

World Intellectual Property Day - April 26, 2023

Women and intellectual property

Accelerating innovation
and creativity



Intellectual Property Refresh

Brought to you by Williams Law in partnership with the Cayman Islands Intellectual Property Office (CIPO)

26 APRIL 2023

Disclaimer

- The slides in this presentation are used to accompany a presentation given on 26th April 2023 via Zoom for a free workshop. Neither the information contained in these slides nor the accompanying talk construe legal advice.
- This presentation was intended for informational use only. No attorney/client relationship is formed from viewing these slides.
- If you have any specific questions regarding intellectual property rights you or others may have, please contact an attorney.
- All trade marks, logos, images or designs used throughout this presentation are for representational purposes only. These properties belong to their respective owners.

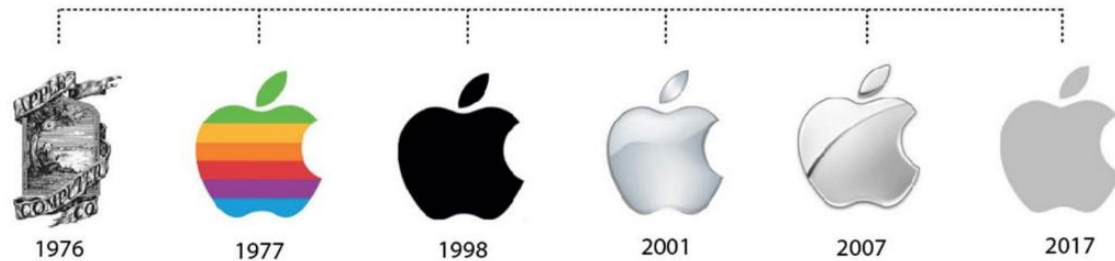
WHAT IS INTELLECTUAL PROPERTY?

TRADEMARK

COPYRIGHT

PATENT

TRADE SECRET

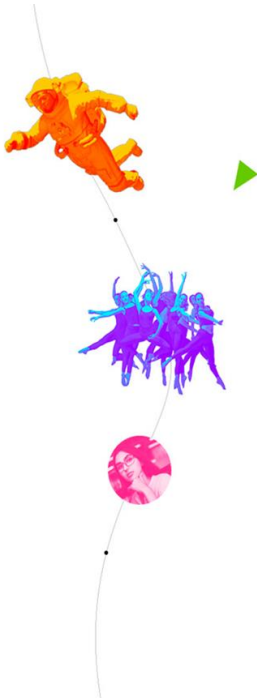


Apple Logo History

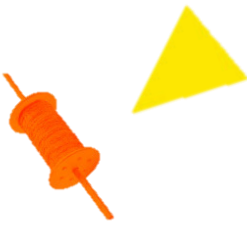


WHAT IS INTELLECTUAL PROPERTY?

- “Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.”



TRADEMARKS & SERVICE MARKS



A trademark is a distinctive word, symbol, sound, or design that identifies the manufacturer as the source of particular goods and distinguishes its products from those made or sold by others.

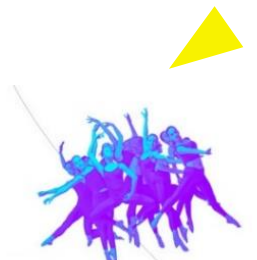
A service mark is the same in principle as a trademark, however, it refers to a mark that is representing services provided.



HOW DO I PROTECT A TRADEMARK?

- Trademarks are protected both at common law and by statute
- Trademarks Act 2016
- ®
- TM
- SM

eXampleSM



WHY PROTECT YOUR TRADEMARK?

- Protection of your trademark = protection of your brand



World Intellectual
Property Day
April 26, 2023

Women
and
intellectual
property

WHERE DO I PROTECT MY TRADEMARK?

- Wherever you intend or are presently using your mark in relation to the goods and/or services of your brand



UNITED STATES
PATENT AND TRADEMARK OFFICE



TRADE DRESS AND TRADE NAMES



■ Trade Dress:

- This refers to the image and overall appearance of a product. Trade dress is a broad concept that can include all or part of the total image or overall impression created by a product or its packaging
 - Ex: Fish shape of a cracker; the G-shaped design of a Gucci watch; interior of an Apple Store; the wax melting on a Makers Mark bottle;
 - Trade dress is subject to the same protections as trademarks. In cases involving trade dress infringement major consideration is given to whether consumers are likely to be confused by the allegedly infringing use

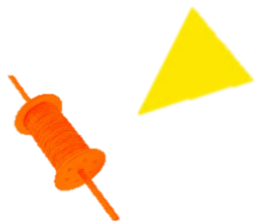
■ Trade names:

- Trademarks apply to products, a trade name is used to indicate part or all of a *business's name*
 - Trade names can be protected as trademarks if the trade name is the same as the company's trademarked product
 - Unless it is also used as trademark or service mark, a trade name cannot be registered with the federal government. However, they are protected under common law.
 - Ex: Coca-Cola
-

TRADE SECRETS

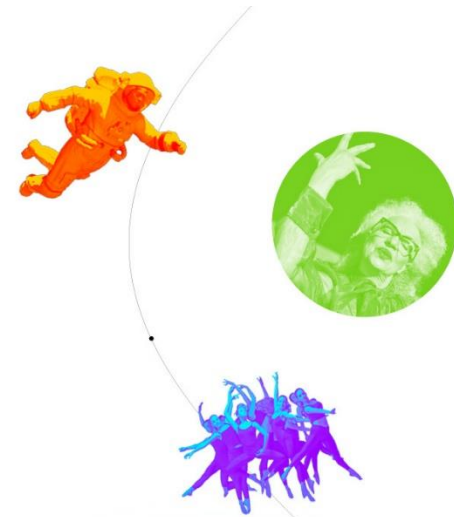


- A trade secret is information of commercial value
- Unlike copyright and trademark protection, protection of trade secrets extends both to ideas and to their expression. Businesses generally attempt to protect their trade secrets by having all employees who use the process or information agree in their contracts or in confidentiality agreements, never to divulge it.



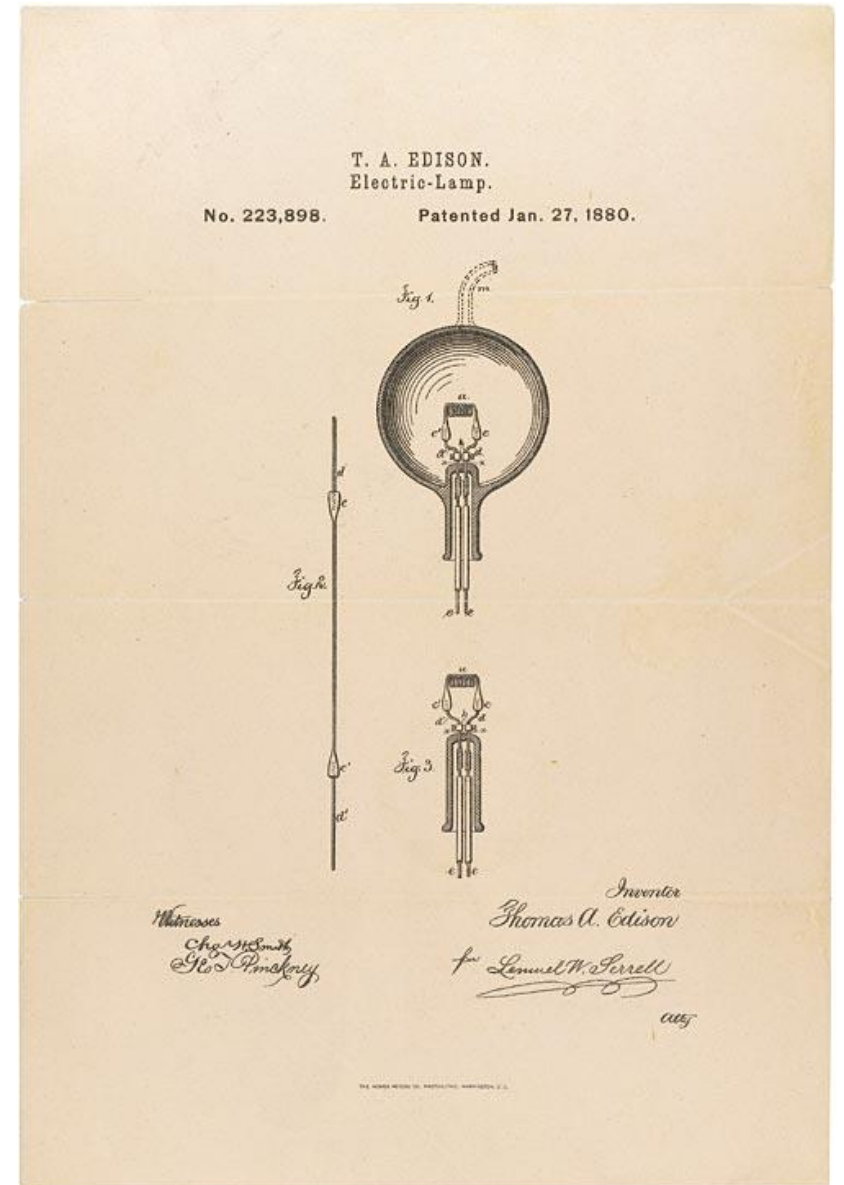
IP NON-DISCLOSURE AGREEMENTS (NDA)

- A non-disclosure agreement related in intellectual property rights allows for parties to confer in confidence about intellectual property without the risk of it being stolen
- NDA's in IP are commonly used when parties are requiring expertise for building out their IP products



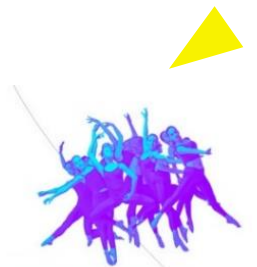
PATENTS

- A patent is a grant from the government that gives an inventor the exclusive right to make, use and sell an invention for a period of 20 years.



WHAT IS PATENTABLE?

- “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title”
- The word “process” is defined by law as a process, act, or method, and primarily includes industrial or technical processes. The term “machine” used in the statute needs no explanation. The term “manufacture” refers to articles that are made, and includes all manufactured articles. The term “composition of matter” relates to chemical compositions and may include mixtures of ingredients as well as new chemical compounds. These classes of subject matter taken together include practically everything that is made by man and the processes for making the products.



WHERE DO I PROTECT MY PATENT?

- Wherever you intend or are presently using your mark in relation to the goods and/or services of your brand

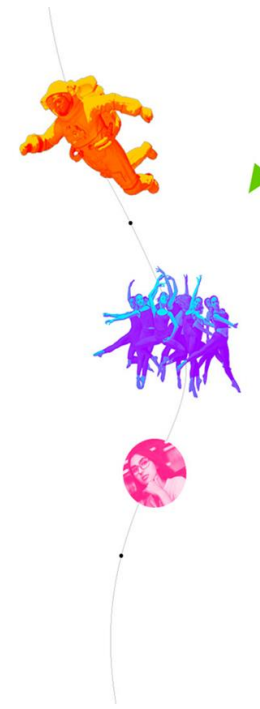


UNITED STATES
PATENT AND TRADEMARK OFFICE



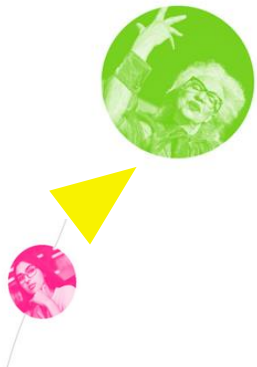
WHY PROTECT MY PATENT?

Examples of Skechers' Infringements in this Lawsuit	
NIKE Shoes	Skechers Infringing Shoes
	
	



COPYRIGHTS

- “Copyright is a form of protection provided by law to the authors of "original works of authorship" fixed in any tangible medium of expression. The manner and medium of fixation are virtually unlimited. Creative expression may be captured in words, numbers, notes, sounds, pictures, or any other graphic or symbolic media.”



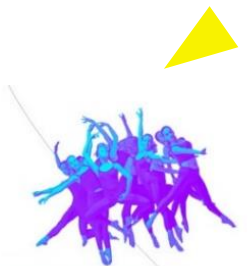
WHAT IS COPYRIGHTABLE?

- Literary works (including newspaper and magazine articles, computer and training manuals, catalogues, brochures, and print advertisements)
- Musical works and accompanying music
- Dramatic works and accompanying music
- Pantomimes and choreographic works (including ballets and other forms of dance)
- Pictorial, graphic and sculptural works (including cartoons, maps, posters, statues, and even stuffed animals)
- Motion pictures and other audiovisual works (including multimedia works).
- Sound recordings, architectural works, and computer software



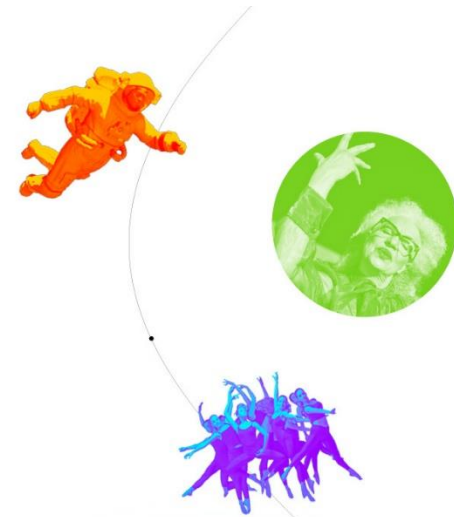
WHAT IS COPYRIGHTABLE?

- Compilations of facts are copyrightable, as a compilation if formed by the collection and assembling of preexisting materials or of data that are selected , coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship.
- Example:
 - Textbooks



HOW DO I PROTECT MY COPYRIGHTS?

- Copyrights are inherent to new works
- ©
- Berne Convention
- Registration



WHERE DO I PROTECT MY COPYRIGHTS?

Canadian Intellectual Property Office

Copyright.gov | U.S. Copyright Office



UNDERSTANDING HOW TO USE MY COPYRIGHT:

infringement and other issues to note

- ©
- Citations
- Doctrine of Fair Use/Fair Dealing
- Royalties
- Neighboring Rights



Ed Sheeran wins a copyright battle over 'Shape of You'

April 6, 2022 · 10:12 AM ET
By The Associated Press

"Whilst we're obviously happy with the result, I feel like claims like this are way too common now and have become a culture where a claim is made with the idea that a settlement will be cheaper than taking it to court, even if there is no basis for the claim," Sheeran said in a video posted on Twitter. "It's really damaging to the songwriting industry."

Lawsuit Over Lyrics in Taylor Swift's 'Shake It Off' Is Dismissed

Swift had been accused of stealing lyrics from a 3LW song released in 2000 that contains the lines "Playas, they gonna play/And haters, they gonna hate."

World Intellectual Property Day - April 26, 2023

Women and intellectual property

Accelerating innovation and creativity

QUESTIONS?



Brought to you by **Williams Law** in partnership with the **Cayman Islands Intellectual Property Office (CIPO)**