INTELLECTUAL PROPERTY *and* YOU

Intellectual property is all around you: at home, at school, at work, at play.

What is Intellectual Property?

Your cell phone, your favorite designer shirt, the novel you read last night, and the pill you take for an infection: All are intellectual property (IP).

IP involves the creations of the human mind. It can take the form of artistic works, songs, movies, comic book illustrations, buildings. But IP also includes scientific and technological innovations: compact discs (CDs), artificial hearts, bicycles, a new variety of rice.

IP comes in several different forms: patents, copyrights, trademarks, industrial designs, and trade secrets.

PATENTS

A patent is a set of exclusive rights a government grants to an inventor so that no one else can make, use, distribute, or sell the invention without permission. Patents protect products — such as medicines, machines (airplanes, robots), high tech objects (the computer mouse, halogen lamps), everyday items (zippers, crayons, frozen food) — and processes such as the ones used to create CDs.

A patent is based on a trade-off. The inventor is given the exclusive right to make, sell, or use the invention for a limited period of time — 20 years in the United States. In exchange, most countries' laws require the inventor to reveal the method behind the invention so that others may understand and learn from it. This disclosure leads to more inventions and more new products.

COPYRIGHT

Copyright protects artistic and literary works (movies, poetry, magazines), computer programs, and engineering drawings. It safeguards these original works from being copied without permission and sold. Copyright allows your favorite performer, for example, to make a living from the songs he or she writes or performs by selling them as tapes and CDs or selling the rights to the songs to other performers.

TRADEMARKS and TRADE SECRETS

A trademark or service mark is the property of a specific company or trader and it is used to distinguish the goods and services of one trader from those of another. A trademark can be a word, phrase, letter, number, sound, shape, color, logo, picture, or a combination of these.

Trademarks and brands help consumers identify goods and services that they can rely on for quality. Trademarks provide an incentive for producers to maintain a good reputation for a predictable quality of goods.

Any valuable information that may be used in the operation of a business is considered a trade secret. A trade secret can be a formula for a popular shampoo, a business database listing customers, or even its advertising strategies.

Old and New Kinds of IP

An industrial design traditionally refers to the ornamental or aesthetic aspect of an article: the shape and color of the bottle of your favorite perfume, for example.

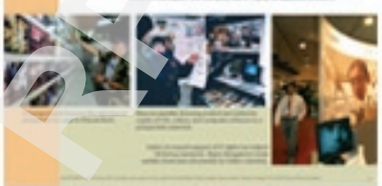
In recent years, the scope of intellectual property has expanded to include new categories or forms that countries consider unique and that require protection.

Geographical indications protect products whose distinct qualities derive from the geographic area that produces them. Authentic Kilim rugs, for example, are woven in Turkey, Rooibos tea comes from South Africa, and only Italy produces authentic Parma ham.

In the Age of the Internet, IP laws also deal with issues such as the domain names that identify Web sites (for example, www.whitehouse.gov). Because domain names often comprise celebrities' or companies' names, trademarks, and the like, domain name registries use IP laws to ensure that illegal claimants do not "take" domains with names that rightfully belong to others.

The Benefits of Protecting IP

Just like the owners of physical property — cars, stores, houses — intellectually or artistically gifted people have the right to own their creations and protect them from those who would try to steal them.



Governments know that safeguarding these property rights fosters economic growth and attracts investment that will create new jobs and opportunities for all their citizens. This is why countries like the United States, South Korea, and Jordan have strong laws that guarantee intellectual property rights (IPR).

Many other countries — including Mexico, India, Germany, Egypt, Indonesia, and Côte d'Ivoire — also have signed international treaties that protect their citizens' IPR, not only at home, but abroad.

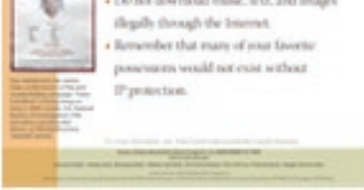
When countries do not enforce IPR laws and treaties, we all suffer.

- Artists stop writing and playing their music, since they are not making money from their creations.
- People get sick or even die because of counterfeit medicines.
- Companies will not set up factories or stores.
- Consumers get shoddy items or can be harmed by fake goods — from baby formula to clothes to pirated DVD movies — when counterfeiters illegally use a trademark and deceive buyers.

These are some of the reasons why national governments and international agreements protect IPR. All of us should, too.

How Can You Help?

Learn more about IPR. When do its protections apply and when do they not?



- Always check to see whether you need permission from the author or creator of a work so that you do not infringe on his or her copyright.
- Do not buy DVDs, CDs, handbags, and other items on the street or through the Internet that you suspect are a bargain because they are pirated or counterfeit. Report these sellers to your local enforcement authorities.
- Do not download music, text, and images illegally through the Internet.
- Remember that many of your favorite possessions would not exist without IP protection.

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