exclude others from making, selling, importing...
2. Sue in federal court
3. Stop goods from coming in at the border
“Respective writings and discoveries”:

1. Machine/device/apparatus
2. Chemical composition
3. Article of manufacture
4. Method of doing/making any of the above
Cost and Time of obtaining a Patent:

1. Patent Search (typically $700+)
2. Attorney/agent preparation fee (highly variable)
3. Government filing fees (typically $400) – 1-3 years
4. Professional drawings ($500+)
5. Periodic maintenance fees ($400+)
6. Enforcement (highly variable)
PATENTS

Getting that exclusive right to make, sell and use
This PowerPoint does not create an attorney-client relationship – for informational purposes only - not legal advice
FIG. 1
The Director of the United States Patent and Trademark Office has received an application for a patent on a new, original, and ornamental design, an article of manufacture. The description of the design and the elements thereof are covered by the claims made in the specification of the design, and it has been determined that the patent on the design shall be granted by law.

Therefore, this United States Patent

Grants to the person(s) having title to the design the right to exclude others from using, offering for sale, or selling the design throughout the United States of America or importing the design from the United States of America for the term of years for which the design is granted by law.

Michelle K. Lee

Secretary of the United States Patent and Trademark Office

(c) 2020 Law Office of Lesley A. Wallerstein. This PowerPoint does not create an attorney-client relationship – for informational purposes only - not legal advice

@lesleywallerstein: thank you. I would never want to navigate the patent process on my own. Your knowledge of the system is amazing.

@fiatlander_surfcasting: That’s great!

@tka2_1960: Nice Jamie. Do you have any orphaned Blitz bags looking for an owner?

@sause_da_boss_650: congrats

139 likes

APRIL 23, 2017
What is a Trademark?

Uniquely identifies a source or quality of goods/services:

- Word
- Logo/image
- Color alone
- Sound
IT BEGINS WITH BRANDS

ONE ANCESTOR OF MODERN TRADEMARKS IS THE BRAND. The hot, metal kind used to mark something as property, usually cattle. Often simple shapes or letters, brands have been in use for more than 4,000 years.
BENEFITS OF HAVING A REGISTERED TRADEMARK:

1. ® (TM is not a trademark)
2. Enforce in court
3. Amazon Brand Registry
Choosing a strong trademark – “fanciful” mark

1. Adidas
2. Xerox
3. Polaroid
4. Exxon
5. Yoyo
FASTENEERING

(c) 2020 Law Office of Lesley A. Wallerstein - This PowerPoint does not create an attorney-client relationship – for informational purposes only - not legal advice
The One Piece Floor Bridging Solution!

EZ-X Bridging will help eliminate the floor from flexing and squeaking, install easier, look cleaner and also save labor installation costs.

An Excellent Galvanized Steel Product for Outdoor Patio Decks.

Great for do-it-yourself homeowners!

As heard on WGN Richard7 House Smarts featuring Lou Martino, please take a moment to see the patented product in action below.
What may happen if you use your mark without first checking...

(c) 2020  Law Office of Lesley A. Wallerstein - This PowerPoint does not create an attorney-client relationship – for informational purposes only - not legal advice
What happens when you don’t enforce your trademark?

1. Dumpster
2. Ping-Pong
3. Dry Ice
4. Videotape
5. Escalator
Cost and Time of Obtaining a Trademark:

1. Trademark Clearance Search / Legal Opinion
   (Highly variable - $1000+)

2. File Trademark Application
   1. Attorney preparation: Highly variable, typically $400+
   2. Government filing fee: $225 (typical, can vary)
   3. Takes 6+ months to issue

3. Periodic Maintenance
   1. $325 after first 5 years
   2. $450 after 10 years, every 10 years thereafter
LICENSE AGREEMENTS

Artists licensing or selling their work for others to use
MLBP License Agreement

Major League Baseball Properties, Inc., 245 Park Avenue, New York, NY 10167 ("MLBP") is in receipt of the request for the individual/entity identified in Schedule A ("Licensee") to use certain trademarks, service marks and/or copyright rights belonging to certain Major League Baseball-related entities. MLBP has considered your request and is willing to grant Licensee permission to use the marks and/or copyright rights set forth in Schedule B hereto (the "Licensed Properties") solely for the period set forth on Schedule C (the "License Period") in the territory set forth on Schedule D and in the manner described on Schedule E (the "Licensed Use") subject to Licensee’s payment of the compensation, if any, set forth on Schedule F (the "Compensation") hereto and Licensee’s agreement to, and compliance with, the terms and conditions set forth in this Agreement (including without limitation the attached Schedules, collectively, the “Agreement”).

The parties agree as follows:

1. License Grant. MLBP, on its own behalf with respect to all provisions of this Agreement, and, as applicable, as agent for, and with power to bind, the Major League Baseball Clubs (the “Clubs”), the Office of the Commissioner of Baseball (the “BOC”), and Major League Baseball Enterprises, Inc. (“MLBE”) (collectively, the “MLB Entities”), grants Licensee a non-exclusive, non-transferable, limited license to use the Licensed Properties on the terms and conditions contained in this Agreement (including the attached Schedules).

2. Third Party Rights. Licensee must obtain all necessary licenses, consents or releases permitting it to use any third party proprietary material in connection with the Licensed Use including, but not limited to any:
REFERENCES CONSULTED


SUPPLEMENTAL IMAGERY


Gusenbergs' Funeral (1929). Crowd gathering outside the day after the massacre (1929): Ms. Josephine Schwimmer at her son's inquest (1929); Site of St Valentine's Day Massacre, 2122 N Clark (1953): Photo credit: Chicago Tribune/Chicago Tribune/TNS

Howlin' Wolf (1972), Self Portrait of Martha Baker (1911), Max Ehrmann poem (1906): Public Domain.

Harry Caray photo: Allowed by copyright conventions because of brevity. Little Orphan Annie comic. Social commentary on the life of Harold Gray is a "fair use" and requires no license.

Fred Goetz photo: Used under license from Shutterstock.com.

"The Force That Through the Green Fuse Drives the Flower" by Dylan Thomas, from The Poems of Dylan Thomas, copyright ©1939 by New Directions Publishing Corp. Reprinted by permission of New Directions Publishing Corp.


"The Man Comes Around" by Johnny Cash: Words and Music by John R. Cash. Copyright (c) 2002 Song Of Cash, Inc. All Rights Administered by BMG Rights Management (US) LLC. All Rights Reserved. Used by Permission. Reprinted by Permission of Hal Leonard LLC.


T’was down in Mississippi not so long ago
When a young boy from Chicago Town stepped through a Southern door:
This boy’s dreadful tragedy I can still remember well,
The color of his skin was black
and his name was Emmett Till . . .
— Bob Dylan, "The Death of Emmett Till"

Oh, the sisters of mercy, they are not departed or gone.
They were waiting for me when I thought that I just can’t go on.
And they brought me their comfort and later they brought me this song.
Oh, I hope you run into them, you who’ve been travelling so long.
Yes you who must leave everything that you cannot control.
It begins with your family, but soon it comes around to your soul.
Well I’ve been where you’re hanging, I think I can see how you’re pinned.
When you’re not feeling holy, your loneliness says that you’ve sinned.

Well they lay down beside me, I made my confession to them.
They touched both my eyes and I touched the slew on their hem.
If your life is a leaf that the seasons tear off and condemn
they will bind you with love that is graceful and green as a storm

When I left they were sleeping, I hope you run into them soon.
Don’t turn on the lights, you can read their address by the moon.
And you won’t make me jealous if I hear that they sweetened your night:
We’re not lovers like that and besties it would still be all right.
We weren’t lovers like that and besties it would still be all right.


Hear the trumpets, hear the pipers.
One hundred million angels singin’.
Multitudes are marchin’ to the big kettle drum.
Voices callin’, voices cryin’.
Some are born an’ some are dyin’.
It’s Alpha’s and Omega’s Kingdom come.
— Johnny Cash, “The Man Comes Around”