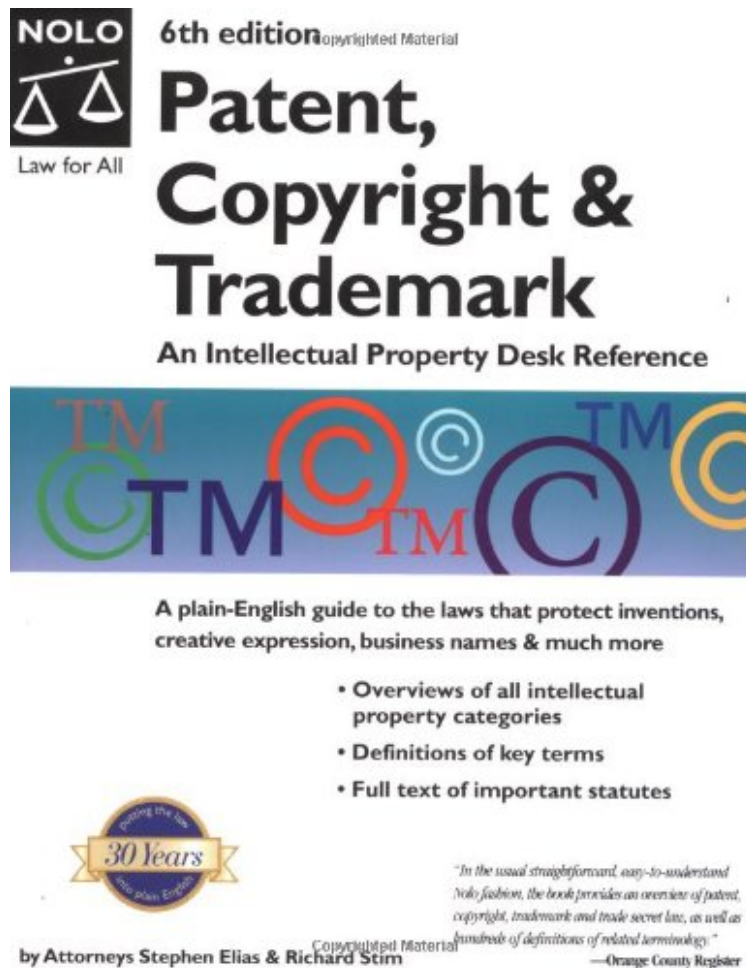


(Library ebook) Patent, Copyright Trademark: An Intellectual Property Desk Reference (Patent, Copyright and Trademark)

Patent, Copyright Trademark: An Intellectual Property Desk Reference (Patent, Copyright and Trademark)

Stephen Elias, Richard Stim

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Stephen Elias, Richard Stim : Patent, Copyright Trademark: An Intellectual Property Desk Reference (Patent, Copyright and Trademark) before purchasing it in order to gauge whether or not it would be worth my time, and all praised Patent, Copyright Trademark: An Intellectual Property Desk Reference (Patent, Copyright and Trademark):

77 of 77 people found the following review helpful. Useful Overview of Major Areas of Intellectual Property Law By Donald Mitchell Having worked in the field of intellectual property for over 30 years and as an attorney, I was interested to see what other attorneys would decide to put into a desk reference on the subject. I was pleasantly surprised. Most business people I meet have a minimal understanding of intellectual property law. As a result, they make fundamental errors that could be easily avoided with a simple foundation in the law. But I didn't know of any place where they could get such a foundation until I read this excellent reference guide. Many law students would

probably also like to have a simple reference to give them a background in the subject before they start taking courses in the subject. Most attorneys also do not have any law school training in the subject, and they will also benefit from using this reference. I was particularly impressed that the cost was modest for a legal reference. The basic subjects are trade secrets, copyright, patent and trademark law. In all but patent law, a lay person can make many of the right moves in establishing rights without too much legal help. Patent law requires legal guidance in most areas, but a lay person can also avoid mistakes by understanding some of the common pitfalls that people fall into. I was particularly pleased to see that trade secrets were covered well. Most business people do not realize that trade secret protection is often superior to that of copyrights, patents and trademarks. But you have to follow the rules, or your trade secret isn't going to be considered one. I only find about one business person in a hundred who is familiar with these rules. Most people will also improve their copyright protection by following this guide. In patents, it's very important to document what you've been doing, and I found those references to be very well done. As to trademarks, most people misunderstand what can be trademarked and this book clears that point up quite well. So think of this book as more than a self-help guide and less than a legal horn book. Naturally, the intricacies of appellate cases aren't fully exposed, but there's enough here to raise fundamental issues in your mind. In each area, you will see sample forms and documents along with directions for how to obtain and file them. Nolo also offers an on-line reference that updates the material in this book, so you don't have to take out an extra subscription like most legal sources require. In doing your legal planning, be sure to look at the guide on pages 9-11 to see what forms of intellectual property protection may be available to you. That guide is worth the price of the book alone. I was also impressed by the extensive definitions in each subject area. Be sure to read through them all. Without a legal background, you won't know what you don't know unless you check these out. Naturally, the primary statutes are also included, for those who do not know how to look them up. People who are new to these subjects will also benefit from the many references to other sources, including on-line databases. I would advise anyone who tries to differentiate themselves through intellectual endeavors to use this guide to become familiar with the basics of the law. After you finish reviewing this book, I suggest that you spend the time to think through how you can strengthen your legal protection of your most valuable forms of intellectual property.

28 of 33 people found the following review helpful. Excellent reference

By John S. Ryan

In any profession, you'll generally find two sorts of practitioner: the "elitist" and the "populist". The former looks with disdain on customers/users/clients, the latter wants to inform and empower them. In computer programming, for example, the elitists are the "data priests" who think of users as somehow subhuman and refuse to design interfaces that ordinary human beings can operate or even make sense of. The populists are people like Guido van Rossum, developer of the eminently usable programming language Python (and yes, that's a plug). There are elitists in the legal profession too, who don't want people to rely on self-help or even to know what the law actually is. Their arguments are usually couched in terms of protecting the public (who, although this is never quite stated explicitly, are presumed to be just too stupid and ignorant to make informed, intelligent decisions without lawyers to tell them they're wrong). But the effect -- as with any legally protected cartel -- is simply to close off the legal profession to anyone who hasn't got enough time and money to jump through the hoops, thereby jacking up attorneys' fees. That's where Nolo Press comes in. I like Nolo a lot; for thirty years they've been doing business in direct opposition to "legal elitism", by trying to bring reliable legal information directly to their customers and, if not always obviating the need for an attorney, at least giving people a solid foundation for deciding whether to pay for a lawyer. Indeed, their website contains a lot of useful information that you can get free; I can't post the URL here but it's "nolo" with the usual suffix. And I think highly of the sixth edition of their desktop reference on intellectual property law. I'm forty years old and in my fourth year of law school, specializing in IP law, and with a couple of misgivings to be stated shortly, I think this is a fine, fine reference. It covers the four major areas of intellectual property law: trade secrets, copyrights, patents, and trademarks. There's one big section devoted to each of these areas; each section includes a short introductory discussion in QA format, a big fat alphabetical glossary, and the actual text of the relevant (federal) statutes. The discussion is clear and intelligible, and the sixth edition is updated with up-to-the-minute accounts of stuff on which the ink is barely dry -- the latest on the Digital Millennium Copyright Act, for example, and the Supreme Court's March 2003 decision in the Victoria's Secret trademark dilution case. This isn't just a nice self-help reference; it's a volume that law students could probably profit from. (And so could reporters who presume to write on technology law for newspapers and magazines.) The glossaries alone will be helpful in making sense of the sometimes bewildering jargon of IP law. The one real oversight I spotted is its failure to deal with state-level "common law copyright" in unfixed works, one of the few sorts of work for which the federal Title 7 doesn't pre-empt state law. Contrary to the opinion even of quite a few lawyers, fixation isn't a requirement for copyright protection; (authorized) fixation is specifically a requirement for federal copyright protection. Improvisational works, for example, are still protected under state copyright even though they haven't been "fixed" (and even if they were recorded without the performers' authorization). Moreover, I note two misfeatures: the absence of an index, and spotty coverage around the edges of the fields in question. This book badly needs an index, or at least an analytical table of contents. [LATER EDIT: The author has written to me to let me know that -- in part owing to this very review -- the book DOES contain an index starting with the seventh edition. So you can ignore the rest of this paragraph.] The

alphabetical glossaries are terrific, and they're very useful when you want to look up a specific term or when you just want to browse. But they're nowhere near as handy when you need something specific and you don't already know what it is. A list of contents is needed here. (This isn't as big a drawback as it may sound; the glossaries are sufficiently well cross-referenced that you can open them almost anywhere and follow the "related entries" pointers to the topic you want. But the book isn't as useful as it could be.) Then too, the book is a little uneven on subjects that are on the margins of intellectual property law. There's some stuff on the law of unfair competition, but there isn't much on privacy and publicity rights. Nor is there much on the law of protectible information in general. I wasn't, for example, able to find even a single mention of the Computer Fraud and Abuse Act. Granted, this statute isn't exactly front-and-center in IP law. But it certainly bears heavily on a subject on which I expect many users to look to this volume for enlightenment: the use of computers, the Internet, and the World Wide Web in business, the associated risks to the security and integrity of information, and what the law says about them. The CFAA and a few other nearby subjects deserve at least a passing mention, even if only to warn the reader that they exist and this book doesn't cover them. The book still gets five stars, though. It's an excellent, excellent reference. I expect readers (perhaps especially businesspeople) will be able to read it and come away with a good understanding of this highly complex area of the law -- enough, at least, to decide intelligently whether and when to pay a lawyer, if not to dispense with one altogether in every case. It is, in short, every bit as clear and useful as we expect Nolo Press books to be. If you're in business and you need to get a handle on IP law, try this one. And if you're a law student planning to specialize in IP law or -- especially -- to take some classes that presume a little background in IP law, you may find this more useful than one of the Nutshell books.

Whether you're an Edison, Faulkner or Gates, you need Patent, Copyright Trademark. Intellectual property law has rapidly produced its own language. But don't count on understanding it right off the bat -- the language baffles lawyers and lay folk alike. Whether you're an inventor, designer, writer or programmer, you need to understand the language of intellectual property law to intelligently deal with such issues as: *who owns creative works or valuable information *how these owners can protect and enforce their ownership rights *how disputes between intellectual-property owners can be resolved *how ownership rights can best be transferred to others *and many more With this essential guide, you will: *get clear and concise overviews of patent copyright, trademark and trade secret law *understand the different kinds of protection offered by patents, copyrights, trademarks and trade secrets -- and which apply to your work *get a plain-English definition of every term you're likely to come across *find the information you need, quickly and easily -- all entries are organized by topic and extensively cross-referenced Exhaustively updated, the 6th edition provides all-new information regarding the protection of idea submissions and fictional characters, new uses for end-user agreements, the failure of UCITA, the Supreme Court's ruling in the "Victoria's Secret" case -- and much, much more!

A clear overview of patent, copyright, trademark and trade secret law, with plain-English definitions of legal terms. -- Houston Chronicle
A good basic general text on the subject of intellectual property. -- George H. Morgan, Patent Agent of Morgan and Associates
Attorney Elias has succeeded in producing a reliable, easily comprehended introduction to intellectual property law. -- Library Journal
About the Author
Stephen R. Elias is an attorney and associate publisher at Nolo. He is the author of many Nolo titles, including: How to File for Chapter 7 Bankruptcy, Trademark: Legal Care For Your Business and Product Name, Legal Research: How to Find and Understand the Law, and Nolo's Pocket Guide to Family Law. Steve has been interviewed by most major media including The New York Times, The Wall Street Journal, Newsweek, Good Morning America, 20/20, Money Magazine and more. He received his law degree from Hastings College of Law and practiced law in California, New York and Vermont before joining Nolo in 1980. In recent years much of Steve's time at Nolo has been devoted to the fields of self-help legal software and online legal information. He is one of the original authors/designers of Nolo's bestselling WillMaker program, as well as the software version of Nolo's Patent It Yourself. Rich Stim is a graduate of the University of San Francisco School of Law where he studied intellectual property law. He practices law in San Francisco, specializing in intellectual property and licensing and is an adjunct professor at San Francisco State University. He is the author of Music Law: How to Run Your Band's Business, License Your Invention and Getting Permission: How to License and Clear Copyrighted Materials Online Off (all published by Nolo.com); as well as Intellectual Property: Patents, Trademarks Copyrights (West).