

CHAPTER 8

PATENT

DEFINITION

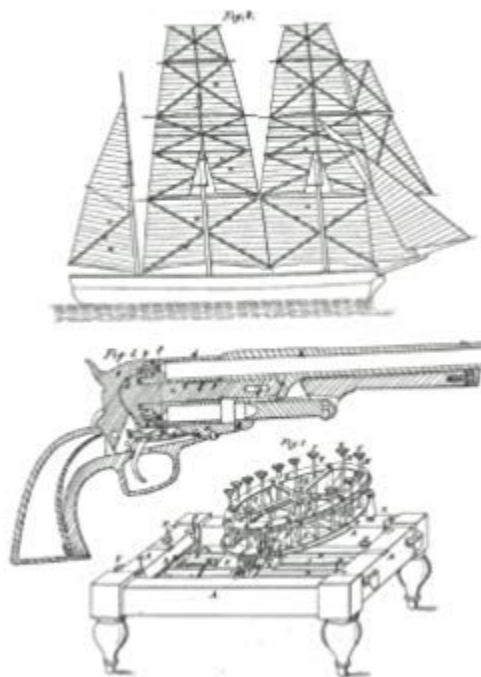
- A **patent** is a form of intellectual property. A patent gives its owner the right to exclude others from making, using, selling, and importing an invention for a limited period of time, usually twenty years

Patent types

- There are three major types of patents:
- **Design patents** – anyone who creates a new design for a product can apply for a design patent. Examples include beverage bottles (think of the shape of the Coca-Cola container) or furniture (such as the kneeling chair).

- **Utility patents** – anyone who invents or discovers “any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof” can apply for a utility patent. Examples include the little green drink stopper Starbucks gives out with its cups or the hoverboard type of skateboard.

**United States Utility Patents
1836-1853**



Paul K. Graham

- **Plant patents** – botanists involved in grafting and creating new hybrid plant forms can apply for a plant patent. Examples include the Smooth Angel rose or drought-tolerant corn.

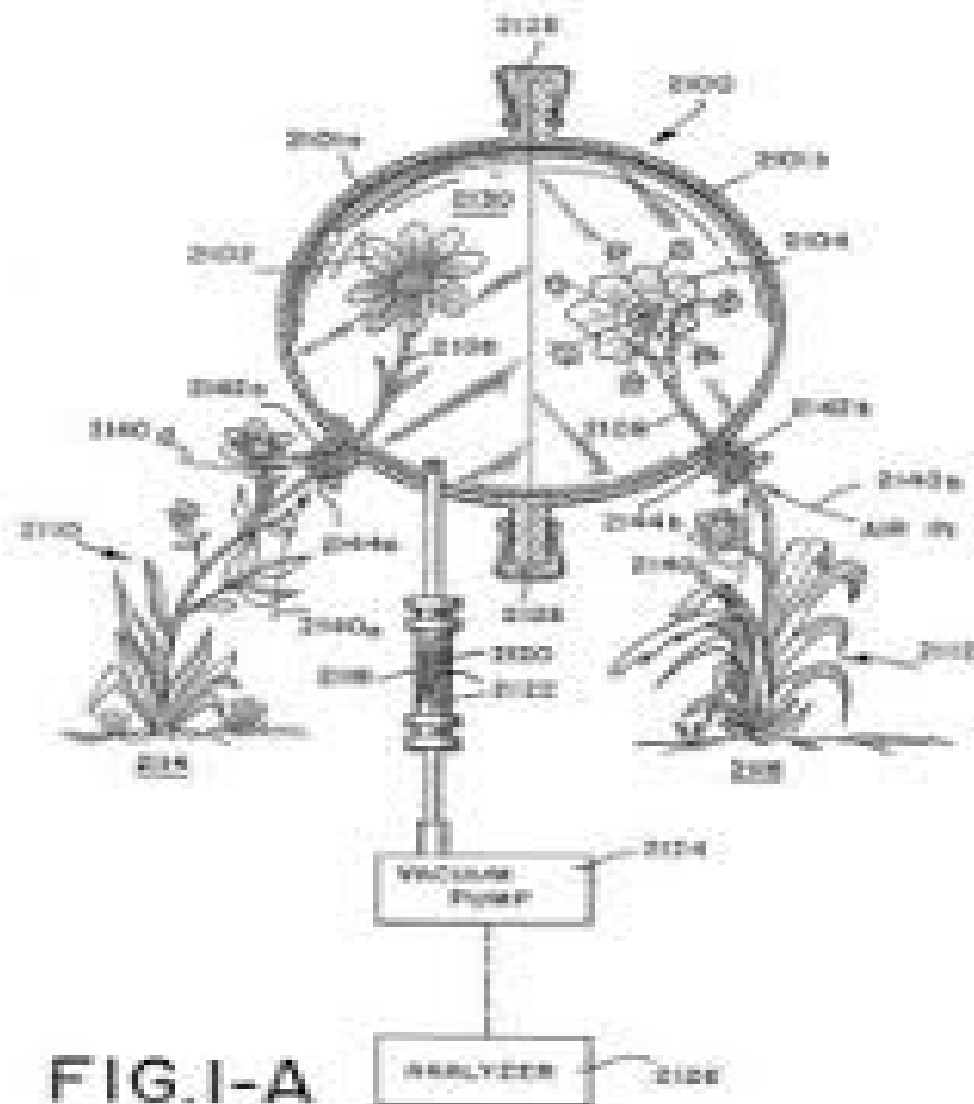


FIG. 1-A



- While the **trademark** is a mark, which can be a word, phrase, an image or anything else used to recognise the source of goods or service.
- The **patent** is a right granted to the inventor of something to manufacture, use or sell the invention.

BASIS FOR COMPARISON	TRADEMARK	PATENT
Meaning	Trademark connotes a symbol, which is used by the companies to distinguish their products or services from those of the competitors.	Patent is described as the monopoly conferred by the government, for a set period over a new and useful invention.
Applicable to	Marks or symbols on goods, which represent the brand offering the item.	Inventions of any kind.
Protection	Protects goodwill tied with the mark.	Ideas, which are turned to reality.
Awarded for	Distinctiveness	Novelty and non-obviousness
Prevents	Other from using a mark which too nearly resembles with the company's mark.	Others from producing, using or selling the patented product.
Registration	Discretionary	Compulsory
Term	10 years	20 years