

# Targeted Teaching Topic



## *PROTECTING INTELLECTUAL PROPERTY RIGHTS*

When students begin writing research papers and reports for school, teachers often talk about the ethical problem of plagiarism. Plagiarism of content for student research papers and reports is a major issue in middle schools, high schools, and postsecondary institutions everywhere.

For an entrepreneur, theft of intellectual property means the loss of **real** dollars and can mean the difference between success and failure. The problem of counterfeiting and piracy, once seen by some as relatively harmless crimes, has grown in both magnitude and complexity. Industry and trade associations estimate that counterfeiting and piracy cost the U.S. economy between \$200 billion and \$250 billion per year and a total of 750,000 American jobs. Some estimates indicate that 5 percent to 8 percent of all the goods and merchandise sold worldwide are counterfeit.<sup>1</sup> So, what is intellectual property and how do you go about protecting yours?

The symbols for copyright (©) and trademark (™) can be found everywhere, but really knowing what those symbols mean, how they are obtained, and what protection they provide is important knowledge for entrepreneurs. It's also of critical importance for the prospective entrepreneur who has an innovative idea for a product or service.

Intellectual property is commonly divided into (1) industrial property which, broadly speaking, covers inventions and (2) copyright which protects literary and artistic works. Industrial property includes trademarks, service marks, circuit designs, commercial names and designations, and protection against unfair competition. Copyright, which protects artistic creations such as books, music, paintings, sculptures, films and technology-based works such as computer programs and electronic databases.<sup>2</sup>

The entrepreneur needs be aware and take advantage of ways to safeguard their ideas, products, and services from being ripped off by competitors or counterfeiters. Patents, trademarks, and copyrights allow a person or company to seek damages if it can be proven that a competitor or counterfeiter stole their intellectual property.

So, for the entrepreneur and entrepreneurial student, here are some definitions to start the learning process:

- **Patents:** Issued by the U.S. Patent and Trademark Office (USPTO) and is the most expensive, but also most valuable protection for an entrepreneur. It gives what could be termed a “mini-monopoly” for twenty years. Costs run from \$2,000 to \$10,000 depending on the complexity of the product or idea.
- **Trademark:** A word, symbol, logo or image identifying a product or service can be trademarked. Scents, sounds or colors can be trademarked also. Trademarks are available in forty classes of goods and services and can be registered in more than one category. It costs \$375 to file by paper and \$275-\$325 electronically.
- **Copyright:** Copyrights protect original works like poetry, novels, movies, songs, software, and architectural design. Copyright law does **NOT** protect domain names. The fee for a basic copyright is \$45 by paper or \$35 electronically.



<sup>1</sup> U.S. Immigration and Customs Enforcement, July 1, 2008, <http://www.ice.gov/pi/news/factsheets/ipoverview.htm>

<sup>2</sup> World Intellectual Property Organization, Understanding Copyright and Related Rights, [http://www.wipo.int/freepublications/en/intproperty/909/wipo\\_pub\\_909.html](http://www.wipo.int/freepublications/en/intproperty/909/wipo_pub_909.html)

# Protecting Intellectual Property Rights Teachers Guide

## *Relevant National Content Standards for Entrepreneurship*

<b>Entrepreneurial Skills</b> The Processes and Traits/Behaviors associated with entrepreneurial success.	
<b>A</b>	<b>Entrepreneurial Processes</b> Understands concepts and processes associated with successful entrepreneurial performance
<b>Concept Development</b>	
A.09	Describe entrepreneurial planning considerations
A.12	Assess risks associated with venture
A.13	Describe external resources useful to entrepreneurs during concept development
A.14	Assess the need to use external resources for concept development
A.15	Describe strategies to protect intellectual property

### Protecting Your Intellectual Property Rights

**Intellectual** property, in its simplest and broadest definition, is anything created by the human mind. **Intellectual property** rights protect the ideas, concepts, and physical creations of inventors, businesspeople, artists, and entrepreneurs.

The necessity of protecting intellectual property rights was first recognized in the late 1800s. The Paris Convention for the Protection of Industrial Property in 1883 and the Berne Convention for the Protection of Literary and Artistic Works in 1886 were the first steps in protecting intellectual property rights.

### Why Countries Create Laws to Protect Intellectual Property Rights

In general, countries write laws protecting intellectual property in order to:

- Place in statute the moral and economic rights of creators in their creations and the rights of the public at large to access those creations
- Promote creativity, and the distribution and application of that creativity
- Encourage fair trade which contributes to economic and social development

### Importance of Understanding and Respecting Intellectual Property Rights

Educators have a responsibility to model ethical behavior and to nurture ethical behavior in their students. Integrity and honesty are vital for our society and economy to thrive and for individuals to have successful, productive, and satisfying careers. The news is filled with stories about CEOs, politicians, celebrities, and ordinary citizens who have failed to respect the rights of others, have used corrupt practices to fill their bank accounts, and have severely damaged their businesses, their government agencies, their own reputations, and the lives of those who placed their trust in them.

The devastating effects of unethical behavior by financial institutions' leaders and employees were significant contributors to the deep recession that each of us is living through. High unemployment, skyrocketing bankruptcies, and foreclosures have been the result.

Respecting intellectual property rights and protecting those rights are key aspects of ethical behavior and sound business practices. We can all understand how violated we would feel if someone burglarized our homes, stole our car, or robbed us on the street. We should feel the same outrage when someone copies an article or pages from a book, plagiarizes text from a research paper or other published work, or downloads a song without permission or paying a fee to the artists.

The question is...do we understand that inventors, entrepreneurs, authors, and artists have a right to own their works and to be paid for the hard work, long hours, and creative energy it took for their creations? It has become all too commonplace for educators and students to feel that it's ok to copy just about anything, even when that copyright symbol (©) is so obvious.

If we don't respect AND protect intellectual property rights our economy suffers. Creative individuals are much less likely to devote their energies to creating new ideas, products, services, and businesses if anyone can just feel free to steal the fruits of their labor. Less creativity and fewer innovations have a direct negative impact on the economy at large and our personal finances. New ideas, new products, and new services drive positive growth in the economy, create jobs, and contribute to the common good.

### Key Intellectual Property Definitions for Entrepreneurs

- **Patents:** Issued by the U.S. Patent and Trademark Office (USPTO) and is the most expensive, but also most valuable protection for an entrepreneur. It gives what could be termed a "mini-monopoly" for twenty years. Costs run from \$2,000 to \$10,000 depending on the complexity of the product or idea.
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### SUGGESTED ACTIVITIES

- Have your students read the Targeted Teaching Topic in the November/December 2009 issue of Nebraska Entrepreneurship News to build a basic understanding of the importance of protecting intellectual property rights and to introduce the concepts of patents, trademarks, and copyrights.
- Give students the assignment to go on an "Intellectual Property Scavenger Hunt" at home and find at least five items that are patented, five items that are marked with the symbol ™, and five items that are copyrighted. Provide copies of the Intellectual Property Rights Scavenger Hunt Activity Sheet for them to record what they found. On the assigned day for them to hand these in, lead a discussion on what they found, what they were surprised about, and why it is important for those items to be protected by those symbols and for their creators to control their use (and receive economic rewards for creating them).

- ☒ Use the *Invent Now* lesson plan on the *Invent Now* website to introduce students to the basic steps of invention and protecting that invention. The lesson plan is located at <http://www.inventnow.org/patent/> (see screenshot below). This lesson plan leads students through the basic steps of creating an invention, describing it, classifying it for patent purposes, determining if it is an original idea, and submitting it for a “patent” through the *Invent Now* website. This is a fun, easy, and highly engaging activity to drive home the basics of invention and how to protect intellectual property through a patent. This website is also a rich source of videos, ideas, activities, and video clips related to inventions and patents. The target audience appears to be upper elementary/middle school youth, but the content and activities could be easily modified for older students as well.

**INVENTNOW.ORG** inventor name  password  go

Not a member? [click here to register](#). [I forgot my password](#).

MY WORLD INVENT NOW SHOWROOM GALLERY MESSAGE BOARD PATENT IT

## PATENT IT NOW!

Want to learn how to get a patent? Go through our step by step lesson to find out steps, resources, and status. It's a fun and educational way to learn how real patents are granted. Please remember that getting an official U.S. patent is a much more complicated process...and by complicated we mean it may involve lawyers and lawyer-type stuff.

**Patent Lesson**  
Patent Lesson  
Patents Protect  
What is a Patent?  
Types of Patents  
What can be Patented?

**Steps**

1. Your invention
2. Tell Us About It
3. Classification
4. Originality
5. Evaluation

**Resources**  
Patent Glossary  
Patents 101  
Patent Search

**Status**  
Patents in Progress  
Patents Pending

If your invention is granted an InventNow Patent, and you think it just might be worth an official U.S. Patent, use what you've learned, get an adult's help, and visit [www.USPTO.gov](http://www.USPTO.gov)

Start

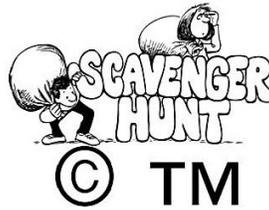
Ad Council invent now National Inventors Hall of Fame Foundation U.S. PATENT AND TRADEMARK OFFICE

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## Sources of Information

- *Hacked: The Rising Threat of Intellectual Property Theft and What You Can Do About It*, Stephanie Overby, CIO, July 30, 2007
- *How to Protect Your Brilliant Idea*, Colleen Debaise, The Wall Street Journal, November 29, 2009
- *Intellectual Property for New Businesses*, presentation by Brenda S. Spilker and Shane R. Thielen; Baylor, Evnen, Curtiss, Gritmit & Witt, LLP, October 6, 2009
- *Intellectual Property-Intellectual Property Theft*, <http://students.ed.uiuc.edu/dieken/eps313/theft.htm>
- *Invent Now* website, [www.inventnow.org](http://www.inventnow.org)
- *Understanding Copyright and Related Rights*, World Intellectual Property Organization Resources, [http://www.wipo.int/freepublications/en/intproperty/909/wipo\\_pub\\_909.html](http://www.wipo.int/freepublications/en/intproperty/909/wipo_pub_909.html)
- *United States Patent and Trademark Office* website, <http://uspto.gov/>

# INTELLECTUAL PROPERTY SCAVENGER HUNT



Your mission is to explore your home and locate five examples each of:

- An item that has been copyrighted (be specific in describing what it is)
- An item that has been trademarked
- An item that has been patented or that is marked “patent pending”

Be specific in describing each item and where you found the copyright, trademark symbol or patent/patent pending notation.

Copyrighted Items Discovered	Copyright Date	Owner of Copyright
Example: <u>The One Minute Entrepreneur</u> (book)	2008	Blanchard Management Corporation
1.		
2.		
3.		
4.		
5.		

Note: Books and other printed materials aren’t the only items that have a copyright symbol. Look on items in your kitchen cabinets, in your refrigerator, and all around your home.

Trademarked Items Discovered	Owner of Trademark
Example: G2 Electrolyte Beverage	S-VC, Inc.
1.	
2.	
3.	
4.	
5.	

Note: The trademark symbol may not appear but a phrase such as “Post-it is a registered trademark of 3M” may indicate the trademark.

Patented Items Discovered	Patent # or Patent Pending	Patent Holder
Example: Brita Filters	Patent #4,969,996	Brita, LP
Example: Vornado Desk Fan	Patent Pending	Vornado Air, LLC
1.		
2.		
3.		
4.		
5.		