

### OTHER INTELLECTUAL PROPERTY

Copyrights are not the only form of “intellectual property” that can have legal ownership. Trademarks, Patents, and Industrial Designs are all other forms of property that can be given ownership.

### PATENTS

Patents, in their most basic form, are the granting an exclusive right to produce or make use of a unique invention. Generally speaking, new products, processes, and chemicals can be patented. This includes genetically modified organisms, or so-called “Frankenfoods”. The patent lasts for twenty years before any other person can duplicate or produce their own version of the invention. There is a trade-off, however. If an inventor patents his or her idea, he or she must submit full details on how this invention is created. The objective is to allow all of society to ultimately benefit from the patent.

Patents take a considerable amount of time to process, as the patent office must carefully research to see if the new invention is...

- a truly new product
- a new use of an existing product
- a better design of an existing product.

Because of this, it is not uncommon to see the phrase “Patent Pending” on products. Patent pending is merely a warning to would-be copycats that while this product is not yet patented, a patent has been applied for.

### TRADEMARKS

Trademarks are word, symbols, or designs that are used to signify products in the marketplace. Trademarks have a special significance to certain people and companies because the trademarks are meant to be synonymous with the company it represents. Trademarks can include things such as company names (Nike), corporate logos (the Nike swoosh), and corporate slogans (Nike’s “Just Do It”).



### URBAN MYTHS AND THE PATENT PROCESS

A patent will be granted to the first person who files for a patent, not the first person to invent the product. This is part of the basis for the urban myth at the University of Saskatchewan regarding the Thorvaldson Building. According to this myth, Thorbergur Thorvaldson, a chemist at the university, invented a new type of long-lasting cement, but failed to have it patented. When another chemist patented it and made a substantial amount of money, Thorvaldson became a very bitter man. Thus, as the myth says, at his death he was not buried, but instead encased inside the block of his cement placed at the entrance of the Thorvaldson Building on the U of S campus.



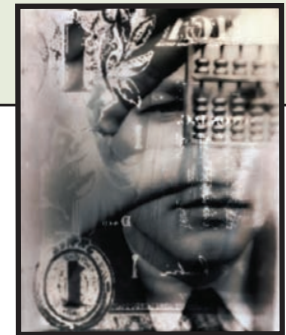
While trademarks do not have to be registered to be considered valid, most companies do register them to ensure their ownership, and most companies will go to great lengths to preserve them. Registered trademarks must be renewed every 15 years, and a trademark can be lost if it is not used. As well, trademarks do not necessarily span different product lines. For example, in the 1990s, Atari trademarked a video game machine called “Jaguar” despite the fact there was an automobile company with the same name.

### INDUSTRIAL DESIGN

Sometimes confused with a trademark or patent, an industrial design is a unique shape, appearance, or other type of design which is unique to a product. The industrial design must be applied to a finished product, and the only concern is with appearance – functionality would make it a patent. Industrial Designs are valid for ten years, and after this period anybody is free to copy the design, unless it has also been trademarked.

### TRADEMARKS AND HAMBURGERS

McDonald’s is not the only corporation which works hard to protect its trademarks on food products. In 2001, lawyers from A & W asked Jerry’s Food Emporium in Saskatoon to rename their Bacon Mozza Burger because A & W had trademarked the word “Mozza”. To solve this problem – and gain publicity – Jerry’s Food Emporium declared a “Rename the Bacon Mozza Burger Month”, inviting customers to suggest a new name for their burger. The winning entry was Bacon Mozzatocity.



### COCA-COLA’S LEGENDARY INDUSTRIAL DESIGN



The unique shape of the classic Coke bottle was originally filed as an industrial design. However, because the look of the bottle became so well known, it also became a trademark due to its logo-type properties. The bottle’s design has become an icon of the 20<sup>th</sup> century, and Coca-Cola has designated a webpage to the Coke bottle, that discusses its history and contribution to popular culture, found at [http://www.thecoca-colacompany.com/presscenter/presskit\\_contour\\_bottle\\_fun\\_facts.html](http://www.thecoca-colacompany.com/presscenter/presskit_contour_bottle_fun_facts.html).

# HANDOUT

## ASSIGNMENT:

### Research a patent, trademark, or industrial design

The purpose of this assignment is to examine in more detail one of the above intellectual properties. You will:

1. Outline the process that must be taken to have the intellectual property registered.
2. Examine the benefits and drawbacks for registering the intellectual property.
3. Explain the renewal process, or expiration dates for rights for the property.
4. Find no less than five examples, preferably recognizable to most people, that exhibit this type of intellectual property.
5. Profile a court case that has taken place over the infringement of these intellectual property rights. The profile should include the plaintiff, defendant, the facts surrounding the case, and the decision reached by the judge.

