

Intellectual Property *by John C. Gormley, Esquire*

In practice, many business owners, as well as other "owners" of what is known as Intellectual Property (IP) are unsure as to how they can legally protect their ownership interests in that property and, evenmore basically, whether they even can.

Generally speaking, Intellectual Property encompasses the wide-range of mostly intangible (that is, non-physical) assets which a business or other entity might own. As examples, these include intellectual works which, in themselves, would include literary, dramatic, musical or artistic creations and even computer programs. These types of IP are the domain of Copyright and can usually be protected through Copyright registration through the Copyright Office of the Library of Congress.

By contrast, individual words, phrases, symbols or designs which represent a business's goods or services can, when certain requirements are met, be protected through a "Mark" registration. As you might guess, a specific mark registration known as "Trademark" is used to protect IP which identifies and distinguishes a business's goods from those of others. A "Service Mark" identifies and distinguishes the source of services of one business from that of another. Either mark can, subject to certain tests and requirements, be protected through registration either with the United States Patent and Trademark Office (USPTO) or, on the state level, here in Pennsylvania, with the Pennsylvania Department of State.

Probably the most familiar sounding of all IP protection methods is that of the Patent. The USPTO can grant Patent protection and rights, once relatively strict guidelines and proof requirements are met, to things like general inventions, software, new drugs, manufacturing processes, even hybrid plants and animals. An attorney practicing in Patents must be registered to do so with the USPTO.

While these broad generalizations might seem simple and clear, experience has shown most IP owners find that their particular property, at least at first glance, should be protected by one protection tool, only to find that that filing would be inappropriate, ultimately leading to registration denial. An attorney experienced in IP can be invaluable in guiding a business owner through these processes.