Mobile apps proliferate as communications medium

Appalanche!

Percent of tablet users who do these activities daily:
- Send email — 54%
- Get news — 53%
- Use social networks — 39%
- Play games — 30%
- Read books — 17%

Source: Pew Research Center's Project for Excellence in Journalism

De-mystifying intellectual property

Intellectual property ranks among the most prized assets of today’s leading companies. In fact, some experts estimate that intellectual property accounts for nearly 80 percent of the value of many Fortune 500 companies.

Notwithstanding its importance, the abstract and intangible nature of intellectual property can make it difficult to comprehend. The best way to begin to understand the term is to learn the five basic categories into which all intellectual property falls.

1. Trade secrets/confidential information: Any information that has economic value to its owner as a result of not being generally known or easily ascertainable to competitors can be a trade secret or confidential information — terms often used interchangeably. Trade secrets are generally technical information such as secret formulas and processes (the Coca-Cola soft drink formula is a classic example), while confidential information is typically less-technical secret information such as business plans, customer lists and product pricing information.

   As a general rule, if a business takes reasonable steps to protect its trade secrets, then courts will grant protection against theft, unauthorized use or unauthorized disclosure.

2. Patents: A person who invents, discovers or improves a process, machine, manufactured article or composition of matter (such as a chemical compound or composition) may pursue patent protection with the U.S. Patent and Trademark Office.

   A patent is essentially a limited monopoly granted by the government that prevents others from making, using or selling the invention covered by the patent during the limited term of protection (generally 20 years from the date the application is filed). After the term expires, the idea is freely available.

3. Copyrights: Copyright is the exclusive right of the creator or owner of a creative work to control the reproduction of that work. Copyright protection extends to any tangible expression of an idea, including photographs, writings, architectural plans and software programs. Copyright law does not protect an idea itself (as trade secrets and patents do), but protects a person’s particular expression of the idea. Under U.S. law, copyright rights automatically apply as soon as the work is fixed in a tangible form. Registration with the United States Copyright Office is not necessary to create the copyright.

4. Trademarks/service marks: Trademarks and service marks help identify the products and services of a certain business and distinguish them from the products of its competitors. Think of trademarks as brands. They don’t need to be registered to exist, but registration with the U.S. Patent and Trademark Office maximizes the owner’s rights.

5. The right of publicity: The right of publicity grants an individual the exclusive right to license use of his or her name, image or likeness for commercial purposes. Right of publicity claims may involve using an individual’s photograph in an ad without permission, or using “look-alikes” or “sound-alikes” for commercial purposes.

When considering your intellectual property, please note that some assets may be subject to more than one type of intellectual property protection. For example, the iconic Ralph Lauren Polo emblem functions as a trademark for clothing but, because it constitutes a form of artwork, it is also subject to copyright protection.

The opinions expressed in this article are intended for general guidance only and are not intended as recommendations for specific situations. Readers should consult a qualified attorney for specific legal guidance.

Digital matters

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