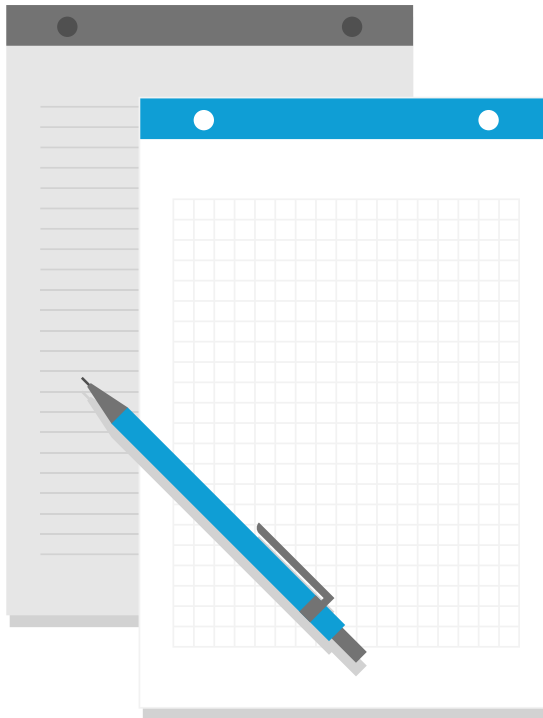


# Intro to IP Administration

Oversight of IP Administration  
**for Congressional Staff**

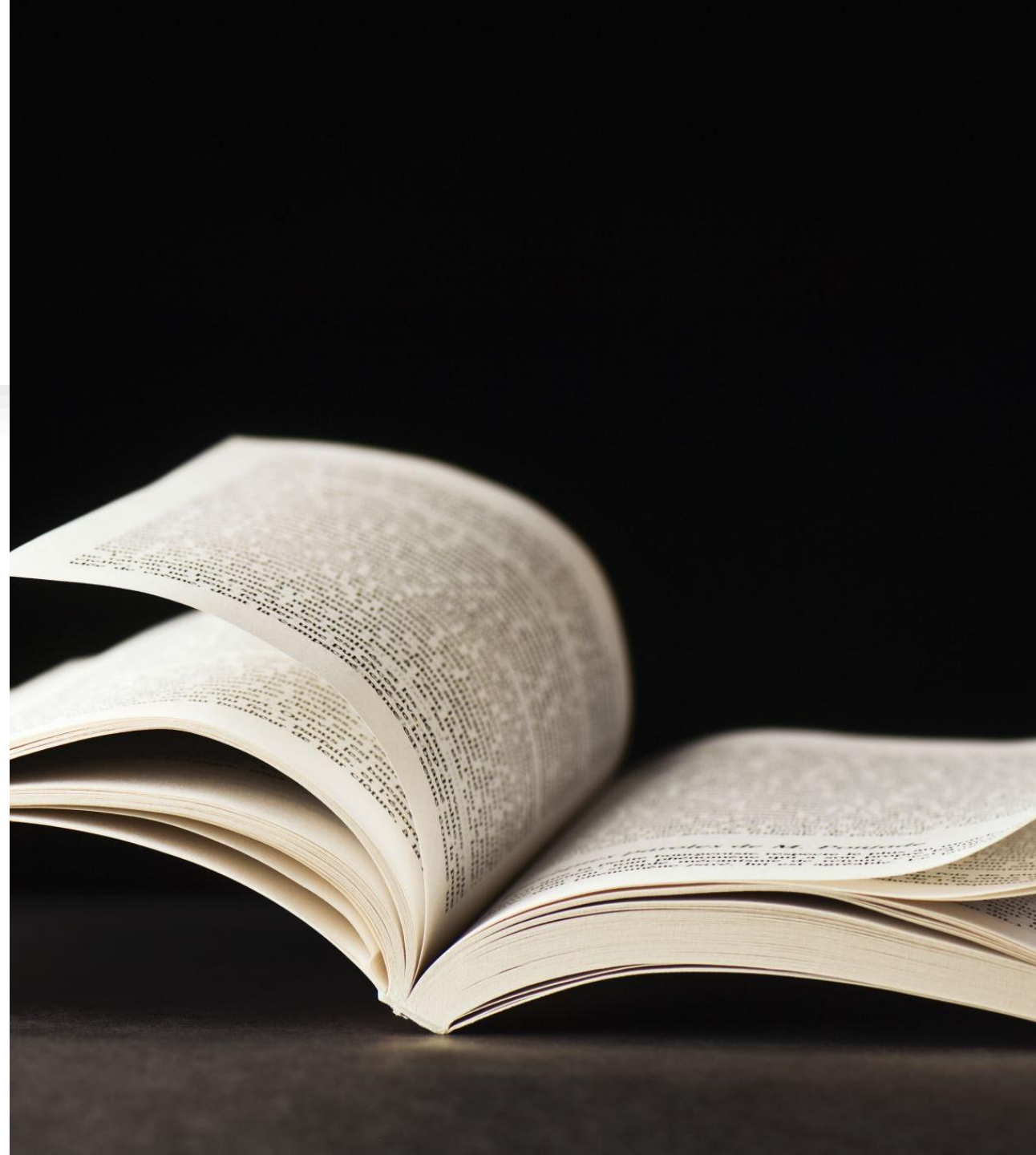


# CONSTITUTIONAL FOUNDATIONS: Intellectual Property

*[The Congress shall have 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**.*

**U.S. Constitution**

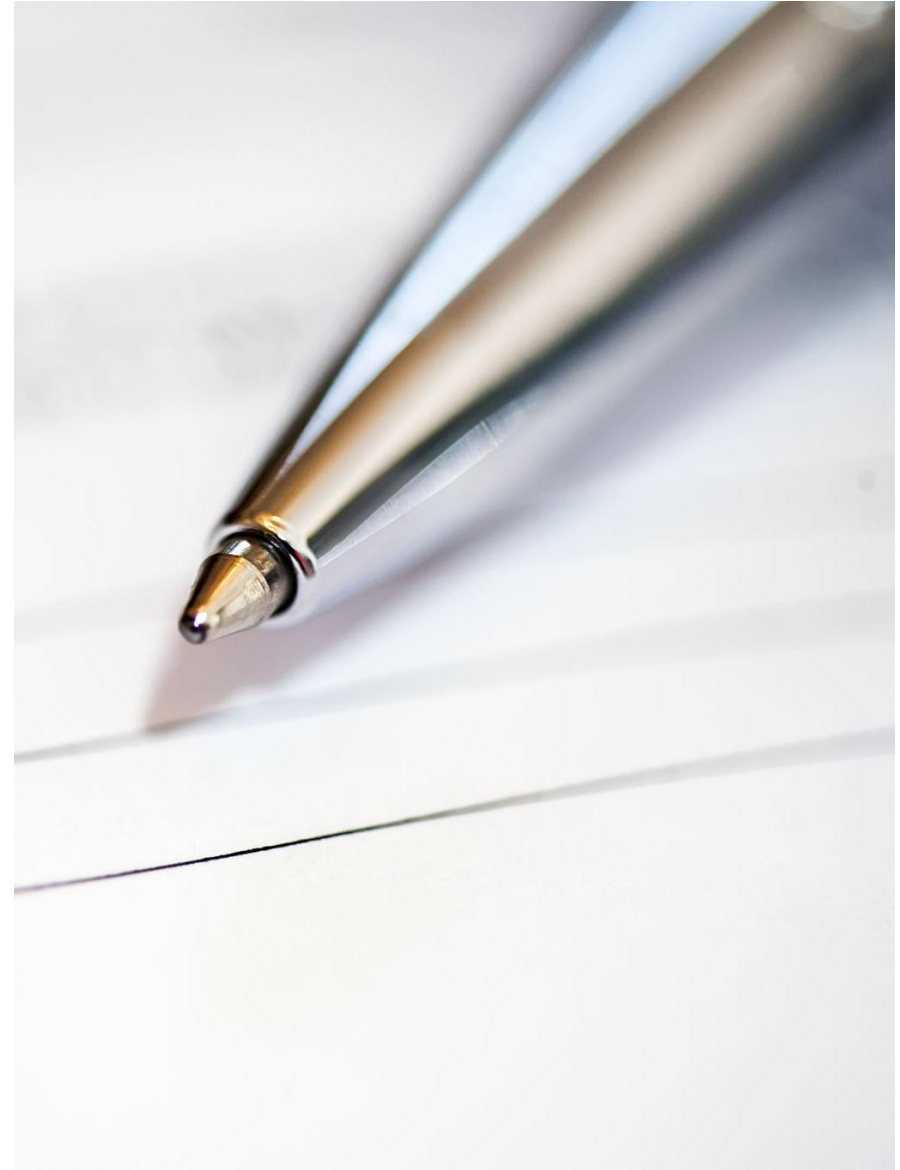
**Article One, Section Eight, Clause Eight**



# Intellectual Property Rights

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Consistent with its constitutional authority, beginning with the Patent Act of 1790 the U.S. Congress has established exclusive legal rights to certain outputs of mental labors in the form of intellectual property (“IP”).



# Forms of IP Rights

The U.S. Congress has exercised its constitutional authority to provide for various forms of intellectual property (“IP”) rights in U.S. law. Currently, four types of work are statutorily protected:


- Inventions and discoveries are eligible for **patents**;
- Creative works are covered by **copyrights**;
- Brands, logos, and identifying marks are recognized as **trademarks**; and,
- Proprietary information and know-how can be protected as **trade secrets**.



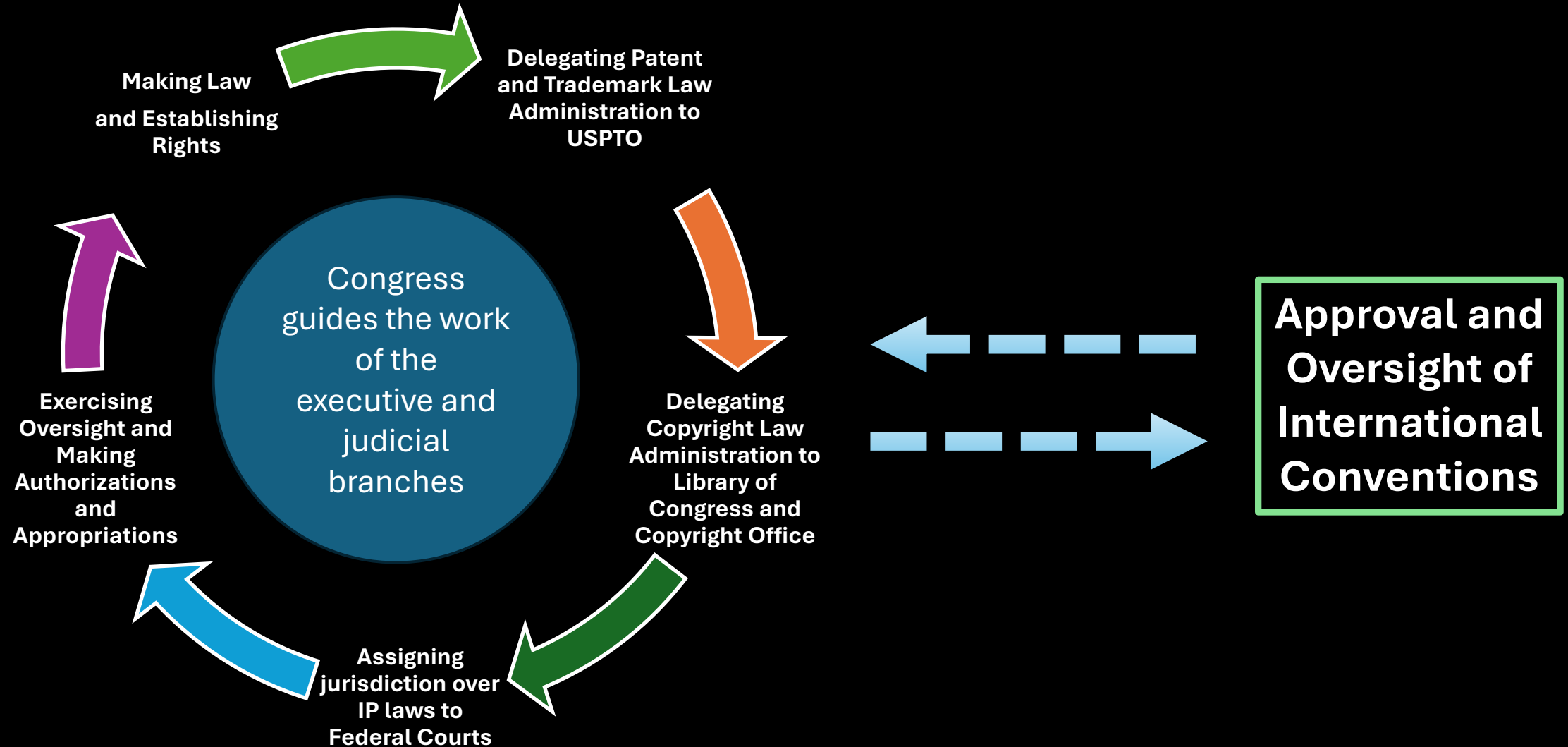


# IP Law in U.S. Statute

IP laws are found in United States Code:

- ✓ **Title 15 - Trademarks**
  - ✓ **Title 17 - Copyrights**
  - ✓ **Title 18 - Trade Secrets**
  - ✓ **Title 35 - Patents**
- 

# Making and Administration of IP Laws





# Key Concepts: IP Legislation and Oversight

- Congress makes IP laws establishing related property rights.
- Congress authorizes and appropriates for executive branch administration of statutory IP rights, including examination of applications and grant of ownership titles.
- Congress establishes relevant jurisdiction in the federal courts.
- Congress authorizes executive branch participation in international conventions, approving and overseeing agreements.
- Congressional committees of jurisdiction exercise oversight of IP administration and Congress revises law as it deems necessary.

# Key Concepts: IP Administration

- Executive branch IP agencies are established and authorized in law.
- The U.S. Patent and Trademark Office administers trademarks and patents, including examination and issuance of title to rights.
- The U.S. Copyright Office, within the Library of Congress, administers copyright including examination and issuance of title to rights.
- Federal courts have been granted jurisdiction to adjudicate IP matters, including trade secrets disputes, alongside newer administrative adjudication functions.
- IP agencies work within inter-agency processes to negotiate and participate in international conventions.



Issuance and Administration of Patents & Trademarks

# **U.S. Patent & Trademark Office (USPTO)**

**United States Code  
Title 15, Chapter 22, and Title 35  
(abridged)**

# USPTO Authorization

Purpose and  
Establishment

Leadership

Director's  
Authority

Powers & Duties

Revenues –  
Collection,  
Retention,  
Expenditure

Public Advisory  
Committees

Library

Annual Report to  
Congress

# STATUTORY BASIS:

## U.S. Patent & Trademark Office

PART I—UNITED STATES PATENT AND TRADEMARK OFFICE (§§ 1 – 42)

PART II—PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS (§§ 100 – 212)

PART III—PATENTS AND PROTECTION OF PATENT RIGHTS (§§ 251 – 329)

PART IV—PATENT COOPERATION TREATY (§§ 351 – 376)

PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL  
REGISTRATION OF INDUSTRIAL DESIGNS (§§ 381 – 390)

**United States Code**

Title 35

# Statutory Basis:

## UNITED STATES PATENT AND TRADEMARK OFFICE

CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES,  
FUNCTIONS (§§ 1 – 14)

CHAPTER 2—PROCEEDINGS IN THE PATENT AND TRADEMARK  
OFFICE (§§ 21 – 28)

CHAPTER 3—PRACTICE BEFORE PATENT AND TRADEMARK OFFICE  
(§§ 31 – 33)

CHAPTER 4—PATENT FEES; FUNDING; SEARCH SYSTEMS (§§ 41 –  
42)

**United States Code**

**Title 35, Part I**

# Statutory Basis:

## ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

§ 1. Establishment

§ 2. Powers and duties

§ 3. Officers and employees

§ 4. Restrictions on officers and employees as to interest in patents

§ 5. Patent and Trademark Office Public Advisory Committees

§ 6. Patent Trial and Appeal Board

§ 7. Library

§ 8. Classification of patents

§ 9. Certified copies of records

§ 10. Publications

§ 11. Exchange of copies of patents and applications with foreign countries

§ 12. Copies of patents and applications for public libraries

§ 13. Annual report to Congress

[§ 14. Renumbered § 13]

35 US Code

Part I, Chapter 1

# Statutory Basis:

## PATENT FEES; FUNDING; SEARCH SYSTEMS

§ 41. Patent fees; patent and trademark search systems

§ 42. Patent and Trademark Office funding

**Title 35, U.S. Code**

**Part I, Chapter 4**



# Establishment of USPTO

## § 1 – Establishment

### a) Establishment.—

The United States Patent and Trademark Office is established as an agency of the United States, within the Department of Commerce. In carrying out its functions, the United States Patent and Trademark Office shall be subject to the policy direction of the Secretary of Commerce, but otherwise shall retain responsibility for decisions regarding the management and administration of its operations and shall exercise independent control of its budget allocations and expenditures, personnel decisions and processes, procurements, and other administrative and management functions ... Those operations designed to grant and issue patents and those operations which are designed to facilitate the registration of trademarks shall be treated as separate operating units within the Office.

# Leadership

## § 3 - Officers and employees

### (a) Under Secretary and Director.—

#### (1) In general.—

The powers and duties of the United States Patent and Trademark Office shall be vested in an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office ... who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be a person who has a professional background and experience in patent or trademark law.

# Director's Authority

§ 3 - Officers and employees (cont.)

(2) Duties.—

(A) In general.—

The Director shall be responsible for providing policy direction and management supervision for the Office and for the issuance of patents and the registration of trademarks. The Director shall perform these duties in a fair, impartial, and equitable manner.

(B) Consulting with the public advisory committees.—

The Director shall consult with the Patent Public Advisory Committee established in section 5 on a regular basis on matters relating to the patent operations of the Office, shall consult with the Trademark Public Advisory Committee established in section 5 on a regular basis on matters relating to the trademark operations of the Office, and shall consult with the respective Public Advisory Committee...

# Powers & Duties (General)

## § 2 - Powers and duties

(a) In General.—The United States Patent and Trademark Office, subject to the policy direction of the Secretary of Commerce—

(1) shall be responsible for the granting and issuing of patents and the registration of trademarks; and

(2) shall be responsible for disseminating to the public information with respect to patents and trademarks.

# Powers & Duties (Authority)

§ 2 - Powers and duties (cont.)

(b) Specific Powers.—The Office—

(1) shall adopt and use a seal of the Office, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

(2) may establish regulations, not inconsistent with law, which—

(A) shall govern the conduct of proceedings in the Office;

...

# Powers & Duties (Advisory Expertise)

## § 2 - Powers and duties (cont.)

(8) shall advise the President, through the Secretary of Commerce, on national and certain international intellectual property policy issues;

(9) shall advise Federal departments and agencies on matters of intellectual property policy in the United States and intellectual property protection in other countries;

(10) shall provide guidance, as appropriate, with respect to proposals by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection;

(11) may conduct programs, studies, or exchanges of items or services regarding domestic and international intellectual property law and the effectiveness of intellectual property protection domestically and throughout the world



# Powers & Duties (International Cooperation)

## § 2 - Powers and duties (cont.)

(13)

(A) in coordination with the Department of State, may conduct programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

(B) with the concurrence of the Secretary of State, may authorize the transfer of not to exceed \$100,000 in any year to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents, trademarks, and other matters.

# Powers & Duties (Revenues)

## § 2 - Powers and duties (cont.)

(7) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office;

...

# Fees – Collection

## § 42 - Patent and Trademark Office funding

(a) All fees for services performed by or materials furnished by the Patent and Trademark Office will be payable to the Director.

(b) All fees paid to the Director and all appropriations for defraying the costs of the activities of the Patent and Trademark Office will be credited to the Patent and Trademark Office Appropriation Account in the Treasury of the United States.

# Fees – Expenditure

## § 42 - Patent and Trademark Office funding (cont.)

(A) Any fees that are collected ... may only be used for expenses of the Office relating to the processing of **patent applications** and for other activities, services, and materials relating to patents and to cover a proportionate share of the administrative costs of the Office.

(B) Any fees that are collected .... may only be used for expenses of the Office relating to the processing of **trademark registrations** and for other activities, services, and materials relating to trademarks and to cover a proportionate share of the administrative costs of the Office.

# Public Advisory Committees

## § 5 - Patent and Trademark Office Public Advisory Committees

### (a) Establishment of Public Advisory Committees.—

#### (1) Appointment.—

The United States Patent and Trademark Office shall have a Patent Public Advisory Committee and a Trademark Public Advisory Committee

....

### (d) Duties.—Each Advisory Committee shall—

(1) review the policies, goals, performance, budget, and user fees of the United States Patent and Trademark Office with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to Trademarks, in the case of the Trademark Public Advisory Committee, and advise the Director on these matters;

...

# Library

## § 7 – Library

The Director shall maintain a library of scientific and other works and periodicals, both foreign and domestic, in the Patent and Trademark Office to aid the officers in the discharge of their duties.



# Report to Congress

## § 13 - Annual report to Congress

The Director shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, the nature of training provided to examiners, the evaluation of the Commissioner of Patents and the Commissioner of Trademarks by the Secretary of Commerce, the compensation of the Commissioners, and other information relating to the Office.

# **Trademarks**

**United States Code  
Title 15, Chapter 22  
(abridged)**

# Trademark Administration

Subject Matter

Procedures

Fee-setting

Application,  
Examination,  
Registration &  
Renewal

Director's  
Authority

Opposition

Adjudication and  
Appeal

# Statutory Basis: Trademarks

SUBCHAPTER I—THE PRINCIPAL REGISTER (§§ 1051 – 1072)

SUBCHAPTER II—THE SUPPLEMENTAL REGISTER (§§ 1091 – 1096)

SUBCHAPTER III—GENERAL PROVISIONS (§§ 1111 – 1129)

SUBCHAPTER IV—THE MADRID PROTOCOL (§§ 1141 – 1141n)

**15 U.S. Code**

**Chapter 22 - TRADEMARKS**

# Statutory Basis: Trademarks

## Subchapter I - THE PRINCIPAL REGISTER

§ 1051. Application for registration; verification

§ 1052. Trademarks registrable on principal register; concurrent registration

§ 1053. Service marks registrable

§ 1054. Collective marks and certification marks registrable

§ 1055. Use by related companies affecting validity and registration

§ 1056. Disclaimer of unregistrable matter

§ 1057. Certificates of registration

§ 1058. Duration, affidavits and fees

§ 1059. Renewal of registration

**15 U.S. Code**

**Chapter 22, Subchapter I**

§ 1060. Assignment

§ 1061. Execution of acknowledgments and verifications

§ 1062. Publication

§ 1063. Opposition to registration

§ 1064. Cancellation of registration

§ 1065. Incontestability of right to use mark under certain conditions

§ 1066. Interference; declaration by Director

§ 1066a. Ex parte expungement

§ 1066b. Ex parte reexamination

§ 1067. Interference, opposition, and proceedings for concurrent use registration or for cancellation; notice; Trademark Trial and Appeal Board

§ 1068. Action of Director in interference, opposition, and proceedings for concurrent use registration or for cancellation

§ 1069. Application of equitable principles in inter partes proceedings

§ 1070. Appeals to Trademark Trial and Appeal Board from decisions of examiners

§ 1071. Appeal to courts

§ 1072. Registration as constructive notice of claim of ownership

# **Trademark Subject Matter**



# Subject Matter

§ 1052 - Trademarks registrable on principal register; concurrent registration

[Any] trademark by which the goods of the applicant may be distinguished from the goods of others...

# **Trademark Procedures**

# Rules and Regulations

§ 1123 – Rules and regulations for conduct of proceedings in the Patent and Trademark Office

The Director shall make rules and regulations, not inconsistent with law, for the conduct of proceedings in the Patent and Trademark Office under this chapter.

# **Trademark Application Fees**

# Fees

## § 1113 - Fees

(a)Applications; services; materials

**The Director shall establish fees** for the filing and processing of an application for the registration of a trademark or other mark and for all other services performed by and materials furnished by the Patent and Trademark Office related to trademarks and other marks.

# **Trademark Application, Examination, Registration & Renewal**

# Trademark Application

§ 1051 - Application for registration; verification

(a) Application for use of trademark

(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement...

# Examination & Publication

## § 1062 - Publication

### (a) Examination and publication

Upon the filing of an application for registration and payment of the prescribed fee, the Director shall refer the application to the examiner in charge of the registration of marks, who shall cause an examination to be made and, if on such examination it shall appear that the applicant is entitled to registration... the Director shall cause the mark to be published in the Official Gazette of the Patent and Trademark Office...



# Trademark Registration

## § 1057 - Certificates of registration

### (a) Issuance and form

Certificates of registration of marks registered upon the principal register shall be issued in the name of the United States of America, under the seal of the United States Patent and Trademark Office... . The registration shall reproduce the mark, and state that the mark is registered on the principal register under this chapter, the date of the first use of the mark, the date of the first use of the mark in commerce, the particular goods or services for which it is registered, the number and date of the registration, the term thereof, the date on which the application for registration was received in the United States Patent and Trademark Office, and any conditions and limitations that may be imposed in the registration.

# Trademark Renewal

## § 1059 – Renewal of registration

### (a) Period of renewal; time for renewal

Subject to the provisions of section 1058 of this title, each registration may be renewed for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the Director.

# **Director's Authority**

# Interference

§ 1066 – Interference; declaration by Director

Upon petition showing extraordinary circumstances, the Director may declare that an interference exists when application is made for the registration of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely when used on or in connection with the goods or services of the applicant to cause confusion or mistake or to deceive.

...

# Authority of Director

## § 1068 – Action of Director

...the Director may refuse to register the opposed mark, may cancel the registration, in whole or in part, may modify the application or registration by limiting the goods or services specified therein, may otherwise restrict or rectify with respect to the register the registration of a registered mark, may refuse to register any or all of several interfering marks, or may register the mark or marks for the person or persons entitled thereto, as the rights of the parties under this chapter may be established in the proceedings. The authority of the Director under this section includes the authority to reconsider, and modify or set aside, a decision of the Trademark Trial and Appeal Board...

# **Trademark Opposition**

# Trademark Trial and Appeal Board (TTAB)

§ 1067 - Interference, opposition, and proceedings for concurrent use registration or for cancellation; notice; Trademark Trial and Appeal Board

(a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Director shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

# **Patents**

**United States Code  
Title 35  
(abridged)**



# Patent Administration

Subject  
Matter

Application

Examination

Issue

Opposition

# STATUTORY BASIS:

## Patent Rights

PART I—UNITED STATES PATENT AND TRADEMARK OFFICE (§§ 1 – 42)

PART II—PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS (§§ 100 – 212)

PART III—PATENTS AND PROTECTION OF PATENT RIGHTS (§§ 251 – 329)

PART IV—PATENT COOPERATION TREATY (§§ 351 – 376)

PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL  
REGISTRATION OF INDUSTRIAL DESIGNS (§§ 381 – 390)

## **United States Code**

### Title 35

# Statutory Basis:

## Patentability of Inventions and Grant of Patents

CHAPTER 10—PATENTABILITY OF INVENTIONS (§§ 100 – 105)

CHAPTER 11—APPLICATION FOR PATENT (§§ 111 – 123)

CHAPTER 12—EXAMINATION OF APPLICATION (§§ – 135)

CHAPTER 13—REVIEW OF PATENT AND TRADEMARK OFFICE DECISIONS (§§ 141 – 146)

CHAPTER 14—ISSUE OF PATENT (§§ 151 – 157)

CHAPTER 15—PLANT PATENTS (§§ 161 – 164)

CHAPTER 16—DESIGNS (§§ 171 – 173)

CHAPTER 17—SECRECY OF CERTAIN INVENTIONS AND FILING APPLICATIONS IN FOREIGN COUNTRY (§§ 181 – 188)

CHAPTER 18—PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE (§§ 200 – 212)

**United States Code**

**Title 35, Part Two**

# Patents and Protection of Patent Rights

CHAPTER 25—AMENDMENT AND CORRECTION OF PATENTS (§§ 251 – 257)

CHAPTER 26—OWNERSHIP AND ASSIGNMENT (§§ 261 – 262)

CHAPTER 27—GOVERNMENT INTERESTS IN PATENTS (§§ 266 – 267)

CHAPTER 28—INFRINGEMENT OF PATENTS (§§ 271 – 273)

CHAPTER 29—REMEDIES FOR INFRINGEMENT OF PATENT, AND OTHER ACTIONS (§§ 281 – 299)

CHAPTER 30—PRIOR ART CITATIONS TO OFFICE AND EX PARTE REEXAMINATION OF PATENTS (§§ 301 – 307)

CHAPTER 31—INTER PARTES REVIEW (§§ 311 – 319)

CHAPTER 32—POST-GRANT REVIEW (§§ 321 – 329)

**35 U.S. Code**

**Part Three**

# Statutory Basis: Patentability of Inventions

§ 100. Definitions

§ 101. Inventions patentable

§ 102. Conditions for patentability; novelty

§ 103. Conditions for patentability; non-obvious subject matter

[§ 104. Repealed. Pub. L. 112–29, § 3(d), Sept. 16, 2011, 125 Stat. 287]

§ 105. Inventions in outer space

**United States Code**

**Title 35, Part Two, Chapter 10**

# Statutory Basis: Application for Patent

§ 111. Application

§ 112. Specification

§ 113. Drawings

§ 114. Models, specimens

§ 115. Inventor's oath or declaration

§ 116. Inventors

§ 117. Death or incapacity of inventor

§ 118. Filing by other than inventor

§ 119. Benefit of earlier filing date; right of priority

§ 120. Benefit of earlier filing date in the United States

§ 121. Divisional applications

§ 122. Confidential status of applications; publication of patent applications

§ 123. Micro entity defined

**35 U.S. Code**

**Part Two, Chapter Eleven**

# Statutory Basis: Examination of Application

§ 131. Examination of application

§ 132. Notice of rejection; reexamination

§ 133. Time for prosecuting application

§ 134. Appeal to the Patent Trial and Appeal Board

§ 135. Derivation proceedings

35 U.S. Code

Part Two, Chapter 12 – Examination of Application

# Statutory Basis:

## Issue of Patent

§ 151. Issue of patent

§ 152. Issue of patent to assignee

§ 153. How issued

§ 154. Contents and term of patent; provisional rights

[§§ 155, 155A. Repealed. Pub. L. 112–29, § 20(k), Sept. 16, 2011, 125 Stat. 335]

§ 156. Extension of patent term

[§ 157. Repealed. Pub. L. 112–29, § 3(e)(1), Sept. 16, 2011, 125 Stat. 287]

**35 U.S. Code**

**Part Two, Chapter 14 – Issue of Patent**



# Patents and Protection of Patent Rights

§ 261. Ownership; assignment

§ 262. Joint owners

**35 U.S. Code**

**Part Three, Chapter 26 – Ownership and Assignment**

# Statutory Basis: Infringement

§ 271. Infringement of patent

§ 272. Temporary presence in the United States

§ 273. Defense to infringement based on prior commercial use

**35 U.S. Code**

**Part Three, Chapter 28 – Infringement of Patents**

# Statutory Basis:

## Remedies for Infringement of Patent

§ 281. Remedy for infringement of patent

§ 282. Presumption of validity; defenses

§ 283. Injunction

§ 284. Damages

§ 285. Attorney fees

§ 286. Time limitation on damages

§ 287. Limitation on damages and other remedies; marking and notice

§ 288. Action for infringement of a patent containing an invalid claim

§ 289. Additional remedy for infringement of design patent

§ 290. Notice of patent suits

§ 291. Derived patents

§ 292. False marking

§ 293. Nonresident patentee; service and notice

§ 294. Voluntary arbitration

§ 295. Presumption: Product made by patented process

§ 296. Liability of States, instrumentalities of States, and State officials for infringement of patents

§ 297. Improper and deceptive invention promotion

§ 298. Advice of counsel

§ 299. Joinder of parties

**35 U.S. Code**

**Part Three, Chapter 29**

# **Patent Subject Matter Defined**

# Inventions Patentable (Eligible Subject Matter)

## § 101 - Inventions 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.

# Definitions

## § 100 – Definitions

When used in this title unless the context otherwise indicates—

- (a) The term “invention” means invention or discovery.
- (b) The term “process” means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material.

# Definitions (cont...)

## § 100 – Definitions

When used in this title unless the context otherwise indicates—

(f) The term “inventor” means the individual[(s)]... who invented or discovered the subject matter of the invention.

(d) The word “patentee” includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.

# Definitions (concl.)

## § 100 – Definitions

When used in this title unless the context otherwise indicates—

(j)The term “claimed invention” means the subject matter defined by a claim in a patent or an application for a patent.



# **Application for Patent**

# Application

## § 111 - Application

### (a) In General.—

An application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Director.

### (2) Contents.—Such application shall include—

(A) a specification as prescribed by section 112;

(B) a drawing as prescribed by section 113; and

(C) an oath or declaration as prescribed by section 115. ...

# Specification and Claim(s)

## § 112 - Specification

### (a) In General.—

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

### (b) Conclusion.—

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

# **Examination of Patent Application**

# Examination

## § 131 – Examination of application

The Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor.

# Patent Examination

When a patent application is filed with the **U.S. Patent & Trademark Office**, “there are a number of legal requirements that must be met, including **novelty** (35 U.S.C. 102), **utility** and **eligibility** (35 U.S.C 101), **non-obviousness** (35 U.S.C. 103), and written description (35 U.S.C. 112)...”

A patent examiner, “review[s] the contents of the application to determine if it meets all legal requirements for a patent to be granted. The examination consists of a study for compliance with legal requirements... and a search through U.S. patents, publications of patent applications, foreign patent documents, and available literature.”

“This is to see if the claimed invention is new, useful, and non-obvious, and if the application meets patent statute requirements and rules of practice.”

**U.S. Patent & Trademark Office**

“Patent Process Overview”



# Technology Fields

## § 8 - Classification of patents

The Director may revise and maintain the classification by subject matter of United States letters patent, and such other patents and printed publications as may be necessary or practicable, for the purpose of determining with readiness and accuracy the novelty of inventions for which applications for patent are filed.

# Rejections

## § 132 - Notice of rejection; reexamination

(a) Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention. ...



# **Issue of Patent**

# Issue of Patent

## § 151 - Issue of patent

### (a) In General.—

If it appears that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee and any required publication fee, which shall be paid within 3 months thereafter.

### (b) Effect of Payment.—

Upon payment of this sum the patent may issue, but if payment is not timely made, the application shall be regarded as abandoned.

# Issue of Patent

## § 153 - How issued

Patents shall be issued in the name of the United States of America, under the seal of the Patent and Trademark Office, and shall be signed by the Director or have his signature placed thereon and shall be recorded in the Patent and Trademark Office.

# **Patent Opposition**

# Patent Trial & Appeal Board (PTAB)

## § 6 - Patent Trial and Appeal Board

### (a) In General.—

There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. ....

# Patent Trial & Appeal Board (PTAB cont.)

## § 6 - Patent Trial and Appeal Board (cont.)

b) Duties.—The Patent Trial and Appeal Board shall—

- (1) on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a);
- (2) review appeals of reexaminations pursuant to section 134(b);
- (3) conduct derivation proceedings pursuant to section 135; and
- (4) conduct inter partes reviews and post-grant reviews pursuant to chapters 31 and 32.

Issuance and Administration of Copyrights

**U.S. Copyright Office,  
Library of Congress**

**United States Code  
Title 17 (abridged)**

# Copyright Administration

Subject  
Matter

Register of  
Copyright

Office  
Functions

Procedures

Application,  
Examination &  
Registration

Fees

Records &  
Catalog

Administrative  
Adjudication  
Proceedings



# STATUTORY BASIS: Copyrights

CHAPTER 1—SUBJECT MATTER AND SCOPE OF COPYRIGHT (§§ 101 – 122)

CHAPTER 2—COPYRIGHT OWNERSHIP AND TRANSFER (§§ 201 – 205)

CHAPTER 3—DURATION OF COPYRIGHT (§§ 301 – 305)

CHAPTER 4—COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION (§§ 401 – 412)

CHAPTER 5—COPYRIGHT INFRINGEMENT AND REMEDIES (§§ 501 – 513)

CHAPTER 6—IMPORTATION AND EXPORTATION (§§ 601 – 603)

CHAPTER 7—COPYRIGHT OFFICE (§§ 701 – 710)

CHAPTER 8—PROCEEDINGS BY COPYRIGHT ROYALTY JUDGES (§§ 801 – 805)

CHAPTER 9—PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS (§§ 901 – 914)

CHAPTER 10—DIGITAL AUDIO RECORDING DEVICES AND MEDIA (§§ 1001 – 1010)

CHAPTER 11—SOUND RECORDINGS AND MUSIC VIDEOS (§ 1101)

CHAPTER 12—COPYRIGHT PROTECTION AND MANAGEMENT SYSTEMS (§§ 1201 – 1205)

CHAPTER 13—PROTECTION OF ORIGINAL DESIGNS (§§ 1301 – 1332)

CHAPTER 14—UNAUTHORIZED USE OF PRE-1972 SOUND RECORDINGS (§ 1401)

CHAPTER 15—COPYRIGHT SMALL CLAIMS (§§ 1501 – 1511)

## 17 U.S. Code

# Statutory Basis: Subject Matter and Scope of Copyright

§ 101. Definitions

§ 102. Subject matter of copyright: In general

§ 103. Subject matter of copyright: Compilations and derivative works

§ 104. Subject matter of copyright: National origin

§ 104A. Copyright in restored works

§ 105. Subject matter of copyright: United States Government works

§ 106. Exclusive rights in copyrighted works

§ 106A. Rights of certain authors to attribution and integrity

§ 107. Limitations on exclusive rights: Fair use

§ 108. Limitations on exclusive rights: Reproduction by libraries and archives

§ 109. Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord

**17 U.S. Code**

**Chapter One**

§ 110. Limitations on exclusive rights: Exemption of certain performances and displays

§ 111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable

§ 112. Limitations on exclusive rights: Ephemeral recordings

§ 113. Scope of exclusive rights in pictorial, graphic, and sculptural works

§ 114. Scope of exclusive rights in sound recordings

§ 115. Scope of exclusive rights in nondramatic musical works: Compulsory license for making and distributing phonorecords

§ 116. Negotiated licenses for public performances by means of coin-operated phonorecord players

[§ 116A. Renumbered § 116]

§ 117. Limitations on exclusive rights: Computer programs

§ 118. Scope of exclusive rights: Use of certain works in connection with noncommercial broadcasting

§ 119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite

§ 120. Scope of exclusive rights in architectural works

§ 121. Limitations on exclusive rights: Reproduction for blind or other people with disabilities

§ 121A. Limitations on exclusive rights: reproduction for blind or other people with disabilities in Marrakesh Treaty countries

§ 122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite

# Statutory Basis:

## Copyright Ownership and Transfer

§ 201. Ownership of copyright

§ 202. Ownership of copyright as distinct from ownership of material object

§ 203. Termination of transfers and licenses granted by the author

§ 204. Execution of transfers of copyright ownership

§ 205. Recordation of transfers and other documents

**17 U.S. Code**  
**Chapter Two**

# Statutory Basis:

## Copyright Notice, Deposit, and Registration

§ 401. Notice of copyright: Visually perceptible copies

§ 402. Notice of copyright: Phonorecords of sound recordings

§ 403. Notice of copyright: Publications incorporating United States Government works

§ 404. Notice of copyright: Contributions to collective works

§ 405. Notice of copyright: Omission of notice on certain copies and phonorecords

§ 406. Notice of copyright: Error in name or date on certain copies and phonorecords

§ 407. Deposit of copies or phonorecords for Library of Congress

§ 408. Copyright registration in general

§ 409. Application for copyright registration

§ 410. Registration of claim and issuance of certificate

§ 411. Registration and civil infringement actions

§ 412. Registration as prerequisite to certain remedies for infringement

**17 U.S. Code**

**Chapter Four**

# Statutory Basis: Copyright Office

§ 701. The Copyright Office: General responsibilities and organization

§ 702. Copyright Office regulations

§ 703. Effective date of actions in Copyright Office

§ 704. Retention and disposition of articles deposited in Copyright Office

§ 705. Copyright Office records: Preparation, maintenance, public inspection, and searching

§ 706. Copies of Copyright Office records

§ 707. Copyright Office forms and publications

§ 708. Copyright Office fees

§ 709. Delay in delivery caused by disruption of postal or other services

§ 710. Emergency relief authority

**17 U.S. Code**

**Chapter Seven**

# Statutory Basis: Royalty Judges

§ 801. Copyright Royalty Judges; appointment and functions

§ 802. Copyright Royalty Judgeships; staff

§ 803. Proceedings of Copyright Royalty Judges

§ 804. Institution of proceedings

§ 805. General rule for voluntarily negotiated agreements

**17 U.S. Code**

**Chapter Eight**

# Statutory Basis: Small Claims

§ 1501. Definitions

§ 1502. Copyright Claims Board

§ 1503. Authority and duties of the Copyright Claims Board

§ 1504. Nature of proceedings

§ 1505. Registration requirement

§ 1506. Conduct of proceedings

§ 1507. Effect of proceeding

§ 1508. Review and confirmation by district court

§ 1509. Relationship to other district court actions

§ 1510. Implementation by Copyright Office

§ 1511. Funding

**17 U.S. Code**

**Chapter Fifteen**

# **Copyright Subject Matter**



# Subject Matter

§ 102 (a) Copyright protection subsists... in original works\* of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

\*including literary, musical, dramatic, choreographic, pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works.

# **Register of Copyright**

# Copyright Office

§ 701 - The Copyright Office: General responsibilities and organization

(a) All administrative functions and duties under this title, except as otherwise specified, are the responsibility of the Register of Copyrights as director of the Copyright Office of the Library of Congress. The Register of Copyrights, together with the subordinate officers and employees of the Copyright Office, shall be appointed by the Librarian of Congress, and shall act under the Librarian's general direction and supervision.

# **Copyright Office Functions**

# Copyright Office Functions

§ 701 (cont.)

- (1) Advise Congress on national and international issues ....
- (2) Provide information and assistance to Federal departments and agencies and the Judiciary ...
- (3) Participate in meetings of international intergovernmental organizations and meetings with foreign government officials ... including as a member of United States delegations as authorized by the appropriate Executive branch authority.
- (4) Conduct studies and programs regarding copyright..., the administration of the Copyright Office, or any function vested in the Copyright Office by law, including educational programs conducted cooperatively with foreign intellectual property offices and international intergovernmental organizations.
- (5) Perform such other functions as Congress may direct, or as may be appropriate in furtherance of the functions and duties specifically set forth in this title.

# **Copyright Office Procedures**

# Regulatory Authority

## § 702 - Copyright Office regulations

The Register of Copyrights is authorized to establish regulations not inconsistent with law for the administration of the functions and duties made the responsibility of the Register under this title. All regulations established by the Register under this title are subject to the approval of the Librarian of Congress.

# **Copyright Application, Examination & Registration**



# Registration

## § 408 - Copyright registration in general

...[T]he owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by delivering to the Copyright Office the deposit specified by this section, together with the application and fee specified by sections 409 and 708. Such registration is not a condition of copyright protection.

# Application

§ 409 - Application for copyright registration

The application for copyright registration shall be made on a form prescribed by the Register of Copyrights...

# Examination & Issuance

§ 410 - Registration of claim and issuance of certificate:

- (a) ...[A]fter examination... the Register shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office.
- (b) In any case in which the Register of Copyrights determines that... the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason, the Register shall refuse registration and shall notify the applicant in writing of the reasons for such refusal.

# Recordation

## § 205 - Recordation of transfers and other documents

### (a) Conditions for Recordation.—

Any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office... pursuant to regulations established by the Register of Copyrights.

### (b) Certificate of Recordation.—

The Register of Copyrights shall, upon receipt of a document as provided by subsection (a) and of the fee provided by section 708, record the document and return it with a certificate of recordation.

# **Copyright Office Fees**

# Fees

§ 708 - Copyright Office fees

(a) Fees.—Fees shall be paid to the Register of Copyrights [for various enumerated services]

...

# **Copyright Records and Catalog**

# Records

§ 705 - Copyright Office records: Preparation, maintenance, public inspection, and searching

(a) The Register of Copyrights shall ensure that records of deposits, registrations, recordations, and other actions taken under this title are maintained, and that indexes of such records are prepared [and] (b) ... shall be open to public inspection.

...



# Catalog

§ 707 - Copyright Office forms and publications

(a) Catalog of Copyright Entries.—

The Register of Copyrights shall compile and publish at periodic intervals catalogs of all copyright registrations. These catalogs shall be divided into parts in accordance with the various classes of works, and the Register has discretion to determine, on the basis of practicability and usefulness, the form and frequency of publication of each particular part.

...

# **Copyright Administrative Adjudication Proceedings**

# Copyright Claims Board

## § 1502 - Copyright Claims Board

### (a) In General.—

There is established in the Copyright Office the Copyright Claims Board, which shall serve as an alternative forum in which parties may voluntarily seek to resolve certain copyright claims regarding any category of copyrighted work, as provided in this chapter....

# Copyright Claims Board (Authority)

## § 1503 - Authority and duties of the Copyright Claims Board

### (a) Functions.—

(1) ...the functions of the Copyright Claims Officers shall be as follows:

(A) To render determinations on the civil copyright claims, counterclaims, and defenses...

(B) To ensure that claims, counterclaims, and defenses are properly asserted...

(C) To manage the proceedings before the Officers...

(D) To request ... information and documents relevant to the resolution of a claim, counterclaim, or defense.

(E) To conduct hearings and conferences.

(F) To facilitate the settlement by the parties of claims and counterclaims.

(G) To—

(i) award monetary relief; and

(ii) include in the determinations of the Officers a requirement that certain activities under section 1504(e)(2) cease or be mitigated, if the party to undertake the applicable measure has so agreed.

...

# Copyright Claims Board (Proceedings)

§ § 1504 - Nature of proceedings

((a)Voluntary Participation.—

Participation in a Copyright Claims Board proceeding shall be on a voluntary basis in accordance with this chapter, and the right of any party to instead pursue a claim, counterclaim, or defense in a district court of the United States, any other court, or any other forum, and to seek a jury trial, shall be preserved. The rights, remedies, and limitations under this section may not be waived except in accordance with this chapter....

# Copyright Claims Board (Conduct)

## § 1506 - Conduct of proceedings

### (a) In General.—

#### (1) Applicable law.—

Proceedings of the Copyright Claims Board shall be conducted in accordance with this chapter and regulations established by the Register of Copyrights under this chapter, in addition to relevant principles of law under this title.

#### (2) Conflicting precedent.—

If it appears that there may be conflicting judicial precedent on an issue of substantive copyright law that cannot be reconciled, the Copyright Claims Board shall follow the law of the [relevant] Federal jurisdiction...

...

# Copyright Claims Board (Implementation)

## § 1510 - Implementation by Copyright Office

### (a) In General.—

#### (1) Applicable law.—

Proceedings of the Copyright Claims Board shall be conducted in accordance with this chapter and regulations established by the Register of Copyrights under this chapter, in addition to relevant principles of law under this title.

#### (2) Conflicting precedent.—

If it appears that there may be conflicting judicial precedent on an issue of substantive copyright law that cannot be reconciled, the Copyright Claims Board shall follow the law of the [relevant] Federal jurisdiction...

...

# Copyright Royalty Judges

§ 801 - Copyright Royalty Judges; appointment and functions

(a) Appointment.—

The Librarian of Congress shall appoint 3 full-time Copyright Royalty Judges, and shall appoint 1 of the 3 as the Chief Copyright Royalty Judge. The Librarian shall make appointments to such positions after consultation with the Register of Copyrights.

(b) Functions.—Subject to the provisions of this chapter, the functions of the Copyright Royalty Judges shall be ... (1) To make determinations and adjustments of reasonable terms and rates of royalty payments ...



Jurisdiction over Intellectual Property Rights Litigation

# **Federal District Courts**

**United States Code  
Title 18, Chapter 90 (abridged)**

# Patent Administration

Jurisdiction

Appeals

Powers

Trade  
Secrets

Preemption

# District Court IP Jurisdiction

§ 1338 - Patents, plant variety protection, copyrights, mask works, designs, trademarks, and unfair competition

(a) The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, plant variety protection, copyrights and trademarks. No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights. ...

(b) The district courts shall have original jurisdiction of any civil action asserting a claim of unfair competition when joined with a substantial and related claim under the copyright, patent, plant variety protection or trademark laws.

**28 U.S. Code**  
**Part IV, Chapter 85**

# Court of Appeals for the Federal Circuit

§ 1295 - Jurisdiction of the United States Court of Appeals for the Federal Circuit

(a) The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction—

...

(4) of an appeal from a decision of—

(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to a patent application, derivation proceeding, reexamination, post-grant review, or inter partes review under title 35...

(B) the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office or the Trademark Trial and Appeal Board with respect to applications for registration of marks and other proceedings as provided in section 21 of the Trademark Act of 1946 (15 U.S.C. 1071); or

(C) a district court to which a case was directed pursuant to section 145, 146, or 154(b) of title 35

...

(6) to review the final determinations of the United States International Trade Commission relating to unfair practices in import trade, made under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337)

...

(8) of an appeal under section 71 of the Plant Variety Protection Act (7 U.S.C. 2461)

**28 U.S. Code**

**Part IV, Chapter 83**

# **Trademark Law Jurisdiction**

# Jurisdiction of Federal Courts

## § 1121 – Jurisdiction of Federal courts

(a) The district and territorial courts of the United States shall have original jurisdiction and the courts of appeal of the United States (other than the United States Court of Appeals for the Federal Circuit) shall have appellate jurisdiction, of all actions arising under this chapter...

(b) No State or other jurisdiction of the United States or any political subdivision or any agency thereof may require alteration of a registered mark, or require that additional trademarks, service marks, trade names, or corporate names that may be associated with or incorporated into the registered mark be displayed in the mark in a manner differing from the display of such additional trademarks, service marks, trade names, or corporate names contemplated by the registered mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office.

**15 U.S. Code**

**Chapter 22, Subchapter 3**

# Appeal to Courts

## § 1071 – Appeal to courts

(a) Persons entitled to appeal; United States Court of Appeals for the Federal Circuit; waiver of civil action; election of civil action by adverse party; procedure

(1) An applicant for registration of a mark, party to an interference proceeding, party to an opposition proceeding, party to an application to register as a lawful concurrent user, party to a cancellation proceeding, a registrant who has filed an affidavit as provided in section 1058 of this title or section 1141k of this title, an applicant for renewal, or a registrant subject to an ex parte expungement proceeding or an ex parte reexamination proceeding, who is dissatisfied with the decision of the Director or Trademark Trial and Appeal Board, may appeal to the United States Court of Appeals for the Federal Circuit ...

**15 U.S. Code**

**Chapter 22, Subchapter 1**

# Power of Court

## § 1119 – Power of court over registration

In any action involving a registered mark **the court may determine** the right to registration, order the cancelation of registrations, in whole or in part, restore canceled registrations, and otherwise rectify the register with respect to the registrations of any party to the action. Decrees and orders shall be certified by the court to the Director, who shall make appropriate entry upon the records of the Patent and Trademark Office, and shall be controlled thereby.



# **Patent Law Jurisdiction**

# Patent Jurisdiction

## § 281 - Remedy for infringement of patent

A patentee shall have remedy by civil action for infringement of his patent.

**35 U.S. Code**

**Part III, Chapter 29**

# Notice to USPTO

## § 290 - Notice of patent suits

The clerks of the courts of the United States, within one month after the filing of an action under this title shall give notice thereof in writing to the Director, setting forth so far as known the names and addresses of the parties, name of the inventor, and the designating number of the patent upon which the action has been brought. If any other patent is subsequently included in the action he shall give like notice thereof. Within one month after the decision is rendered or a judgment issued the clerk of the court shall give notice thereof to the Director. The Director shall, on receipt of such notices, enter the same in the file of such patent.

**35 U.S. Code**

**Part III, Chapter 29**

# **Copyright Law Jurisdiction**

# Copyright Jurisdiction

§ 501 - Infringement of copyright

(b) The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of section 411, to institute an action for any infringement of that particular right committed while he or she is the owner of it. ...

17 U.S. Code  
Chapter 5

# Criminal Copyright Actions

17 U.S. Code § 508 - Notification of filing and determination of actions

(a) ...after the filing of any action under this title, the clerks of the courts of the United States shall send written notification to the Register of Copyrights...

(b) Within one month after any final order or judgment is issued in the case, the clerk of the court shall notify the Register of it, sending with the notification a copy of the order or judgment together with the written opinion, if any, of the court.

# **Trade Secret Law Jurisdiction**

# Statutory Basis: Trade Secrets

§ 1831. Economic espionage

§ 1832. Theft of trade secrets

§ 1833. Exceptions to prohibitions

§ 1834. Criminal forfeiture

§ 1835. Orders to preserve confidentiality

§ 1836. Civil proceedings

§ 1837. Applicability to conduct outside the United States

§ 1838. Construction with other laws

§ 1839. Definitions



# Subject Matter

## § 1839 – Definitions

(3) the term “trade secret” means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

(A) the owner thereof has taken reasonable measures to keep such information secret; and

(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information...

**18 U.S. Code**

**Part I, Chapter 90**

# Trade Secret Jurisdiction

§ 1836 - Civil proceedings

(a) The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this chapter.

(b) Private Civil Actions.—

(1) In general.—

An owner of a trade secret that is misappropriated may bring a civil action under this subsection if the trade secret is related to a product or service used in, or intended for use in, interstate or foreign commerce

**18 U.S. Code**

**Part I, Chapter 90**

# Remedies

## § 1836 - Civil proceedings

(3) Remedies.—In a civil action brought under this subsection with respect to the misappropriation of a trade secret, a court may—

(A) grant an injunction— (i) to prevent any actual or threatened misappropriation... (ii) ,,,requiring affirmative actions to be taken to protect the trade secret; and (iii) ...that conditions future use of the trade secret upon payment of a reasonable royalty...

(B) award—...(I) damages for actual loss caused by the misappropriation of the trade secret; and (II) damages for any unjust enrichment caused by the misappropriation of the trade secret... or... in lieu of damages measured by any other methods, the damages caused by the misappropriation measured by imposition of liability for a reasonable royalty for the misappropriator's unauthorized disclosure or use of the trade secret;

(C) ...award exemplary damages...

# Federal Preemption

## § 1838 - Construction with other laws

Except as provided in section 1833(b), this chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret...

**18 U.S. Code**

**Part I, Chapter 90**

# State Law - Uniform Trade Secret Act

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The Uniform Trade Secrets Act (UTSA) is a piece of legislation created by the Uniform Law Commission (ULC). The UTSA defines trade secrets and describes claims related to trade secrets. As of 2024, 48 states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico, have adopted the UTSA.

The UTSA defines a "trade secret" as: Information, including a formula, pattern, compilation, program, device, method, technique, or process that:

- Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Remedies will vary depending upon the state, and whether the Economic Espionage Act is involved.

**Source: Wex, Legal Information Institute**

Effect of Conventions, Treaties, and Agreements

# **International Conventions**

**United States Code  
Various Titles  
(abridged)**

# 19 US Code, Part A

## § 3581 - Objectives in intellectual property

It is the objective of the United States—

- (1) to accelerate the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 3511(d)(15) of this title,
- (2) to seek enactment and effective implementation by foreign countries of laws to protect and enforce intellectual property rights that supplement and strengthen the standards of the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 3511(d)(15) of this title and the North American Free Trade Agreement and, in particular—
  - (A) to conclude bilateral and multilateral agreements that create obligations to protect and enforce intellectual property rights that cover new and emerging technologies and new methods of transmission and distribution, and
  - (B) to prevent or eliminate discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights,
- (3) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection,
- (4) to take an active role in the development of the intellectual property regime under the World Trade Organization to ensure that it is consistent with other United States objectives, and
- (5) to take an active role in the World Intellectual Property Organization (WIPO) to develop a cooperative and mutually supportive relationship between the World Trade Organization and WIPO.

**Title 19, United States Code**

**Chapter 22, Subchapter III**

# **World Intellectual Property Organization (WIPO)**

WIPO administers 27 treaties including the [WIPO Convention](#)



# WIPO-Administered IP Treaties

Norm-setting IP Protection treaties define internationally agreed basic standards of intellectual property (IP) protection in each country:

<u>Beijing Treaty on Audiovisual Performances</u>	<u>Berne Convention</u>	<u>Brussels Convention</u>	<u>Madrid Agreement (Indications of Source)</u>
<u>Marrakesh VIP Treaty</u>	<u>Nairobi Treaty</u>	<u>Paris Convention</u>	<u>Patent Law Treaty</u>
<u>Phonograms Convention</u>	<u>Rome Convention</u>	<u>Singapore Treaty on the Law of Trademarks</u>	<u>Trademark Law Treaty</u>
<u>Washington Treaty</u>	<u>WIPO Copyright Treaty (WCT)</u>	<u>WIPO GRATK Treaty</u>	<u>WIPO Performances and Phonograms Treaty (WPPT)</u>



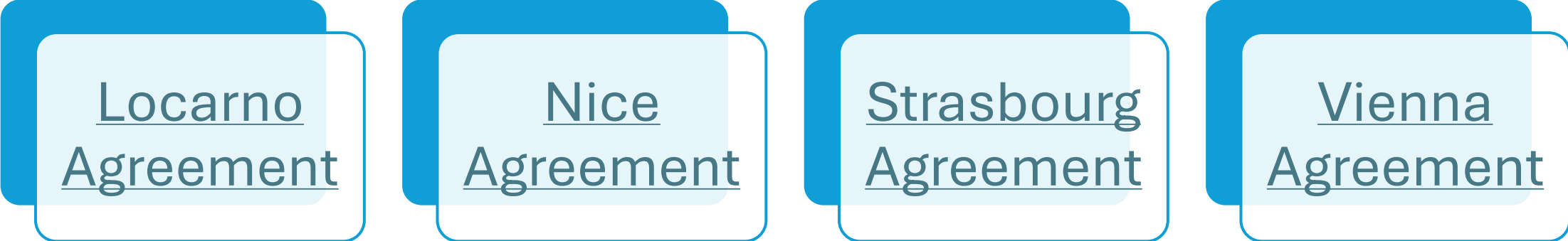
# WIPO Global Protection Treaties

Global protection system treaties, ensure that one international registration or filing will have effect in any of the relevant signatory States. The services provided by WIPO under these treaties simplify and reduce the cost of making individual applications or filings in all the countries in which protection is sought for a given IP right.

- [Budapest Treaty](#)
- [Hague Agreement](#)
- [Lisbon Agreement](#)
- [Madrid Agreement \(Marks\)](#)
- [Madrid Protocol](#)
- [Patent Cooperation Treaty \(PCT\)](#)

# WIPO-administered Classification Treaties

Classification treaties create classification systems that organize information concerning inventions, trademarks and industrial designs into indexed, manageable structures for easy retrieval:



Locarno  
Agreement

Nice  
Agreement

Strasbourg  
Agreement

Vienna  
Agreement

# **World Trade Organization (WTO)**

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

# WTO TRIPS Agreement

The TRIPS Agreement, which came into effect on 1 January 1995, is to date the most comprehensive multilateral agreement on intellectual property:



**Standards** - In respect of each of the main areas of intellectual property covered by the TRIPS Agreement, the Agreement sets out the minimum standards of protection to be provided by each Member.



**Enforcement** - The Agreement lays down certain general principles applicable to all IPR enforcement procedures.



**Dispute Settlement** - The Agreement makes disputes between WTO Members about the respect of the TRIPS obligations subject to the WTO's dispute settlement procedures.

Scope:

- [copyright](#) and [related rights](#)
- [trademarks](#) including service marks
- [geographical indications](#) including appellations of origin
- [industrial designs](#)
- [patents](#) including the protection of new varieties of plant
- [layout-designs of integrated circuits](#)
- [undisclosed information](#) including trade secrets and test data

Source: World Trade Organization:

# Primary Sources

- Legal Information Institute, United States Code, <https://www.law.cornell.edu/uscode/text>
- U.S. Patent & Trademark Office, Trademark Basics, <https://www.uspto.gov/trademarks/basics>
- U.S. Patent & Trademark Office, Manual of Patent Examining Procedures, <https://www.uspto.gov/web/offices/pac/mpep/index.html>
- U.S. Copyright Office, What is Copyright?, <https://www.copyright.gov/what-is-copyright/>
- Legal Information Institute, Trade Secret, [https://www.law.cornell.edu/wex/trade\\_secret](https://www.law.cornell.edu/wex/trade_secret)
- World Intellectual Property Organization, U.S. Treaty Page, <https://www.wipo.int/wipolex/en/members/profile/US?collection=laws&collection=treaties&collection=judgments>
- World Trade Organization, Overview: The TRIPS Agreement, [https://www.wto.org/english/tratop\\_e/trips\\_e/intel2\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm)