

PROPERTY

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CLASS 25: INTELLECTUAL PROPERTY

Class Outline

- Intellectual Property as Property v. as a Form of Regulation
- Copyright
- Patent
- Trademark

IP: Property or Regulation?

IP as a Property Right:

- Gives rightsholder the right to exclude others from some uses of the protected work
- aka a “property right” regime

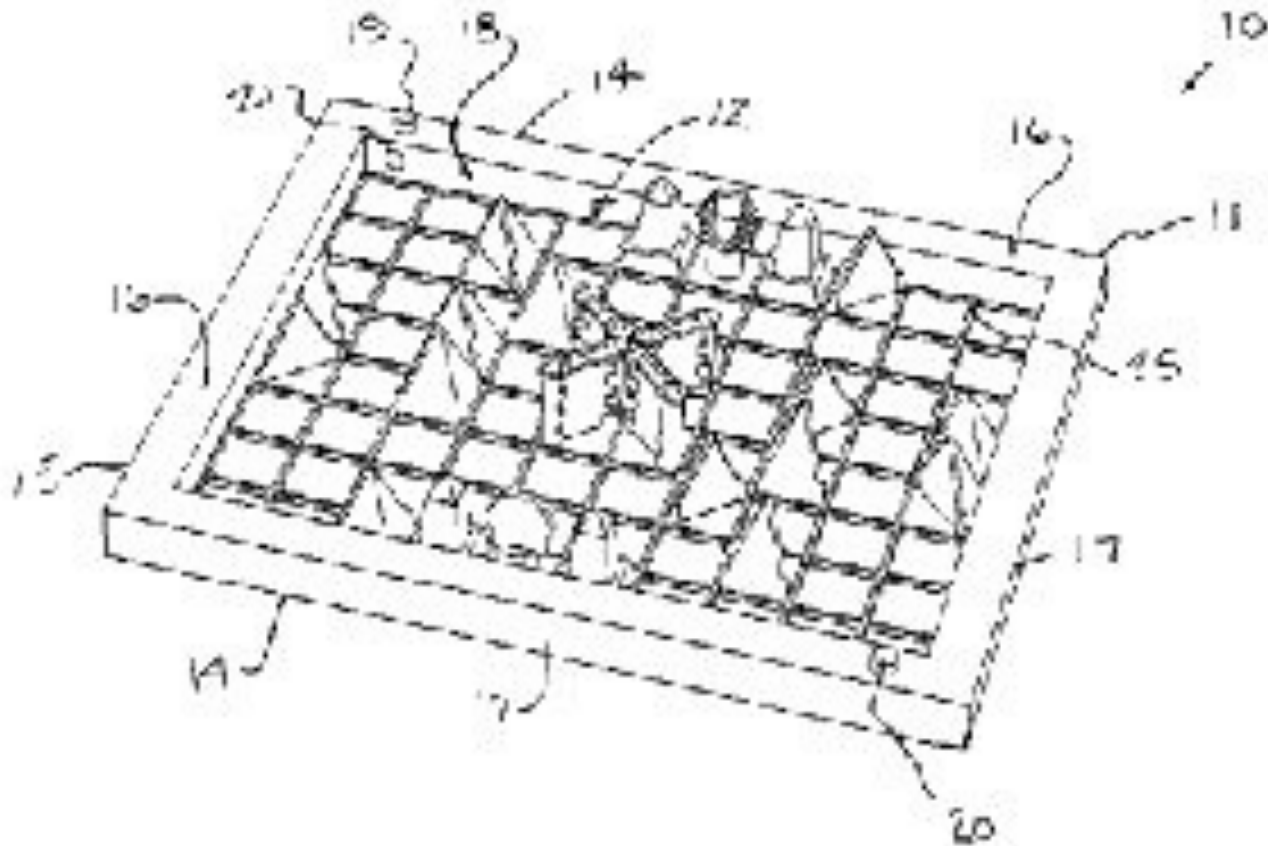
IP as Regulation:

- Statutory licenses set standard rates that must be paid when a protected work is used in certain ways
- aka a “liability right” regime

A copyrightable work = An original work fixed in a tangible medium that can be perceived for some non-transient period of time.

Patent law protects “any new and useful process, machine, manufacture, or composition of matter.”

242 Patent



“[a] patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”



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