

INTRODUCTION TO

INTELLECTUAL PROPERTY

OVERVIEW

- ▶ Intro
- ▶ Patents
- ▶ Copyright
- ▶ Other
- ▶ Criticism
- ▶ IP at MIT and Media Lab
- ▶ Questions



RIGHTS TO “CREATIONS OF THE MIND”

IP THEORY

- ▶ “Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” (*United States Constitution, Article I, Section 8*)

IP THEORY

- ▶ “Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” (*United States Constitution, Article I, Section 8*)
- ▶ Exchange of (limited) exclusive rights for investment in, and disclosure of, inventions and creative works.
 - ▶ Incentive to create
 - ▶ Incentive to share

PATENTS

PATENTS

Jie Qi

updating (please excuse the mess :)



About

[Full CV]

Jie Qi is a designer, educator, inventor and entrepreneur based in Tokyo.

She is cofounder and creative director of **Chibitronics**, an open hardware company that produces creative learning toolkits blending paper craft with electronics and programming. Chibitronics combines art with engineering to empower creators of all backgrounds to make their own expressive and personally meaningful technologies.

PATENTS

- ▶ Check out Patent Pandas!

Patentpandas.org

by Jie Qi, Carol Lin,
May Qi, and Ira Winder



PATENTS

- ▶ Limited monopoly on an original invention

PATENTS

- ▶ Limited monopoly on an **original invention**

Not every invention is patentable!



It must be novel, non-obvious and useful.

PATENTS

- ▶ Limited **monopoly** on an original invention
 - ▶ Right to *exclude others* from making, using, offering for sale or selling an invention.



PATENTS

- ▶ **Limited** monopoly on an original invention
 - ▶ 20 year term from date of filing.
 - ▶ Not date of issue!
 - ▶ 14 years for “design patents”

PATENTS

- ▶ You normally have 1 year after public “disclosure” to file a patent.
- ▶ US patent law: “first inventor to file”

PATENTS

- ▶ Ps. Media Lab prior art database! priorartarchive.org
 - ▶ Patent examiners only look for prior art in previous patent applications
 - ▶ Can't use Google Scholar etc.
 - ▶ Cisco developed tech disclosure form that's compatible with USPTO syntax

PATENTS

[Help](#)

[Terms](#)

[About](#)

[Login](#)

Prior Art Archive

Search

AND



PATENTS

- ▶ How to read a patent

PATENTS

- ▶ How to read a patent: Claims
 - ▶ The Claims at the end of a patent define what it covers.

1. A method of inducing aerobic exercise in an unrestrained cat comprising the steps of:

- (a) directing an intense coherent beam of invisible light produced by a hand-held laser apparatus to produce a bright highly-focused pattern of light at the intersection of the beam and an opaque surface, said pattern being of visual interest to a cat; and
- (b) selectively redirecting said beam out of the cat's immediate reach to induce said cat to run and chase said beam and pattern of light around an exercise area.

2. The method of claim 1 wherein said bright pattern of light is small in area relative to a paw of the cat.

3. The method of claim 1 wherein said beam remains invisible between said laser and said opaque surface until impinging on said opaque surface.

4. The method of claim 1 wherein step (b) includes sweeping said beam at an angular speed to cause said pattern to move along said opaque surface at a speed in the range of five to twenty-five feet per second.



PATENTS

- ▶ How to read a patent: Status

Amiss et al.

[54] METHOD OF EXERCISING A CAT

[76] Inventors: Kevin T. Amiss, 255 S. Pickett St., #301, Alexandria, Va. 22304; Martin H. Abbott, 10549 Assembly Dr., Fairfax, Va. 22030

[21] Appl. No.: 144,473

[22] Filed: Nov. 2, 1993

[51] Int. Cl.⁶ A01K 29/00

[52] U.S. Cl. 119/707

[58] Field of Search 119/702, 707, 174, 905;

PATENTS

- ▶ How to read a patent: Status
 - ▶ The face of the patent states the claimed priority date
 - ▶ Additional info on Public PAIR (patent application information retrieval)
 - ▶ Google Patents also useful

PUBLIC PAIR

- Select New Case
- Application Data
- Transaction History
- Fees
- Published Documents
- Address & Attorney/Agent
- Assignments

Bibliographic Data

Application Number:	08/144,473	Correspondence Address Customer Number:	-
Filing or 371 (c) Date:	11-02-1993	Status:	Patent Expired Due to NonPayment of Maintenance Fees Under 37 CFR 1.362
Application Type:	Utility	Status Date:	09-17-2007
Examiner Name:	MANAHAN, TODD E	Location: 	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3303	Location Date:	10-18-2013
Confirmation Number:	2118	Earliest Publication No:	-
Attorney Docket Number:	ABB931.APP	Earliest Publication Date:	-
Class / Subclass:	119/707	Patent Number:	5,443,036
First Named Inventor:	KEVIN T. AMISS , ALEXANDRIA, VA (US) all Inventors	Issue Date of Patent:	08-22-1995
First Named Applicant:	-	International Registration Number (Hague):	-
Entity Status:	Small	International Registration Publication Date:	-
AIA (First Inventor to File):	No		

PATENTS

- ▶ How to read a patent: Don't?
 - ▶ Willful infringement
 - ▶ Not terribly informative
 - ▶ Massive numbers of vague, overly broad patents make lawsuits a cost of doing business

INTELLECTUAL PROPERTY

COPYRIGHT



COPYRIGHT

- ▶ Right to prevent reproducing, adapting, displaying, performing, ... **original work of authorship.**
- ▶ Difference to patents: idea vs. expression
 - ▶ Duration: Life of author + 70 years.
 - ▶ Automatically given when: fixed in tangible medium.
 - ▶ Software!

SOFTWARE

- ▶ Software is copyrighted (automatic).
- ▶ Some software can arguably be patented.
- ▶ Solution: OSS licenses.

SOFTWARE LICENSING

- ▶ Can the user redistribute the code?
- ▶ Can the user modify the code?
- ▶ Must the user share back their modifications?

- ▶ <http://choosealicense.com>

MIT LICENSE

The MIT License (MIT)

Copyright (c) <year> <copyright holders>

Permission is hereby granted, free of charge, to any person obtaining a copy of this software and associated documentation files (the "Software"), to deal in the Software without restriction, including without limitation the rights to use, copy, modify, merge, publish, distribute, sublicense, and/or sell copies of the Software, and to permit persons to whom the Software is furnished to do so, subject to the following conditions:

The above copyright notice and this permission notice shall be included in all copies or substantial portions of the Software.

THE SOFTWARE IS PROVIDED "AS IS", WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NONINFRINGEMENT. IN NO EVENT SHALL THE AUTHORS OR COPYRIGHT HOLDERS BE LIABLE FOR ANY CLAIM, DAMAGES OR OTHER LIABILITY, WHETHER IN AN ACTION OF CONTRACT, TORT OR OTHERWISE, ARISING FROM, OUT OF OR IN CONNECTION WITH THE SOFTWARE OR THE USE OR OTHER DEALINGS IN THE SOFTWARE.

OTHER

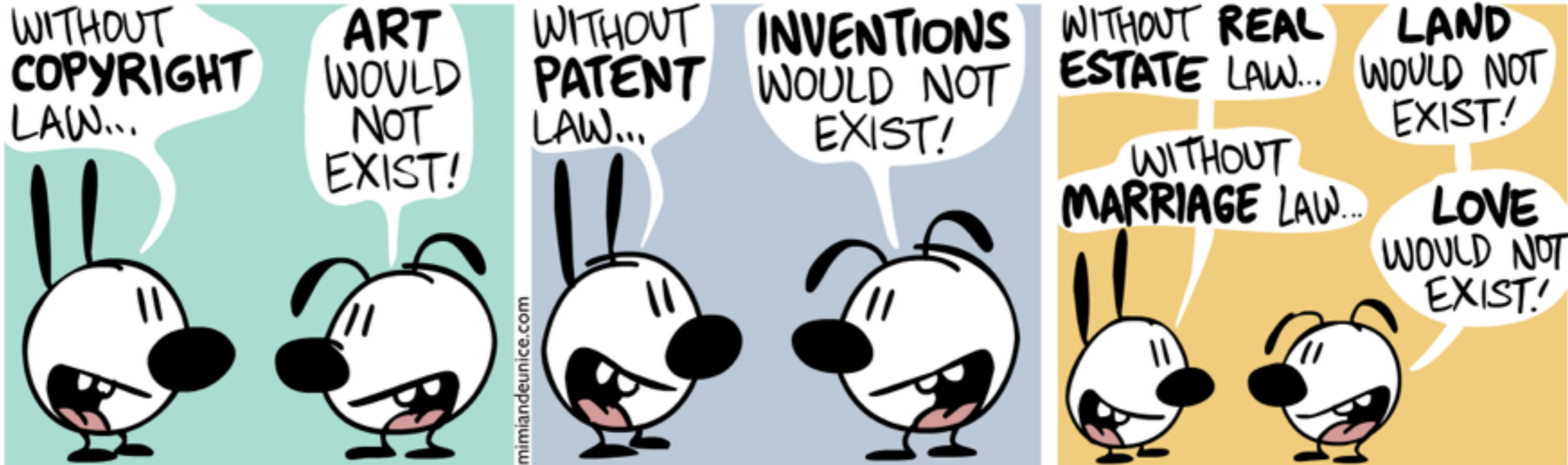
▶ Trademarks

- ▶ (recognizable sign, design, expression that identifies products or services)
- ▶ -> Prevents consumer confusion

▶ Trade secrets

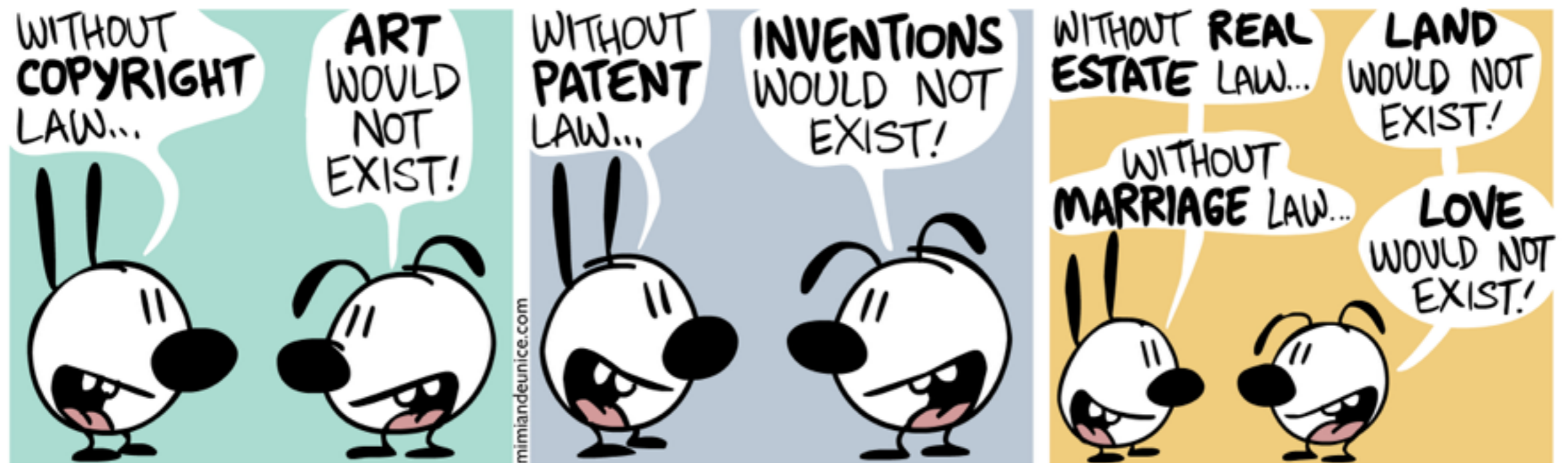
- ▶ (Formula, practice, process, design, instrument, pattern, or general information kept secret by a business to gain an economic advantage over competitors)
- ▶ -> Public value?

CRITICISM OF IP



Comic by Mimi and Eunice

CRITICISM OF IP



Comic by Mimi and Eunice

- ▶ Economic tradeoff: monopoly (price and distribution)

CRITICISM OF IP

- ▶ Abuse of the system (Smucker's, Amazon 1-click, Formlabs, trolls, patent thickets)



Photo by Austin Kirk

CRITICISM OF IP

- ▶ Romanticized myth of the individual creator.
- ▶ IP often benefits those who have the most resources.

CRITICISM OF IP

- ▶ Imperfect system: one-size-fits-all
 - ▶ Copyright vs. the Internet
 - ▶ Patents: pharma vs. software

CRITICISM OF IP

- ▶ Social costs!
- ▶ The IP system is a tradeoff: we don't actually know if the upsides are greater than the costs.

MIT POLICY

- ▶ Educational institution
- ▶ Should people at MIT get patents?
- ▶ IPIA

MIT POLICY

- ▶ IPIA: In exchange for the education you receive, the work you do here and all of the IP you generate (patentable inventions, software) is owned by MIT. You own your know-how and skills.
- ▶ Ps. MIT ownership of copyrights sometimes ambiguous. (Music, books, etc. Not software.)

PATENTS AT THE MEDIA LAB

- ▶ We are not a patent-focused institution
 - ▶ File 30-40 patents per year.
 - ▶ Patents are small part of our picture.
- ▶ Why do we patent at all?
 - ▶ Valued in some industries.
 - ▶ (Real or perceived) value for ML Members.
 - ▶ Can aid startups.

IP PHILOSOPHY AT THE MEDIA LAB

- ▶ “Open” philosophy: We want to create awesome stuff and share it with the world. We believe that we can gain more by collaborating & sharing information.
- ▶ We do not force anyone to patent their work. We do try to provide patents/proprietary protection where needed.

IP PHILOSOPHY AT THE MEDIA LAB

- ▶ We encourage:
 - ▶ publication of inventions (automatically public domain).
 - ▶ open-sourcing software (license necessary).
 - ▶ creative-commons licenses for other copyrighted work.

MIT VS. MEDIA LAB POLICY

- ▶ We pay for our own patents (legal fees, filing).
- ▶ We do not give completely exclusive licenses
 - ▶ Members have free & perpetual access to IP developed during their tenure.
 - ▶ Licensees have the option to purchase a “but-for” license, meaning they can license to exclude people, but never our Members or inventors.
 - ▶ The rest of MIT offers exclusive option to licensees.
- ▶ Inventors at the ML get free licenses to their inventions after leaving the Lab.

MEDIA LAB IP PROCESS

- ▶ Patents:
 - ▶ Disclosure (Media Lab has a webform)
 - ▶ IPCOM
 - ▶ Appeal process
- ▶ Open-source software:
 - ▶ Software Code Disclosure Form (webform)
 - ▶ Automatic approval of any MIT-allowed license

MEDIA LAB IP PROCESS

- ▶ If you're working on code at the Media Lab, use our GitHub Org.
 - ▶ github.com/mitmedialab

MIT-BU LAW CLINICS

- ▶ Start Up Law Clinic
- ▶ Technology Law Clinic
- ▶ sites.bu.edu/startuplaw
- ▶ sites.bu.edu/techlaw

QUESTIONS?

- ▶ Feel free to contact me at kdarling@media.mit.edu